Constructing a Canon of Law-Related Poetry


Reviewed by Alexandra J. Roberts*

I. Introduction

Law and poetry make a potent, if surprising, pair. Poetic language thrives on simultaneity and open-endedness, while legal language seeks resolution and closure. The law-and-literature movement, since its inception in the early 1970s, has given rise to scores of articles, books, symposia, and specialized journals, and most U.S. law schools now offer at least one course on the topic. Most of the scholarship it spawns has either focused on law as literature—applying rhetorical tools to judicial opinions and legislation—or

* Litigation Associate, Ropes & Gray, LLP. The author would like to thank Ian Ayres, A. Mitchell Polinsky, Daniel B. Roberts, Judith Resnik, and David A. Skeel for their comments and suggestions on earlier drafts, Eric Goralnick for his support, and the editors at the Texas Law Review for their expert revisions.


3. The law-and-literature movement in its current incarnation can be divided into several strands. The humanist or “moral uplift” approach argues that to become a good lawyer and a good citizen, a law student needs to learn “how to be a human being capable of love and imagination.” Martha C. Nussbaum, Cultivating Humanity: A Classical Defense of Reform in Liberal Education 13–14 (1997). Proponents of this theory argue that literature concretizes the abstract, enabling lawyers to better understand human nature, learn from others’ experiences, engage in moral decision making, and incorporate emotion and intuition with more traditional modes of legal logic. Jennifer Bard et al., Three Ways of Looking at a Health Law and Literature Class, 1 DREXEL L. REV. 512, 527–28 (2009) (citing Harvey Couch, III, Law and Literature—A Comment, 17 VAND. L. REV. 911, 914 (1964)). The second strand, the hermeneutic approach, focuses not on literature but on literary theory and criticism. Id. at 528. This area of inquiry is often called “law as literature” to distinguish it from the study of “law in literature” because it treats laws and judicial opinions as the texts to which literary theory can be fruitfully applied. See, e.g., Martin A. Kayman, Law-and-Literature: Questions of Jurisdiction, in 18 REAL YEARBOOK OF RESEARCH IN ENGLISH AND AMERICAN LITERATURE: LAW AND LITERATURE 1, 7–8 (Brook Thomas & Gunter Narr eds., 2002) (stating that the essay title in Sanford Levinson’s Law as Literature posits a hermeneutical relationship between law and literature, and distinguishing the word choice from law in literature). A third strand of law and literature uses the narratives and stories of individuals to better understand how law functions in “real life,” to give voice to often-marginalized groups, and to glean how such stories can provide evidence or present conflicting
law in literature, considering law as portrayed in fiction, nonfiction, theater, and film. Poetry has garnered scant attention, and most discussions of law and poetry have focused exclusively on the body of work of a single lawyer-poet such as Wallace Stevens or Lawrence Joseph. Some theorists have versions of truth. See Bard, supra, at 528–29 (discussing the evidentiary and epistemological purposes of the third approach).

4. See, e.g., Barbara Johnson, Anthropomorphism in Lyric and Law, 10 YALE J.L. & HUMAN. 549, 550 (1998) (purporting to use the concepts of “person” in poetry and law to illuminate each other); see also Elizabeth Villiers Gemmette, Law and Literature: Joining the Class Action, 29 VAL. U. L. REV. 665, 666, 686 (1995) (discussing the law-and-literature canon based on her survey of law schools, initially conducted in 1987 and repeated in 1994). Gemmette’s 1987 survey found 28% of responding schools offered a course in law and literature, the 1994 survey found that figure had increased to 43%, and a comparable study in 2011 would reflect further increase. Id. at 666; see also ASS’N AM. LAW SCH., DIRECTORY OF LAW TEACHERS: 2010–2011, at 1721–23 (2010) (listing 162 law professors reporting that they taught Law and Literature or a similarly titled course). Reviewing the results from her second survey based on responses from eighty-four professors, Gemmette points out that of the eighty-four courses on law and literature, “eighteen courses utilize fiction only[,] . . . thirty-seven courses utilize both fiction and critical works[,] . . . two courses are structured around James Boyd White’s [book The Legal Imagination[;] one course stresses hermeneutics and utilizes, among other texts, a hermeneutic reader[,] and one course utilizes a reader on storytelling.” Gemmette, supra, at 670 (footnotes omitted). None of the courses appears to devote significant time to law and poetry, and the syllabi Gemmette collected include only a few poems. See id. app. B at 795–813 (listing in the aggregate fewer than one poem per professor in the syllabi).


blamed the paucity of scholarship about law and poetry on “the dearth of poetry about law.” In the text used most often in law school courses on law and literature, Richard Posner opines that “[r]elatively few short poems take law as their theme.”

Yet, a recently published anthology of one hundred “law-related poems” entitled *Poetry of the Law: From Chaucer to the Present*, edited by law professor David Kader and attorney and poet Michael Stanford, belies Posner’s claim. This Review considers the place of poetry in legal studies and advocates incorporating poetry into both the dialogue and the curriculum of the law-and-literature movement. It identifies themes in the poems of Kader and Stanford’s anthology, explores the relationship of fixed-verse forms to law in several of those poems, and draws attention to those voices that have been silenced both in this collection and in the study of law and literature generally. This Review relies primarily on the process of close reading, and in so doing, it practices law in literature while it models precisely the type of critical approach that would well serve those participating in the study of law as literature.

The editors of *Poetry of the Law* characterize as law-related “a poem with a legal setting (the courtroom, the lawyer’s office, the judge’s chambers,
the law-school classroom) or a poem largely organized around legal issues, concepts, metaphors, or language.” 12 The poems in this anthology make a compelling case for the inclusion of poetry in the law-and-literature curriculum and demonstrate what a canon of poetry for that curriculum might include. In addition, because many law-related poems are self-contained works that offer great depth without great length, law students can read fifty poems in the time they might have read just one novel;13 the study of law-related poetry thus lends itself exceedingly well to the format of a single-semester law school course.14 If law-related poems are to be incorporated into the syllabi of Law and Literature courses, it behooves us to consider what the poems teach us in isolation and what patterns and tropes emerge when we read them in juxtaposition.

On the first page of their introduction, Kader and Stanford declare that *Poetry of the Law* “fill[s] a striking gap” as “the first anthology of poetry about the law to be published in the United States15 in half a century and the first selective anthology on the subject ever published.”16 Though their assertion is either redundant or self-canceling—an anthology is, by definition, selective—*Poetry of the Law* indeed fills a gap. The editors categorize the poems as “sort[ing] themselves into roughly six overlapping categories”: (1) poems about lawyers and judges, (2) poems about the citizen in the legal system, (3) poems about historical trials, (4) poems about punishment, (5) poems exploring legal concepts, and (6) poems applying legal metaphors to nonlegal subjects.17 The poems are not arranged by category, however, but appear chronologically by the date of birth of each poem’s author. Although not without flaws,18 the anthology contains powerful works from a

13. See, e.g., Sara D. Schotland, *Justice for Undergraduates: Teaching Law and Literature in the Liberal Arts Curriculum*, CURRENTS IN TEACHING & LEARNING, Fall 2009, at 41, 46 (acknowledging that professors might “find it impractical to include *Crime and Punishment* or *Bleak House* on their syllabus because of their length”).
14. Poems also lend themselves to academic legal writing better than do long works of prose because a set of poems can be incorporated wholesale into a law review article or book that discusses them, while a novel or work of nonfiction must be summarized; consequently, the discussion of a long work of prose can prove inaccessible to those who have not read it. See, e.g., Johnson, supra note 4, at 553–54 & 553 n.20 (reproducing in their entirety two sonnets by Baudelaire in French and English, translated by Johnson).
15. The editors did not limit their selections to poems by American writers; the anthology includes poems by Irish poets Seamus Heaney and Paul Durcan as well as British poets Percy Bysshe Shelley and Glyn Maxwell, among other non-U.S. poets.
18. As Rains points out in his review, the anthology’s notes on poets and glosses on archaic and foreign terms are woefully inadequate: “The further one reads in *Poetry of the Law*, the less likely one is to find a note about poet or poem. It is as if the editors were writing against deadline and simply ran out of time.” Rains, supra note 16, at 461. The anthologized excerpts from Chaucer,
range of important poets and possesses the potential to augment and reshape the law-and-literature curriculum. At the same time, the editors’ slavish adherence to a male-dominated literary tradition severely undermines their attempt to broaden the existing canon.

The first part of this Review identifies some of the themes that emerge from the poems anthologized, focusing on the poets’ use of particular tropes and devices in their portrayal of law and lawyers. The second part focuses on the role of form in the anthology’s fixed-verse poems, arguing that traditional poetic forms represent law in the poems. The third part explores the roles played by women within the poems, including the personification of Justice that appears in a number of pieces. It also laments the near-total absence of women poets in the anthology—an absence that mirrors the under-representation of women writers in law-and-literature syllabi generally. The Review primarily engages the technique of close reading and incorporates portions of the text discussed, rendering it accessible to those unfamiliar with the poems.

Legal and poetic language differ in the relationship of each to meaning. While poets intentionally “cultivate ambiguity and multiply meaning, legal prose aims for concision and clarity.” Despite the ostensible aim of legal prose, statutes that give rise to controversial judicial opinions “are often deeply ambiguous texts,” as are poems; “[t]he specter of hopeless indeterminacy, of rampant subjectivity, hovers over the key texts of both” literature and law. One prevalent strand in the law-and-literature movement has focused on the most complicated literary works precisely because their complexity and open-endedness provide fertile ground for multiple interpretations. Given that “law, like literature, is unavoidably linguistic in nature, literary insights into the situated, contingent, often ambiguous character of language [a]re as applicable to legal texts as to literary ones.” No other genre offers more ambiguous language than does poetry.

One lawyer writing in the late ’90s declared: “It is no longer necessary to justify the use of literature to approach law, or vice versa. We live by analogy and metaphor; to the extent that exploration of one medium yields light upon another, it has value.” The skills required to read poetry

Spenser, and Dunbar are especially opaque, rendered inaccessible to most readers by the absence of either translation or comprehensive glossary.

19. See, e.g., Gemmette, supra note 4, at 686 (summarizing the results of her survey data and noting that a dozen works of fiction—Billy Budd, Measure for Measure, The Stranger, The Merchant of Venice, Antigone, The Trial, Oresteia, A Jury of Her Peers, Bleak House, To Kill A Mockingbird, Bartleby the Scrivener, and Noon Wine—were taught in at least twelve and sometimes as many as thirty of the responding teachers’ courses but that only two of the twelve stories were written by women).

20. Skeel, Lawrence Joseph, supra note 6, at 930.

21. POSNER, supra note 6, at 273.

22. Skeel, Practicing Poetry, supra note 6, at 1757.

carefully and well are related but not identical to the skills lawyers exercise in interpreting statutes and case law. Poetry requires diligent attention to its author’s choices, including theme, rhetorical device, figurative language, organization, and intertextual conversations. Those same choices inform all good legal writing, and the reader who is attuned to them brings a broader understanding and a sharper skill set to bear on legal texts. Judges, academics, students, and practitioners thus can benefit from the study of poetry in general; the study of “law-related” poems adds relevance and accessibility, and it can also draw attention to those voices marginalized by the judicial process.

II. Discussion: Themes, Form, and Omissions in Poetry of the Law

A. Themes

“[T]hat kept the mind becalmed all winter?— . . . call that the law.”

A number of the poems in Kader and Stanford’s anthology draw attention to the ways in which law uses language, sometimes contrasting legal with poetic language and other times highlighting parallels between the two modes. As one scholar observed,

Poetry, like trial practice or legal writing, if it works well, is an art of rhythms, imagery, and the crafting of language, with the intent to have a certain effect upon the reader/listener. Poetry is a twin to the law . . .


25. Posner grudgingly acknowledges that [!]awyers might be able to derive some professional utility from studying [Wallace] Stevens’s poetry simply because it is difficult . . . . Reading a poem by Stevens requires the reader not only to attend carefully to every word but also to consider the extent to which guides to meaning can appropriately be sought from sources outside the text itself . . . . To be a good lawyer one must be a careful and resourceful reader, and immersion in poetry and other difficult imaginative literature is therefore not the worst preparation for the study and practice of law.

POSNER, supra note 6, at 194.


27. Judith Resnik identifies how “the conventional framings of Law and Literature . . . [may miss] that literature is of use not only in the service of law . . . [R]ather than conceptualizing either discipline as being in the service of the other, one might have considered the joint venturing of the disciplines . . . .” Judith Resnik, On the Margin: Humanities and the Law, 10 YALE J.L. & HUMAN. 413, 418 (1998) [hereinafter Resnik, On the Margin]; see also Judith Resnik, Changing the Topic, 8 CARDOZO STUD. L. & LITERATURE 339, 350 (1996) (“I do not see literature as the ‘handmaiden’ . . . . of law but on equal footing.”). Sara D. Schotland, who teaches at Georgetown University, advocates offering Law and Literature courses to undergraduates. Schotland, supra note 13, at 41.

just as demanding, and ultimately as capable of being used toward a multiplicity of ends.\textsuperscript{29}

In some of the poems in the anthology, the alignment of law and language is explicit. In Reznikoff’s\textsuperscript{30} *Early History of a Writer*, the poet attends law school and finds himself thrilled by the use to which words are put: “the sharp prose, / the forthright speech of the judges,” “sentences that seem[] meaty,” “words / . . . as a pattern for thinking.”\textsuperscript{31} The poet is initially “delight[ed] / . . . to use words for their daylight meaning / and not as prisms / playing with the rainbows of connotation,” although he becomes disillusioned by his second year of law school.\textsuperscript{32} Emily Dickinson applies to law the grammar of literature: “I read my sentence—steadily— / Reviewed it with my eyes, / To see that I made no mistake / In its extremest clause.”\textsuperscript{33}

Eavan Boland, in *The Hanging Judge*, decries the law in grammatical terms that echo Dickinson’s:

\begin{quote}
Come to the country where justice is seen to be done,
Done daily. Come to the country where
Sentence is passed by word of mouth and raw
Boys split like infinitives. Look, here
We hanged our son, our only son
And hang him still and still we call it law.\textsuperscript{34}
\end{quote}

Seamus Heaney offers yet another play on “sentence” in *The Stone Verdict*, whose speaker declares, “It will be no justice if the sentence is

\begin{footnotesize}
\begin{enumerate}
\item Reznikoff devoted several volumes of poetry to stories drawn from case law, initially inspired by those opinions he was tasked with summarizing for the legal encyclopedia *Corpus Juris*. David Skeel, *Point-Blank Verse*, LEGAL AFF., Sept.–Oct. 2005, at 56, 56, available at http://www.legalaffairs.org/issues/September-October-2005/review_skeel_sepoct05.msp. Skeel’s article includes an extensive discussion of Reznikoff’s work, including Reznikoff’s two-volume found poem, *Testimony*.
\item With its use of judicial opinions as the raw material of poetry, *Testimony* radically undercuts the traditional assumption that the poet works in a private sphere that is somehow separate from the pressures and pulls of the public domain. Not only is the poem an object, but it is an object taken from the workaday world that poets traditionally have viewed as unsuitable for poetry. . . . In the poetic tradition inaugurated by Reznikoff’s *Testimony*, . . . distinctions [between law and poetry] begin to collapse.
\item Id. at 56, 59.
\item Charles Reznikoff, *Early History of a Writer*, in POETRY OF THE LAW, supra note 5, at 93, 94–95.
\item Id. at 94–96.
\item Emily Dickinson, *I Read My Sentence Steadily*, in POETRY OF THE LAW, supra note 5, at 67, 67.
\item Eavan Boland, *The Hanging Judge*, in POETRY OF THE LAW, supra note 5, at 155, 155.
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The theme of law as naming force recurs throughout the collection. In John Ciardi’s *E Is for Earwig*, law is cast as “the mother tongue.” The poem cautions, “Be careful what names you allow to adhere to you. / Avoid going to law.” To William Cowper, the role of “[d]efendant, thus, becomes a name.”

Other poems in the collection lament the impotence of both law and poetry to redress wrongs in a specific instance. Martín Espada, in *Mi Vida: Wings of Fright*, decries the immigration attorney’s, and by extension the law’s, ineffectualness: the lawyer, “like the fortune teller, / ha[s] a bookshelf of prophecy / but a cabinet empty of cures.” The speaker in D.H. Lawrence’s *Auto-da-Fé* cries out rhetorically, “Help! Help! I am calling still in English; / is the language dead and empty of reply!” In a poem about the trial of John Brown, law is portrayed as broken, incapable of adjudicating the claims against Brown fairly when he committed no moral wrong:

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No one can say
That the trial was not fair. The trial was fair,
Painfully fair by every rule of law,
And that it was made not the slightest difference.
The law’s our yardstick, and it measures well
Or well enough when there are yards to measure.
Measure a wave with it, measure a fire,
Cut sorrow up in inches, weigh content.
You can weigh John Brown’s body well enough,
But how and in what balance weigh John Brown?
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The indictment of “yardstick law” is brutally poignant: the law in this poem lacks both heart and intellect. It is a crude tool to measure the heroic acts of an abolitionist.

In its quiet defiance, *John Brown’s Body* echoes Oscar Wilde’s imprecation of law in *The Ballad of Reading Gaol*. Wilde’s poem begins, “I

37. Id.
know not whether Laws be right, / Or whether laws be wrong, 42 but belies that feigned neutrality in the stanzas that follow, declaring that “every prison that men build / Is built with bricks of shame, / And bound with bars lest Christ should see / How men their brothers maim.” 43

A poem by A.E. Housman, *Oh Who Is That Young Sinner*, follows Wilde’s in the anthology—the placement is fortuitous given that most critics agree the poem was written in response to Wilde’s trial for sodomy, and that the poem’s eponymous “young sinner” was homosexual. Housman satirizes the sodomy laws via a tale of a man imprisoned simply because of “the color of his hair . . . the nameless and abominable color of his hair.” 44

While law employs precise language, it is nonetheless disparaged in many poems as meaningless drone or indecipherable babble. George Crabbe dismisses the “perverted minds” of lawyers as using the force of law “[n]ot to protect mankind, but to annoy.” 45 In Lewis Carroll’s satirical *The Barrister’s Dream*, the law is “puzzling” and “never . . . clearly expressed,” and the lawyer holds forth for hours before anyone in the courtroom can ascertain what the defendant “was supposed to have done.” 46 While the lawyer “bellow[s] on,” 47 the judge is perpetually “explaining the state of the law / In a soft under-current of sound.” 48 Lawyers “drone[] along,” 49 “babbling” and “dull,” 50 or “drone on with the hollow sound / of boats rubbing a dock that they’re tied to.” 51 To John Donne, the lawyer is a windbag, spewing “[w]ords, words, which would tear / The tender labyrinth of a soft maid’s ear, / More, more, than ten Scavonians’ scolding, more / Than when winds in our ruin’d abbeys roar.” 52

The epizeuxis of “words, words” and “more, more” and the repetition of initial and final “r” sounds in “words,” “tear,” “tender,” “ear,” “more,” “our,” “ruin’d,” and “roar” imitate the lawyer’s endless, meaningless speeches. 53 The reviled lawyer writes as much as he talks, “spar[ing] no length”—men have been made “Fathers of the Church for writing less.” 54

43. Id.
47. Id. at 71.
48. Id. at 69.
49. Benét, supra note 41, at 98.
53. Id.
54. Id. at 18.
Lawyer-philosopher George Anastaplo has argued that “[s]ince a poem is, in the best manifestations, an imitation of nature, it lends itself to careful and productive inquiry irrespective of the intention or the explicit awareness of the poet, just as nature itself does even without being aware of herself.” A poem that employs law purely as metaphor illustrates one of the dominant themes in the anthology’s portrayal of law. Robert Hass dedicates to Justice Brennan his poem *The Woods in New Jersey*, which begins as follows:

Where there was only grey, and brownish grey,
And greyish brown against the white
Of fallen snow at twilight in the winter woods,

Now an uncanny flamelike thing, black
And sulphur-yellow, as if it were dreamed by Audubon,
Is turned upside down in a delicate cascade

Of new green leaves, feeding on whatever mites
Or small white spiders haunt underleaves at stem end.
A magnolia warbler, to give the thing a name.

The poem crisply offsets nature against “the law.” The magnolia warbler, the embodiment of life and nature, is colorful, surprising, and dreamlike. The bird and the natural world precede names and explanations: we are given first “an uncanny flamelike thing,” characterized by colors and prey, hinted at by the reference to “Audubon”; it is only named later, two full stanzas after it enters the poem. While the lines describing “life” are free of repetition and rhyme, those about “law” are packed with both. The first stanza rhymes “only” with “snow” and “white” with “twilight,” and uses forms of the word “grey” three times and forms of the word “brown” twice. The letter “w” dominates with “where,” “was,” “white,” “twilight,” and “winter woods.” The “w” reappears in the third stanza when law asserts itself over the bird, naming it a “warbler” that feeds on “white spiders” and “whatever mites.” The sixth stanza too is packed with assonance, the hard “e” dominating four words in a row: “reasons, trees reaching each,” which

57. Id.
58. Id.
59. Id.
60. Id. (emphasis added).
pick up the same vowel sound in “austere” above and “deer” below. 61 The poem continues:

The other name we give this overmuch of appetite
And beauty unconscious of itself is life.
And that that kept the mind becalmed all winter?—

The more austere and abstract rhythm of the trunks,
Vertical music the cold makes visible,
That holds the whole thing up and gives it form,

or strength—call that the law. It’s made,
whatever we like to think, more of interests
than of reasons, trees reaching each their own way

for the light, to make the sort of order that there is. 62

Bird and life are characterized as pure appetite, “beauty unconscious of itself,” so the names applied to them are externally imposed. 63 Law is the namer, comprising “vertical” girders “[t]hat hold[ ] the whole thing up and give[ ] it form,” “mak[ing] the sort of order that there is.” 64 Natural life preexists law, while law is “made” from the stuff of men, “more of interests / than of reasons.” 65 Life surprises, “flamelike,” while law “becalm[ ]” the mind. 66 Yet in the poem’s final lines, Hass describes the union of the two:

And what of those deer threading through the woods
In a late snowfall and silent as the snow?

Look: they move among the winter trees, so much
the color of the trees, they hardly seem to move. 67
The deer seem to disappear into their “grey, and brownish grey, / And greyish brown” backdrop, blending with the trees until they nearly vanish. They become nameless once again, returning to the anonymous status of “uncanny . . . thing.” Named “deer” in the second to last stanza, the animals are only “they” in the final couplet, paradoxically moving and seeming not to move. Whether law has tamed nature or come to resemble it, the tension in the poem culminates with the apparent synthesis of opposites.

Throughout Poetry of the Law, law commands nature: “[T]he law would have a bull stop at red.” In fact, animals play a surprisingly large role in the anthology. In just one hundred poems, we see dogs in seven different poems, wolves in two, pigs in two, and oysters in two, as well as appearances by a calf, ox, ass, fish, bear, pony, crocodile, beaver, mouse, mule, snake, antelope, bass, squirrel, deer, cow.
mole, trout, and ferret. A remarkable number of birds fly across the pages, including sparrow, chicken, hawk, warbler, and crow, and even more insects crawl, with references to slug, snail, fly, moth, bee, and earwig. Worms appear in four different poems and spiders in two. Sometimes man and beast are conflated, as in Paul Durcan’s *This Week the Court Is Sleeping in Loughrea*, where “[u]p in the amphitheatre of the public gallery / An invisible mob are chewing the cud.” While judge, lawyers, and defendants snooze in the courtroom, a thin stream “carries water out to the parched fields / Where cleg-ridden cattle wait thirsty in the shadowy lees, / Their domain far away from the sleeping courtroom of human battle. / Is it any surprise that there are children who would rather be cattle?”

Mona Van Duyn, in *The Poet Reconciles Herself to Politicians*, also contrasts the living, *id*-driven world with law, using livestock to characterize the former in visceral, animalistic terms: “Wormy riches, pride’s weed, / the hot mash of sex, / power’s cold chickenfeed, / earned by bloody head-pecks” that “greed gobbled raw.” Something needs impose order upon the fowl as they lunge at one another’s heads in the dirt, and that something is “law, / dealing by force / with the heart’s monstrous maw.”

In Reznikoff too, the language of law is both dispassionate and violent, with “all the blood—the heartache and the heartening—gone out of the words / and only, as a pattern for thinking, / the cool bones of the judge’s reasoning.”

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92. *Id.*
93. Abramson, supra note 71, at 177.
94. Fergusson, supra note 71, at 42.
95. Van Duyn, supra note 74, at 123.
96. Benét, supra note 41, at 99.
98. Dove, supra note 91, at 165.
100. Benét, supra note 41, at 97.
101. *Id.* at 98.
102. *Id.* at 97.
103. Ashbery, supra note 72, at 132.
104. Ciardì, supra note 36, at 120.
105. Benét, supra note 41, at 98; Donne, supra note 71, at 20; Shelley, supra note 81, at 53; Van Duyn, supra note 74, at 123.
106. Ashbery, supra note 72, at 132; Hass, supra note 28, at 151.
107. Durcan, supra note 90, at 154.
108. *Id.*
109. Van Duyn, supra note 74, at 123.
110. *Id.*
111. *Id.*
112. Reznikoff, supra note 31, at 95.
George Crabbe, writing in the early 1800s, applies to lawyers the central theme of Thomas Jefferson’s famous letter about the head and the heart:\(^{113}\): “How they should judge of man; his word and deed / They in their books and not their bosoms read.”\(^{114}\) For Crabbe, “[t]he heart resigns all judgment to the head; / Law, law alone, for ever kept in view, / His measures guides, and rules his conscience too.”\(^{115}\) Likewise, Edward Taylor asserts that God gave man law “[t]o regulate his thoughts, words, life thereby.”\(^{116}\)

A number of other poems present law as a force for making and keeping order, as in W.S. Merwin’s *Tool*, in which “the law” has only “one truth . . . stirring in its head / order order.”\(^{117}\) The double “order” mimics the judge’s classic exhortation for “order in the court” while simultaneously communicating the function of law and the mandates it issues. It may also allude to Samuel Taylor Coleridge’s comparison of prose, “words in their best order,” to poetry, “the best words in their best order.”\(^{118}\)

William Matthews’s *Negligence*, which mimics the structure and tone of a legal argument, culminates in a musical plea: “Ladies and gentlemen of the jury, I ask / you to vote against random pain, to vote / that suffering has cause and thus has blame, / to vote that our lives can be explained, and / to vote compensation for my client.”\(^{119}\) The anaphora of “to vote” makes a politician out of the lawyer, and his final attempt to sway his audience calls on the metaphor of law as imposing order on nature: a verdict for the victim is an affirmation “that our lives can be explained.”\(^{120}\) Thomas Lux expands upon the tool metaphor in a poem about instruments of torture, decrying “[w]hat man has done to woman and man / and the tools he built to do it with”\(^{121}\) as “pure genius in its pain.”\(^{122}\)

In Muriel Rukeyser’s *The Trial*, the wrongly convicted “walk to a chair, to the straps and rivets / and the switch spitting death and Massachusetts’ will.”\(^{123}\)

\(^{113}\) Letter from Thomas Jefferson to Mrs. Cosway (Oct. 12, 1786), in 2 MEMOIRS, CORRESPONDENCE, AND PRIVATE PAPERS OF THOMAS JEFFERSON 46–55 (Thomas Jefferson Randolph ed., London, Henry Colburn & Richard Bentley 1829); see also POSNER, supra note 6, at 3 (observing that novelist E.M. Forster’s novel *Howards End* reveals that Forster “associates the legal style of thinking with the failure to connect heart and mind”).

\(^{114}\) Crabbe, supra note 45, at 44.

\(^{115}\) Id.

\(^{116}\) Edward Taylor, Meditation 38: An Advocate with the Father, in POETRY OF THE LAW, supra note 5, at 25, 25.

\(^{117}\) W.S. Merwin, Tool, in POETRY OF THE LAW, supra note 5, at 131, 131.

\(^{118}\) WILLIAM S. WALSH, HANDY-BOOK OF LITERARY CURIOSITIES 909 (Phila., J.B. Lippincott Co. 1893).

\(^{119}\) William Matthews, Negligence, in POETRY OF THE LAW, supra note 5, at 152, 153.

\(^{120}\) Id.

\(^{121}\) Thomas Lux, Traveling Exhibit of Torture Instruments, in POETRY OF THE LAW, supra note 5, at 157, 157.

\(^{122}\) Id.

\(^{123}\) Muriel Rukeyser, The Trial, in POETRY OF THE LAW, supra note 5, at 112, 113.
One key difference between law and literature is that while both rely on language, law’s language is backed by the power of the police state and the threat of physical violence: “[T]he law has direct, instrumental consequences that distinguish it from poetry and other literature in important respects.”

Per the disillusioned speaker in William Carlos Williams’s *Impromptu: The Suckers*, the accused must “get the current / shot into” him despite his innocence, “for the glory of the state / and the perpetuation of abstract justice.” To Ben Jonson, writing over three hundred years before Lux and at least two hundred before Williams, the lawyer comes: “like a chief into the court, / Armed at all pieces, as to keep a fort / Against a multitude, and (with thy style / So brightly brandished) wound’st, defend’st—the while / Thy adversaries fall, as not a word / They had, but were a reed unto thy sword.”

Though a law is made up of words, it also brings to bear the physical punishment of imprisonment, torture, and even death. Lord Byron summarizes that distinction: “The lawyer’s brief is like the surgeon’s knife, / Dissecting the whole inside of a question, / And with it all the process of digestion.”

The lines pack humor—“dirty” lawyers nauseate the poet—but the trope of legal argument as knife is emblematic of the tension between law and poetry throughout the collection. While the metaphorical sword usually appears in judicial decisions to signify an offensive use of evidence or legal argument, law as the “surgeon’s knife” possesses the potential to cure as well as wound. As such, Byron’s metaphor reflects a more optimistic view of the role of law than do many others in the anthology.

As embodiments of the law, lawyers are portrayed in a number of poems as logical and joyless in their use of language. The protagonist in Lawrence Joseph’s *Admissions Against Interest* identifies himself: “[W]hat type of animal asks after facts? / —so I’m a lawyer.” He observes a girl on a bus, singing, laughing, and throwing her hands in the air, her “clear fierce eyes wet / in this rain either with rain or with tears.” The rhymes of “clear,” “fierce,” and “tears” and the monosyllables of the two lines contrast the legalistic five-dollar words that characterize the protagonist throughout the poem: he is “literal,” “reconciled,” “circumspect,” and wholly transfixed.

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124. Skeel, *Practicing Poetry*, supra note 6, at 1756; see also Skeel, Lawrence Joseph, supra note 6, at 930 (“Unlike a novel, judicial opinions can assess damages or send a defendant to jail.”).


126. Id.


129. Id.


131. Id. at 161.
by the free spirit on the bus. 132 “[I]t makes you want to / shout”; 133 she “shouts,” throwing both her hands up in an act of abandon the lawyer envies. He laments: “I could never act / as if I didn’t think. My best cogitations / dwell in air so thick it weighs / on the skin, a solid complex, constrained.” 134

This subpart has attempted to highlight some of the ways in which law and poetry are portrayed as both kin and counterparts to one another and provide a glimpse of the range, accessibility, and beauty of the poems in the anthology. The themes and interpretations discussed, however, represent just a few of the myriad available to readers of the collection. My close readings are not definitive but merely serve as examples. Law students grappling with questions of justice, public policy, and the role of lawyers will find other avenues of ingress to these poems and draw different connections and parallels between their legal studies and the poems.

B. Form
“screaming in this box forever” 135

If, as Hass writes, law “holds the whole thing up and gives it form,” 136 the fixed-verse poems in Poetry of the Law embody that theory. Form in these poems stands in for the law, erecting a framework and set of rules to which the poet must adhere in accordance with tradition. Literary critic Barbara Johnson dubbed lyric poetry “the more law-abiding or rule-bound of the genres.” 137 Wordsworth has compared the sonnet form to a prison, 138 while Keats described it as “chain[ing]” and “fetter[ing]” language. 139 Edna St. Vincent Millay, in a sonnet that opens, “I will put Chaos into fourteen lines,” imprisons the figure of Chaos within “the strict confines” of her sonnet, “this sweet Order . . . where, in pious rape, / I hold his essence and amorphous shape, / Till he with Order mingles and combines.” 140 Fixed-verse forms thus lend themselves elegantly to the subject, where “the strict confines” of the poems themselves mirror the confines imposed by law.

Poetry of the Law includes a range of fixed-verse poems, from Ben Jonson’s epigram in heroic couplets 141 and Robert Fergusson’s use of the

132. Id. at 159–61.
133. Id. at 161.
134. Id.
135. Weldon Kees, After the Trial, in POETRY OF THE LAW, supra note 5, at 117, 117.
137. Johnson, supra note 4, at 550.
standard Habbie\textsuperscript{142} to Weldon Kees’s sestina,\textsuperscript{143} accompanied by sonnets Shakespearean,\textsuperscript{144} Petrarchan,\textsuperscript{145} Wordsworthian,\textsuperscript{146} and Cyhydedd Fer.\textsuperscript{147} John Hollander, asking “How can a punishment fit a crime?,” titled his poem \textit{Tailor-Made} and crafted a tailor-made form for it, following two Petrarchan quatrains with one Shakespearean one.\textsuperscript{148}

William Cowper’s \textit{The Cause Won} begins as follows:

Two neighbours furiously dispute,
A field the subject of the suit;
Trivial the spot—yet such the rage
With which the combatants engage,
'Twere hard to tell who covets most
The prize, at whatsoever cost.\textsuperscript{149}

Published in the eighteenth century, the poem exhibits a number of the themes prevalent in the anthology, including the revelation of law as mere “words,” the metaphorical role of law as the process of naming, the often futile nature of litigation, and lawyers as blowhards:

The pleadings swell. Words still suffice;
No single word but has its price;
No term but yields some fair pretence
For novel and increased expence.\textsuperscript{150}


\textsuperscript{143} Kees, \textit{supra} note 135, at 117–18.


\textsuperscript{145} Sir John Davies, \textit{Into the Middle Temple of My Heart}, in \textit{POETRY OF THE LAW}, \textit{supra} note 5, at 13, 13.

\textsuperscript{146} William Wordsworth, from \textit{Sonnets upon the Punishment of Death}, in \textit{POETRY OF THE LAW}, \textit{supra} note 5, at 51, 51. Wordsworth’s sonnets often employed a rhyme scheme of ABBA, ACCA, DEED, FF.

\textsuperscript{147} Cowper, \textit{supra} note 38, at 40.


\textsuperscript{149} Cowper, \textit{supra} note 38, at 40.

\textsuperscript{150} \textit{Id}.
The poem appears to be a Cyhydedd Fer sonnet, a Welsh form not often seen among the works of British poets like Cowper. It consists of seven rhyming couplets in which the rhyme falls on the eighth syllable,151 with a resolution in the final couplet. Unlike most sonnet forms, the Cyhydedd Fer imposes no specific metrical requirements, and the lines are typically self-contained rather than enjambed; Cowper thus may have selected it instead of its English equivalent—the Shakespearean sonnet in iambic pentameter—to underscore the internal din of litigation. Here, each line ends on a masculine rhyme until the final couplet, which is feminine:

Defendant, thus, becomes a name
Which he that bore it may disclaim,
Since both, in one description blended,
Are plaintiffs when the suit is ended.152

The neighbors, squabbling over a mere “[t]rivial . . . spot,” inhabit every one of the first ten lines like fighters in a ring, “disput[ing],” “rag[ing],” “engag[ing],” “pleading[],” “swell[ing],” and never “yield[ing].”153 In the final couplet, they are united and “blended,” “both . . . plaintiffs when the suit is ended.”154 “[P]laintiff[]” here refers not only to the instigator of a lawsuit, but to a complainer; it also connotes the root word plaintive, meaning melancholy or pathetic. The “fur ious[] . . . rage” of the first stanza thus gives way to the boredom and plaintiveness of the second.155

Unsurprisingly, a greater proportion of the twentieth-century poems in the anthology than of the earlier works are written in free verse, but Poetry of the Law contains notable exceptions. In his sestina After the Trial, Weldon Kees uses form to capture the trapped feeling that plagues the imprisoned speaker and the repetitive thoughts that torture him. It begins:

Hearing the judges’ well-considered sentence,
The prisoner saw long plateaus of guilt,
And thought of all the dismal furnished rooms
The past assembled, the eyes of parents
Staring through walls as though forever

151. The rhyme pattern is AABBCCDDEEFFGG.
152. Cowper, supra note 38, at 40. Masculine rhymes are those in which the stress occurs on the final syllable of the words, such as Cowper’s “dispute”/”suit”; “rage”/”engage”; “name”/”disclaim.” Feminine rhymes are those in which the stress is placed on the penultimate syllable of the words, as in Cowper’s “blended”/”ended.”
153. Id.
154. Id.
155. Id.
To condemn and wound his innocence.

And if I raise my voice, protest my innocence,
The judges won’t revoke their sentence.
I could stand screaming in this box forever,
Leaving them deaf to everything but guilt;
All the machinery of law despised by parents
Could not be stopped though fire swept the rooms.156

The sestina, among the “most complicated” of verse forms,157 is a thirty-nine line poem that adheres to a very strict pattern.158 It ends each line with one of six words—in Kees’s poem, they are “sentence,” “guilt,” “rooms,” “parents,” “forever,” and “innocence.”159 The six words continually rotate position in each six-line stanza according to a specific scheme, and all six are incorporated in the final three-line “envoy” in which the poem culminates.160

Here, the recurrence of the same six words in the poem communicates the repetitiveness of the speaker’s experience: the nagging “guilt” and the feeling of being imprisoned “forever,” reliving the hellish moment of “sentence” ad infinitum, are portrayed elegantly by the restrictive poetic form.161 Yet even as the images and emotions repeat, they evolve throughout the poem, changing with each appearance. The judges and parents of the first stanza become enmeshed with each other so that by the third stanza, it is parents who “speak the hideous sentence,” and in the fourth stanza the speaker hears in the voices of the judges “the believing voice of parents.”162

Whenever my thoughts move to all those rooms
I sat alone in, capable of innocence,
I know now I was not alone, that parents
Always were there to speak the hideous sentence:
“You are our son; be good; we know your guilt;
We stare through walls and see your thoughts forever.”

156. Kees, supra note 135, at 117.
158. The typical rhyme scheme for a sestina is ABCDEF, FAEBDC, CFDABE, ECBFAD, DEACFB, BDFECA, ECA or ACE. Id. Kees adheres to the scheme for the first thirty-six lines but uses BDC rather than ECA for the envoy.
159. Kees, supra note 135, at 117.
160. Id. at 118.
161. Id. at 117.
162. Id.
Sometimes I wished to go away forever;  
I dreamt of strangers and of stranger rooms  
Where every corner held the light of guilt.  
Why do the judges stare? I saw no innocence  
In them when they pronounced the sentence;  
I heard instead the believing voice of parents.¹⁶³

The first stanza’s purported innocence is also seen through a kaleidoscope. The speaker first considers “protest[ing his] innocence” paradoxical because we can read it either as asserting the speaker’s innocence or protesting the label “innocence.”¹⁶⁴ In the next stanza, Kees uses enjambment to engage the same double meaning: the speaker is “capable of innocence,” but the phrase follows “rooms / I sat alone in,” so that the resulting juxtaposition creates “in, capable of innocence”—simultaneously both capable and incapable.¹⁶⁵ In the fourth stanza, the speaker sees “no innocence” in the judges, and in the sixth, none in his parents, until every figure in the poem has been colored both guilty and innocent:¹⁶⁶

Their eyes burn. How can I deny my guilt  
When I am guilty in the sight of parents?  
I cannot think that even they were innocent.  
At least I shall not have to wait forever  
To be escorted to the silent rooms  
Where darkness promises a final sentence.¹⁶⁷

The rooms too change over the course of the poem, evolving from the “dismal furnished rooms” of the past, to “strange[] rooms,” to the rooms “[w]here darkness promises a final sentence.”¹⁶⁸ The “silent rooms” of the second-to-last stanza belie the speaker’s lament in the final tercet that he is doomed “[n]ever to enter innocent and quiet rooms,” but it seems evident that the “innocent and quiet rooms” have come to represent the unattainable quiet mind, no longer tortured by “sentences and eyes of parents”:¹⁶⁹

¹⁶³. Id.  
¹⁶⁴. Id. at 117.  
¹⁶⁵. Id.  
¹⁶⁶. Id. at 117–18.  
¹⁶⁷. Id. at 118.  
¹⁶⁸. Id. at 117–18.  
¹⁶⁹. Id. at 118.
We walk forever to the doors of guilt,
Pursued by our own sentences and eyes of parents,
Never to enter innocent and quiet rooms.  

The sestina form also magnifies the roles that vision, sound, and voice play. The judges “stare” and the prisoner “se[s]” in both the first and fourth stanzas, but it is the parents to whom most of the vision verbs belong: it is “the eyes of parents,” “staring through walls,” “see[ing the speaker’s] thoughts,” and gazing through “watchful eyes,” with “eyes burn[ing].”171 The speaker is “guilty in the sight of parents,” “[p]ursued by . . . [the] eyes of parents,” so that the parents, who arguably stand in for the state, rotate to a different position in each stanza, constantly surveilling the speaker.172 Only the parents speak out loud in the poem. Their statements are quoted in the third and fifth stanzas, while the speaker is utterly voiceless: he “could stand screaming in this box forever,” but his audience would remain deaf and his sentence, unaltered.173

Kees’s sestina lends itself well to analysis under the first strand of the law-and-literature scholarship.174 To humanists, the poem’s protagonist provides a glimpse into the deeply troubled mind of a young person who stands accused of some wrong. His story might enable us to better empathize with a person—rightfully or wrongfully sentenced—on the receiving end of “[a]ll the machinery of law.”175 Here, the sestina form with its strict requirements imprisons the poem’s protagonist, but his experience of prison is not static. As the six end words migrate position and change connotations, they illustrate the shifting and subjective nature of truth.

C. Omissions

“This woman’s bruised heart / is evidence.”176

Few poems in the collection reflect female voices: only eight of the hundred poems the editors selected were written by women.177 A fifty–fifty
split would be inorganic, given that we have access to far fewer poems by women than by men written in the time of Chaucer or Wordsworth. But the anthology’s vast gender imbalance, especially among modern poets, is highly offensive: we are left to assume that the editors considered poems written by women and deemed almost all unworthy of their project. Interestingly, gay poets are better represented in the anthology than are women.178 The omission of so many important female poets is noteworthy179 in this anthology not because it is unusual, but precisely because the vast majority of writers appearing in law-and-literature curricula are also male,180 even though many of its scholars and teachers are women. As Judith Resnik has observed, “[i]n the emerging ‘canon’ of what falls within late-twentieth-century Law and Literature in law schools, women remain barely visible.”181 That invisibility parallels women’s invisibility in the law itself.182 Literature and law “have worked—separately and together, via canonised texts and legal rules, to suppress and make silent much of the world inhabited and understood by women. . . . Until quite recently, women were the objects of the discussion, as property, as victims, as defendants, but not the authors [or] speakers . . . .”183

178. The anthology includes poems from at least ten poets believed to be gay or bisexual: John Ashbery, W.H. Auden, Lord Byron, Thom Gunn, A.E. Housman, Langston Hughes, D.H. Lawrence, Edna St. Vincent Millay, Walt Whitman, and Oscar Wilde. At least two of the poems, Wilde’s The Ballad of Reading Gaol and Housman’s Oh Who Is That Young Sinner, concern the treatment of homosexual men under the law. See supra text accompanying notes 42–44.


180. See Gemmette, supra note 4, at 671 n.46 (finding that among all law schools offering courses in law and literature, twenty-two works of nonfiction were assigned three times or more; of these top twenty-two works, only one was written by a female critic).


182. See Robin L. West, The Literary Lawyer, 27 PAC. L.J. 1187, 1197 (1996) (“Outsider’s voices have historically been censored from the language of literature and high culture at least as relentlessly as they have been banned from the language and courts of law.”).
Few women appear in *Poetry of the Law’s* hundred poems, and those that do typically fill archetypal roles as virgin, mother, or whore. They are seldom cast as lawyers or judges, appearing instead to bear witness, play victim, or receive punishment. In *The Witness* by Ted Kooser, the speaker addresses in second person a woman awaiting her turn to testify in a divorce trial:

and you wait at the back of the courtroom  
as still as a flag on its stand, your best dress  
falling in smooth, even folds that begin now  
to gather the dust of white bouquets  
which like a veil of lace is lifting  
away from the kiss of the sunlit windows.

In your lap, where you left them, your hands  
Lie fallen apart like the rinds of a fruit.  
Whatever they cupped has been eaten away.

Bridal imagery dominates the first stanza, from the white bouquets to the veil of lace to the sunlit kiss, but the flowers have turned to dust and so perhaps has the bride, reminiscent of Dickens’s Miss Havisham waiting in wedding garb for eternity. Still and obedient as an American flag, the woman awaits her turn to take the (or a) stand. Kooser deliberately leaves open the question of whether the subject of the poem is testifying at her own divorce or that of another, but the effect is to distance her further from the action: she is merely an anonymous witness at trial, waiting in the courthouse while around her “voices drone on” without meaning or content. The poem begins, “The divorce judge has asked for a witness” and ends with the single-line stanza, “You know what to say when they call you.”

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184. See, e.g., Donne, supra note 52, at 17 (referring to a woman as the “soft maid” and including the line “imbrothel’d strumpets prostitute”); Seamus Heaney, *Punishment*, in *POETRY OF THE LAW*, supra note 5, at 145, 145 (identifying a woman as a “[l]ittle adulteress”).
185. See, e.g., W.H. Davies, *The Inquest*, in *POETRY OF THE LAW*, supra note 5, at 82 (depicting a situation in which a purportedly objective speaker visits a mother and the corpse of her child). “It was a love-child, she explained. / And smiled[.]” *Id.* The dead baby girl’s refrain, delivered with “laugh[er]” and “glee”: “What caused my death you’ll never know— / Perhaps my mother murdered me.” *Id.*
186. Kooser, supra note 51, at 144.
188. Kooser, supra note 51, at 144.
189. *Id.*
190. *Id.*
of “you know what to say” rather than “you know what you will say” or “you know what happened,” coupled with the passivity of being “called upon” and “asked for,” implies that the words the witness waits to speak are not her own, but a predetermined speech authored by a lawyer.

Elsewhere in the anthology, hands serve as synecdoche for power and autonomy; hands commit crimes and dole out justice. For example, in Dylan Thomas’s *The Hand that Signed the Paper*, a hand is the subject of every stanza and nearly every sentence: the hand “holds dominion over / Man by a scribbled name.”

But for the woman in *The Witness*, hands that once held nourishment lie immobile where they were left; “fallen apart” and “eaten away” characterize the woman as much as the position in which her hands lie in her lap. In that, they resemble the hands of the woman in William Matthews’s *Negligence*. Matthews’s poem reads like a closing argument, describing the plight of a mother who “opens a parcel with no / return address,” and finds herself wrist-deep “in her son’s [a]shes—not, by the way, like silt or dust, / but nubble and grit, boneshards and half-burnt / burls of cartilage, cinders and nuggets.”

Excoriating the crematorium that failed to adequately label the ashes, the speaker plays to the jurors’ fears and sympathies. He implores them to put themselves in the victim’s position, “to glove her hands with yours / and sieve the rubble of your beloved / only son.”

The assonance of “glove,” “beloved,” “rubble,” and “son” and repetition of “yours . . . your” juxtaposes juror with victim, making the woman of Matthews’s poem as passive a receptacle as that of Kooser’s. In guiding the jurors to a measure of damages, the lawyer in *Negligence* asks how the jury might “run this cruel film backwards, / . . . lift this woman’s hands from the cinders / of her son and wind them back to her slack / lap.”

Matthews sets off the hard tongue-twisting consonance of “nubble” with “rubble,” “burnt” with “burls,” and “nuggets” with “grit” with the easy assonance of “back,” “slack,” “lap,” and “balm” and the consonance of “cinders,” “son,” and “slack,” persuading the jurors to agree on a generous damages award by demonstrating that it is within their power to return the woman to her previous calm state. He characterizes her plight three times as simply “grief.” The victim’s body parts, her hands and lap, thus

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192. Kooser, supra note 51, at 144; see also Wordsworth, supra note 146, at 51 (“Ah, think how one compelled for life to abide / Locked in a dungeon needs must eat the heart / Out of his own humanity[.]”).
193. Matthews, supra note 119, at 152.
194. Id.
195. Id.
196. Id.
197. Id.
198. Id.
become evidence in the case against her tortfeasors, just as her “bruised heart / is evidence.”

While female victims abound, the most prominent female presence in Poetry of the Law is the personified figure of Justice. She is typically blind, “a beautiful woman with bandaged eyes / Standing on the steps of a marble temple,” a sword in one hand and a scale in the other. In Muriel Rukeyser’s depiction of the trial of the Scottsboro boys, while “[a] blinded statue attends before the courthouse, / bronze and black men lie on the grass, waiting.” The descriptor “bronze” links the two lines together, seeming to characterize both the statue (or perhaps, statute) and the men, and in so doing, aligning them. Yet, “all the people’s anger finds its vortex here / as the mythic lips of justice open, and speak.” The poem offers, as the anthology’s editors claim, a “sweeping evocation of the history of legal injustice,” tying the defendants in the titular trial with John Brown and Sacco and Vanzetti, parading forth “all our celebrated shambles.” Justice here is blinded, not blind, and the poem’s audience is blinded too: “[T]he air is populous beyond our vision.” The players in the poem are described in terms of their vision or lack thereof: the lynched men have “eyes showing a wild iris,” the jury members’ “eyes like hardware,” and the judge’s “eye-sockets” are “dark and immutably secret.”

Sir William Blackstone’s representation of Justice, on the other hand, is not blind but hidden from view: she is the queenly guardian of law, “from vulgar sight retired.” The speaker longs to “pierce the secret shade / Where dwells the venerable maid!” Alexander Pope’s Dame Justice appears with “scale in hand,” but she is neither blind nor silent. Instead, encountering two “hungry . . . trav’lers” fighting over an oyster, she performs a Solomon-like split, taking the spoils for herself. After each side has “plead[ed] the laws” and argued his case for the oyster,

199. Id. at 153.
200. Justice is usually, but not always, gendered female in the poems in Kader & Stanford’s anthology. See infra notes 201–14 and accompanying text. For a fascinating discussion of the figure of Justice throughout history, see JUDITH RESNIK & DENNIS CURTIS, REPRESENTING JUSTICE: INVENTION, CONTROVERSY, AND RIGHTS IN CITY-STATES AND DEMOCRATIC COURTHROOMS (2011).
201. Edgar Lee Masters, Carl Hamblin, in POETRY OF THE LAW, supra note 5, at 81, 81.
202. Rukeyser, supra note 123, at 112.
203. Id.
204. POETRY OF THE LAW, supra note 5, at xviii.
205. Rukeyser, supra note 123, at 113.
206. Id. at 112.
207. Id. at 113.
209. Id. at 38.
210. Pope, supra note 74, at 35.
211. Id.
Dame Justice, weighing long the doubtful right,
Takes, opens, swallows it, before their sight.
The cause of strife remov’d so rarely well,
“There take” (says Justice) “take ye each a shell
We thrive at Westminster on fools like you:
’Twas a fat oyster—live in peace—Adieu.”\textsuperscript{212}

Oysters were less a delicacy than a standard meal in the public houses and taverns of the eighteenth century. Justice here likens the squabblers to the sustenance, linking fools with fat oysters and thriving on both.\textsuperscript{213} Pope’s Dame Justice thus cautions about the futility of legal squabbles, but she is more teasing trickster than solemn embodiment of an ideal. She is also the only true speaker in the poem: where the travelers “dispute,” “explain,” “clamour” and “plead,”\textsuperscript{214} only Dame Justice’s words appear between quotation marks, making her one of the few female voices in the anthology.

Though this Review focuses on poetry and thus falls within the rubric of law \textit{in} literature rather than law \textit{as} literature, some of the questions raised in this subpart could be applied as fruitfully to legal texts such as court opinions, treatises, textbooks, and statutes. A professor might, for example, ask his or her class to consider what roles women play in those texts and who else seems to be absent from them or subordinated within them. Students should be encouraged to consider what or who has been omitted from a law or rule as written and how the omissions affect our reading, applying, and extracting precedents from it. On a more abstract level, students might consider whether the concept of Justice is portrayed in a given text as blind, blinded, or all-seeing. Those types of questions have the potential to open the law up for some types of students and help them tease out problems and paradoxes within the law in order to better understand it.

III. Conclusion

In the words of Richard Weisberg, a key figure in the law-and-literature movement, the “poetic method provokes us, as customary learning does not, to highlight the linguistic, sensory aspects of every part of our craft.”\textsuperscript{215} \textit{Poetry of the Law} proposes that law-related poetry can benefit lifelong students both of law and of literature. Despite a number of overarching criticisms of the law-and-literature movement, the steady climb in scholarship that either practices law and literature or critiques it reflects growing interest in the ways in which the two fields of study interconnect. A number of

\begin{itemize}
\item \textsuperscript{212} \textit{Id.}
\item \textsuperscript{213} \textit{Id.}
\item \textsuperscript{214} \textit{Id.}
\item \textsuperscript{215} Kornstein, \textit{supra} note 24, at 36.
\end{itemize}
prominent voices in the academy have challenged the canon of texts, both primary and secondary, that compose most Law and Literature syllabi, typically because those syllabi so often omit works from many marginalized groups. Of those critics, few have objected on the ground that the traditional Law and Literature course excludes poetry. In applying theoretical frameworks from literary criticism to legal texts, the standard Law and Literature course syllabus also declines to borrow from critical approaches to the study of poetry. Those exclusions are to the detriment of students and scholars alike. A careful reading of this new anthology reveals the value to lawyers, law students, and theorists of poetry and of the particular methods with which literary critics effectively engage with poems. Elizabeth Villiers Gemmette gently chides the would-be anthologist, “the Law and Literature Canon never ‘is’[,] rather[,] it is in a perpetual state of ‘becoming.’” As the canon continues to evolve and “become,” law-related poems like those collected in *Poetry of the Law* deserve a place of honor within it.

216. See Gemmette, *supra* note 4, at 690.