

THE ROAD NOT TAKEN—TWICE

Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

—Robert Frost, “The Road Not Taken”

Few people in mid-life really know how they got to be what they are, how they came by their pastimes, their outlook, their wife, their character, profession and successes, but they have the feeling that from this point on nothing much can change. It might even be fair to say that they were tricked, since nowhere is a sufficient reason to be found why everything should have turned out the way it did; it could just as well have turned out differently

—Robert Musil, *The Man Without Qualities*

When, as I am, you are someone who has abandoned the lucrative, albeit much-maligned, profession of the law to enter the dangerous, much over-admired, one of literature, and made even a modest go of it, you tend not infrequently to be turned to by the self-doubting to give advice. But one of the things, I’ve found, that characterize people with a penchant for giving advice is that they tend to feel they’ve made some grave mistakes in life, and would like, as all misery does, to have company. So I hope, and trust, you won’t misinterpret the remarks to follow as advice.

Along with what I’ve just said, one of the ways people most tend to over-value the achievements of others is by crediting them with courage they never had, assuming their motivations to have been grander, and more noble, in origin than they actually were. This is a projection on the part of others one is often the beneficiary of when one has abandoned the lofty and potentially remunerative terrain of jurisprudence for the far more uncertain, and riskier, road of poetry. But *true* courage, as anyone who has it—and anyone who doesn’t—knows, is hardly so simple a matter.

“Courage,” as I wrote to my son in a volume of reflections I assembled for his 15th birthday last year:

is what happens when—*fully aware* of its risks, dangers and possible consequences—you do something that could be dangerous to yourself or those you love because the possible outcome of your actions supports something you deeply believe in.

“What courage it must have taken!” people have often said to me regarding what they perceived as my ‘decision’ to leave the law and pursue a vocation as a poet and writer. But they were wrong: It didn’t take courage (if it had, I might not have done it): I was merely following a path I had no choice—because I was *driven*, rather than aware—but to follow. *That* may be admirable in its own right, but it’s *not*, insofar as I’m concerned, courage. Courage, rather, asks much more of us: It requires that we *know* what we are doing and are aware—as best one can be in such a world—of its consequences. I, for example, had no idea at the time that my ‘courageous decision to abandon law for poetry would—or, even, might—leave me, at age fifty-five, in a state of having constantly to worry about money and security. Had I known that, I might, back then, have at least thought twice: *Then*, had I still chosen to do so, my act might have qualified as courage.

Now, I wasn’t trying in this fragment—nor am I trying now—to seem overly humble about what may have appeared, in my own case, to be a “heroic” choice, but was merely, in fact (like so many seeming “choices”), the product of a compulsion . . . I was merely trying to be, as any son deserves from a father, honest. For there comes a point in life when one owes it to oneself, if not to others, to make a more clear-minded accounting with one’s own past, one more grounded in honesty than in self-congratulation. Though the results may, at times, be less than flattering, they may, at the very least, provide the consolation of truth.

So let me tell you a little bit of the “truth” as it seems to me now.

What I *did* have plenty of when I graduated from law school was, if not courage, *passion*, which can sometimes easily be mistaken for it. I had a passion for writing poetry that—much like the passion one feels when in love—made it virtually *all* I wanted to do, making a living be damned. But whereas true courage is an attribute that tends to open up one’s options and choices, passion is an emotion that—consoling though it may be at times, since it allows us a certain freedom from having to make difficult decisions—tends to close them down. Which is precisely why the most common words accompanying descriptions of one’s passionate state are: “I *had* no choice.” And also why, on the other hand, we speak of being *emboldened* by passion.

But—at that point in my life, at least—I, too, had no choice.

The fact is that true heroism, which usually takes place in rather private, and rather unheroic-seeming, circumstances, is—and has always been—in short supply, and may, at times, be more a matter of staying in place (not to be confused with the kind of “staying the course” that our current President advocates) than of moving on. It may, in fact, be taking *more* courage for me simply to admit, as I am doing now, to my

previous lack of it than to rest on laurels I neither contemplated nor deserved. For, to quote former Supreme Court Justice Robert Jackson, reversing himself, on one occasion, as to a point of law: “The matter does not appear to appear to me now as it appears to have appeared to me then.”

Not at all, I assure you, not at all.

I was, in fact, rather a good, and terribly passionate, law student in my time—“my time” being, to be precise, at the Cornell Law School between 1971 and 1974. From the starting bell—when our Contracts professor, Walter Oberer, a master of the Socratic method, called out, on the first morning of our first class, “Mr. Blumenthal, will you please”—I have my doubts, in fact, as to whether he actually used the word “please”—“Mr. Blumenthal, will you please give us *Hawkins v. McGee*.” *Hawkins v. McGee* was the infamous “hairy palm” case, in which there was a putative breach of contract when the doctor removed the growth from the hand successfully, but Hawkins grew a thick covering of hair where the growth had been.

As you may remember from your own legal studies, the facts of the case were rather straightforward: Hawkins met with McGee, a doctor, to repair some scar tissue on his hand. McGee promised Hawkins a “hundred percent good hand,” but following the operation Hawkins’ hand became badly mangled, with thick hair growing out of the palm as a result of the experimental skin graft surgery. Hawkins sued McGee for breach of contract and the jury found for Hawkins, awarding \$3,000. On appeal, the appellate court said the verdict would be set aside unless Hawkins agreed to return all but \$500 (they held the damages awarded were excessive). Hawkins refused, and the verdict was overturned.

The appellate court here argued, rather reasonably I think, that the pain and suffering experienced by the plaintiff in the course of the operation should not be cause for damages because it was simply the pain and suffering the plaintiff would have been willing to endure had the surgery been successful. Pain and suffering don’t necessarily measure the value of a good hand or the difference between that value and the value of the plaintiff’s current hand, the court argued, and I—a much more reasonable fellow now than I was then—would tend to agree.

It might be worth recalling, by way of a real-world and somewhat ironic footnote, that McGee settled with Hawkins out of court before the new trial even began, and then turned around and sued his liability insurance company for settlement and attorney’s fees. The trial court ruled in favor of the insurance company because, it said, McGee’s insurance policy didn’t cover the kind of warranty he had made to Hawkins, and that—perhaps to a certain dissatisfaction on the part of *both* parties—was the end of the matter . . . imperfect, but real.

But I was young, and rather troubled, back in 1971, as well as temperamental and filled with the *hubris* and insecurity of my own narcissism, and it was not merely Mr. Hawkins', but all pain and suffering—not just the unreasonable and the remediable kind—I wanted to eradicate. What I was passionate about at the time—and like to think I am still—wasn't exactly the law, but, rather, justice itself. Mine, however, was a justice of a rather abstract and romantic sort . . . the justice, we might say, of Icarus, but not of Daedalus. It was a childish, rather post-adolescent, justice, a bit like that the poet John Hollander speaks of in his poem entitled "The Court of Love: Special Sessions":

Imprisoned in this court of law,
I hear the guarded lawyers drone
On in a halting monotone
And may not even read or draw.
But, the sole juror of my case,
Sequestered in my present fate,
Wearily I deliberate
The future's blank and silent face.
Though turnkey Time may set me free
From the dark courts of the loins and heart,
I shall not ever have the part
Of Justice which is Equity.

rather than the somewhat more mature, and more sober, justice that would comprise, years later, the two refrain lines of a villanelle of my own, entitled "Perfect Justice":

The dead are dead, and lovers love to kiss
Here in the perfect justice of what isn't, and what is.

Nonetheless, I was, in all humility, one of the "stars" of my class that first year, and—but for what I would *still* maintain was a highly unmerited "C" given to me by Professor Ernie Roberts in Property Law—would clearly have been selected for Law Review, which I was nonetheless encouraged by several of my professors to enter the writing competition for, an invitation to which I replied, with true Melvillian disdain: "I would prefer not to."

Thus began my career, not so much as an aspiring lawyer, but as a disgruntled rebel, distinguishing myself during my remaining two years, not so much by my legal brilliance, as by—in the company of my equally non-conformist classmate, Rich Stumbar (now a highly successful lawyer in Ithaca, New York)—taking over the law school newspaper, *The Advocate*, and turning it into a platform for our poetry and assorted testosterone-infused yelps and discontents.

The summer after our first year, Rich and I headed, not for Wall Street, but for the stone staircases and repair-hungry walls of Cornell, where we took summer jobs with the Cornell grounds crew. I, more particularly, was an assistant to a stonemason by the name of Bill Hooten, who referred to me, not as “Esquire” or “Counselor,” but as “Meathead.” The one thing I learned for certain that summer was that, if I were going to make a name for myself anywhere, it would far more likely be before the bench of some court than beneath benches of stone and concrete. But the former, too, was not to be.

During my second year of law school—as my attentions were already beginning to wander from Civil Procedure and the Uniform Commercial Code to Thoreau and Emerson and Wordsworth and Stevens—I, at the suggestion of a third-year acquaintance, Dick Wiebusch (later to become Attorney General of New Hampshire), drove up to Concord to interview for a summer clerkship with New Hampshire Deputy Attorney General David Souter. No one had advised me—as the former dean of the University of Seville in Spain had once told the Mexican writer (then a law student) Carlos Fuentes—to “forget the codes. Read Dostoevsky, read Balzac. That’s all you have to know about criminal or commercial law.” But I had, apparently, already begun to mutter such things to myself.

Souter, the moment I laid eyes on him, was someone I admired and liked. Possessed of a low-key New Englander’s reticence and charm, he had a winning, somewhat whimsical, smile, an earnestness and discreteness of manner coupled with the kind of openness and amiability that made being in his presence at once soothing and intimidating. He had gone to Harvard College and Harvard Law School, had been a Rhodes Scholar at Oxford, but there was something of Weare, New Hampshire that had never left him, leaving him with a sheen of elegance that was nonetheless possessed of a somewhat “folksy” undertone.

Not only did I like David Souter, but he seemed, much to my surprise, to like me and, a few weeks later, I had my first legal job as summer clerk of the Criminal Division of the New Hampshire Attorney General’s Office. The Attorney General at the time, by the way, was future New Hampshire Senator Warren Rudman.

It was a good, albeit somewhat lonely, summer, that summer of 1973 in Concord, New Hampshire. I was introduced to the New Hampshire Legislature by Attorney General Rudman as “our intern, Michael Blumberg,” wrote legal memoranda for Souter on a number of legal issues, worked on a long brief for a case before Concord’s Federal District Court regarding the constitutionality of the transfer of prisoners from state to federal prison without a prior hearing, and, near the end of the summer (at David Souter’s suggestion) went for an interview with

Federal District Judge Hugh Bownes for a federal clerkship upon graduation the following year.

Bownes, like Souter but in an utterly different style, was an amiable and likeable man, though, from what I gathered, significantly more politically liberal at the time than was my boss. Though I remember little of our actual interview that summer, what I do remember was his responding, when I mentioned that I wanted to be a writer, you'd probably do the world a helluva lot more good as a writer than as a lawyer," an observation I took mental note of.

Several weeks later, when I expressed a similar ambition to David Souter (with whom I had had several prolonged conversations about Emerson and Thoreau and their meanderings atop Mount Monadnock), my boss's response was a rather more cautious one. "Be careful," he advised me with genuine concern. "The law is *not* a very forgiving mistress."

It was, as you may recall, what became known as "Watergate summer," the news being dominated by Sam Erwin's Watergate hearings and the uncertain fate of our beloved President, Mr. Nixon. "Though we shall be wishing you well in person before the day is over," Souter and Warren Rudman wrote in a letter they handed me over lunch on the last day of my internship:

we want to resort to the formality of this letter to remind you of the pleasure we have taken in our association with you as a lawyer in this office. One of us particularly has worked with you in solving problems and has been able to rely upon your research and on the prose in which you distilled it. Even if it were not for that, we could judge you well from the value your colleagues in the Criminal Division have placed on you and made it a point to tell about.

We call it a good association that we have had this summer. It has been a summer in which a number of our profession have been shown derelict, but you help to confirm our continued belief that lawyers really are likely to be the best men.

Kind and generous though that letter was (and still is), I think it only fair to observe as well it's rather pre-feminist sensibilities (viz. "the best men"), as well as my own conviction at the time—a conviction, I might add, on which I now stand somewhat corrected—that most lawyers tended to be anything *but* "the best men". . . or the best women, for that matter. But be that as it may: I was on my way to other, though not necessarily greener, pastures.

Judge Bownes, as it happened, *did* offer me that clerkship—a clerkship I at first accepted and then (in a moment that will forever be an embarrassment to me) turned down, having decided that I wasn't fit,

after all, to live in the pre-fabricated log cabin I had envisioned for myself in the New Hampshire woods. The fact was, however, that I didn't at all know myself then, nor for a long time thereafter, and wasn't really fit to make *any* decision that would commit me to a lifetime—or, for that matter, a career—doing anything in particular. I was simply, at the time, an artist without a medium, someone destined, as the poet Roethke so aptly put it, to “learn by going where I have to go.” And off I went.

“Off” was, first, to a clearly self-destructive job with the Anti-Trust Division of the Federal Trade Commission, where I spent four months (supposedly) researching anti-competitive practices in the California raisin industry, a project that involved me (in those rare moments when I didn't sneak out of the office and spend my day at the National Zoo) in prolonged phone conversation with Armenian raisin farmers in Fresno and the surrounding areas. By January of 1975—despite having, in the meantime, passed the New York State Bar—I had had more than enough of raisins and of what I thought of as the law: I walked into the office of Division Director Al Dougherty and, without so much as a second thought, left the lofty corridors of the law forever. But not before, with a lack of talent almost dazzling in its lack of self-consciousness, I had committed the fruits of my raisin research to paper:

A raisin is some sunshine you can eat . . .
A raisin is a little black boy
left in the bathtub too long . . .

and so on.

It was the kind of stuff that, no doubt, might have landed me, not a poetry teaching job at Harvard, but a spot in the advertising department at Del Monte, probably not even that. But I was a determined lad, and off my poem went—along with a brief biography of its author—to a well-respected magazine at Oberlin College entitled *Field*. In no more time than it took a plane to travel between Washington and Oberlin, Ohio and back, my poem—along with its author's biography—came back to me in its stamped, self-addressed envelope, along with the following handwritten note:

Dear Michael Blumenthal:

Don't ever lay a trip like this on any decent magazine . . . it marks you.

The Editors

P.S. “Raisin= little black boy” particularly offensive

And so ended my legal career, and began what only some inscrutable God knew was to be the next one.

Were my own son, now sixteen, as recklessly and thoughtlessly to cast aside what might have been a secure and interesting future to embark on a path for which he had no documented, or obvious, talent, I must tell you, I would go through the roof . . . and possibly send him there as well. But I was, at the time, a young man without either guidance or grounding, and the law—and most certainly the Federal Trade Commission—was no place for a young Icarus . . . nor an incipient Rimbaud. I was off, to God only knows where.

But “escape,” as the German judge and novelist Bernard Schlink pointed out in his wonderful novel, *The Reader*, “involves not just running away, but arriving somewhere,” and I had no idea whatsoever as to where I was going to arrive. What I *did* know, however, somewhere deep inside was that the law would sooner or later demand of me that I become a man and a responsible citizen, while what I truly wanted—a condition of life far more conducive to poetry than jurisprudence—was to remain, forever if possible, a boy . . . what the Jungians so aptly call a *puer aeternus*.

I was lost, quite purely and simply—terribly, terribly lost. Without any real talent (I thought) to become a writer, nor the maturity or stick-to-itiveness required of a lawyer, I was simply off on my own, into the ozone layer of the footloose and fancy free. “Sometimes,” my friend and classmate Rich Stumbar was to say to me several years later, “you seem to have no center.” And he was right: I *had* no center.

“The Odyssey,” Bernard Schlink also observes in his novel, “is the story of motion both purposeful and purposeless. What else is the history of law?” But without a center to move *from*, motion is little else but an unsettling, disruptive counterpoint to stillness. And that kind of motion, alas, is almost *always* purposeless, for the malady it seeks to cure—or at least to escape from—can be cured, if at all, only by staying in place. Or—as was, perhaps, the case for me—by sheer fatigue.

To illustrate, with the kind of candor one can only begin to afford in mid-age (“The first rule of life,” wrote Oscar Wilde, “is to adopt a pose... What the second is no one yet knows.”), how truly confused and uncentered I remained well into my late 30s and the beginnings of what had somehow, miraculously, become a literary “career,” let me tell you yet another story involving the very same Judge Hugh Bownes who offered me that Federal District Court in my last year of law school. It’s a story that testifies, not only to my own confusion and ongoing ambivalence, but to Judge Bownes’ profound decency and generosity of spirit.

Sometime around the fall of 1988, some 14 years out of law school and in my fifth, increasingly disenchanting, year of teaching at Harvard, I called up Judge Bownes in his chambers in Concord, New Hampshire,

and asked if I might drive up and see him. Miraculously enough, he not only remembered me (“Yes, I remember,” he said on the phone, “you were the young fellow whom David Souter recommended, and whom I offered a clerkship to, and who then turned it down.”), but—in an act of kindness and forgiveness I have, to this day, never forgotten, and never will—agreed to meet with me in Concord the next week.

“America,” said F. Scott Fitzgerald, “is the country of the second chance.” And now I had my second chance. When I arrived at Judge Bownes’ office, several of the essays I had written about poetry and justice in hand, he took me into the office where his present clerks—one of whom, remarkably enough, was a former Assistant Professor of Biology at Harvard who (as I presently saw it) had seen the handwriting on the wall and headed off to law school—were working. I liked all the Judge’s clerks, had a pleasant chat with each one, and then again with the ever-generous judge, and—having shyly and tentatively made my request for yet another chance at a legal career—headed back to ever-literary Cambridge.

A week or so later, a letter from Judge Bownes arrived in my mailbox. “Dear Mr. Blumenthal,” it began:

I enjoyed our talk last week in my chambers, and all my clerks enjoyed meeting you as well. Though I am unable to offer you a clerkship for the coming fall, since all the clerkship positions for the coming year have been filled, I can offer you a clerkship for the year beginning in September, 1989.

Please think about this carefully, and let me know your decision within the next two weeks.

Yours sincerely,

Hugh H. Bownes
Federal District Court Judge

So there I was, once again at the fork in the woods whose lesser-traveled road I had chosen once before. What to do? I already had a Guggenheim Fellowship, and a sabbatical, for the following fall, and—had Judge Bownes’ offer been for *that* year—would, no doubt, have accepted. But were my feelings about wanting to give my legal career a second try so strong—could I *really* guarantee that, if I accepted, I wouldn’t let this kind and generous man down once more—that I could, in good faith, say “yes”?

As it turned out, I had already planned a trip to Washington, D.C. the following week, and called my old Jungian analyst, Jerome

Bernstein, (who had once upon a time none too subtly encouraged me to go back to the law) to make an appointment.

When I showed up at Bernstein's office, I recounted to him the dilemma I was now, once more, facing. "You might remember," I said, "that you always encouraged me to go back to the law when I lived in Washington." (Jungians, you may or may not know, tend to be considerably less reluctant to dispense advice than are Freudians.)

"Yes," he replied, "but you're at a different point in your life right now. And it doesn't seem to me like a good thing for you to do."

"Dear Judge Bownes," I wrote from back in Cambridge several days later,

Deeply as I appreciate, and am moved by, your generosity and kindness, both in agreeing to see me and in offering me, once again, a clerkship in your office, I do not feel that, in good faith, I am in a position to accept that offer.

Had the clerkship offer been for the coming year, I would have accepted with both enthusiasm and gratitude. But, being that I have already once disappointed you in the past and that you have been both so kind and so forgiving as to give me the opportunity of serving as your clerk once again, I do not feel that I can, with a clear conscience, accept an offer that would involve my committing myself over a year and a half in advance of the actual commencement of the position.

So, with both a certain sadness and with a profound sense of gratitude, I feel I have no choice but to decline your offer and to testify that you have proven to me, once again, that both Warren Rudman and David Souter were right when they advised me, some fifteen years ago, "that lawyers really are likely to be the best men."

Yours gratefully and sincerely,

Michael Blumenthal

So there it was. Once again, I had taken—not, I would maintain, out of courage, but out of what might well have been a *lack* of it (and also, perhaps, a certain submission to fate) "the road less traveled by." And for me, too, "that has made all the difference." (Judge Bownes, by the way, retired from the U.S. Court of Appeals for the First Circuit, to which he had been elevated by President Carter, in September of 2003, and died just two months later. But I, who hardly knew him, will remember him with gratitude for the rest of my earthly days).

What might have happened had I accepted Judge Bownes' second offer of a clerkship, I shall never know. Surely, I would never have—as

I did the next summer in Quito, Ecuador—met my wife, and, therefore, never would have had my beloved son who, in a beautifully ironic turn of destiny and fate, is planning (unambivalently!) to be a lawyer himself.

I suspect, indeed, that had I accepted (either time), I might well have gone on to become a good lawyer, if not an entirely happy one, despite my distaste for that sartorial accoutrement known as the tie. Surely I might have experienced less in the way of financial and geographic stress, surely I would have had the luxury of a kind of detachment from the increasing triumph of personality and personal relations that characterize literary life in this country (particularly within the world of—a term whose relationship to true literature is roughly the equivalent to that of a zoo to a wilderness—“Creative Writing”).

So would I—being who I am now, knowing what I now do—do the same thing all over again? In all honesty, probably not, for literary life is really not at all as I dreamed it, nor are literary people (myself included) the better-than-human angels I once wished them to be. Were I to do it again, I might very well try to make for myself and my family, as Frost suggested, “a place apart” and dance, as the poet Stanley Kunitz so wisely counseled “for the joy of surviving, / on the edge of the road”, where what counts are not connections and networks and favors and personalities, but the only thing that truly *ought* to count: words on paper. But one possible definition of life is that it is *precisely* that process in which we are never now what we were then, and never knew then what we know now. From that point of view, the epitaph on *every* person’s grave might read: “He didn’t know what he should have known.”

And merely in the possession of that sobering knowledge—as in the late Stanley Kunitz’s remark that the most significant fact of our lives is that we are living and dying at once—plenty of poetry, believe me, already resides. But the fact remains that a career in the law can provide one with a chance to put, and keep, one’s feet where all our feet must eventually go: *on the ground*. It also can offer one, as my friend Prosser Gifford, a far more eminent ex-lawyer than I (and, until his recent retirement, Director of Scholarly Programs at the Library of Congress), recently reminded me, “the excitements of dealing with large problems on a large scale.” All this is, perhaps blessedly, a far cry from the romantic poet’s condition described by Baudelaire in his renowned poem, “The Albatross”:

The poet is like the monarch of the clouds
riding the storm above the marksman’s range;

exiled on earth amid the jeering crowd
his giant wings keep him from walking.

But a legal career also allows the lawyer to heed the more sanguine—and no doubt more happiness-engendering—advice of our most famous lawyer-poet, Wallace Stevens, who, in his poem “Sailing After Lunch,” put it this way:

The romantic should be here.
The romantic should be there.
It ought to be everywhere
But the romantic must never remain.

The Estonian writer, Friedebert Tuglas, in one of his short stories, “Arthur Valdes,” puts it somewhat differently. “An author,” he writes:

should be an amateur! Literature should only be an ancillary activity for him! The further away his everyday profession is from writing, the better. Let him be a manufacturer, a farmer, a sailor, a huntsman. Let him do physical work, fell trees, dig the soil, make bricks: – whatever he does teaches and shapes a sense of form. Let him see many landscapes and live simply among active people: that will sow the seeds of and deepen his imagination. How can we have an expansive and vivid imagination, if we see nothing expansive or imaginative in our everyday lives! We marvel at the visions of the Renaissance masters, but we forget that they were often in uniform or serving in the merchant navy, fighting against storms and pirates. Can we, in feebleness, create myths? . . .

The contemporary literary spirit is, in the negative sense of the word, superior and aloof from life. No ideal revolution can make it living and active while the writer is still part of a caste of writers until he becomes active, no longer fearing for his material existence. No aesthetes, but the “petty bourgeois”; no bohemians, but “heads of households”; no artists, but workers! That is what a future aesthetics needs.

One of my favorite writers, the Austrian Robert Musil, from whose magnificently inclusive novel I quoted at the beginning of this lecture, put it somewhat less passionately, but perhaps even more accurately. “The poem of life,” Musil wrote in a passage that might speak to any young law student or lawyer:

has this advantage over all other poems, that it is set in all capital letters, as it were, no matter what its content may be. Even the youngest trainee in a firm of world rank has the whole world circling around him, with continents peering over his shoulder, so that nothing he does is without significance, while the lone writer in his seclusion

has at most flies circling around him no matter how hard he tries to get something done.

That (“the whole world circling around”) does not, for better or worse, seem to have been the fate the gods decreed for me. Nonetheless, what the years—with the help of men like Justice Souter and Judge Bownes—have convinced me of, though perhaps later than I might have preferred, is the more grounded reality that decency, integrity and high-mindedness are the domain of no single profession, and of no one pursuit, that—as Flannery O’Connor so memorably put it—a good man (or a good woman) is *still* hard to find . . . no matter *what* the occupation.

Human fallibility, duplicity, vanity and greed certainly have their bounds, but those bounds, I assure you, are not so neatly delineated as those between literature and law, nor between any two professions. For dignity can find a home—or can be homeless—anywhere, and all other things being equal (which they hardly ever are), it’s best to follow Robert Frost’s good advice and try to “go down dignified.” (And it may also be good to remember—as the poet Howard Nemerov put it in a poem aptly entitled “Manners”—that “virtue is it’s own reward, you see/ and that is all it’s ever going to be.”)

In that regard, I should perhaps not hesitate to observe, from the not-so-lofty pinnacle of mid-age, that some of the most honest and dignified persons I have known—among them the two men to whom this essay is dedicated—have been lawyers; some of the least (along with, to be sure, several of the most) dignified and honest have been poets. (Which may simply be yet another way of re-stating the obvious: that life is everywhere mixed, and that there are no professional “monopolies” on vice and virtue.) And, should he continue to wish to do so, I will be happy and proud, some day, to see my own son among the former.

So where does all this leave me on this late-fall day in mid-life—aside from with a very modest paycheck? It leaves me with the wisely resigned and accepting lines of my noble better, William Butler Yeats, who, at the end of his glorious poem, “Meditation in a Time of Civil War,” wrote the following:

I turn away and shut the door, and on the stair
Wonder how many times I could have proved my worth
In something that all others understand or share;
But O! ambitious heart, had such a proof drawn forth
A company of friends, a conscience set at ease,
It had but made us pine the more. The abstract joy,
The half-read wisdom of daemonic images,
Suffice the aging man as once the growing boy.

And it also leaves me wishing you all the very best of luck in your own legal careers, which—thanks to the likes of teachers like Jim Elkins—may even turn out to contain a bit of poetry as well.

—for David Souter and in memory of Judge Hugh Bownes, two of the very best of men