



OF CANTOS & CLERICHEWS

Robert E. Rains

Reviewing

DAVID KADER & MICHAEL STANFORD, EDs.,
POETRY OF THE LAW: FROM CHAUCER TO THE PRESENT
(University of Iowa Press 2010)

THE PUBLICATION OF A NEW – and long overdue – collection of poetry of the law is an occasion for the rhyming of rondeaus and rondels, the singing of sonnets, and general rejoicing. Although Mr. Justice Holmes, the son of a poet and sometime poet himself, is reputed to have said that the law is no place for a poet, there is a natural affinity between poetry and the law. We see in David Kader and Michael Stanford’s *Poetry of the Law* poets who became lawyers, lawyers who wrote poetry on the side, lawyers who became poets, and various permutations and combinations of the two career paths.

Gems are to be found in this volume, several from unexpected sources. The reader may shed a tear over William Blackstone’s “The Lawyer’s Farewell to His Muse”:

So I, thus doom’d from thee to part,
Gay Queen of Fancy, and of Art,
Reluctant move, with doubtful mind,
Oft stop, and often look behind.

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In “The Passionate Man’s Pilgrimage,” Sir Walter Raleigh travels:

From thence to heaven’s bribeless hall
Where no corrupted voices brawl,
No conscience molten into gold,
Nor forged accusers bought and sold,
No cause deferred, nor vain-spent journey,
For there Christ is the king’s attorney,
Who pleads for all, without degrees,
And he hath angels, but no fees.

In a similar religious vein (based, the editors tell us, on I John 2:1) Edward Taylor looks to:

God’s judge himself: and Christ attorney is,
The Holy Ghost registerer is found.
Angels the sergeants are, all creatures kiss
The book, and do as evidences abound.
All cases pass according to pure Law
And in the sentence is no fret, nor flaw.

There is poetry of social commentary as well in this volume. Langston Hughes neatly sums up “The Town of Scottsboro” thus:

Scottsboro’s just a little place:
No shame is writ across its face –
Its court, too weak to stand against a mob,
Its people’s heart, too small to hold a sob.

Also concerning the “Scottsboro Boys,” Muriel Rukeyser more graphically writes:

Nine dark boys spread their breasts against Alabama,
Schooled in the cells, fathered by want
Mother – one writes – they treat us bad. If they send us
Back to Kilby jail, I think I shall kill myself.
I think I must hang myself by my overalls.

By and large, this is a serious collection of poetry. Your reviewer counts only three entries that could truly be said to contain humor. Perhaps the best is Alexander Pope’s “Verbatim from Boileau”:

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Once (says an author; where, I need not say)
Two trav'lers found an oyster in their way;
Both fierce, both hungry; the dispute grew strong,
While scale in hand Dame Justice past along.
Before her each with clamour pleads the laws,
Explain'd the matter, and would win the cause.
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."

Lewis Carroll's, "The Barrister's Dream," provides some excellent nonsense verse, if not humor *per se*:

The indictment had never been clearly expressed,
And it seemed that the Snark had begun,
And had spoken three hours, before any one guessed
What the pig was supposed to have done.

The contemporary poet, Brad Leithauser, supplies some nice parody:

In a later, hopeless project Shakespeare
Writes in a fancy bar – "To beer or not to beer"
and "The Singapore Slings and Sombreros
cost an outrageous fortune." I'm going nowhere . . .

What other humor there is to be found in these pages is definitely of the gallows variety. Thus, John Berryman pleads his client, "Not guilty by reason of death."

While there are a few poems extolling the virtues of heroic lawyers fighting injustice, such as Yvor Winters' "To Edwin V. McKenzie," overall, *Poetry of the Law* displays a decidedly dim view of lawyers and judges alike. Daniel Defoe decries:

But justice is inverted when
Those engines of the law,
Instead of pinching vicious men,
Keep honest ones in awe . . .

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Robert Ferguson pleads:

Ye lawyers bid farewell to lies,
Farewell to din, farewell to fees . . .

George Crabbe adds:

Mankind dispute, that lawyers may be fee'd . . .

Percy Bysshe Shelley, an unhappy litigant, vents against the Lord Chancellor:

Thy country's curse is on thee! Justice sold,
Truth trampled, Nature's landmarks overthrown,
And heaps of fraud-accumulated gold,
Plead, loud as thunder, at Destruction's throne.

All in all, this volume will not do much to improve the general public's perception of the learned profession!

While much is to be praised in *Poetry of the Law*, problems also exist with the collection, some of which will leave the reader in a profound state of befuddlement. The editors' Introduction begins, "This is the first anthology of poetry about the law to be published in the United States in half a century and the first *selective* anthology on the subject ever published" (emphasis in original). In support of this rather haughty claim, the editors supply a footnote which reads in its entirety:

Two collections of the last century – now long out of print – combined a smattering of genuine poetry with vast quantities of doggerel verse by amateur writers (mostly lawyers reflecting sentimentally or whimsically on their profession). See Ina Russell Warren, ed., *The Lawyer's Alcove: Poems by the Lawyer, for the Lawyer, and about the Lawyer* (New York: Doubleday, Page and Co., 1990) and Percival E. Jackson, ed., *Justice and the Law: An Anthology of Legal Poetry and Verse* (Charlottesville, VA: Michie, 1960).

I found myself bewildered as to how it could have been more than half a century since *The Lawyer's Alcove* was published in New York in 1990. Obtaining the book first through interlibrary loan, I learned that it was originally published in New York in 1900, not

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1990. I then ordered the book online and obtained a facsimile reproduction published by Hein & Co. in Buffalo, New York in 1990. It appears that the editors of *Poetry of the Law* have conflated the original 1900 Doubleday edition with the 1990 Hein facsimile edition, which, by the by, has an excellent Reprint Edition Introduction by J. Wesley Miller.

No less puzzling than the claim that no legal poetry collection has been published in the last half century, is the claim that *Poetry of the Law* is the first *selective* anthology on the subject ever produced. By what means do the editors believe that the poems got into the two prior anthologies they acknowledge? Were the prior editors so fortunate that they opened blank pages and legal poetry magically appeared therein? I think not. It is more likely that the editors of *Poetry of the Law* find much of the previous collections to be insufficiently highbrow.¹

Any collection of law related poems can be criticized for what is omitted and what should have been. It is as the Supreme Court says of statutes: they may be simultaneously over-inclusive and under-inclusive. Naturally, not all the poems in this volume are of the same high quality. And, some have, at best, a tenuous connection to matters legal.

A glaring omission in *Poetry of the Law* is any acknowledgment of lawyer turned dramatist/poet, Sir William Schwenck Gilbert. The editors half-heartedly and unconvincingly explain in note 5 to the Introduction that they “have avoided excerpting passages from plays on the grounds that the drama constitutes a distinct genre that . . . has already been the subject of much attention from scholars of law and literature.” This reviewer will not sit idly by, allowing a disdainful dismissal of a dramatist and lawyer poet whose works will surely survive long after many of the poets in *Poetry of the Law* are forgotten. With so many great Gilbert law songs/poems to choose from, selection is difficult, but I submit for the reader’s delectation

¹ One tries to rise above such things, of course, but as the proud penner of a verse titled, “Courting Canine Custody: A Domestic Doggerel,” concerning the legal battle over Barney the dog, I confess I take umbrage at the editors’ dismissal of doggerel as being somehow unworthy.

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“The Lord Chancellor’s Song” from *Iolanthe*:

When I went to the Bar as a very young man,
 (Said I to myself – said I),
I’ll work on a new and original plan,
 (Said I to myself – said I),
I’ll never assume that a rogue or a thief
Is a gentleman worth implicit belief,
Because his attorney has sent me a brief,
 (Said I to myself – said I!).

Ere I go into court I will read my brief through
 (Said I to myself – said I),
And I’ll never take work I’m unable to do
 (Said I to myself – said I),
My learned profession I’ll never disgrace
By taking a fee with a grin on my face,
When I haven’t been there to attend to the case
 (Said I to myself – said I!).

I’ll never throw dust in a juryman’s eyes
 (Said I to myself – said I),
Or hoodwink a judge who is not over-wise
 (Said I to myself – said I),
Or assume that the witnesses summoned in force
In Exchequer, Queen’s Bench, Common Pleas, or Divorce,
Have perjured themselves as a matter of course
 (Said I to myself – said I!).

In other professions in which men engage
 (Said I to myself – said I),
The Army, the Navy, the Church, and the Stage
 (Said I to myself – said I),
Professional license, if carried too far,
Your chance of promotion will certainly mar –
And I fancy the rule might apply to the Bar
 (Said I to myself – said I!).

Lawyers and poets alike have long admired “The Lord Chancellor’s Song.” It has been performed by at least two real Lord Chan-

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cellors, Birkenhead and Elwyn-Jones;² and more than a century after its first appearance, it was parodied by contemporary British poet, Wendy Cope, in “The Poet’s Song,” which begins:

When I started to write as a very young man
 (Said I to myself – said I),
I’ll always produce the best work that I can
 (Said I to myself – said I).
I’ve devoted myself to the life of the mind
And I shan’t drop my standard at all, should I find
That my mortgage repayments have fallen behind
 (Said I to myself – said I).³

At the end of the Introduction to *Poetry of the Law*, the editors provide “A Note on the Editing,” which raises as many questions as it might have resolved:

Most of the pre-nineteenth-century poems in this anthology are presented in versions with modernized spelling, punctuation, and capitalization. Exceptions are the works by Chaucer, whose Middle English is a different language; Spenser, whose *Faerie Queene* employs archaic orthography for aesthetic effect; and the poems in Scots dialect by Dunbar, Fergusson, and Burns.

Obsolete, dialect, and foreign words are glossed in the notes at the end of the volume.

If Chaucer’s Middle English is a different language from ours, why don’t the editors provide, perhaps side-by-side with the original, a modern translation? Surely to the vast majority of readers Nevill Coghill’s well-regarded translation would be more accessible than Chaucer’s Middle English.

At the end of the volume, one does indeed find “Notes on Poems and Poets,” together with a disclaimer of sorts. “The following notes are not intended to be exhaustive but rather to illuminate

² Ian Bradley, ed., *The Complete Annotated Gilbert and Sullivan*, p. 386 (New York: Oxford University Press, 1996).

³ Wendy Cope, “The Poet’s Song,” *Serious Concerns*, p. 40 (London: Faber and Faber, 1992).

law-related details of the poems and of the author's biographies, while also providing glosses of archaic, foreign and dialect terms." But, here again, are difficulties. The first is that *Poetry of the Law* would be far more readable if the short explanations and glosses appeared on the same pages with their poems, rather than being placed in the back. Moreover, the reader has no clue while reading a poem which words or phrases are "glossed" in the back. No asterisks or numbered notes indicate words or phrases that the editors deem worthy of translation or explanation. One flips backs and forth, often in vain, attempting to discern meaning where it is far from clear. The second problem is that the editors' glossary of "obsolete, dialect and foreign words" is far from complete. The reader is simply left in the dark as to the meaning of many obscure words and phrases. For example, what, one cannot help but wonder, did John Donne exactly mean by "out-swive dildos?"

Some of the Notes on Poets and Poems provide very succinct explanations. Two, in particular, stand out:

PERCY BYSSHE SHELLEY, "To the Lord Chancellor." In 1814, Shelley left his wife Harriet for Mary Godwin. Two years later, Harriet committed suicide. In 1817, Harriet's father and sister brought a suit in the Court of Chancery, seeking custody of the couple's two children. Citing the poet's "highly immoral" conduct and principles (including his atheism and opposition to marriage as an institution), the Lord Chancellor, Lord Eldon, removed the children from Shelley's custody (Kenneth Neil Cameron, *Shelley: The Golden Years* [Cambridge: Harvard UP, 1974], 51). But Shelley prevailed in part when the guardianship went to a friend of Shelley's solicitor rather than to Harriet's family.

and

EDGAR LEE MASTERS, "Carl Hamblin," from *Spoon River Anthology*. In May 1886, a bomb exploded at a workers' rally in Haymarket Square, Chicago, killing seven policemen. Eight anarchist leaders (only one of whom had been present in the square) were subsequently indicted for murder, tried, and convicted. Masters was one of many observers

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who thought the proceedings fatally biased. Four of the anarchists were hanged in November 1887. Six years later, Governor Peter Altgeld, after concluding that all the defendants had been innocent, pardoned the surviving three (one having committed suicide).

Obviously such terse but insightful explanations provide context and meaning. However, brevity, while certainly a virtue, has its limits. Consider, for example, the explanatory note for Paul Durcan's, "This Week the Court is Sleeping in Loughrea," which reads in its entirety, "Line 17, poitín: Irish moonshine." Who Paul Durcan is and why the court is sleeping in Loughrea, wherever that may be, the reader is left to guess.

Then, I was surprised to find no note of explanation whatsoever for Bartholomew Griffin's "Arraigned, Poor Captive." I assumed either that this was an editing oversight or that Griffin is so obscure that the editors had found nothing to say about him or his work. Both of these theories collapsed as I came to discover more and more poets and poems not mentioned in the Notes. Surely the editors could have found something to say about William Wordsworth, but they chose to remain mum.

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. The editors fail to edify the reader, however briefly, about — among others — George Crabbe, Ralph Waldo Emerson, John Greenleaf Whittier, Walt Whitman, Thomas Hardy, A.E. Housman, Walter de la Mare, and Carl Sandburg, or their poems collected in this volume. It seems to this reviewer that there is a not-too-subtle difference between the Notes on Poets and Poems being "not intended to be exhaustive" as claimed by the editors, and their being woefully inadequate, as the interested reader surely will find.

Despite these difficulties, David Kader and Michael Stanford's collection should be a welcome addition to the library of any literate lawyer who loves the language. If one mark of a good book is that it leads the reader to other books, *Poetry of the Law* makes the mark. It has led this reviewer to obtain and enjoy both prior collec-

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tions mentioned in the Introduction: *The Lawyer's Alcove* and *Justice and the Law*. Each contains serious poems from many of the same poets whose works appear in *Poetry of the Law*, as well as many other treats that Kader and Stanford evidently disdain. Near to all of our readers' hearts, no doubt, will be an ode in *Justice and the Law* entitled, "To the Green Bag of Boston."

Let the composition of cantos and clerihews commence!

