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# ESSAY

## READING POETS

JOSEPH P. TOMAIN<sup>†</sup>

### INTRODUCTION

“[E]ach book in relation to each other book. I see myself writing[,] . . . writing, plotting, one long poem.”<sup>1</sup>

Lawrence Joseph, the poet, has been the subject of a symposium published by the *University of Cincinnati Law Review*.<sup>2</sup> Lawrence Joseph, the nonfiction novelist, has been similarly honored by the *Columbia Law Review*.<sup>3</sup> With the publication of *The Game Changed*, his work should be so recognized and he should be given scholarly attention as a critic and essayist.

Essayists, good essayists, share a common trait. Geoff Dyer, Joan Didion, John Leonard, and Christopher Hitchens come to mind. Their shared trait is that despite a range of topics, their essays congeal into a coherent form. Reading Hitchens reveals a more or less curmudgeonly political point of view.<sup>4</sup> Dyer’s essays form an aesthetic approach to photography, to literature, to art.<sup>5</sup> John Leonard’s essays are a sustained meditation on contemporary art and culture.<sup>6</sup> And reading Joan Didion’s

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<sup>1</sup> LAWRENCE JOSEPH, *Conversation with Charles Bernstein*, in *THE GAME CHANGED: ESSAYS AND OTHER PROSE* 120, 125 (2011) [hereinafter JOSEPH, *Conversation with Charles Bernstein*].

<sup>2</sup> Symposium, *Law and Literature Symposium: “Some Sort of Chronicler I Am”*: *Narration and the Poetry of Lawrence Joseph*, 77 U. CIN. L. REV. 783 (2009).

<sup>3</sup> *The Lawyerland Essays*, 101 COLUM. L. REV. 1730 (2001).

<sup>4</sup> See, e.g., CHRISTOPHER HITCHENS, *ARGUABLY ESSAYS BY CHRISTOPHER HITCHENS* (2011); CHRISTOPHER HITCHENS, *UNACKNOWLEDGED LEGISLATION: WRITERS IN THE PUBLIC SPHERE* (2002).

<sup>5</sup> See, e.g., GEOFF DYER, *OTHERWISE KNOWN AS THE HUMAN CONDITION: SELECTED ESSAYS AND REVIEWS 1989–2010* (2011).

<sup>6</sup> See JOHN LEONARD, *READING FOR MY LIFE: WRITINGS 1958–2008* (2012).

*Slouching Toward Bethlehem*, nearly forty-five years after publication, tells us as much about today's American culture as a whole as it did about living in California in the 1960s.<sup>7</sup>

What, then, might be the coherent message of Joseph's essays? Quite simply, Joseph the lawyer, poet, and scholar has developed a jurisprudence of his own.<sup>8</sup> Joseph's jurisprudence, however, and to the good, cannot be reduced to a single word like originalism, or even a label like liberal democratic—though he may be in fact. Rather, the resultant jurisprudence refracts off a multitude of ideas and attitudes contained within the book's various prose pieces. This Essay first describes the mechanics of *The Game Changed* and then identifies and briefly comments upon several of those ideas and attitudes that comprise Joseph's jurisprudence that go *Into It*.<sup>9</sup>

## I. THE MECHANICS

"[H]e wrote not only poetry, short stories, and novels, but also essays and reviews . . . for the most prestigious magazines of the time."<sup>10</sup>

*The Game Changed* was published in 2011 by the University of Michigan Press in its series entitled "Poets on Poets and Poetry."<sup>11</sup> The book has twenty-one entries, spanning the time period from 1987 to 2010.<sup>12</sup> The first entry is a talk on Wallace Stevens as lawyer-poet given by Lawrence Joseph at the Hartford Public Library on the occasion of Wallace Stevens' Birthday Bash.<sup>13</sup> Opening *The Game Changed* with Stevens is more than appropriate; Joseph refers to Stevens throughout the book. One of the quotations on the book's back jacket, by

<sup>7</sup> See JOAN DIDION, *SLOUCHING TOWARDS BETHLEHEM* (2008).

<sup>8</sup> See, e.g., Joseph P. Tomain, *A Code of One's Own*, 15 NOTRE DAME J.L. ETHICS & PUB. POL'Y 153 (2001).

<sup>9</sup> LAWRENCE JOSEPH, *INTO IT: POEMS* (2007).

<sup>10</sup> LAWRENCE JOSEPH, *Aspects of Weldon Kees*, in *THE GAME CHANGED: ESSAYS AND OTHER PROSE*, *supra* note 1, at 99, 99.

<sup>11</sup> *THE GAME CHANGED: ESSAYS AND OTHER PROSE*, *supra* note 1.

<sup>12</sup> *Id.* at xi-x.

<sup>13</sup> LAWRENCE JOSEPH, *The Poet and the Lawyer: The Example of Wallace Stevens*, in *THE GAME CHANGED: ESSAYS AND OTHER PROSE*, *supra* note 1, at 3, 3 [hereinafter JOSEPH, *The Poet and the Lawyer*].

University of Pennsylvania law professor David Skeel, refers to Joseph as “the most important lawyer-poet of our era.”<sup>14</sup> True enough—Joseph is a spiritual heir of Stevens.

*The Game Changed* contains book contributions, reviews, literary criticism, a radio interview, personal journal entries, poetry, and passages from Joseph’s commonplace book<sup>15</sup>—pieces previously published in *The Nation*,<sup>16</sup> *The Village Voice*,<sup>17</sup> *Commonweal*,<sup>18</sup> literary and poetry journals,<sup>19</sup> and law reviews.<sup>20</sup> Joseph’s topics vary as well. Naturally he covers poets—Wallace Stevens, Frederick Seidel, John Ashbery, Adreinne Rich, Marie Ponsot, among others.<sup>21</sup> He also writes of poetics—his own poetics and the poetics of others.<sup>22</sup> More pointedly, the essays never stray very far from the situation in which we find ourselves as the twentieth century turns into the twenty-first. What Joseph admires about and takes from these poets is the formidable power of intellect and the real-life importance of ideas. He is not interested in a naked poetry of ideas that plays word games for the sake of “mind poetry.”<sup>23</sup> He prefers and advocates for a poetry of ideas that challenge or confront, as well as call to contemplation and call to action.

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<sup>14</sup> David Skeel, *Reviews: Point-Blank Verse*, LEGAL AFF., Sept.–Oct. 2005, available at [http://www.legalaffairs.org/issues/September-October-2005/review\\_skeel\\_sep0ct05.msp](http://www.legalaffairs.org/issues/September-October-2005/review_skeel_sep0ct05.msp).

<sup>15</sup> THE GAME CHANGED: ESSAYS AND OTHER PROSE, *supra* note 1, at vii–viii.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at viii.

<sup>19</sup> *Id.* at vii–viii.

<sup>20</sup> *Id.*

<sup>21</sup> JOSEPH, *The Poet and the Lawyer*, *supra* note 13; LAWRENCE JOSEPH, *Frederick Seidel*, in THE GAME CHANGED: ESSAYS AND OTHER PROSE, *supra* note 1, at 26, 26; LAWRENCE JOSEPH, *John Ashbery and Adrienne Rich*, in THE GAME CHANGED: ESSAYS AND OTHER PROSE, *supra* note 1, at 50, 50 [hereinafter JOSEPH, *John Ashbery and Adrienne Rich*]; LAWRENCE JOSEPH, *Marie Ponsot*, in THE GAME CHANGED: ESSAYS AND OTHER PROSE, *supra* note 1, at 115, 115.

<sup>22</sup> See, e.g., LAWRENCE JOSEPH, *Tony Harrison and Michael Hofmann*, in THE GAME CHANGED: ESSAYS AND OTHER PROSE, *supra* note 1, at 21, 21 [hereinafter JOSEPH, *Tony Harrison and Michael Hofmann*]; LAWRENCE JOSEPH, *The Game Changed*, in THE GAME CHANGED: ESSAYS AND OTHER PROSE, *supra* note 1, at 133, 133 [hereinafter JOSEPH, *The Game Changed*].

<sup>23</sup> See JOHN KOETHE, *The Poem of the Mind*, in ROTC KILLS 18, 18–20 (2012).

Although Joseph's focus is on poets and poetry, he also touches the world of his childhood, the world of his profession, and the greater socio-politico-economic order of things.<sup>24</sup> His various forms of writing, the scope of his topics, and the variety of his publications suggest a miscellany. Yet what is clear from reading *The Game Changed* is that the book is anything but miscellaneous, rather, it is very much of a whole. Unsurprisingly, the variety of styles reinforce and deepen each other. One would expect no less from an intelligent writer, and one so well-versed in the history of literature and poetry, as well as contemporary American history.

Another dimension of *The Game Changed* awaits the reader. The book is published as a part of the University of Michigan Press's prestigious "Poets on Poets and Poetry" series.<sup>25</sup> However, instead of being a didactic excursion into poetry, there is something of manifesto, and an invitation, about the book. The manifesto is jurisprudential; the invitation is for us to join in on it. Furthermore, in a book about poetry and poets, there is a plenitude of not so hidden lessons about law and lawyers.

This Essay hesitates to describe Joseph as a writer rather than a poet. He is both, of course, but his dedication to poetry and his well thought-out poetics infuse all of his writing, even when it touches on law and the legal profession. Joseph takes to heart Wallace Stevens's observation that "[p]oetry and surety claims aren't as unlikely a combination as they may seem."<sup>26</sup> For Joseph, as well as for Stevens, law and poetry are not at odds with each other; they are co-conspirators in a language game in which the stakes are real. Neither Stevens nor Joseph has a "separate mind for legal work and another for writing poetry."<sup>27</sup> After all, the *deus ex machina* of both poetry and law is language.

The language of the law creates corporations and philanthropies; it binds people in marriage and divides their property and their children when that marriage goes asunder;

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<sup>24</sup> See, e.g., LAWRENCE JOSEPH, "Our Lives Are Here": Notes from a Journal, Detroit, 1975, in THE GAME CHANGED: ESSAYS AND OTHER PROSE, *supra* note 1, at 42, 42-49 [hereinafter JOSEPH, "Our Lives Are Here"]; LAWRENCE JOSEPH, *Word Made Flesh*, in THE GAME CHANGED: ESSAYS AND OTHER PROSE, *supra* note 1, at 68, 68-71 [hereinafter JOSEPH, *Word Made Flesh*].

<sup>25</sup> See THE GAME CHANGED: ESSAYS AND OTHER PROSE, *supra* note 1.

<sup>26</sup> JOSEPH, *The Poet and the Lawyer*, *supra* note 13, at 6, 9 (internal quotation marks omitted).

<sup>27</sup> *Id.* at 6-7.

and, among myriad things under the sun, it protects or fails to protect the weak from the abuses of private and public power. The language of poetry may not have such tangible effects, but it nourishes the soul and seeks the truths that the language of the law, and the law itself, cannot touch. As William Carlos Williams told us:

It is difficult  
to get the news from poems  
yet men die miserably every day  
for lack  
of what is found there.<sup>28</sup>

## II. *THE GAME CHANGED*

Tomain: "What were your first 9/11 poems?"

Joseph: "I never thought of writing, nor intended to write, "9/11 poems" as such; better, I think, to categorize which poems in *Into It* were written before 9/11, and which after."<sup>29</sup>

The eponymous entry of *The Game Changed* appears next to last in the book.<sup>30</sup> The title is at once declarative and certain as well as tentative and provocative. In that essay, Joseph tells us about the morning of 9/11: his subway trip to St. John's University School of Law in Queens; learning about the attack on the World Trade Center when he arrived at work; immediately wondering and concerned about Nancy, his wife. Larry and Nancy live a block away from the World Trade Center. Their apartment faces west and south; they cannot see the Towers from their apartment. Larry was able to reach her by phone before the first Tower collapsed, then the line went dead. His further efforts to contact Nancy failed. He could not reach his apartment that day. He stayed overnight in Queens with his St. John's colleague David Gregory and his family and remained evacuated from his apartment for two months. The morning after 9/11, he was able to take the subway into Manhattan, and, after travelling past barricades through dust and debris and through

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<sup>28</sup> WILLIAM CARLOS WILLIAMS, *Asphodel, That Greeny Flower*, in PICTURES FROM BRUEGHEL AND OTHER POEMS: COLLECTED POEMS 1950-1962, at 153, 161-62 (1967).

<sup>29</sup> Emails from Joseph Tomain, Professor of Law, Univ. of Cincinnati Coll. of Law, to Lawrence Joseph, Professor of Law, St. John's Univ. Sch. of Law (on file with author).

<sup>30</sup> THE GAME CHANGED: ESSAYS AND OTHER PROSE, *supra* note 1, at x.

“the neighborhood under thick gray powder,”<sup>31</sup> only with assistance from New York City and New Jersey State police, was he able to reach his apartment. Then,

[o]ur doorman was still in the lobby of our building. I asked if he'd seen Nancy and he said no. He gave us a flashlight and the policeman and I went up the thirty-three floors to our apartment. Nancy opened the door; she'd spent the night in the apartment not knowing what had happened.<sup>32</sup>

“[N]ot knowing what had happened”—in the sense, of course, that Nancy knew something terrible had happened and feared for her life, but did not know—as none of us knew at the time—the extent of the horrors that occurred. What happened, we know now, is that the world fractured and 9/11 changed the game, and that the rules and the maneuvers of the new game are uncertain, opaque, and ambiguous. This lack of clarity poses a challenge to a poet and writer of Joseph's sensibilities. Joseph is a surefooted writer. He takes clear positions, his words graphically describe a difficult world, an often violent world, his indignation is directed towards injustice as he sees it. His conception of justice is one that he wants his readers to see and, more ambitiously, to understand. The contours of justice after 9/11, however, are as smoky and grey as the lower Manhattan streets over a decade ago.

Amidst that ambiguity, Joseph, as essayist, calls upon a poet's love of words. After all, “[a] poet has to love words themselves—how they sound, how they are spoken, how, in a poem, they are formed at their most elementary level.”<sup>33</sup> Joseph knows what T. S. Eliot knew, that “[t]he task of the poet, in making people comprehend the incomprehensible, demands immense resources of language.”<sup>34</sup> Joseph is more than up to the task. Poets, like lawyers, love their words for what they say, what they imply, and what they fail to say. It is the good poet, and lawyer, who recognizes the looseness of words and opens linguistic spaces to instruct or provoke, to refute or advocate. As

<sup>31</sup> Lawrence Joseph, *So Where Are We?*, in THE BEST AMERICAN POETRY 2012, at 65, 65 (Mark Doty & David Lehman eds., 2012).

<sup>32</sup> JOSEPH, *The Game Changed*, *supra* note 22, at 136.

<sup>33</sup> LAWRENCE JOSEPH, *James Schuyler's The Morning of the Poem*, in THE GAME CHANGED: ESSAYS AND OTHER PROSE, *supra* note 1, at 59, 63 [hereinafter JOSEPH, *James Schuyler's The Morning of the Poem*].

<sup>34</sup> T. S. ELIOT, *What Dante Means to Me*, in TO CRITICIZE THE CRITIC, AND OTHER WRITINGS 125, 134 (1992).

such, is it not wrong to ask what game changed? Did our daily lives change? Did the United States change with its subsequent wars and its nebulous War on Terror? Did the world of politics change? Of literature? Of poetry? Of language itself?

Joseph writes approvingly of William Carlos Williams, Wallace Stevens, Marianne Moore, and Elizabeth Bishop because “[w]hat the work of each has in common is the desire to create an aesthetic of rhetoric and of speech.”<sup>35</sup> Does 9/11—its violence, its trauma—require us to create a new aesthetic of rhetoric and speech? For Joseph, the violence of 9/11 is not so far removed from the 1967 Detroit riots, during which his family’s store was looted and burned. It is not removed from his father, three years after the riots, staring into the eyes of a hopped-up gunman before being shot. Referencing Saul Bellow, Joseph writes that poetry, among the verbal arts, can best address “the mysterious circumstances of being, the feeling of what it’s like to be alive on this planet at this time.”<sup>36</sup> Lawyers, not less than poets, must address these mysterious circumstances.

For Joseph, those mysterious circumstances are to be found, among other exterior and interior spaces, in the streets of lower Manhattan and the financial world they symbolize, and their legal support structures. As Robert Pinsky writes—and as Joseph tells us—“[P]rodigious systems turned against us.”<sup>37</sup> The terrible truth—a truth that maybe only poetry can approach and fathom—is that the worlds of law and finance are not removed from the worlds of terror and violence. Osama bin Laden knew it on September 10, 2001. The Occupy Wall Street Movement knew a not so different, though less violent, version on September 17, 2011.

What, though, is one to make of law and finance and violence? Warren Zevon answered the question directly: “Send lawyers, guns and money / [t]he shit has hit the fan.”<sup>38</sup> Lawrence Joseph’s response, or at least one of his responses, came in his poem *The Game Changed*:

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<sup>35</sup> JOSEPH, *James Schuyler’s The Morning of the Poem*, *supra* note 33.

<sup>36</sup> JOSEPH, *The Game Changed*, *supra* note 22, at 136.

<sup>37</sup> ROBERT PINSKY, *The Anniversary*, in *GULF MUSIC* 19, 19 (2007).

<sup>38</sup> WARREN ZEVON, *Lawyers, Guns and Money*, on *EXCITABLE BOY* (Elektra/Asylum Records 1978).



The phantasmic imperium is set in a chronic state of hypnotic fixity. I have absolutely no idea what the fuck you're talking about was his reply, and he wasn't laughing either, one of the most repellent human beings I've ever known, his presence a gross and slippery lie, a piece of chemically pure evil. A lawyer—although the type's not exclusive to lawyers. A lot of different minds touch, and have touched, the blood money in the dummy account in an offshore bank, washed clean, free to be transferred into a hedge fund or a foreign brokerage account, at least half a trillion ending up in the United States, with more to come.<sup>39</sup>

Joseph worked on Wall Street briefly for the law firm of Shearman & Sterling, LLP.<sup>40</sup> He knows the lingo of the Street, the *patois* of financiers and financier wannabes, and the legalese used to make making-money not seem as crass as it is. He knows what we lawyers prize, for the prizes we receive for our expert manipulation of those languages. Isn't the language of law and lawyers what, finally, *Lawyerland*<sup>41</sup> is about? But *Lawyerland* was written in 1997, a presidential administration before 9/11. The time, the culture, the life and lives of *Lawyerland* were shattered by four planes flown by madmen in fanatic thrall to some religio-political ideology. They changed the game, changed the world, in evil and sinister ways. Yes, the game has, indeed, changed. Do we need a new language to understand it? A new vocabulary? A new poetry? Can poetry tell us what it is like to be alive on this planet at this time? It had better.

### III. JOSEPH'S THEOLOGY

"I was appointed the poet of heaven."<sup>42</sup>

Patrick Glen, law professor at Georgetown, a Jesuit institution, writes that Lawrence Joseph is a "Maronite Catholic of mixed Lebanese and Syrian descent, born and raised in Detroit

<sup>39</sup> JOSEPH, *The Game Changed*, *supra* note 22, at 137.

<sup>40</sup> *Faculty Profile: Lawrence Joseph*, ST. JOHN'S. UNIV. SCH. OF LAW, <http://www.stjohns.edu/academics/graduate/law/faculty/Profiles/Joseph> (last visited Mar. 28, 2014).

<sup>41</sup> LAWRENCE JOSEPH, *LAWYERLAND: WHAT LAWYERS TALK ABOUT WHEN THEY TALK ABOUT LAW* (1997).

<sup>42</sup> LAWRENCE JOSEPH, *SHOUTING AT NO ONE*, at xvi (1990).

during the 1950s and 1960s, and who currently haunts the streets of twenty-first century New York City.<sup>43</sup> Joseph is as much a personal essayist as he is a personal poet. His family background, education, and work experiences infuse his essays as they do his poetry.

Joseph was raised Catholic, as I was. We were both born in 1948. Imagine those impressionable years of grade school and high school, before and during Vatican II. To get a sense of those shape-shifting times, simply juxtapose pictures of Pius XII and John XXIII, the austere versus the welcoming. That juxtaposition is as glaring as the juxtaposition of Gregory Peck as *The Man in the Grey Flannel Suit* and Jimi Hendrix at Monterey Pop—compromised working stiff versus sybaritic rock star who played a backwards guitar. During the years of our early education, the *Leave It to Beaver* American Dream—a car, a house, a white picket fence, a dog, and 2.3 adorably pesky children—gave way to sex, drugs, and rock ‘n’ roll, before confronting 50,000 dead American soldiers in Vietnam, race riots in Watts, Detroit, Newark, Chicago, Cincinnati, and culminating with the assassinations of Martin and Bobby. A sentimental education indeed.<sup>44</sup>

Joseph reveals and expresses his Catholicism throughout his work and, in *The Game Changed*, devotes an important essay to it. *Word Made Flesh* opens with a scene from 1966, his senior year at Detroit’s Jesuit high school:

It was May. The Jesuit high school in Detroit. The Gospel According to John.

“Love. God. Is. God is love. Do you understand?” Father Born asked. “Each word means the same thing. That’s what God is. Love.”

“Thaaat’s what love is maaaade of,” Przywara whispered across the aisle, imitating the voice of Smokey Robinson.

“In the beginning is the word. The word is with God. The word is God and God is love. That,” Born said, “is what this Gospel is about. There’s a prophet—John the Baptist is a prophet. A voice crying—howling, screaming, shouting, crying. A witness—*Ut testimonium perhiberet de lumine*. One who provides testimony. Testimony as to what? To what is seen.

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<sup>43</sup> Patrick J. Glen, *Franz Kafka, Lawrence Joseph, and the Possibilities of Jurisprudential Literature*, 21 S. CAL. INTERDISC. L.J. 47, 47 (2011).

<sup>44</sup> LAWRENCE JOSEPH, *Sentimental Education*, in BEFORE OUR EYES 33, 33–35 (1993).

And what is seen? Light. And what is light? The word. And what is the word? Made flesh. *Verbum caro factum est*. God is the word made alive among us. *Habitavit in nobis*. A part of us—a part of our lives. The incarnation of the word of God. This”—Born’s voice suddenly turned intense—“this and the redemption of every human being by the sacrifice of a God of eternal love, fully God and fully human crucified on a cross, killed under the laws of the Roman state. These are the central mysteries of our faith. The central mysteries of our faith have to do with love.”<sup>45</sup>

Joseph’s Catholicism is a theology of the Word. It is a theology of Logos, of literature. The theology of the Word is not, as Catherine McKinnon knew, only words;<sup>46</sup> it is not, as Randall Kennedy knew, simply reduced to a troublesome word;<sup>47</sup> it is not simply talk. Much literary criticism and philosophy in the twentieth century fixated on the words as words in and of themselves. This academic fashion investigated the possibilities of meaning within those words and went on to contest the very possibility of meaning, even the possibility of truth at all. This deconstructive approach to language and to words is decidedly not Joseph’s theology of the Word; it is nihilism;<sup>48</sup> it is a distraction from the world and the Word in which we live to make our lives meaningful.<sup>49</sup>

A theology of the Word is necessary for a poet, an essayist, and a writer, who also lays claim to Catholicism. It demands that the essayist, the poet, meet the challenge of *The Liberal Imagination*,<sup>50</sup> and insure that what the writer writes speaks to the politics of the day, which is to say declares a moral position, which, for poet-lawyers, necessarily means writing of Justice. What is painfully true in law is that words matter. The words “guilty” or “not guilty” are attached to more than poetic drama:

<sup>45</sup> JOSEPH, *Word Made Flesh*, *supra* note 24, at 68.

<sup>46</sup> See generally CATHARINE A. MACKINNON, *ONLY WORDS* (1993).

<sup>47</sup> See generally RANDALL KENNEDY, *NIGGER: THE STRANGE CAREER OF A TROUBLESOME WORD* (2003).

<sup>48</sup> See, e.g., DANIEL A. FARBER & SUZANNA SHERRY, *BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN AMERICAN LAW* (1997); THOMAS NAGEL, *THE LAST WORD* (1997); STEPHEN TOULMIN, *RETURN TO REASON* (2001).

<sup>49</sup> See, e.g., SUSAN WOLF, *MEANING IN LIFE AND WHY IT MATTERS* 1–3 (2012).

<sup>50</sup> See LIONEL TRILLING, *THE LIBERAL IMAGINATION: ESSAYS ON LITERATURE AND SOCIETY* (1950); see also ADAM KIRSCH, *WHY TRILLING MATTERS* (2011).

They are attached to life and death, they are attached to, and effect, violence.<sup>51</sup> As a writer who has embraced the theology of the Word, it is equally true that the words of that writer's poems and essays are dramatic, but not because of—paraphrasing Coleridge—pretty words prettily arranged.<sup>52</sup> Rather, the poetic drama is the struggle to say something true and just, to wake us from our complacency, from our cynicism, from our twentieth century nihilism. The theology of the Word recognizes that “we are capable of experiencing the world through the word, of having the experience of the world by putting our imagination of that experience into words, as literature proves.”<sup>53</sup>

#### IV. THE “I” OF THE POET

“We [poets] are the ones who tell what needs to be told about the language of the time that we live in.”<sup>54</sup>

Joseph's presence is keenly and acutely felt throughout all of his writing. Yet, Joseph's presence is not the presence of his ego. Joseph is not there to exercise an authoritarian voice. Nor is he there to lecture us. Instead, Joseph's presence in his poetry and his prose is there to instruct us from his perspective as an observer. Joseph, as poet and writer, is the prisoner freed from the cave and is destined to return underground after he has enjoyed the warmth and light of the sun, to haggle about shadows and light.<sup>55</sup> Joseph's presence is as an “I” witness to history, to the political economy around us, to contemporary poetry and literature, and to our place in society at this time. Although he does not lecture us, we must realize that he hectors

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<sup>51</sup> See Robert M. Cover, Essay, *Violence and the Word*, 95 YALE L.J. 1601, 1601 (1986).

<sup>52</sup> JOHN BARTLETT, *FAMILIAR QUOTATIONS: A COLLECTION OF PASSAGES, PHRASES AND PROVERBS TRACED TO THEIR SOURCES IN ANCIENT AND MODERN LITERATURE* 530 (Emily Morison Beck ed., 14th ed. 1968) (quoting Samuel Taylor Coleridge, “I wish our clever young poets would remember my homely definitions of prose and poetry; that is, prose = words in their best order; poetry = the best words in their best order.”).

<sup>53</sup> Alberto Manguel, *Conrad in South America*, *THREEPENNY REV.*, Fall 2012, at 6, 7.

<sup>54</sup> JOSEPH, *Conversation with Charles Bernstein*, *supra* note 1, at 127.

<sup>55</sup> See generally PLATO, *THE REPUBLIC OF PLATO* 35–62 (Allan Bloom ed. and trans., 2d ed. 1991).

us, and with good reason. It's a poet's duty to do so. It is the poet's responsibility to seek "[t]he inconceivable idea of the sun."<sup>56</sup> It is the poet's duty to not shrink from the task:

A poet stands on the steps of the great cathedral  
wondering if he has been a coward in hard times.<sup>57</sup>

Joseph is as present in his essays as he is in his poetry, perhaps no more so than in his radio conversation with Charles Bernstein on WPSI in New York City in 2008.<sup>58</sup> The interview is typical in that it discusses Joseph's poetry; it is, however, atypical in its depth. Bernstein asks Joseph about his identity as a poet, whether Joseph sees himself as a Manhattan poet, a poet of "our generation," or an American poet.<sup>59</sup> Joseph's response reveals the "I" of the poet. He concedes that he is a poet of our generation who lives in Manhattan and writes in an American voice. However, his response about identity is more penetrating, exposing the mind of the poet:

Issues like the nature of the self; the nature of the speaking self; the types of language that deal with a sense of the self; and how a self, or selves, are expressed through various personal and social identities, have been aesthetic concerns of mine since the beginning of my work.<sup>60</sup>

Joseph tells us that "[a]ll these identities, and more, enter into the voice that becomes that of a poet."<sup>61</sup>

This focus on "self" is to be understood as distinct from an authorial ego. It is not autobiographical in the ordinary sense. Nor does the ordinary sense of autobiography hold any interest for Joseph as a writer, as Adrienne Rich explained.<sup>62</sup> By trying to uncover one's identity, Joseph discusses the relationship of the self to what Gertrude Stein refers to as the socio-historical and cultural situation. By stressing the self in relation to the world, Joseph avoids solipsism, absurdity, and cynicism. In this way, Joseph is staking out a moral territory. By underscoring a connection of the writer to the world, the poet is naming a set of

<sup>56</sup> WALLACE STEVENS, *Notes Toward a Supreme Fiction*, in *THE COLLECTED POEMS OF WALLACE STEVENS* 380, 380 (1967).

<sup>57</sup> YUSEF KOMUNYAKAA, *A Visit to Inner Sanctum*, in *THE CHAMELEON COUCH: POEMS* 49, 49 (2011).

<sup>58</sup> JOSEPH, *Conversation with Charles Bernstein*, *supra* note 1, at 120.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> HELEN VENDLER, *SEAMUS HEANEY* 16 (1998).

<sup>62</sup> JOSEPH, *John Ashbery and Adrienne Rich*, *supra* note 21, at 53.

obligations and responsibilities. The poet-writer does not stand at some Archimedean point merely to observe and entertain. Rather, and more importantly, he or she examines the world to observe and to give witness and, as witness, to give into the “truth-telling urge.”<sup>63</sup> *Nota bene*: The poetical or lawyerly search for the truth is not to be confused with its possession. Joseph does not make that mistake. The search for truth is a dialectical engagement, a quest neatly suited to the talents and skill of the poet as well as the lawyer.

In his conversation with Bernstein, Joseph gives voice to that self. “For me, a poem’s telling is in the voice or voices of compressed, condensed, thoughts, feeling, observations, perceptions—compression that is achieved by employing various sorts of refracted language, including prosody—what Stein and Williams called ‘grammar.’”<sup>64</sup> For Joseph, as for T. S. Eliot, there are multiple voices in a poem or in an essay. Joseph takes up Eliot’s notion of the three voices of poetry.<sup>65</sup> The first voice is the poet talking to himself or herself, trying to understand what it is he or she wishes to say. The second is the voice of a poet addressing an audience, and the third is the voice of the poet who attempts to create a dramatic character in his poetry. Joseph both understands and employs these various voices throughout his writing. However, there is, ever present, a fourth voice talking to us, a voice that demands that the reader not only engage the text, but also the reality and the ideas that the text represents. Voice—Word—Logos—language—self, are of a whole.

Joseph’s “I” is on clear display in *The Game Changed*, in an essay entitled “*Our Lives Are Here*”, originally published in 1986 in the *Michigan Quarterly Review*.<sup>66</sup> “*Our Lives Are Here*” is comprised of notes from a journal Joseph kept in Detroit in 1975, while he was attending law school.<sup>67</sup> These entries link Joseph as a person and as a writer not only to the place of his birth, but

<sup>63</sup> SEAMUS HEANEY, *THE GOVERNMENT OF THE TONGUE: SELECTED PROSE 1978–1987* xvi (1989).

<sup>64</sup> JOSEPH, *Conversation with Charles Bernstein*, *supra* note 1, at 122.

<sup>65</sup> LAWRENCE JOSEPH, *A Few Reflections on Poetry and Language*, in *THE GAME CHANGED: ESSAYS AND OTHER PROSE*, *supra* note 1, at 78, 84 [hereinafter JOSEPH, *A Few Reflections on Poetry and Language*].

<sup>66</sup> Lawrence Joseph, “*Our Lives Are Here*”: *Notes from a Journal, Detroit, 1975*, 25 *MICH. Q. REV.* 296 (1986).

<sup>67</sup> JOSEPH, “*Our Lives Are Here*”, *supra* note 24.

also to Stein's socio-historical and cultural situation. These journal entries are deep and personal and are also directed to us, his readers. They demand of the writer, and they demand of the reader, that we consider how we should confront the social breakdown that the poet witnesses: the violence of the city, the connections among personal and family histories, and the "histories of America."<sup>68</sup>

Joseph takes to heart William Faulkner's directive that to write "you must let the great primary truths take root in you and direct your work toward one of them or toward all of them at the same time."<sup>69</sup> His journal entries present rules to live by, for Joseph as a writer and for us as readers. Joseph is *in* his poetry and *in* his prose; he invites, if not demands, that his readers confront the "I" in his writing and, by invitation and extension, confront the "I" in their own lives.

## V. JOSEPH'S POETICS

"I worked out the rhythms of my poetry by repeating them to myself. Gradually I discovered the intrinsic laws of this meter and my poetry... which I regard as the rhythm of my imagination."<sup>70</sup>

*The Game Changed* is about many things, but it is mostly a revelation of Joseph's poetics, which well it should be. Joseph's poetry and prose are, above all, tough-minded. This is not to say that his work lacks subtlety or grace; it doesn't. It is to say that Joseph's work confronts his reader with hard realities, difficult questions, and moral challenges. His understanding and mastery of form are always on display, but he does not overtly favor form over substance. He aims at larger targets, as his poetics disclose.

Joseph's work is Modernist, but in specifically proscribed ways. His understanding and appreciation of poets such as John Ashbery, Adrienne Rich, and Gertrude Stein show—as much as his appreciation for Wallace Stevens, William Carlos Williams, and Elizabeth Bishop—a clear sense of Modernism's issues. In writing on Ashbery's work, Joseph recognizes the poet's need to confront twentieth-century American life through language. He

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<sup>68</sup> *Id.* at 43.

<sup>69</sup> *Id.* at 44–45 (internal quotation marks omitted).

<sup>70</sup> *Id.* at 47 (internal quotation marks omitted).

recognizes the poet's need to create an understanding of that life, and he understands the Modernist use of language.<sup>71</sup> He understands the Modernist claims about the difficulty of determining meaning. But Joseph is also aware of a Modernist impulse that also adamantly insists on resisting meaning. I certainly applaud a recognized poet who can recognize that, in Ashbery's poetry, you "can't quite locate what [it] is 'about.'"<sup>72</sup> Ashbery does address religion, art, politics, inter alia, yet his preoccupation is to use language to sensitize us to the modern world, even if we find his Modernism a bit ineffable. Joseph takes that world, the world of the aesthete, as a Modernist given and, as a different sort of writer, gives it a more intelligible meaning. In short, Joseph brings Modernism to ground.

Joseph is a poet, a writer, who has all of the chops to "get" modernist poetry without giving his own voice over to it. There are Modernist writers who prize linguistic word play and experimentation and who often have a willingness to forgo meaning altogether. This kind of modernism has a dark side to it, however. Traveling a road of pure formal and linguistic word play can lead to a reader's frustration, as well as to a skepticism about the very idea of reason or truth. It can lead to disorientation, to pessimism, and to "an understanding that the modern world has become spiritually bankrupt and culturally fragmented."<sup>73</sup> Joseph clearly understands all of this, but eschews Modernist language games for deeper, more substantive writing. Hey, there are things in this world that must be confronted; there are problems that must be addressed; there are decisions to be made; language means something.<sup>74</sup>

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<sup>71</sup> Reviewing James Schuyler's, *The Morning of the Poem*, Joseph writes: "The language of a Schuyler poem exists on (at least) two separate yet overlapping planes: one where language is used as a medium of communicating meaning; the other, an aesthetic plane, where the language of the poem embodying the speaker-self possesses an autonomous value." JOSEPH, *James Schuyler's The Morning of the Poem*, *supra* note 33, at 60.

<sup>72</sup> JOSEPH, *John Ashbery and Adrienne Rich*, *supra* note 21, at 51.

<sup>73</sup> PETER CHILDS, MODERNISM 102 (2d ed. 2008).

<sup>74</sup> See, e.g., Christian Wiman, *Mastery and Mystery: Twenty-One Ways To Read a Century*, POETRY MAG., Oct. 2012, at 45, 45 ("There is some combination of mastery and mystery: language has been honed to unprecedented degrees of precision, but it exists within—and in some way acknowledges—some primal and nearly annihilating silence.").



Furthermore, as much as Joseph understands Modernism, he also respects literary tradition. He writes generously about Michael Schmidt's *Lives of the Poets*.<sup>75</sup> It is, indeed, a bold move for Schmidt to adopt Samuel Johnson's title for a book on poetry in the English language.<sup>76</sup> Joseph's essay on *Lives of the Poets* moves beyond a simple description of the book and a critique of how well it addresses each poet. Joseph reads the book as a whole, as a history of the English language. In Joseph's words: "The story of this language—whose subjects arise out of religious belief and doubt; out of history, politics, war, and economics; out of anxiety, sexual desire, or frustration; out of love and hate—affirms continuity."<sup>77</sup>

What strikes me most about this sentence—a feeling that struck me throughout my reading of *The Game Changed*—is how much it reveals about Joseph's own poetry and writing. Joseph reads Schmidt as arguing for a language that is not merely descriptive of "political or literary fashion."<sup>78</sup> Instead, Joseph reaches beneath the book's narrative to tell us about the English language and its ability to engage a subject, to critique poetry as an art form that is willing to honor tradition while "distrusting the orthodoxies of the age."<sup>79</sup> Schmidt's, and Joseph's, understanding of the poetic expressions available in the English language move beyond historical artifact to its transformative possibilities.

The use of language to explore the contemporary, to link it to tradition, and to reform that tradition when necessary, is essential to Joseph's poetics. In his essay on two English poets, Tony Harrison and Michael Hoffman, he argues that they are among the best poets writing in England because they "combine an awareness of social conflict with an acute aesthetic sense of how that conflict should be expressed in the language of English poetry."<sup>80</sup> Poetry, for Joseph—as well as for so many others he favors—entails a social sense, political awareness, moral judgment, and civic commitment. "One needn't be a Marxist to

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<sup>75</sup> LAWRENCE JOSEPH, *Michael Schmidt's Lives of the Poets, in THE GAME CHANGED: ESSAYS AND OTHER PROSE*, *supra* note 1, at 10, 10.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.* at 11.

<sup>78</sup> *Id.* at 12.

<sup>79</sup> *Id.* at 15.

<sup>80</sup> JOSEPH, *Tony Harrison and Michael Hofmann*, *supra* note 22.

recognize that all poetry has political, social and moral implications."<sup>81</sup> You don't need to be a weatherman to know which way the wind blows.

At the core of these commitments may well be the personal self, but it is a self that demands expression, and the medium of expression is language. Poets may or may not be the "unacknowledged legislators of the world,"<sup>82</sup> but they are, indubitably, actors in it. More importantly, however, these actors are given a special gift, a gift of language with which to connect their being with the world and with which to proclaim the lessons they have learned or are learning as well as instruct us when they can.

Joseph's poetics and his social and political sensibilities converge when he demands that poetry express "the fundamental modernist conflict between the aesthetic and the political," as he writes in his review of Hans Magnus Enzensberger.<sup>83</sup> I might gently chide Joseph here. Enzensberger may well be expressing a Modernist conflict, yet the conflict between the aesthetic and the political—or, perhaps, better labeled the conflict between poetry and philosophy—is an ancient quarrel.<sup>84</sup> Nevertheless, it is a quarrel that stays with us; it is a quarrel that says that art and poetry conflict with the political world and that there is distrust between these two worldviews.

Joseph rejects that very notion of a conflict between the political and the poetical in two ways. First, he denies the separation between politics and poetry on purely procedural grounds. We need poetry—we need the language of poetry—to make the world, the world in which we live, intelligible, for there is no better language to do so.

If a language pure enough to transmit human experience without distortion existed, there would be no need for poetry. Not only does such a language not exist, it cannot; language, by

<sup>81</sup> JOSEPH, *A Few Reflections on Poetry and Language*, *supra* note 65, at 80.

<sup>82</sup> Percy Bysshe Shelley, *A Defence of Poetry*, in *CLASSIC WRITINGS ON POETRY* 349, 374 (William Harmon ed., 2003).

<sup>83</sup> LAWRENCE JOSEPH, *Enzensberger's Kiosk*, in *THE GAME CHANGED: ESSAYS AND OTHER PROSE*, *supra* note 1, at 33, 35.

<sup>84</sup> See generally RAMONA A. NADDAFF, *EXILING THE POETS: THE PRODUCTION OF CENSORSHIP IN PLATO'S REPUBLIC* (2003); PLATO, *supra* note 55, at 35–96, 277–304; PLATO, *PLATO ON POETRY* (Penelope Murray ed., 2003); JOSEPH P. TOMAIN, *CREON'S GHOST: LAW, JUSTICE AND THE HUMANITIES* (2009).

its very nature, is as a social instrument, and must be a convention, arbitrarily ordering the chaos of experiences, denying expression to some, allowing it to others.<sup>85</sup>

The second grounds for denying the separation of the aesthetic and the political is substantive. In his essay on Hayden Carruth's *Collected Shorter Poems: 1946-1991*, Joseph writes: "On one level, the poetry is personal, arising out of the responses of an actual self; on another level, the poet is always alert to American collective consciousness."<sup>86</sup> Similarly, he writes on Marilyn Hacker's poetry as containing "a compelling appreciation of power and politics, and a longing for a social order . . . based on what is human."<sup>87</sup> Poetry's message absorbs the political, the social, the cultural—it is neither separated from, nor alien to, it. Power and politics are subjects of poetry, not its antithesis.

So now, now again, we are *Into It*.<sup>88</sup> We need poetry to explain, to help us understand, to place us in finance capitalism and religious violence; cosmopolitanism; the aesthetic mind and politics; the military-industrial-complex; street talk; music; the phenomenon of Marilyn Monroe; 9/11; law and law practice; and the nature of the poem and poetry.<sup>89</sup> Understanding these things and the relationships among them are the preconditions of knowledge for the poet and for the lawyer.

## VI. JOSEPH'S JURISPRUDENCE

"'Words crystallize despite our lives,' the poet writes, which is only partly true. In this expanding social moment—in the infinitely challenging human world of the poem—Hacker's poetry like no one else's crystallizes our lives for us, too."<sup>90</sup>

Joseph ends his essay on Marilyn Hacker's poetry with this quotation, and this Essay reads it as an invitation, if not a demand, that we, too, as lawyers, need to crystallize our lives. More to the point, our lives as lawyers necessarily mean that we

<sup>85</sup> JOSEPH, *A Few Reflections on Poetry and Language*, *supra* note 65, at 80.

<sup>86</sup> LAWRENCE JOSEPH, *Hayden Carruth*, in *THE GAME CHANGED: ESSAYS AND OTHER PROSE*, *supra* note 1, at 89, 89.

<sup>87</sup> LAWRENCE JOSEPH, *Marilyn Hacker*, in *THE GAME CHANGED: ESSAYS AND OTHER PROSE*, *supra* note 1, at 95, 95 [hereinafter JOSEPH, *Marilyn Hacker*].

<sup>88</sup> JOSEPH, *supra* note 9.

<sup>89</sup> *See id.*

<sup>90</sup> JOSEPH, *Marilyn Hacker*, *supra* note 87, at 98.

need to understand the nature of our business. It is a serious business indeed: It is a search for Justice, the search for the Good.

Following Joseph, this Essay makes a strong claim. Every lawyer must have a jurisprudence. Okay, let us refine that statement just a bit. Not every lawyer must have a jurisprudence, only those worth his or her salt. A generation or so ago, law schools changed the name of the degree that they granted their students from a Bachelor in Laws to a Doctor of Jurisprudence. In large part, the change was merely to confirm a status symbol on law school graduates similar to the graduates of medical schools.

But let us delve a bit deeper into the name of that degree. The question of what constitutes jurisprudence or legal philosophy has absorbed the careers of many. Yet, just as Plato believed that we all had an innate sense of justice, it is also the case that, as lawyers, we all have an innate sense of jurisprudence. It is too true that the daily demands on our time as lawyers, judges, law students, and law teachers too often prevent us from reflecting upon what our jurisprudence is or ought to be. Nevertheless, the question of jurisprudence, indeed the question of justice, is precisely what Plato says it is: “[It] ‘is not about just any question, but about the way one should live.’”<sup>91</sup>

What, then, is a jurisprudence that derives from the work of a poet? It is clear that the rules for lawyers and the rules for poets are not so dissimilar. At the most obvious level, rule number one is that language matters. We know this when we read legal documents, when we speak on behalf of clients, when we write as advocates, when we negotiate.

Second, a critical appreciation of language also matters. We know this in our various roles as lawyers, and we know, deep down, that a critical appreciation must be tethered to something. At bottom, we critically review language for its essential truth even though those truths may be provisional and we may be unsure of ourselves in searching for it. Nevertheless, we know truly that falsehoods in law are abhorrent, that misdirection is unethical, and that misrepresentation is immoral and must be shunned.

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<sup>91</sup> PLATO, *supra* note 55, at 31.

Next, as lawyers who represent clients, who are part of a noble profession and who are citizens who live in the world, we must take responsibility for our participation in each of those roles. It is one thing for a poet to write of trees, sunsets, verdant greens; it is another matter for him or her to try to understand our relationship to the sun, to the Good, to each other. And it is yet still another thing if the poet questions the righteousness of our culture, the continuing perplexity of violence and greed, and the structure of the institutions that shape our society and affect our lives. If a poet must confront these hard realities, can we, as lawyers, ignore them? Our ability to understand and apply language, critically, to the problems our clients face in the world gives us our identity as lawyers. Just as language gives identity to the poet, our use of language gives identity to us as lawyers.

Finally, there is an element in the use of language, when it touches truth, which acts as love. Joseph notes the incarnate use of the word, of divine love made human. He also recognizes the poet's love of words and recognizes that words are the means by which a poet uncovers the truth. Words like love and truth, and beauty and justice, challenge us because of their magnitude; they seem impenetrable, and they are words that, deep down, we fear. We fear them because they show us our frailties; they remind us that we spend too much time with the superficial; and they expose our human failings. These are fears that, as poets and as lawyers, we must overcome. As derived from a saying by Rabbi Hillel and quoted by others: "If not us, who? If not now, when?"<sup>92</sup> *The Game Changed* gives us rules to live by, and challenges of love and truth, and beauty and justice, to meet. As poets and lawyers, we have promises to keep and miles to go before we sleep.

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<sup>92</sup> Hillel: *If Not Now, When?*, JEWISH VIRTUAL LIBRARY, <http://www.jewishvirtuallibrary.org/jsource/Quote/hillel2.html> (last visited Apr. 18, 2014).