

**THE CYCLOPEAN EYE, THE COURTLY GAME,
ADMISSIONS AGAINST INTEREST: FIVE MODERN
AMERICAN LAWYER POETS**

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*Inside every lawyer is the wreck of a poet.*¹

— Clarence Darrow

In 1917, Archibald MacLeish, a brilliant young student at Harvard Law School (he stood near the top of his class and had been elected to the law review), wrote a poem called “A Library of Law.”² Its opening stanza runs:

Adjudicated quarrels of mankind,
Brown row on row!—how well these lawyers bind
Their records of dead sin,—as if they feared
The hate might spill and their long shelves be smeared
With slime of human souls,—brown row on row
Span on Philistine span, a greasy show
Of lust and lies and cruelty, dried grime
Streaked from the finger of the beggar, Time.³

The poem may be viewed as an amateurish expression of contempt for the legal profession by a put-upon law student. (Amateurish particularly in its declamatory opening and somewhat muddled imagery. In what sense can “Time” be thought of as a “beggar”?) Nevertheless there is a crude vigor in the notion of legal casebooks as containers of the “slime” generated by “dead sin.” And even some of the stanza’s confusions seem deeply telling of a certain kind of literary animus against the law. For MacLeish, the law books represent something at once both sordid and “Philistine” in the Arnoldian sense: materialistic, vulgar, antithetical to art. When MacLeish gathered “A Library of Law” and other poems into his first book, he would call it *Tower of Ivory* “as a sort of bold flouting of the philistines.”⁴ But in the context of the poem itself, we are left to

¹ Quoted in J. Anthony Lukas, *BIG TROUBLE* 323 (New York: Simon & Schuster, 1997). Lukas notes that Darrow was “loosely appropriating” a remark of Flaubert’s.

² Scott Donaldson, *ARCHIBALD MACLEISH: AN AMERICAN LIFE* 75 (Boston: Houghton Mifflin, 1992).

³ Archibald MacLeish, *TOWER OF IVORY* 46 (New Haven: Yale University Press, 1917).

⁴ Quoted in Donaldson, *supra* note 2, at 90.

wonder who exactly MacLeish identifies as the Philistines—the dead sinners with slimy souls, or the lawyers who study them? Perhaps it is both: the vulgarity and materialism of American society fueled the crimes and disputes that fill the law books and make it possible for lawyers to make a living out of managing crimes and disputes.

In the next stanza, the poem takes a turn into an inept and charming weirdness:

I wonder if the little letters there,
Black-stamped and damned eternally to bear
The records of old sin, must never long
For that fair printed world of ancient song,
Where, line on martial line, they stretch across
The vellum's edge to some irradiant boss
Of scarlet lettering . . .

The letters trapped in the casebooks yearn to escape their hell and be transported into the paradise MacLeish associates with a medieval illuminated manuscript. It is hard to read these lines without conjuring a cartoonish scene of the liberated “little letters” scurrying across the library floor like ants. But worse is to come, as the poem grows ecstatically sentimental in its description of the “world” of the imagined manuscript:

That world where they grow volatile and fling
A spray of golden butterflies a-wing
Up through the blue infinities of dream
To brush God's feet . . .

However amusingly mawkish its terms, the poem clearly insists on the unbridgeable gap between the realm of law and the realms of beauty, art, and the spirit. It is not surprising that the author of these lines had only an abbreviated career as a lawyer. It is more surprising, given the quality of the writing here, that he enjoyed a very long and distinguished career as a poet.

After graduating from Harvard, MacLeish practiced law for three years before definitively rejecting the profession in favor of a writing career. He went on to win the 1932 Pulitzer Prize in poetry, and became one of the most influential poets of his generation. In the 1940s he served in several high government posts, and his poetry would frequently concern itself with political issues, although not with specifically legal ones.⁵ In the 1920s, MacLeish published “Corporate Entity,” a

⁵ Richard Ellmann & Robert O'Clair, *NORTON ANTHOLOGY OF MODERN POETRY* 528-9 (New York: W.W. Norton, 1988).

distinctly slight *jeu d'esprit* mocking the legal concept of the corporation as an individual.⁶ With the exception of this poem and "A Library of Law," his poetry seems devoid of any reference to his life in the law. In this, it resembles the work of another, greater modern lawyer poet, Wallace Stevens.

Stevens spent his working life as a lawyer for the Hartford Accident and Indemnity Company, and scholars of law and literature have inevitably found this fact compelling. In *The Wallace Stevens Case*, Thomas Grey argues that Stevens's beautiful yet difficult poems suggest principles of interpretation which can make lawyers more effective and intelligent readers of legal texts. Yet Grey acknowledges that legal settings, ideas, and terms find no place in Stevens's work: "Stevens did not, as poets like Auden and Browning have, make law one of his subjects, nor did he, like Shakespeare or Donne, bring legal concepts or imagery to bear on other subjects."⁷

The example of Stevens might seem to confirm the young MacLeish's dismissal of the law as an irredeemably unpoetic subject. As it happens, though, a handful of other modern American lawyer-poets have produced notable poetry which is deeply informed by their legal training and experience. This essay looks at five of these poets—Edgar Lee Masters, Charles Reznikoff, Brad Leithauser, Lawrence Joseph, and Martin Espada—in an attempt to explore the various ways in which law, the legal system, and the lives of lawyers have manifested themselves in the American poetry of the past century.

EDGAR LEE MASTERS

Of the few noteworthy American poets who have practiced law, Edgar Lee Masters had the most noteworthy legal career. From 1893 to 1921 Masters practiced law in Chicago, becoming wealthy and establishing himself as one of the city's best-known attorneys. In the middle of his career he spent eight years as a partner of Clarence Darrow, the most famous lawyer of his time. Although the partnership foundered on personality differences and ended in acrimony, it lasted as long as it did because Masters shared Darrow's populist politics and his interest in

⁶ The poem parodies the articles of incorporation of a fictional art-reproduction company and concludes, "The Oklahoma Ligno and Lithograph Co/Weeps at a nude by Michelangelo." Archibald MacLeish, *COLLECTED POEMS 1917-1982* 88 (Boston: Houghton Mifflin Co., 1985).

⁷ Thomas C. Grey, *THE WALLACE STEVENS CASE 2* (Cambridge: Harvard University Press, 1991).

using the law both to enrich himself and to defend the rights of workers and political radicals.⁸

In 1914, three years after Masters had severed his partnership with Darrow, he agreed to represent the members of a striking waitresses' union who had been charged with conspiracy to injure the business of Chicago hotels and restaurants. It was in the midst of this case that Masters began writing the poems of the *Spoon River Anthology*. Later he gave the embattled waitresses considerable credit for inspiring the work that made him famous: "This getting down among people who worked, who endured the deprivations of life, whose experiences had given them wisdom and pity, and courage and resolution did something quite marvelous and hardly describable for my emotional life. ... [I]t played a great part in the writing of that book."⁹

The book, published the following year, consists of a cycle of 244 interlocking poems describing the life of the fictional Illinois village of Spoon River (a place resembling two small towns where Masters grew up).¹⁰ Each poem takes the form of a dramatic monologue or spoken epitaph delivered by one of the residents of Spoon River's cemetery. The speakers look back on lives largely frustrated or distorted by the narrowness and enforced conformities of small-town life. Their epitaphs bring to light buried scandals and plenty of corruption—political, financial, and sexual. The reading public took instantly to the more lurid aspects of the poems, which, coupled with the accessibility of Masters's free verse, helped make the book a bestseller.

But Masters was something more than a popular writer; his work showed obvious affinities some of the most advanced currents in the fiction and poetry of his time. *Spoon River* is heavily inflected with the naturalism of Masters's friend the novelist Theodore Dreiser, who figures as inspiration for one of the admirable characters in the sequence ("Theodore the Poet"). The work was at least equally influenced by the poetry of the Imagists, who aimed to produce a hard, clear, anti-rhetorical poetry reflective of modern reality. Before publication of the *Anthology*, a number of Spoon River poems had appeared in the Chicago-based *Poetry* magazine, then more or less the house organ of the Imagist movement. And when the book appeared in 1915, Ezra Pound,

⁸ Unless otherwise noted, my account of Masters's life is drawn from Herbert K. Russell, *EDGAR LEE MASTERS: A BIOGRAPHY* (Urbana: University of Illinois Press, 2001).

⁹ *Id.* at 65, quoting an unpublished draft of Masters's autobiography.

¹⁰ My account of the background of the *Spoon River* poems draws primarily on the annotated edition of the poems by John E. Hallwas in *Edgar Lee Masters, SPOON RIVER ANTHOLOGY* (Urbana: University of Illinois Press, 1992). The citations to the poems in *Spoon River* are also to the Hallwas edition.

the original Imagist and enduring impresario of modern poetry, wrote exuberantly “AT LAST! At last America has discovered a poet.”¹¹

Pound would later moderate his praise of Masters. Today it seems obvious that one of the flaws of Masters’s poems is that they weren’t attentive *enough* to Imagist principles—that they too often ignored Pound’s insistence on “direct treatment of the thing” in favor of moralistic speechifying. (One contemporary critic, unkindly but perhaps not unjustly, cracks that Masters’ poems are “full of blank-check homilies and morals telegraphed from three states away.”¹²) At the same time Masters’s prosy lines too often sound limp and inert, lacking the rhythmic thrust of the free verse of poets like Pound. In the last half century, Masters’s work seems to have survived largely in the high-school-English canon, along with the work of other authors whose literary merits seem less obvious now than they once did, and whose once-radical social attitudes now seem tame enough to be imparted uncontroversially to sixteen-year-olds.

Yet in terms of law and poetry, *Spoon River* is a richly suggestive book. As I’ve noted, Masters credited his work with the waitresses’ union with partly inspiring his poems; implicitly he perceived both his legal work and his poetry as giving voice to the voiceless. Furthermore, many of the poems present fictionalized versions of actual civil and criminal cases; these narratives convey Masters’s sense of how strongly the law pressed on the lives of small-town Americans in the late nineteenth and early twentieth centuries. At the same time Masters goes beyond village life to comment on the largest legal issues and controversies of the time. Finally, twelve of the characters portrayed in the *Spoon River* poems are legal practitioners (six lawyers and six judges), and in their portraits Masters manages to sketch a variety of American legal “types.”

Numerous residents of the Spoon River cemetery have entangled themselves in the legal system, by pressing civil lawsuits over property or personal injury, or by committing crimes ranging from prostitution to murder. Most of these encounters yield something considerably less than justice. A madman is hanged for murder. A poor farmer sues a wealthy one over a disputed parcel of land and winds up losing his own tiny farm. A worker maimed and blinded in a factory explosion loses his lawsuit against the factory owner. A humane and respected doctor performs an abortion out of pity for the pregnant woman; she dies and he sees his life destroyed by his indictment for murder. A nineteen-year-

¹¹ Quoted in Russell, *supra* note 8, at 84.

¹² William Logan, *DESPERATE MEASURES* 304 (Gainesville: University Press of Florida, 2002).

old boy having an affair with a thirty-five-year-old woman murders her husband, while the woman, unjustly convicted as an accessory, receives a prison sentence twice as long as that of the murderer himself, because the village moralists have cast her as a Jezebel.

Tellingly, the latter story closely parallels the facts of a case in which Hardin Masters, the poet's father, served as the defense attorney. Clearly Masters's view of the operations of the law in provincial America has more than a little basis in fact. But Masters, we may assume, is selective in the characters he portrays, and when he draws on historical cases he sometimes modifies their details in a tendentious way. Thus, for example, the poem "Jack McGuire" is the epitaph of a townsman who shot to death a bullying local marshal who was beating him with a cane. McGuire's attorney, Kinsey Keene, had been investigating Thomas Rhodes, the banker whose financial misdeeds have caused the local bank to fail. McGuire recalls, "And the judge was a friend of Rhodes/And wanted him to escape,/And Kinsey offered to quit on Rhodes/For fourteen years for me./And the bargain was made."¹³ In 1887, a man named George Weldy actually committed the crime which the poem ascribes to the fictional McGuire. He was defended by Masters's father. In his autobiography, Edgar Lee Masters describes the aftermath of the actual crime: "The state's attorney was a reasonable man who admitted that Weldy was grossly abused. He was willing to receive a plea of guilty and to recommend a life sentence. This is the technique of such settlements. No lawyer worthy of a license to practice law ever pleads his client guilty without having an understanding with both the judge and the prosecutor."¹⁴ That notably bland last sentence seems to acknowledge that plea bargains are not invariably or even typically the result of the sort of corrupt negotiations described in "Jack McGuire." Weldy was later pardoned by Governor Altgeld of Illinois, after the senior Masters petitioned the governor with the support of both the prosecutor and the judge.¹⁵

Despite being a Democrat in a community dominated by Republicans, Hardin Masters seems to have been reasonably content in his moderately successful career as a small-town attorney. (Among other indications is the fact that he pushed his son toward the law.)¹⁶ By contrast, *Spoon River's* version of Hardin Masters—Kinsey Keene—

¹³ SPOON RIVER ANTHOLOGY, *supra* note 10, at 129.

¹⁴ Edgar Lee Masters, *ACROSS SPOON RIVER: AN AUTOBIOGRAPHY* 95 (New York: Farrar & Rinehart, 1936).

¹⁵ *Id.*

¹⁶ Russell, *supra* note 8, at 30-1.

spends his life battling the repressive forces of the community, in particular the business interests, the village government, the “Social Purity Club,” and dies frustrated and full of bitterness. His curious epitaph invokes all of his enemies and then declares

... what Cambronne said to Maitland
Ere the English made smooth the brow of the hill
Against the sinking light of day
Say I to you, and all of you,
And to you, O world.
And I charge you to carve it
Upon my stone.¹⁷

What the French general Cambronne said when invited to surrender at Waterloo was “*Merde!*”—a word since euphemized in France as “*le mot de Cambronne*.” Keene is doomed even in death to be frustrated by his limited world, since the headstone-maker was apparently (and understandably) unwilling to carve the word “Shit!” on the stone. Of course, Masters’s publisher in the year 1914 would have been equally unwilling to *print* the word, so the epitaph perhaps contains a sly suggestion of the poet’s own frustration at being unable to give full-bodied expression to his disgust with the social order. Primarily, though, it seems intended to evoke our admiration for a fiercer, more radical version of Masters’s progressive lawyer-father.

If Kinsey Keene represents an idealized version of the poet’s father—the lawyer as pure rebel and iconoclast—then John M. Church represents the opposite form of legal existence, the lawyer as hired-gun and servant of power:

I was attorney for the “Q”
And the Indemnity Company which insured
The owners of the mine.
I pulled the wires with judge and jury,
And the upper courts, to beat the claims
Of the crippled, the widow and orphan,
And made a fortune thereat.¹⁸

“State’s Attorney Fallas” portrays a legal type only slightly less unappealing, the prosecutor as persecutor:

I, the scourge-wielder, balance-wrecker,
Smiter with whips and swords;
I, hater of the breakers of the law;

¹⁷ *Spoon River Anthology*, at 100.

¹⁸ *Spoon River Anthology*, at 169.

I, legalist, inexorable and bitter,
Driving the jury to hang the madman, Barry Holden¹⁹

Masters shows Fallas undergoing a conversion experience after a doctor's error at his son's birth renders the infant retarded. Afterwards he leaves the law and devotes himself to the care of "those whose minds are sick." But this plot device hardly softens the initial portrait of Fallas, which reads like a career defense attorney's caricature of a tough prosecutor. It is both surprising and revealing, then, to learn that Masters's admired father served for a time as State's Attorney of Menard County, Illinois. Again Masters seems to be conveying a deliberately flattened and reductive version of the legal profession as he knew it.

A similar effect is observable in his treatment of the judges buried in the cemetery. Masters's autobiography has an affectionate paragraph recalling Judge John Winters, the father of a friend of his youth. Judge Winters, though a Republican, was a highly cultivated "freethinker," and it was at his urging that Masters began reading philosophers like Locke and Hume, who gave intellectual substance to the instinctive liberalism he had absorbed from his principled but not-very-intellectual father.²⁰ Yet Winters's *Spoon River* counterpart, Judge Somers, has nothing like the interesting complexity of this well-read Republican atheist. Instead Judge Somers is characterized mostly by his self-importance; his epitaph comments ruefully that "I who was the most erudite of lawyers,/Who knew Blackstone and Coke/Almost by heart . . . / . . . lie here unmarked, forgotten,/While Henry Chase, the town drunkard,/Has a marble block, topped by an urn . . ."²¹ The other judges in the anthology come off even worse. Selah Lively begins as a grocery clerk, studying law at night, and finds that when he becomes an attorney his peers mock him for his background, his clothing, and his height (five foot two). Thus, he argues, it is only "natural" that when he becomes a judge he "[makes] it hard" for his tormentors when they are "forced to stand/Before the bar and say 'Your Honor.'" Thus Judge Somers is self-important out of a sense of superiority, Judge Lively out of a sense of inferiority. If the psychologies of these characters are simplistic, at least each may be said to *have* a psychology. This cannot be said of the most unappealing of Masters's judicial figures, the Circuit Judge, who boasts, "I in life was the Circuit Judge, a maker of notches,/Deciding cases on the points the lawyers scored,/Not on the right of the matter."²² The Circuit Judge is one of only

¹⁹ *Spoon River Anthology*, at 165.

²⁰ *Across Spoon River*, at 84.

²¹ *Spoon River Anthology*, at 99.

²² *Spoon River Anthology*, at 160.

a handful of characters in the *Anthology* who is given no name, and Masters seems to intend this symbolically. The judge has assimilated himself so fully to an ideal of mechanical impartiality that he has become a kind of machine himself.

Elsewhere, though, and more often, Masters complains not of a legal system that is too rigidly disinterested but of one that is all too partial to wealth and political power. In “Carl Hamblin,” the progressive editor of Spoon River’s newspaper is tarred and feathered for protesting the execution of the Haymarket Rioters. His protest takes the form of a sort of dream-vision: “I saw a figure with bandaged eyes/Standing on the steps of a marble temple.”²³ This figure holds the traditional attributes of Justice, the sword and the scale, but she uses the sword only against the powerless—women, children, laborers, lunatics—while allowing those who toss gold into the scales to dodge its blows. (Here Masters provides an echo of King Lear’s bitter comment, “Plate sin with gold/And the strong lance of justice hurtless breaks.”)

Then a youth wearing a red cap
Leaped to her side and snatched away the bandage.
And lo, the lashes had been eaten away
From the oozy eye-lids;
The eyeballs were seared with a milky mucus;
The madness of a dying soul
Was written on her face—
But the multitude saw why she wore the bandage.

“Carl Hamblin” may be one of the most effective poems in the *Anthology*. Here Masters abandons his often clumsy and shallow psychologizing to adopt the mode of allegory, the literary method for which, perhaps, he had the most natural bent. At the same time his tendency to sentimental moralizing is swept away by the headlong rush of his indignation. Finally, the metaphor of Justice as syphilitic whore is startling in both its savagery and (so far as I know) its originality. In “Carl Hamblin” Masters has succeeded in producing an angrily memorable comment on one of the most significant miscarriages of justice in American history.

Masters gives us an almost equally indignant—but more subtle and moving—account of the law’s cruelty in the monologue spoken by “Butch” Weldy, a laborer who has been maimed and blinded by an explosion at the local canning works. Because a fellow employee caused the explosion, Weldy’s suit against the factory owner is dismissed:

²³ *Spoon River Anthology*, at 212.

The Circuit Judge said whoever did it
Was a fellow-servant of mine, and so
Old Rhodes' son didn't have to pay me.²⁴

The fellow-servant rule, devised in England in the early nineteenth century, was assiduously applied at the end of the century by American courts faced with the proliferation of factory and railroad accidents. This “clean-cut and brutally simple rule,” in the words of a legal historian, meant that “the cost of industrial accidents was to be shifted from the entrepreneur to the workers themselves.”²⁵ In the poignant closing lines of “Butch’ Weldy,” Masters’s injured workman expresses his bewilderment at the concept:

And I sat on the witness stand as blind
As Jack the Fiddler, saying over and over,
“I didn’t know him at all.”

Weldy’s mistake is to misconstrue the legal term of art and interpret “fellow” as if it carried its common-usage connotations of friendship and collaboration. How can the careless worker be my “fellow,” Weldy wonders, if I didn’t even know him? In thinking this, he is blind (in Masters’s pitiless implicit pun) both to the fact that the law employs a special language and that this language sometimes marks the law’s divergence from what the layman thinks of as ordinary human values. One can imagine this epitaph as informed, if not directly inspired, by conversations which Masters was having with his clients from the waitresses’ union while he composed the poems of *Spoon River*. (Like Weldy reacting to the fellow-servant rule, the waitresses may have reacted with understandable befuddlement to the charge that they had engaged in a “conspiracy to injure the business of hotels and restaurants.”²⁶)

Thus Masters’s sympathy for “people who worked” and “endured the deprivations of life” inform some of the strongest poems in *Spoon River*. Poems like “Carl Hamblin” and “Butch’ Weldy” point with ferocious and still impressive indignation to highly tangible ways in which the America legal system of the late nineteenth and early twentieth centuries was stacked against workers and the poor. Yet as we see in comparing some of the legal cases and personalities in Masters’s work with their real-life counterparts, the poet’s depiction of the operations

²⁴ *Spoon River Anthology*, at 112.

²⁵ Lawrence M. Friedman, *A HISTORY OF AMERICAN LAW* 414 (New York: Simon & Schuster, 1973).

²⁶ *Across Spoon River*, at 334.

of the law—and its functionaries—is often both simplistic and bleak. What accounts for this limitation of perspective? To some extent, no doubt, it is simply a function of Masters's urge to propagandize for Progressive values, combined with his allegorizing tendency. But it may also have to do with the fact that, by the time he came to write *Spoon River*, Masters had come to see the law as a life of drudgery—he frequently referred to himself as a “pack horse”—and to long for the independence of a full-time literary career.²⁷ The huge success of *Spoon River* helped him achieve his dream; he abandoned the practice of law in 1921. Yet, though he made his living as a writer thereafter, none of his other books achieved anything like the popular success of *Spoon River*, and they mostly suffered the derision of critics. As David Perkins sums up the trajectory of Masters's career, “Before *The Spoon River Anthology* Masters . . . had published several books of conventional and plodding verse. Afterward, the now famous poet reverted to his former modes and level of performance.”²⁸

For all Masters's attempts to disentangle his identities as lawyer and poet (in one especially self-dramatizing moment he said he felt like “Apollo cleaning sewers”),²⁹ there is a passage in his autobiography which merges those identities in a striking and revealing way:

Far back in the Lewistown days when I was reading Plato and Shelley my father called me a “daydreamer”; now after eighteen years in the law, what was I? Scientists can bombard the fruit fly with X rays and alter its germ plasm until its offspring turn up with white eyes instead of red, and with smaller wings. Cyclopean eyes can be created in frogs by chemicals The law had been an X ray to me, and many kinds of chemicals; the law, and my contacts with so many varieties of people. And now imagine a human being with one great eye in the center of his forehead with which he saw everything with realistic clearness; but suppose him in retention of his two normal eyes, which in their normality saw beauty where it was not, and truth where it had never been. . . . That was I who saw through people with penetration, who could weigh arguments and facts judicially, but who with dreaming eyes looked down paths without seeing the tangles all in all All through my poems there run the twin strains of realism and mysticism. I wrote with my cyclopean eye many of the portraits of

²⁷ Russell, *supra* note 8, at 73.

²⁸ David Perkins, A HISTORY OF MODERN POETRY 356 (Cambridge: Belknap Press of Harvard University Press, 1976)(vol. 1).

²⁹ Russell, *supra* note 8, at 184.

Spoon River, and with my dreaming eyes I wrote "The Star" and "The Loom."³⁰

The startling and outlandish metaphor of the "cyclopean eye" suggests that the law simultaneously deforms its practitioners and enlarges their perceptions, making them capable of an inhuman, nearly monstrous, clarity of vision. The poet however has also retained his "normal eyes," which lack the pitiless realism of the lawyer, and feed his idealism but also his self-delusion (they see "beauty where it [is] not"). Masters envisions his work as striking a balance between these "realistic" and "mystical" strains. In the long-term judgment of both readers and critics, though, his "mystical" work falls far short of the "cyclopean" poetry of *Spoon River*. Thus even as he describes the law darkly as a sort of unnatural assault on a helpless organism ("an X ray . . . and many kinds of chemicals"), he gives it credit for inspiring not just the subject matter of his one enduring work but the very perspective that enabled him to produce it.

CHARLES REZNIKOFF

In March 1912, sitting with two fellow poets in a London tea-shop, Ezra Pound inaugurated Imagism.³¹ This movement called for poets to reject the intellectual softness and metaphorical vagueness which Pound associated with the decaying Romantic and Symbolist traditions in favor of a sculptural poetry of clear and definite images. Over the next few years it would have a revolutionary effect on English-language literature, influencing poets as disparate as W.B. Yeats and Edgar Lee Masters. One of the young poets most keenly attuned to the Imagist aesthetic was the New Yorker, Charles Reznikoff. Strikingly, in his poetic autobiography, Reznikoff implies that he arrived at the principles of Imagism independently of Pound, in the same year of 1912, and that he did so not in a bohemian gathering-place but in a far less likely setting—a law-school classroom.

In 1912, the eighteen-year-old Reznikoff began studying law at New York University.³² Reznikoff, who already nursed poetic ambitions, was surprised to find that he actually preferred reading law cases to reading poetry:

³⁰ *Across Spoon River*, at 317-18.

³¹ Perkins, *supra* note 28, at 330.

³² Benjamin Watson, *Reznikoff's Testimony*, 29 Legal Stud. F. 67, 69 (2005).

I found it delightful

...

to bathe in the clear waters of reason,
to use words for their daylight meaning
and not as prisms
playing with the rainbows of connotation:
after the dim lights, the colored phrases, the cloying music,
the hints of what the poets meant
and did not quite say
(for to suggest was to create
and to name was to destroy—
according to the Symbolists, at least),
the plain sunlight of the cases,
the sharp prose,
the forthright speech of the judges³³

That poetry should relinquish “dim lights” and “colored phrases” in favor of “plain,” “sharp,” “forthright” language—this was almost precisely the Imagist program. That Reznikoff should find models of such language in law-school casebooks may surprise readers without legal training who assume that the language of the law is by definition both orotund and obfuscatory. It will be less surprising to lawyers, who know that the decisions of American appellate courts are delivered in prose that is generally quite accessible and at best remarkably vigorous.³⁴

But after his first year of study, law school palled for Reznikoff. For one thing, he found the second-year curriculum less intellectually exciting, “necessary enough but detailed and dull”; for another, he felt himself seized with a feverish desire to write. Although he completed his legal studies, and was admitted to the bar in 1916, he practiced only briefly before taking a less-taxing job in his family’s business which allowed him to devote more time to his poetry. But when his family’s business failed in the Depression, Reznikoff had to draw on his legal background to find a job. In 1930 he went to work as an editor for the legal encyclopedia *Corpus Juris*.³⁵ While he found little stimulating

³³ Charles Reznikoff, *POEMS 1937-1975* 168-9 (Santa Barbara, California: Black Sparrow, 1978)(vol. 2).

³⁴ It is true that the late nineteenth and early twentieth century cases which Reznikoff studied, and later used as the basis of his work *Testimony*, are composed in a prose with more complicated sentence structure and somewhat more elegant diction than that which one would typically find in a contemporary case. But the journalists and popular novelists of the time similarly wrote in a way which would strike the average reader of 2005 as ornate.

³⁵ Watson, *supra* note 32, at 72-3.

about his editorial duties, he discovered a fascination for the details of the appellate cases which his work required him to read. "Once in a while," he later remembered, "I could see in the facts of a case details of the time and place, and it seemed to me that out of such material the century and a half during which the United States has been a nation could be written up..."³⁶ This insight would provide the premise for *Testimony*, his most extended and ambitious work of poetry.

Reznikoff worked for *Corpus Juris* for two years. During this period, he became, along with William Carlos Williams, Louis Zukofsky, and George Oppen, one of the central figures of the short-lived literary movement called Objectivism. An *Objectivist Anthology* appeared in 1932.³⁷ Although the different Objectivist writers showed disparate understandings of the term, for Reznikoff it seemed to designate something like a more radical version of Imagism: "Poetry presents the thing in order to convey the feeling. It should be precise about the thing and reticent about the feeling."³⁸ Significantly, in a 1960s interview, Reznikoff defined the method through an extended analogy from the world of law:

By the term "objectivist" I suppose a writer may be meant who does not write directly about his feelings but about what he sees and hears; who is restricted almost to the testimony of a witness in a court of law. . . . Now suppose in a court of law you are testifying in a negligence case. You cannot get up on the stand and say, "The man was negligent." That's a conclusion of fact. What you'd be compelled to say is how the man acted. . . . The judges of whether he is negligent or not are the jury in that case and the judges of what you say as a poet are the readers. That is, there is an analogy between testimony in the courts and the testimony of a poet.³⁹

It seems appropriate, then, that Reznikoff would give the title *Testimony* to what is arguably his major attempt to exemplify Objectivism. Reznikoff worked on *Testimony* intermittently from the early 1930s to his death in 1976, publishing portions of it in various versions. After Reznikoff's death a complete edition appeared in two volumes. The work as a whole illustrates the notion which Reznikoff conceived while at *Corpus Juris* that the history of the United States could be "written up" from court cases, although Reznikoff limits his examples to the period

³⁶ Quoted in Watson, *supra* note 32, at 71.

³⁷ David Perkins, *A HISTORY OF MODERN POETRY 320* (Cambridge, Massachusetts: Belknap Press of Harvard University Press, 1987) (vol. 2).

³⁸ Quoted in Perkins, *supra* note 37, at 326.

³⁹ Quoted in Watson, *supra* note 32, at 67.

from 1885 to 1915.⁴⁰ Each of the more than 450 poems in the work conveys a stripped-down version of the facts of a criminal or civil case as recorded in one of the National Reporters. Like the Reporters themselves, the poems of *Testimony* are divided by geographical region, with sections entitled “The North,” “The South,” and “The West”; Reznikoff further groups some of the poems under topic headings like “Children,” “Railroads,” “Machine age,” and “Negroes.”

The poems give dry, spare paraphrases of the facts of the cases. One fairly typical poem, in the section on the North from 1901-1910, under the heading “Streetcars and Railroads,” runs in its entirety:

The railroad company was raising the tracks
and building a flight of stone steps to the new station.
An arc light across the street was now shining brightly
but there was no cross-walk or flagging across the street to the steps
from the paved walk on the other side.
A girl of sixteen, quite excited
because she was going to the theater in the city
with her sister, her sister's husband, and another young man,
thought they were late and
—never in the neighborhood before—ran up the flight of steps
ahead of the others—
and fell to the ground from the top.⁴¹

The writing is graceful, firm, and utterly transparent. With little effort, the reader gets the essential setting and follows the action precisely. This sort of writing involves an almost-invisible skill and can appear much easier to achieve than it actually is. Yet the poem deliberately refuses most of our expectations of poetry. It contains no metaphors. (*Testimony* as a whole is virtually devoid of figurative language.) Although it shows a firm command of rhythm, it is a rhythm that seems hard to distinguish from that of good prose—except, perhaps, in the two lines before the last, where a slight quickening of pace suggests the girl's excited rush up the stairs and hints at the poet's knowledge of the mimetic effects of meter. Finally, readers who hold the Wordsworthian view that poetry should overflow with feeling will be let down by the

⁴⁰ I am not aware that Reznikoff ever explicitly explained his choice to limit the scope of the work to those years. But Benjamin Watson quite plausibly suggests that Reznikoff chose them because they represented the time of his childhood and youth, and the period just before when his immigrant Jewish parents struggled to establish themselves in America. “Those years had stamped him for life with pessimism and with tenderness.” Watson, *supra* note 32, at 81.

⁴¹ Charles Reznikoff, *TESTIMONY V. II* 142, poem 7 (Santa Barbara: Black Sparrow Press, 1979).

poem's conclusion, which may seem utterly blank and numb in its presentation of the girl's fate. Yet the poem does succeed (perhaps to a fault) in exemplifying Reznikoff's counter-Wordsworthian dictum that poems should be precise about things and reticent about feelings.

In a few of the poems, Reznikoff produces slightly richer effects. For example, a poem about a murder ends with the discovery of the body:

Nothing was left of his body but the bones
with some flesh on the hands
and the hair of his head.
The bone of his left arm was broken
and his woolen shirt was burned where the bullet had entered his breast.⁴²

This is stark and powerful, reminding us of the Anglo-Saxon poets. The resemblance is reinforced by a distant echo of ancient prosody as well: if the final two lines were broken into three, they would scan something like Old English verse, with half-lines knit together by alliteration:

The bone of his left arm was broken
and his woolen shirt was burned
where the bullet had entered his breast.

This kind of sound effect is typical of much of Reznikoff's poetry outside of *Testimony*, where his short lyrics demonstrate a keen gift for understated musicality:

I must diet
on silence;
strengthen myself
with quiet.

Where is the wisdom
with which I may be medicined?
I will walk by myself
and cure myself
in the sunshine and the wind.⁴³

The overwhelming flatness of language and rhythm in *Testimony*, then, represent a considered aesthetic choice. But it is a choice that often works to vitiate the emotional power of the stories which Reznikoff tells. Thus, three successive poems describing murder cases end with similarly blank, bald statements: "at the second shot Bates was falling/ and was upon the ground dying/when the last shot was fired"; "Parsons staggered

⁴² *Testimony* v. II 60-1. The relevant case is *State v. Spotted Hawk*, 55 P. 1026 (1899).

⁴³ Charles Reznikoff, *Poems 1937-1975*, v. II, 29.

off a few steps/tried two or three times/to draw his pistol out of his pocket,/and then fell to his knees and died"; "Black fell, face up,/his head striking the ground,/and then stood up, walked a few steps/ and died." The uniformity of tone, rhythm, and diction works against the reader's ability to distinguish the different stories, or sympathize with the individual victims of the crimes.

Reznikoff's commitment to minimalist description represents a fiercely puritanical attempt to produce a poetry devoid of ornament and explicit emotion. An even deeper sign of this puritanism is Reznikoff's forswearing of metaphor and simile. One need not agree with Aristotle that an aptness for metaphor is the one true sign of poetic genius, or with Robert Frost's even more sweeping statement that poetry is nothing but metaphor,⁴⁴ to find poetry which refuses even the possibility of figurative language impoverished. After all (drawing on Reznikoff's analogy of the poet and the witness at trial), nothing in the rules of evidence precludes a witness from trying to describe something more vividly by comparing it to something else. Nor do the theories of Imagism and Objectivism preclude metaphor. In fact, the most famous of all Imagist poems, Pound's "In a Station of the Metro," is essentially a single metaphor (one might say, a naked metaphor),⁴⁵ as is one of Reznikoff's most anthologized short lyrics:

About the excavations
a flock of bright red lanterns
has settled.⁴⁶

Yet what I am calling Reznikoff's puritanism may be seen as of a piece with one of the great endeavors of poetic modernism—to "purify the dialect of the tribe" (to quote Eliot quoting Mallarmé). Benjamin Watson sees Reznikoff's enterprise as a moral one, directed at purging from the stories he recounts the often cushioned and euphemistic language of the law—to purify the dialect of the judges, we might say. Watson gives as an example the opinion in a case involving a twelve-year-old girl whose hand was mutilated by a machine. The court's opinion describes the incident this way: "[H]er hand was drawn in, one of her fingers was taken off, and the hand itself was considerably lacerated and injured."

⁴⁴ Or with Emily Dickinson's suggestion that the motto of the poet should be "Tell all the Truth but tell it slant,/Success in Circuit lies."

⁴⁵ Standing in a subway station on a rainy day, Pound noticed a family with beautiful pale faces framed against a mass of dark raincoats, and wrote: "The apparition of these faces in the crowd; /Petals on a wet, black bough."

⁴⁶ "About the Excavations," in Hayden Carruth (ed.), *THE VOICE THAT IS GREAT WITHIN US: TWENTIETH CENTURY AMERICAN POETRY* 188 (New York: Bantam Books, 1971).

The parallel section in Reznikoff's poem reads "her hand was drawn in, one of her fingers torn off/and the rest of her hand mangled." Watson comments:

[Reznikoff's] alterations were directed toward removing the euphemisms which the judge had employed. The girl's finger is not "taken" off but "torn" off. The vague medical jargon "considerably lacerated and injured" becomes "mangled." The court writes of "the hand itself" as if it were an inanimate object. By substituting "the rest of her hand" the poet restores its human vulnerability.⁴⁷

This is sensitively observed and perfectly convincing. But the method which Reznikoff follows in this poem is not, I think, entirely characteristic. A comparison of several dozen poems with the cases they were based on shows Reznikoff typically tracking the court's language more closely, simplifying and making excisions but infrequently altering the diction as significantly as he does in the poem cited above.

One poem in which Reznikoff does dramatically alter the language of the opinion may suggest both the strength and the limitations of his "purifying" method. *Spangler v. St. Joseph & G. I. Ry. Co.* begins most inauspiciously:

Among the many restless rushings to and fro of fretful man upon the earth was a Sunday excursion in July, 1901, from St. Joseph to Excelsior Springs, Mo., and return, conducted by the St. Joseph & Grand Island Railroad Company.⁴⁸

The opening sentence warns us that Justice Burch of the Kansas Supreme Court has literary pretensions of a dismayingly hearty and jocular kind. This impression is confirmed as the Justice describes what happened when ten drunken and rowdy young men boarded the train:

Hilarity was presently succeeded by effrontery, which readily tended to vulgarity, and tended constantly to reach the pitch of maudlin fuss and quarrel. They surged back and forth along the aisles of the cars with swagger and oath and a hubbub of babble and a fanfaronade of clubs they had cut for canes, corrupting the air with the fumes of liquor and cigarettes, hectoring men and insulting women, entirely beyond the endurance of the rasped nerves and galled sensibilities of the decent people on the train.

After this bargain-basement Mark Twain prose, it comes as a relief to read Reznikoff's translation:

⁴⁷ Watson, note 32 *supra*, at 78-9.

⁴⁸ 74 P. 607 (1903).

The railroad was running an excursion on a Sunday in July from the city
and a group of eight or ten young men from a town near the city
went along. On the way back at night—
they had been drinking and had cut sticks from the branches of trees
to use as canes and clubs—
they kept going up and down the aisles of the cars
troubling the other passengers with what they said and did
and having a “good time.”⁴⁹

The opening of Justice Burch’s opinion, it turns out, is not only inane but somewhat offensively inappropriate, given that the upshot of the incident he describes was tragic: a young woman passenger on the train was blinded. The concluding lines of Reznikoff’s poem describe the moment of her injury: [A]n iron bolt came crashing through the glass and struck her in an eye.

The young man she was with
caught her in his arms
and, as he did, the fluid of her eye
ran out upon his hand.

Unlike the previous section of the poem, however, these lines do not necessarily constitute an improvement over the writing in the opinion. By the time he comes to describe the woman’s blinding, Justice Burch has adopted an appropriately sober tone:

She fell forward, and, as he caught her, all limp and apparently unconscious, and endeavored to support her head with his arm, the fluid portions of her eye ran out upon her hand.

Here the language of the opinion, with its greater specificity, is both more poignant and more accurate than that of the poem. Much of the passage’s power comes from its description of the tender gesture of the boyfriend in supporting the girl’s head—a description which both explains how the girl’s destroyed eyeball came to drench his hand and emphasizes the horror the young man must have felt. Reznikoff’s more condensed version vitiates that horror. Furthermore Reznikoff’s description of the “fluid of her eye” is weaker than the opinion’s appropriately sickening “fluid *portions* of her eye.” Reznikoff’s version leaves some doubt as to the severity of the young woman’s injury. Ironically, the effect of Reznikoff’s method here is almost the opposite of what it was in the poem about the girl with the mangled hand; the poet inadvertently

⁴⁹ *Testimony* v. II, 139, poem 2.

turns a powerful prose description into something more anodyne. Sometimes an elaborated style of writing demonstrably captures reality better than a pared-down style. Reznikoff's method thus constitutes a self-imposed limitation on expressiveness.

Yet if Reznikoff limits himself, he does so in an admirably principled way. We can grasp this most clearly by comparing his work to that of Edgar Lee Masters. In some ways *Testimony* bears a remarkable resemblance to *Spoon River Anthology*: both works use versions of actual legal cases to illuminate American society in the late nineteenth and early twentieth centuries. Yet in other ways Reznikoff's work seems antithetical to that of Masters—as overwhelmingly muted and restrained as the older poet's work is loudly emotional. Nor does Reznikoff share Masters's tendency to divide the world into heroes and villains; although he evokes plenty of social misery, no melodramatically evil capitalists or hireling lawyers appear in his work. He does not choose cases specifically to illustrate the callousness of the legal system. In fact, it is striking how many of his poems about industrial accidents (unlike Masters's "Butch" Weldy") refer to cases in which the injured plaintiff recovered damages, and these damages were upheld on appeal. To note these cases is not to deny Masters's point—well attested by legal historians—that the law of the late nineteenth century was in many ways stacked against workers. It is however to say that Reznikoff's work can point us to a fuller, more complicated understanding of the American legal system as it struggled however clumsily and with whatever partiality to come to terms with the second phase of the industrial revolution. But only "point us to," it's important to note, because almost all of Reznikoff's poems simply stop with the facts of the case and say nothing about its legal resolution. For those of us interested in the law as well as poetry, this can be frustrating. Thus one poem charts the bitter relations between a woman and her mother-in-law, who forced her son to leave his wife by threatening to cut him out of her will. The poem ends flatly enough, with the mother-in-law declaring to the wife, "You can either go to your sister's in Nevada or remain here,/but I don't want to lay eyes on you again."⁵⁰ We are left to wonder why the case wound up in court. Turning to the decision, we find that the wife brought an alienation of affection suit against the mother-in-law—and prevailed, despite the defense's argument (supported by at least some case law) that such a right of action is available only to a *husband* against his wife's seducer.⁵¹ Reznikoff's poem presents what seems like a relatively trivial domestic

⁵⁰ *Testimony*, v. II, 25, poem 6.

⁵¹ *Williams v. Williams*, P. 614, 615 (1894).

conflict. By contrast, the case suggests some complicated and fascinating aspects of the American family—and changing relations between the sexes—at the turn of the twentieth century. In leaving out the law, Reznikoff leaves out most of the story's interest.

As a poet, Reznikoff is clearly superior to Masters—intellectually keener and technically more proficient. Yet an attempt to read through the hundreds of relatively arid pages of *Testimony* is apt to leave us longing for a touch of Masters's crude passion and simplistic moralizing. As it happens, Reznikoff occasionally lets his Objectivist method slip in order to provide political and moral commentary. This poem about two sisters charged with stealing coal provides a striking example:

The coal had dropped along the railroad track
While being shoveled from a railroad car
Into a wagon, and Annie and Fannie were picking it up when arrested.
Of course, you shall not steal, said their lawyer;
But how about the passage in Leviticus:
"You shall not wholly reap the corners of your field,
nor gather every grape of your vineyard:
You shall leave them for the poor and the stranger"?

In *Bodee and Bodee v. State*, a New Jersey appeals court upheld the conviction of the coal-scavengers for larceny.⁵² Nothing in the opinion indicates that their lawyer made the speech quoting Leviticus. "Their lawyer," in other words, is a mask for the poet himself, who in his indignation at the sisters' sentence heard a damning echo from the Hebrew Bible, and surreptitiously violated his usual method to give it voice. The momentary and heartening lapse in Reznikoff's puritanical project shows how much more compelling a work *Testimony* might have been if the poet had more often allowed himself to draw on his deep learning in religion and literature.

By deliberately purging *Testimony's* poems of allusion as well as metaphor, intensified diction, and expressive rhythm, Reznikoff purged them of the qualities most readers look for in poetry. Furthermore, by basing the poems on legal cases but leaving out any account of the law, Reznikoff ensured that many of the poems would lack interest as historical documents. Even so sympathetic a reader as Reznikoff's wife commented, "I confess that a little *Testimony* went a long way with me."⁵³ She might well have been echoing Samuel Johnson's judgment on *Paradise Lost*: no one ever wished it longer. Reznikoff is a fine poet, but his enduring influence will probably be in his shorter lyrics. For all the

⁵² 30 A. 681 (1894).

⁵³ Quoted in Watson, *supra* note 32, at 80.

beauty and power of scattered patches of the work, *Testimony*—in large part because of Reznikoff's integrity and his method—is likely to remain a noble curiosity of modern literature.

BRAD LEITHAUSER—LAWRENCE JOSEPH—MARTÍN ESPADA

The poet Brad Leithauser attended Harvard Law School in the 1970s, more than half a century after Archibald MacLeish. While his poetry as a whole has been nearly as unconcerned with legal matters as MacLeish's, Leithauser has managed to produce a witty and appealing poem on the unlikely subject of the summer associateship—the ritual by which big law firms seduce students from the top law schools into a life of overpaid servitude by exposing them for three months to a life of elegant meals and magnificent office views. “Law Clerk, 1979” begins with Leithauser lunching with one of the firm's partners:

. . . A *partner*, first of all,
by which is meant no confederate or pal
of mine, but a star in the firm's firmament.
He's kind, though, funny, and lunch is going well

enough—the conversation light, the view vast
beyond my farthest hopes. The kid's arrived at last:
not just New York, but New York at the very top.
Just think of all the noontime views that passed

into the void because I wasn't here! Think
of the elevated wines I never drank
in this very room! The tortes I failed to eat!
—Lunch here is money in the memory bank.⁵⁴

When the partner asks him if his work's “exciting,” the law student responds “Very,” adding “Best of all . . . /I liked the document search in Tennessee.” Playing against the reader's expectations, Leithauser makes it clear that his response was meant neither sycophantically nor ironically:

Indeed, I did. How strange, how fine to be
a someone someone flies a thousand miles
to analyze ancient business files! . . .

These lines neatly capture the sort of boyish (or girlish) enthusiasm the big firms rely on in their recruiting efforts; only a twenty-four-year-old

⁵⁴ “Law Clerk, 1979,” in Brad Leithauser, *HUNDREDS OF FIREFLIES* 36 (New York: Alfred A. Knopf, 1982).

with very little experience of life or work could be excited to be sent on such an errand. Yet it is one of the strengths of the poem that it avoids simply satirizing its milieu. The partner comes across as a decent, well-meaning guy, and the gentle mockery in the lines above is trained mainly on the poet's younger self.

Less gentle satire is directed at another figure in the poem. Out for a walk after work, Leithauser encounters Mark, an acquaintance from his college days. Both young men have poetic ambitions, but while Leithauser has gone off to law school, Mark has retired to the country to make pots ("a bad sign") and write. Now he condescends to Leithauser, implying that he's sold out. "He has me twice repeat/my salary, each time bulging his eyes/in sham barefaced amazement." Irritated at Mark's pose of bohemian purity, Leithauser reflects that the rival poet is only able to occupy himself with pottery-making because "[h]is dad makes pots and pots/of money in securities."

Later in the summer, Leithauser is asked to join the firm when he graduates, and given four months to decide. He worries however that he will be unable to write poetry if he accepts the offer, not because—as the Marks of the world would have it—there is something fundamentally corrupting about corporate law, but because of the sheer, brutal demands on the time of an associate. Looking out his office window, he muses:

the sun buffs hundreds of windows, reglazes bricks,
ruddies a plane's belly like a robin's,
and seems to free us from billable time, from stocks

and bonds (both words a pun, ironically,
on hand-fetters), leases, estate taxes, proxy
fights, adverse parties, complainants, claimants,
motions to suppress, to enjoin, to quash, oxy-

moronic lengthy briefs and the whole courtly game
of claim and counterclaim; seems to say we come
through drudgery to glory . . . Look—down there! Wall
Street's turned to gold at last! . . .

The thought of the work that would face him if he came to the firm is simultaneously wearying and exhilarating. To go from associate to partner would take him "through drudgery to glory"; thinking of the prospect, Leithauser seems to feel (in Yeats's phrase) "the fascination of what's difficult." The phrase "courtly game" strikes me as especially well chosen. In the big-firm lawyer, modern American culture finds perhaps its closest equivalent to the Renaissance courtier: a person intelligent, polished, superbly trained, an attendant of the rich and powerful.

Leithauser may even be making a distant nod to the tradition of the great courtier poets like Spenser and Sidney—but these never labored under the tyranny of corporate law. Ultimately for Leithauser, the call of poetry wins out over the demands of the billable hour, and he turns down the offer from the firm.

Leithauser is often associated with the New Formalists, a loosely-knit group of poets who, in the last decades of the 20th century, rejected the prevalent free-verse style of the time in preference for meter and rhyme. In a survey of contemporary poetry, the poet-critic Jonathan Holden attacks the New Formalism as symptomatic of political conservatism and the celebration of cultural privilege. He writes, “[T]he poems of one of the first New Formalist poets to gain a reputation, Brad Leithauser . . . dealt with such issues as the poet’s adjustment to the practice of law and the social and sexual dynamics of tennis classes: it was poetry by the rich, about the minor worries of the rich, a sort of expensive, very tasteful, interior decoration.”⁵⁵ Holden’s sneering description strikes me as unjust and inaccurate. That Leithauser’s poetry is witty, low-key, and accessible does not make it merely decorative; and as it happens most of his poems are concerned less with social interactions (upper-class or otherwise) than with landscapes and animals. When Holden refers to “the poet’s adjustment to the practice of law,” he is clearly thinking of “Law Clerk 1979,” yet he misses the point that Leithauser *gave up* the possibility of a lucrative legal career to devote his time to writing. Leithauser currently holds a job as a college professor—like, ironically, Jonathan Holden himself. Yet in their combination of resentment and moral superiority, Holden’s remarks might have been made by the “Mark” of the poem. They also continue the tradition of prejudice against law as a subject of poetry—a prejudice so strong that it can proceed from antithetical premises. If the young Archibald MacLeish thought law practice too sordid to be worthy of a poet’s concern, Holden thinks it too genteel.



At least one contemporary poet well acquainted with the world of major law firms has produced poems which reflect his legal experience in terms which few readers would consider genteel or decorative. Lawrence Joseph worked for several years in the litigation department

⁵⁵ Jonathan Holden, 1970-1990, in Jack Myers & David Wojahn (eds.), *A PROFILE OF TWENTIETH-CENTURY AMERICAN POETRY* 254-272, at 267 (Carbondale: Southern Illinois Press, 1991).

of a large New York firm before becoming a law professor.⁵⁶ But Joseph, the son of Arab immigrants, had a distinctly ungenteel upbringing. His early poems evoke the poverty, decay, and violence which had surrounded him in his hometown of Detroit (his father, a grocer, was once shot by robbers and on another occasion saw his store destroyed in a race riot), drawing analogies with the war then consuming his family's homeland of Lebanon.⁵⁷ His later poems, set mostly in New York where he has been an attorney and a law professor, frequently reflect, as David Skeel observes, the tension between "New York as the legal and financial capital of the nation" and "New York as a city of the alien and dispossessed."⁵⁸

In "Some Sort of Chronicler I Am," Joseph reflects on his "strange need to confront everyone/with equal respect"—even the heroin addict sitting across from him in the subway "who doesn't appreciate my respect."⁵⁹ Later, riding or walking through the city streets, Joseph sees luxury alternating with misery:

—workers, boarded storefronts, limousines
with tinted windows, windows with iron bars,
lace-patterned legs, someone without legs,...

He reflects that images like these get

merged within the metathetical imagination
we're all part of, no matter how personal

we think we are. . . .

"Metathesis," my dictionary informs me, is "the transposition of letters, syllables, or sounds in a word, as in the pronunciation (kumf'terbul) for *comfortable* or (aks) for *ask*." Those who live in the contemporary world, I gather, participate in a communal consciousness which is metathetical because it is constantly transposing such disparate elements as tinted limousine windows and store windows with iron bars—and we do so "no matter how personal/we think we are." This perception leads Joseph to think of poets, probably because lyric poetry has traditionally been seen—at least since the times of the Greek Anthology and the Confucian

⁵⁶ David A. Skeel, *Practicing Poetry, Teaching Law* (Review Essay), 92 Mich. L. Rev. 154, 156 (1994).

⁵⁷ Lawrence Joseph, *SHOUTING AT NO ONE* (Pittsburgh: University of Pittsburgh Press, 1983).

⁵⁸ Skeel, *supra* note 56, at 154.

⁵⁹ Lawrence Joseph, *BEFORE OUR EYES* 49 (New York: Farrar, Straus and Giroux, 1993).

Book of Songs—as the literary form *par excellence* for the expression of purely personal emotion. (The most lavish statement of this idea may be Shelley's: "A poet is a nightingale, who sits in darkness and sings to cheer its own solitude with sweet sounds."⁶⁰) But as examples that even poets are enmeshed in social reality, Joseph adduces two masters of modernism, William Carlos Williams and Wallace Stevens—one a doctor and the other a lawyer. "[D]uring the depression of 1921," Joseph tells us, "Carlos Williams felt a physician's pain" and resolved to reproduce in his poems the unhappiness "revealed in the speech he heard around him." We are not surprised to hear this said of Williams, a left-liberal who wrote a much-anthologized poem ("The Yachts") protesting the callous treatment of the poor by the rich in vaguely Marxist terms. Joseph's claims for Wallace Stevens are more unexpected:

Wallace Stevens—remember his work

covered high-risk losses—knowingly chose
during the bank closings of early '33

to suspend his grief between social planes
he'd transpose into thoughts, figures, colors

—you don't think he saw the woman beneath
golden clouds tortured by destitution,
fear too naked for her own shadow's shape?

Joseph reminds us that Steven was an insurance lawyer, and therefore dealt professionally with loss on a huge scale during the Depression. Yet we don't usually think of Stevens's work as a poetry of social conscience. For one thing, his own politics were quite conservative (in the 1950s he was a Taft Republican who thought of Eisenhower as a dangerous radical); for another, his elegant meditative lyrics seem almost entirely insulated from concern with social issues. Yet, Joseph suggests that the "golden clouds" of Stevens's verse represent a deliberate attempt to "suspend" his grief at the national misery. It is unclear whether Joseph means us to respect Stevens's sensitivity or to condemn his evasiveness. Perhaps, though, this is to import traditional ethical terms into a context where they do not belong. Much of Joseph's poetry strikes a postmodern stance, implying that the self is mainly constituted not by individual experience and psychology but by the confluence of cultural messages (here, the "metathetical imagination"). From this perspective, the

⁶⁰ Percy Bysshe Shelley, "A Defence of Poetry," in Hazard Adams (ed.), *CRITICAL THEORY SINCE PLATO* 502 (New York: Harcourt Brace Jovanovich, 1971).

question of sympathy seems of little account; the destitute woman appears in the poem in some form whether the poet wants her to or not. (This may be one of the implications of Joseph's statement that the addict on the subway "doesn't appreciate my respect.")

It is hard to point to a single "legal poem" in Joseph's work because his postmodern method makes it hard to say that any single poem is *about* a particular thing. Narratives, characters, and settings dissolve as quickly as they appear; if an "I" speaks the poem, it quavers uncertainly against the other voices threading through the lines. Nevertheless, images and language of the law surface frequently. And in one section of a poem called "Admissions Against Interest," Joseph offers an extended if elusive meditation on the connection between his vocations as lawyer and poet.⁶¹ ("Admissions Against Interest," one of Joseph's more difficult poems, is divided into four parts. It begins with what seems to be a description of a domestic dispute and ends with a complex meditation on language. Section II, which contains most of the "legal" material, seems to me essentially self-contained.) The passage begins wryly enough:

Now, what type of animal asks after facts?
—so I'm a lawyer . . .

These lines neatly play off the much-joked-about unpopularity of lawyers. "So I'm a lawyer" vividly telescopes a piece of colloquial banter along the lines of "I'm a lawyer, so shoot me" or "You got me, I'm a lawyer." This statement constitutes the poem's main "admission against interest." Yet behind this notion there may be a hidden qualification that only a lawyer could be expected to catch. Most non-lawyers assume that an "admission against interest" is equivalent to a confession of wrongdoing. Those who've studied the rules of evidence, though, are aware that "admission" in this sense refers to any statement (self-inculpatory or not) made by a party and used by a party opponent. The speaker's "confession" of lawyerhood may, for all we know, disguise a boast. "Maybe charming," the speaker continues, somewhat immodestly,

direct yet as circumspect as any other lawyer
Going on about concrete forces of civil

society substantially beyond anyone's grasp
and about money. . . .

⁶¹ *Before Our Eyes*, at 10.

“Direct . . . yet circumspect” strikes me as an apt and economical description of the way lawyers are trained to communicate: clearly and concisely yet with cards held firmly to chest. The speaker goes on to admit (in something more like the usual sense) that the corporate lawyer works in the orbit of social and economic forces so vast they are beyond his (or anyone’s) grasp. Joseph advances this idea in other poems as well, sometimes with a tone of contempt for the higher reaches of capitalism (“So here we are. Thieves stealing from thieves/in a society of complex spheres”) and sometimes with satirical lightness (“The lawyers from Mars and the bankers/from Switzerland have arrived to close the deal”).

In the lines that follow, two quotations float into the speaker’s mind, joined by a riddling bit of legal jargon:

. . . Things like “you too

may be silenced the way powerful
corporations silence, contractually”

attract my attention. The issue’s
bifurcated. “Why divide the dead?”

the Foreign Minister asks, “what’s one life
when you’ve lost twenty million?”

Although the first quotation is presented as a chunk of “found” poetry (it has “attract[ed] [the speaker’s] attention”), I find it difficult to conceive of its source. It seems too elegant for a newspaper editorial, too confrontational for a law-review article. The lines perhaps represent an authorial intrusion disguised as a quotation, rather like Reznikoff’s appeal to Leviticus in the poem about the two sisters stealing coal. Whatever its source, the statement clearly reflects a concern for the potentially repressive effects of corporate power. Thus the speaker seems implicitly to question the morality of his profession. (In other poems, too, Joseph hints that the practice of law at big firms involves something darker and more dubious than Leithauser’s “courtly game.”) The short sentence between the two quotations is teasingly mysterious. Lawyers, of course, think incessantly of “issues,” but it’s hard to spot the issue here, unless it’s the need of the speaker to justify his way of making a living. Black’s Law Dictionary includes entries for “bifurcated trial” and “bifurcated divorce” but none for “bifurcated issue.” One reading of the sentence would be to say that it represents a skewed answer to an implicit question (“Then how can you have practiced corporate law?” “It’s complicated”), with a satirical poke at the pomposity

of some legal language. But the notion of “bifurcation” also clearly looks forward to “Double,” the key word of the last line in this section of the poem. It also, by a process of association, leads the speaker to remember a quotation about division in quite a different sense: “divid[ing] the dead” of some unspecified conflict. Here the statement sounds like a genuine quotation; the difficulty lies in imagining who this Foreign Minister is and what war he’s referring to. The number he gives is too vast to apply to the Lebanese civil war of the 1980s (the war most frequently evoked in Joseph’s poetry). Twenty million is the number usually given for the Soviet war dead of World War II, yet the statement as quoted seems to refer to a recent event. Probably, though, we’re not meant to try to pin down the history behind these lines. Whatever else it does, this reference to unfathomable numbers of war dead gives a darker resonance to the discussion in the preceding lines about the vast and ungraspable forces that move the world.

This section of “Admissions Against Interest” concludes with eight even more elusive lines:

And if what has happened during my life
had been otherwise could I say

I would have seen it much differently?
Authority? Out of deeper strata

illuminations. A lot of substance
chooses you. And it’s no one’s business

judging the secrets each of us needs:
I don’t know what I’d do without my Double.

To make ordinary sense of the first question we would have to identify the referent of “it”—but the previous lines suggest no plausible noun to attach to the pronoun. Perhaps, then, we are supposed to take “it” in the vaguer, more general sense of “things,” in which case the sentence may be read as ratifying the postmodernist principle that (contrary to the testimony of most lyric poetry) our personal experience plays a relatively limited role in shaping our perspectives. The puzzling one-word question that follows can probably be translated a number of different ways. In one reading, it might represent the intrusion of a second voice—the voice of some figurative judge grilling the speaker, asking, “What’s your authority for that idea?” However we choose to read the question, the legal overtones of the term “authority” are far from accidental—lawyers in our system being nearly as obsessed with the authority of case law as with “issues.” If this is the case, then the following lines would seem to

partially retract some of the poem's implicit criticism of the legal profession. Something illuminating may be found, they suggest, in the "deeper strata" of authority and tradition (legal and otherwise). "A lot of substance chooses you" puns on (and postmodernly reverses) the notion of choosing one's lot. But if the "lot" is what does the choosing, there may nevertheless be something in it of considerable "substance"—even if your lot is that of the lawyer.

"And it's no one's business/judging the secrets each of us needs" reads like a reply to those whose hostility against lawyers kicked off the speaker's meditation on his profession. One secret may be simply that he *is* a lawyer (at least, it was a secret till his opening "admission against interest"). But of course lawyers are also professional keepers of their clients' secrets—hence the circumspection mentioned in line three. The concluding line is appropriately sly and slippery. It looks back to the statement "The issue's bifurcated"—although here the thing that's bifurcated is the speaker himself. His Double, I take it, is his lawyer-self (as opposed to his ordinary-human-self—or his poet-self if we identify the speaker with Joseph). "I don't know what I'd do without my Double" may be read quite literally, as "How would I make a living if I weren't a lawyer?" It may also be read as a summary of the muted defense of lawyering in the previous four lines. But the capitalized "Double" suggests a further twist. It links the statement to the literary tradition (exemplified by Dostoevsky's "The Double" and Poe's "William Wilson") of the evil doppelganger whose wrongdoings get blamed on the hero and thereby wreck his life. We're left with the suggestion that there may after all be something to the idea of the fundamental corruptness of the (corporate) lawyer's life.

Ultimately, for lawyer-readers at least, the lines analyzed here may be most interesting as a sketch of the tortured psychology of some especially sensitive lawyers with deeply mixed feelings about their profession. In saying this, I am aware that Joseph's poetry is of a sort very different from that of the traditional "persona poem," whose goal is to illuminate individual psychology. In fact—and against my interests as a critic—I freely admit that I may have overread or underread some of Joseph's lines, and missed the point of others entirely. Intelligent and cunning, Joseph's poetry is designed to frustrate paraphrase and logical analysis. It suggests an unexpected affinity between postmodernist aesthetics and lawyerly circumspection.



If social concerns hover around the edges of Lawrence Joseph's elliptical poems, they take center stage in the poetry of Martin Espada,

an unabashed political radical who worked for several years as a legal-aid lawyer in Hispanic immigrant communities in New England.⁶² In one of Espada's poems, a woman is hauled into court for refusing to pay rent on a grossly dilapidated apartment. Despite the photographs she has brought to document the disrepair of her home,

*Tell her she has to pay
and she has ten days to get out,
the judge commanded, rose
as the rest of the courtroom rose,
and left the bench. Suddenly
the courtroom clattered
with the end of business:
the clerk of the court
gathered her files
and the bailiff went to lunch.
Mrs. López stood before the bench,
still holding up her fan of snapshots
like an offering this ulcerated god
refused to taste,
while the interpreter
felt the burning
bubble in his throat
as he slowly turned to face her.*⁶³

Clear, spare, and utterly accessible, Espada's free verse is also clear and unevasive about the feelings it wants to conjure in the reader: sympathy for Mrs. Lopez and contempt for the judge and the system he represents. In this, it largely succeeds, thanks to the power of the metaphor of the photographs as a rejected "sacrifice." Like Edgar Lee Masters in his poem about the blinded workman Butch Weldy, Espada offers a poignant portrait of a powerless and unsophisticated person reacting with bewilderment to the callous ways of the law. His depiction of the judge as an "ulcerated god" (with its deliberately unpleasant suggestion of a confluence of physical and moral corruption) may remind us, too, of one of the more powerful moments in the *Spoon River Anthology*, when the young anarchist rips the blindfold from the figure of Justice to reveal its oozing eyesockets.

With his radical's eye, Espada unexpectedly finds an emblem of oppression even in that most seemingly innocuous tool of the lawyer's trade, the legal pad. In "Who Burns for the Perfection of Paper," Espada

⁶² Sarah Browning, interview with Martin Espada, www.english.uiuc.edu/maps/poets.

⁶³ "Offerings to an Ulcerated God," in Martín Espada, *ALABANZA: NEW AND SELECTED POEMS* 142-3 (New York: W.W. Norton, 2003).

recalls working as a high school student in a legal-pad factory, where workers were not allowed to wear gloves because “fingertips [were] required/for the perfection of paper,/smoothing the exact rectangle.” Thus, he remembers, the workers’ hands constantly stung from paper cuts and the glue which got into them. The poem concludes:

Ten years later, in law school,
I knew that every legal pad
was glued with the sting of hidden cuts,
that every open lawbook
was a pair of hands
upturned and burning.⁶⁴

In lines which Espada chose as the epigraph for his collected poems, the Puerto Rican poet and independence activist Juan Antonio Corretjer similarly evokes the hardships of workers by focusing metonymically on their hands: “Glory to the hands that dug the mine./Glory to the hands that cared for the cattle . . .” But Espada’s tone is more plaintive and pitying than celebratory. Beyond the effectiveness of its assonance with “burning,” the word “upturned” suggests a worker examining his hands for cuts at the end of the day; and, in a larger sense, some vaguely begging or prayerful gesture directed at the law’s dispensers of justice—a gesture which, like Mrs. Lopez’s gesture of holding up her snapshots, is fated to go unanswered.

This sort of understated metaphorical reach constitutes one of the strengths of Espada’s poetry. Another is his ability to fuse indignation with humor (something which Masters, by contrast, is quite incapable of). Thus, the poem “Mariano Explains Yanqui Colonialism to Judge Collings” runs, in its entirety:

Judge: Does the prisoner understand his rights?
Interpreter: ¿Entiende usted sus derechos?
Prisoner: ¡Pa’l carajo!
Interpreter: Yes.

Espada glosses “*Pa’l carajo*” as a “strong Spanish obscenity, of obscure origin and virtually untranslatable.”⁶⁵ This is funny enough that some readers may miss what I take to be Espada’s main point—that what the translator says is not a face-saving mistranslation but a simple statement of the truth: by cursing the judge the prisoner shows that he has in fact understood his rights.

If “Mariano Explains . . .” is open to the objection that it is no poem

⁶⁴ *Alabanza*, at 93.

⁶⁵ *Alabanza*, at 236.

at all but a simple transcript (as Reznikoff's work in *Testimony* is open to the charge that it constitutes simple restatement of appellate decisions), Espada elsewhere shows himself quite capable of deploying some of the most traditional means of poetry. In "The Prisoners of Saint Lawrence," he unexpectedly adapts a quintessentially elegant French form, the villanelle,⁶⁶ to a depiction of the less-than-elegant lives of men in a state prison:

Snow astonishing their hammered faces,
the prisoners of Saint Lawrence, island men,
remember in Spanish the island places.

The Saint Lawrence river churns white into Canada, races
past barbed walls. Immigrants from a dark sea find oceanic
snow astonishing. Their hammered faces

harden in city jails and courthouses, indigent cases
telling translators, public defenders what they
remember in Spanish. The island places,

banana leaf and nervous chickens, graces
gone in this amnesia of snow, stinging cocaine
snow, astonishing their hammered faces.⁶⁷

The traditional form here suffers a roughening which seems appropriate to the roughness of the subject. The meter never settles into regularity; the middle lines in each stanza do not rhyme as they would in a traditional villanelle; many of the lines are violently enjambed ("... races/past barbed walls," "... find oceanic/snow astonishing"). Espada has retained only the central element of the villanelle's structure—its arrangement into tercets with a double refrain. By isolating this element, Espada emphasizes its hypnotic effect, and employs it impressively to conjure up the obsession-making monotony of prison life.

Yet how we respond to the poem's structure of images may depend on how fully we share Espada's political vision. The poet offers a fairly schematic opposition between the cold North American landscape and the warmth of the island—presumably Puerto Rico—whose "graces" seem sentimentalized. His apparent characterization of the Caribbean as a "dark sea" would seem to make little sense until we recognize the racial symbolism which lies behind it: the Caribbean is a sea from which

⁶⁶ A form which, coincidentally, Edgar Lee Masters mocks in one of his *Spoon River* poems, "Petit the Poet."

⁶⁷ *Alabanza*, at 151.

dark *people* come to North America. As a symbol of smothering white racism, the snow that astonishes the prisoners is a literary descendant of the snowstorm that descends on the black fugitive Bigger Thomas as he flees from the police in Richard Wright's *Native Son*. The final stanza of the poem implies that some (all?) of the inmates have been imprisoned for drug crimes: "So the law speaks of cocaine, grams and traces . . ." Yet the line "stinging cocaine snow" implies that the drugs themselves have "descended" on the prisoners as part of the unhealthy "weather" of life in the continental United States. One need be no fan of our draconian drug laws to see that this goes quite far in insisting on the prisoners' fundamental lack of responsibility or volition. A skeptical reader might wish to ask, for instance: Are none of these men in prison because, as addicts and drug dealers, they visited violence on people in their own impoverished communities?

Such a question might fail to impress Espada. On the testimony of his poems, the American legal system constitutes a monolithically oppressive force in the lives of minorities and the poor. Some of the poems therefore express the understandable frustration of an attorney compelled to participate in a system he can neither trust nor respect. Thus in "Mi Vida: Wings of Fright," Espada reflects that "the lawyer . . ./like the fortune-teller, ha[s] a bookshelf of prophecy/but a cabinet empty of cures."⁶⁸ As we find so often in Espada's poetry, the metaphor here is richer than it may appear at first glance. On one level it reflects the cultural environment in which the lawyer does his work. (In another poem, the legal aid office sits beside a store which advertises "a manicure/with every palm reading."⁶⁹) But in its suggestion that the lawyer's occupation may be as fundamentally fraudulent as the fortune-teller's, the analogy sums up the bitterness of his position. Finally, these lines may be read as a biting comment on the philosophy of legal realism, which holds that legal expertise consists of nothing more than the ability to predict the behavior of courts. Even if the "prophecies" in the lawyer's casebooks are reliable, Espada implies, they contain nothing of comfort to his clients, because the legal deck is invariably stacked against the poor and the non-white.

It is a striking similarity in the lives of the lawyer-poets considered here that all decided sooner or later to abandon the law for literature (or a combination of writing and teaching: Espada, like Leithauser and Joseph, has become a professor). Espada lasted longer in the law than Leithauser or Reznikoff, although not nearly so long as Masters and

⁶⁸ *Alabanza*, at 98.

⁶⁹ "The Legal Aid Lawyer Has an Epiphany," *Alabanza*, at 102.

Stevens. Even more than in the case of Masters, his legal experience shaped his poetry by allowing him to “get down among people . . . who endured the deprivations of life.” Even more than Masters, Espada expresses a complete and uncompromising disgust with the American legal system; he left the law after finding it incompatible with a life of political activism.



What does the work of these five lawyer-poets demonstrate about the actual and potential relation of law to poetry in modern America? As a superciliously literary young law student, Archibald MacLeish implied that nothing poetic could be made out of the grimy “records of dead sin” that were the lawyer’s stock-in-trade. Yet when MacLeish wrote this in 1917, Edgar Lee Masters, who published *Spoon River Anthology* two years before, had already proved him wrong by basing many of his poems on actual legal cases. Reznikoff’s *Testimony* would constitute an even more thoroughgoing refutation of MacLeish.

It might be argued, though, that the fact that, of the poets discussed here, MacLeish, Reznikoff, Leithauser and Espada got out of the law fairly quickly—with only Masters, Stevens, and Joseph enjoying anything like full legal careers—offers some support for MacLeish’s claim about the incompatibility of law and poetry. So, it might be said, does Masters’s own declaration that practicing law while trying to write poetry made him feel like “Apollo cleaning sewers.” Yet, as we’ve seen, Masters not only drew on historical cases for the subjects of his poems; he also credited his own legal training and experience with giving him the “Cyclopean eye” which enabled him to produce his best work. Masters’s most consistent complaint about the law was that it made him feel like a “pack horse”; and in very much the same way, both Charles Reznikoff and Brad Leithauser decided that law practice swallowed too much of the time that they wished to devote to writing. It seems notable that like Leithauser, Joseph Frank and Martin Espada left the law to go into college teaching—a profession which at this point in American history is available to nearly any well-published poet, and which offers far more time for writing than most legal jobs. No doubt there were other factors at work which led these poets to abandon their lawyering. Yet, of the poets discussed, only Martin Espada may be said to register a disgust with his own life in the law; and the revulsion he expresses is rooted in morals and politics, not (like that of the young MacLeish) in aesthetics.

This does not mean, of course, that the other poets are inclined to celebrate the American legal system. Like Espada, though less harshly,

both Masters and Joseph criticize that system from the vantage of a progressive or radical politics. These poets inspire respect for their effort to speak for the system's voiceless victims—Butch Weldy, Mrs. Lopez, perhaps Joseph's homeless addict. But their advocacy often leads them to present a limited account of the law, and we get little sense of the variety and humanity of legal practitioners (the way we do in, say, the work of the contemporary lawyer-novelist Scott Turow). Too often, I think, the poets yield to an impulse to caricature—an impulse especially visible in their treatment of the judges who appear as characters in their work. As we've seen, although in real life Masters keenly admired some judges, the fictional judicial figures in his poetry are uniformly depicted as arrogant and overweening. Similarly, Espada refers with palpable disgust to one judge as an "ulcerated god"; of another, he observes that "the creases of [his] face/collapse into a fist."⁷⁰ The level of purely *physical* revulsion in these lines is startling—and somewhat troubling in the work of an anti-racist poet who might be expected to be acutely aware of the ways in which the most vicious forms of prejudice signal themselves as physical distaste. Even Joseph, for all the relative mutedness of his politics, cannot seem to describe a judge without ridiculing him, as in these curiously surrealist lines:

His finger jabbing like a revolver,
a talking head in a high-backed chair,
His Honor suddenly takes his glass eye out,
places it on the bench. The Public
Defender's case, he laughs, is a "mystical
allegation." . . . ⁷¹

Like the judicial figures in Masters and Espada, Joseph's judge is characterized above all by his arrogance and his disdain for the powerless (figured here as the defendant). On behalf of thoughtful and conscientious judges—are they less rare than thoughtful and conscientious poets?—we might have some cause to question these portrayals. Granted that caricature can be serious art—as in the cartoons of Daumier or the paintings of Georg Grosz—it can also promote damaging distortions of reality. The contemptuous depictions of judges by Masters, Espada, and Joseph ring especially oddly in a year (2005) when reactionary politicians have made a habit of demagogic attacks on the bench (for, above all, its "arrogance"), while liberals and progressives rush to defend

⁷⁰ "City of Coughing and Dead Radiators," *Alabanza*, at 96.

⁷¹ "Just That," *Before Our Eyes*, at 62.

judges as the guarantors of precisely those rights that the three poets might be expected to value most highly.

It is, ironically, Reznikoff—whose poetry offers no direct consideration of legal issues or commentary on the legal system—who offers, if only implicitly, the most optimistic vision of American law. No less a man of the Left than Masters, Joseph, or Espada, and just as sympathetic to the sufferings of the poor and marginalized, he nevertheless implicitly rejects the notion of the law as a simple tool of oppression. Explaining his version of Objectivism, Reznikoff says that the poet “should be restricted almost to the testimony of a witness in a court of law.” That is, he should concentrate on the concrete and factual, avoiding abstract statements as the rules of evidence forbid the witness from making conclusory ones. The analogy is striking in its straightforward acceptance of the traditional characterization of a trial as the search for the truth. As the jury decides the reliability of the witness’s story, readers decide the reliability of the poet’s. In Reznikoff’s mind, Anglo-American legal procedure implicitly provides a model of integrity for artists to follow. Of course Reznikoff thereby lays himself open to a charge of naively idealizing a system that frequently shows itself far less than ideal. The problem is that Reznikoff’s model may have limited his poetic achievement, at least in *Testimony*; much of the aridity of that work stems from Reznikoff’s fanatical adherence to his self-imposed “rules of evidence.” Nevertheless Reznikoff’s vision of the legal system seems no less partial than the bleaker visions of Masters, Joseph, and Espada; and certainly, for those of us who study or practice the law, it is the most inspiring.

