# *Essay*

**LAWRENCE JOSEPH***

## Being in the Language of Poetry, Being in the Language of Law

ABSTRACT

*Being in the Language of Poetry, Being in the Language of Law* was originally presented as the 2008–2009 Colin Ruagh Thomas O'Fallon Memorial Lecture at the University of Oregon School of Law, on April 16, 2009. The O'Fallon Memorial Lecture, which is sponsored by the Oregon Humanities Center, alternates each year between lectures on law and art in American culture. Professor Lawrence Joseph is the first lecturer in this series to combine both law and art as the subjects of his presentation. Professor Joseph brings a unique perspective to his topics. An eminent legal scholar, and former practicing lawyer and judicial law clerk, he is also the award-winning author of five widely acclaimed books of poetry; of *Lawyerland*, a book of creative prose; and of literary essays and other works of creative prose. *Being in the Language of Poetry, Being in the Language of Law* is a personal essay adapted from Professor Joseph's lecture. In it, he takes his reader through his various experiences with the languages of both his vocations and details how these languages overlap and affect him. The style and composition of the Essay create the sense of both living in and being intensely involved in languages both legal and literary. The ultimate effect is,

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through the portrayal of the languages of law and poetry, a portrait of language itself.

## I

The 1985 Tanner Lecture on Human Values at the University of Michigan was delivered on November 8 of that year by Clifford Geertz. Geertz's lecture, *The Uses of Diversity*, was published in the Winter 1986 issue of the *Michigan Quarterly Review*. "[M]eaning," Geertz said, "comes to exist only within language games, communities of discourse, intersubjective systems of reference, ways of worldmaking."[1] Meaning is "through and through historical, hammered out in the flow of events." "The limits of my language are the limits of my world," Geertz added, invoking Ludwig Wittgenstein's *Tractatus Logico-Philosophicus*.[2] "[T]he reach of our minds, the range of signs we can manage somehow to interpret, is what defines the intellectual, emotional and moral space within which we live."[3]

The Spring 1986 *Michigan Quarterly Review* is devoted to—in the words of its editor Laurence Goldstein—"Michigan's premier city," Detroit. *Detroit: An American City* includes a selection of journal entries of mine, titled *"Our Lives Are Here": Notes from a Journal, Detroit, 1975*. For the first entry, January 8,[4] I wrote that it is "our"—my and Nancy's—"second week in the Alden Park." I had just moved from Ann Arbor to Detroit. I will "commute to Ann Arbor for law school, four times a week." The Alden Park is a 1920s Tudor-style apartment building on Detroit's east side beside the Detroit River. Next to it is Solidarity House, the international headquarters of the United Automobile Workers. On January 15, 1975, I wrote: "'No hopeful signs for the economy.' Detroit is hurting, badly; 'as Detroit goes so goes the nation.' More and more empty houses and stores, For Lease and For Sale signs. 'As long as Supplemental Unemployment Benefits pay holds out'—but then what?"[5] On November 13:

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[1] Clifford Geertz, *The Uses of Diversity*, 25 MICH. Q. REV. 105, 112–13 (1986).

[2] *Id.* at 113; *see* LUDWIG WITTGENSTEIN, TRACTATUS LOGICO-PHILOSOPHICUS 149 (C.K. Ogden ed. & trans., Routledge 2005) (1922).

[3] Geertz, *supra* note 1, at 113.

[4] Lawrence Joseph, *"Our Lives Are Here": Notes from a Journal, Detroit, 1975*, 25 MICH Q. REV. 296, 296 (1986).

[5] *Id.*

> Yesterday: bone-chilling, damp coldness that the landscape seemed to equal: the singular smokestack near Eastern Market; St. Josephat's towers seen from the Chrysler freeway . . . the burned out warehouse in old Poletown surrounded by acres of weeds . . . .
>
> How much has been lost, how much hidden and buried and forgotten. How much fear absorbs the capacity to see and accept.[6]

On December 12—as I studied for final exams for my final semester in law school—I wrote:

> Friday night, late. Just finished outlining the "enterprise organizations" course. . . . Now to review three or four chapters of secured transactions. "Floating liens"—how a lender protects itself . . . and other intrigues . . . .
>
> . . . A cold, snowy night. Papers, books all over the place. Can hear the wind outside howling over the river. Every once and awhile I look to see if it's still snowing . . . . I think: what if I took the time to work on poetry that I take to study law—but, no, of course, the intensity required to write poems must be differently directed . . . .[7]

On November 12, 1975, Justice William O. Douglas resigned from the United States Supreme Court because of illness. Justice Douglas had been on the Court since April of 1939—over thirty-six years, the longest-serving Justice in the Court's history. I was reminded of this while I was rereading Professor James O'Fallon's *Nature's Justice: Writings of William O. Douglas*,[8] a book of Justice Douglas's selected writings interspersed with O'Fallon's commentary. One opinion presented in its entirety in *Nature's Justice* is Justice Douglas's dissent in *Sierra Club v. Morton*.[9] The Sierra Club brought suit for a declaratory judgment and an injunction to prevent the U.S. Forest Service from approving an extensive skiing development proposed by Walt Disney Enterprises in the Mineral King Valley in the southern part of the Sequoia National Forest.[10] The issue was whether the Sierra Club had standing under section 10 of the Administrative Procedure Act[11] to seek judicial review of the government's

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6 *Id.* at 301.

7 *Id.* at 301–02.

8 NATURE'S JUSTICE: WRITINGS OF WILLIAM O. DOUGLAS (James O'Fallon ed., 2000).

9 405 U.S. 727 (1972).

10 Justice Stewart, in the Court's four-Justice majority opinion, described the Sequoia National Forest as "an area of great natural beauty nestled in the Sierra Nevada Mountains." *Id.* at 728.

11 5 U.S.C. § 702 (2006) ("A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.").

decision.[12] The majority opinion held that the Sierra Club lacked standing to maintain the action because it suffered no individualized harm to itself or its members. Justice Douglas dissented. He wrote:

> The critical question of 'standing' would be simplified and also put neatly in focus if we fashioned a federal rule that allowed environmental issues to be litigated before federal agencies or federal courts in the name of the inanimate object about to be despoiled, defaced, or invaded by roads and bulldozers and where injury is the subject of public outrage.[13]

Justice Douglas states further that environmental issues "should be tendered by the inanimate object itself."[14] "[V]alleys, alpine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swampland, or even air that feels the destructive pressures of modern technology and modern life" should be "parties in litigation," to assure that "all of the forms of life . . . will stand before the court—the pileated woodpecker as well as the coyote and bear, the lemmings as well as the trout in the streams."[15] "That, as I see it"—Douglas concludes—"is the issue of 'standing' in the present case and controversy."[16]

I first read *Sierra Club v. Morton* during the summer of 1974 in an administrative law course taught by Professor Joseph Vining. Professor Vining spent an entire class on the case, taking us through its various factual and technical dimensions and especially, with favor, Justice Douglas's and Justice Blackmun's dissents. Professor Vining specifically pointed out the language at the conclusion of Justice Blackmun's dissent, a reference to a "particularly pertinent observation and warning of John Donne," which, Professor Vining added, Blackmun quoted in a footnote:

> "No man is an Iland, intire of itselfe; every man is a peece of the Continent, a part of the maine; if a Clod bee washed away by the Sea, Europe is the lesse, as well as if a Promontorie were, as well as if a Mannor of thy friends or of thine owne were; any man's death diminishes me, because I am involved in Mankinde; And therefore never send to know for whom the bell tolls; it tolls for thee." Devotions XVII.[17]

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[12] *See Sierra Club*, 405 U.S. at 731–34.

[13] *Id.* at 741 (Douglas, J., dissenting) (footnote omitted).

[14] *Id.* at 752.

[15] *Id.* at 752.

[16] *Id.*

[17] *Id.* at 760 n.2 (Blackmun, J., dissenting).

When *Sierra Club v. Morton* was decided on April 19, 1972, I was in the second of two years of postgraduate study at the University of Cambridge, studying English Language and Literature. I had decided by then to return to Ann Arbor, where I had been an undergraduate, to study law. In a journal entry dated April 18, 1972, I note: "Poems—three general categories: (1) threnodies (justice; Jeremiah) . . . (2) psalms (beauty; Augustine) . . . (3) 'conversations' (morality; Camus)."

Another standing case with a dissent written by Justice Douglas was decided two months after *Sierra Club*, on June 26, 1972. *Laird v. Tatum* involved covert surveillance by Army Intelligence of antiwar and civil rights groups. In early June of 1972, I took my examinations at Cambridge for Part II of the English Tripos and then spent most of the rest of that year in France reading, mostly Albert Camus, Simone Weil, and Rene Char, and writing, often extensively, in my journal. I returned to Detroit in December. During the winter and spring of 1973, I worked at Chrysler's Lynch Road Assembly and Clairpointe plants in Detroit. In May, I moved to Ann Arbor and began law school—in Michigan Law School parlance, a "summer starter." I don't recall reading *Laird v. Tatum* during law school; I came upon the case in late 1990 during the buildup to the first Gulf War, when I looked at a series of Justice Douglas's opinions dealing with the President's war-making powers. Since then, I have taught *Laird* every year in a law and interpretation seminar course.

Detroit figures substantively in *Laird*. Section 331 of Title 10 of the United States Code establishes the statutory conditions for the President to follow in order to call the armed forces into action "[w]henever there is an insurrection in any State against its government." Chief Justice Burger, in his opinion in *Laird* for a five-member majority, wrote that "[p]ursuant to those provisions, President Johnson ordered federal troops to assist local authorities at the time of the civil disorders in Detroit, Michigan, in the summer of 1967 and during the disturbances that followed the assassination of Dr. Martin Luther King."[18] Chief Justice Burger continued: "Prior to the Detroit disorders, the Army had a general contingency plan for providing such assistance to local authorities, but the 1967 experience led Army authorities to believe that more attention should be given to such preparatory planning."[19] The Army's covert data-gathering

[18] Laird v. Tatum, 408 U.S. 1, 4–5 (1972).

[19] *Id.* at 5.

system—which came to light in an article in the January 1970 issue of the *Washington Monthly*—"is said" (Chief Justice Burger continued in the passive voice) "to have been established in connection with the development of more detailed and specific contingency planning designed to permit the Army, when called upon to assist local authorities, to be able to respond effectively with a minimum of force."[20] Respondents in *Laird* (specifically identified only in Justice Douglas's dissenting opinion)—persons and groups of persons for whom, allegedly, the Army maintained files on their ideology, programs, memberships, and practices—included "virtually every activist political group in the country, including groups such as the Southern Christian Leadership Conference, Clergy and Laymen United Against the War in Vietnam, the American Civil Liberties Union, Women's Strike for Peace, and the National Association for the Advancement of Colored People."[21]

The majority in *Laird* held that the mere existence of the Army's data-gathering system did not chill the respondents' First Amendment rights because there was no showing on the record of any objective harm or threat of specific future harm; respondents, therefore, failed to establish a justiciable controversy and lacked standing.[22] In his dissent, Justice Douglas first denounced the majority's implicit conclusion that the President has the authority to establish surveillance over the civilian population.[23] Justice Douglas declared:

> If Congress had passed a law authorizing the armed services to establish surveillance over the civilian population, a most serious constitutional problem would be presented. There is, however, no law authorizing surveillance over civilians, which in this case the Pentagon concededly had undertaken. The question is whether such authority may be implied. One can search the Constitution in vain for any such authority.[24]

As for "[t]he claim that respondents have no standing to challenge the Army's surveillance of them and the other members of the class they seek to represent," Justice Douglas responds that it "is too transparent for serious argument."[25] "To withhold standing to sue . . . would in practical effect immunize from judicial scrutiny all

[20] *Id.* at 5.

[21] *Id.* at 24–25 (Douglas, J., dissenting).

[22] *See id.* at 13–14 (majority opinion).

[23] *See id.* at 16, 24 (Douglas, J., dissenting).

[24] *Id.* at 16.

[25] *Id.* at 24.

surveillance activities, regardless of their misuse and their deterrent effect."[26]

In May of 1976, I began a two-year clerkship with Justice G. Mennen Williams, who was, at that point in his public career, a sixth-year associate justice of the Michigan Supreme Court. Williams, a Democrat, had served as Governor of Michigan for six two-year terms from 1948 until 1960. In 1961, President Kennedy named him Assistant Secretary of State for African Affairs. In 1968, he was named Ambassador to the Philippines. Williams was elected to the Michigan Supreme Court in 1970 and reelected in 1978. In 1983, he was named chief justice. He left the court on January 1, 1987, and then taught at the University of Detroit School of Law. He died the following year.[27]

The September 15, 1952, issue of *Time* magazine features Williams on its cover.[28] At an "undaunted" forty-one years old, the anonymous writer for *Time* wrote, Williams was running for his third two-year term as governor in a traditionally Republican state. Describing Williams's early career, the *Time* writer noted that in 1937—shortly after Williams graduated from the University of Michigan Law School—"Michigan's redheaded Governor Frank Murphy" (also a Michigan Law School graduate) "summoned [Williams] to Lansing to be assistant state attorney general." When, in 1939, Franklin Roosevelt named Murphy Attorney General of the United States, Murphy made Williams his executive assistant. After Williams served in the Navy as a lieutenant commander with ten Pacific battle stars and a Legion of Merit, he was discharged in 1946, and Murphy, then in his sixth year as an Associate Justice of the U.S. Supreme Court, helped get Williams appointed Deputy Director of the Office of Price Administration in Michigan. When this position expired, Williams was named a member of the Michigan State Liquor Commission. Running for Governor in 1948, Williams allied himself with the CIO's Political Action Committee, which was anchored by some four hundred thousand members of Walter Reuther's United Auto Workers in and around Detroit.

In 1988, I was asked, with others, to write a tribute to Williams for the *University of Detroit Law Review*. Between the time that I

[26] *Id.* at 26.

[27] *See* Lawrence Joseph, *Justice G. Mennen Williams: A Memoir*, 66 U. DET. L. REV. 339, 339–42 (1989); *see also* Stephen D. Conley, *G. Mennen Williams—Michigan's Lawyer Public Servant*, 79 MICH. B.J. 1398, 1398–99 (2000).

[28] *Michigan: Prodigy's Prospects*, TIME, Sept. 15, 1952.

completed my clerkship with Williams in 1978 and when Nancy and I moved to New York City in 1981, I taught for three years on the faculty of the University of Detroit School of Law. By 1988, I had returned to full-time law teaching at St. John's University School of Law in New York City. In *Justice G. Mennen Williams: A Memoir*, I wrote that Williams considered himself "politically as an heir to the progressive traditions of his mentors Frank Murphy and Franklin Roosevelt; like them, he saw himself as a 'fighter for progress.'"[29] I noted:

> A portrait of Williams—painted when he was governor—hung in his supreme court offices on the fourteenth floor of the Lafayette Building in downtown Detroit. Williams was portrayed in the center; above him, on one side, was an image of Franklin Roosevelt; above him, on the other side, an image of Frank Murphy.[30]

Speaking of Williams's accomplishments during his twenty-eight years both as Governor of Michigan and as associate and chief justice of the Michigan Supreme Court, I noted that he

> fervently espoused an active government role in the protection of the state's wealth of land, air, and water resources. He publicly applauded Michigan's Environmental Protection Act (authored by University of Michigan Law School Professor Joseph Sax) for its unparalleled, far-reaching substantive provisions and its unprecedented provisions permitting individuals, as "private state attorneys general," to seek protective remedial action on the public's behalf. He endorsed the Act's expressed recognition of the public trust doctrine: he firmly believed that the state holds its natural resources in trust for the people.[31]

I wrote that Williams "was enormously proud of his opinion, *Ray v. Mason County Drain Commissioner*, which vigorously upheld the Sax Act's constitutionality."[32]

My clerkship with Williams began with the assignment to draft two labor and employment law majority opinions, *Breish v. Ring Screw Works* and *Bingham v. American Screw Products Co*. Williams would discuss with his clerks the direction that he wished a draft of an opinion to take and then give great leeway in the drafting process. If

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[29] Joseph, *supra* note 27, at 340.

[30] *Id.*

[31] *Id.* at 342–43 (footnote omitted).

[32] *Id.* at 343 (footnote omitted); *see also* Michigan Environmental Protection Act, MICH. COMP. LAWS ANN. § 324.1701 (West 1999); Ray v. Mason County Drain Comm'r, 224 N.W.2d 883, 895 (Mich. 1975).

he was pleased with a clerk's draft, he would sometimes adopt it as his own almost verbatim.

*Breish* was decided on November 23, 1976. In *Breish*, the plaintiff-appellant

> was discharged from his employment by Defendant-Appellee Ring Screw Works on June 1, 1971 for alleged theft of company property, a small can of cleaner valued at less than one dollar . . . . Ring Screw Works discharged Breish for what it considered 'just cause,' pursuant to the collective bargaining agreement in effect at that time between Ring Screw Works and UAW Local 771.[33]

Williams's majority opinion opens:

> This case involves a suit by a discharged employee against his former employer for breach of a collective bargaining contract. The employee exhausted the contractual grievance procedure. At each applicable step of the procedure, the employer denied the employee's grievance. Under the terms of the collective bargaining contract, the 'final' decision on the merits of the employee's grievance was, effectively, recourse to a strike by his union. The union voted not to strike over his complaint.[34]

The issue, Williams states, is narrow: the court is "asked to decide whether the strike vote of plaintiff's union, effectively the culminating step under the contractual grievance procedure, is plaintiff's sole and exclusive mode of legal redress, thus barring him from maintaining a breach-of-contract suit against defendant."[35] Although the case "might appear to be . . . simple . . . on the surface, its resolution brings into play a broad spectrum of complex federal labor relations law."[36] "Because plaintiff's suit [was] for breach of the collective bargaining contract, the suit arises under § 301 of the Labor Management Relations Act and is controlled by federal law, even though it has been brought in state court."[37] An "essential reason" for the case's complexity under federal labor law was the fact that "the contract grievance procedure at issue is quite uncommon in the context of labor relations law. According to one reputable estimate, ninety-six percent of the collective bargaining contracts in the United States include comprehensive contract grievance

33 Breish v. Ring Screw Works, 248 N.W.2d 526, 527 (Mich. 1976).

34 *Id.* at 526–27.

35 *Id.* at 529.

36 *Id.*

37 *Id.* at 529 n.4.

procedures culminating in final and binding arbitration."[38] "[M]ost legal questions," Williams writes,

> pertaining to the 'finality' of a culminating step of a grievance procedure therefore revolve around the 'finality' of arbitration decisions. Thus in the instant case we must interpret federal law [as it applies to] a relatively unique issue, an issue which, we note, has never been directly decided by the United States Supreme Court.[39]

The court's holding is stated in the second paragraph of Williams's opinion.

> The federal labor law on this question mandates that judicial review of a 'final' decision on the merits of an aggrieved employee's complaint is barred unless the final step of the grievance procedure is inadequate to provide a procedurally fair decision. In this case, the 'final' determination of the merits of the discharged employee's complaint was the strike vote by his fellow union members. The effect of this procedure is that the decision of whether an employee should be discharged from his employment is dependent on whether those adjudging the merits of his claim choose to imperil their own economic status; those desiring to rule in favor of the discharged employee would pay the price of giving up their own jobs. . . . [S]uch a 'final' merits determination is contrary to the federal labor law. We hold, therefore, that such a 'final' decision on the merits of the employee's grievance does not bar the employee from maintaining a breach-of-contract suit against his former employer.[40]

*Bingham* was decided on December 21, 1976. An amicus curiae brief was filed in the case by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW). Williams begins his statement of facts:

> Claimant Arlie K. Bingham was employed by American Screw Products Company from February 17, 1969 to November 17, 1969. He worked as a machine operator; his last wage-rate was $3.10 per hour.
>
> Bingham testified that he left his Michigan employment because he had been unable to find adequate housing for his wife and four children in Michigan at a price which he could afford. Bingham explained that while he was employed in Michigan he had searched continuously for a home in which his wife and [f]our children could live. His family came to Michigan and lived with him for approximately one month; but the living quarters were inadequate. Because he was unable to find adequate living quarters within his

[38] *Id.* at 529 (footnote omitted).

[39] *Id.* at 529–30.

[40] *Id.* at 527.

> means, his family was forced to return to Pineville, Kentucky, his original home. After his family returned to Kentucky, Bingham made further efforts to find adequate living quarters, but his efforts proved futile. He thereupon severed his Michigan employment, returning to Pineville, Kentucky, to join his family. . . .
>
> On December 2, 1969, Bingham filed an interstate claim for unemployment benefits with the Commonwealth of Kentucky Division of Employment Service in Middlesboro, Kentucky.[41]

Williams's opinion opens: "This complex unemployment compensation case involves the interpretation of inter-related provisions of § 28 ('Eligibility for Benefits') and § 29 ('Disqualification from Benefits') of the Michigan Employment Security Act."[42] There are two issues: first, "whether claimant, disqualified under the [A]ct for voluntarily terminating his employment, can requalify for benefits under the [A]ct outside the state of Michigan";[43] and, second,

> [w]hether claimant, after he moved home to Kentucky, was disqualified from receiving benefits for refusing the employer's offer of his former job or whether claimant's rejection of this reemployment offer was with 'good cause' because the offer was not an offer of 'suitable work' due to the unreasonable distance between his Kentucky residence and the Michigan job offer.[44]

Williams continues:

> At the outset, it is essential we bear in mind that our unemployment compensation act is part of a federal-state unemployment compensation system. This federal-state system is grounded in the Federal Social Security Act, the Wagner-Peyser Act, and the Federal Unemployment Tax Act, together with state laws enacted in conformity with the standards set forth by these federal laws.[45]

Williams states as the court's holding:

> Because of the clear language in the Michigan Employment Security Act, the interstate agreements accompanying it, and the federal-state dimension integral to it, we hold that claimant Bingham, a Kentucky worker who left a Michigan job because he could not find adequate housing for his family at a price he could afford, returned to Kentucky, registered for work with the appropriate employment office there, diligently sought . . . work,

41 Bingham v. Am. Screw Prods. Co., 248 N.W.2d 537, 539–40 (Mich. 1976).

42 *Id.* at 539.

43 *Id.*

44 *Id.*

45 *Id.*

> but turned down a job offer from his former Michigan employer due to the distance from his Kentucky residence, [first,] requalified for benefits after serving the period of disqualification under the [A]ct, and[, second,] was not disqualified for refusing his former employer's job offer because the offer was not an offer of 'suitable work' and was therefore rejected with 'good cause' due to the fact that the job was too far distant from his residence.[46]

The professors who influenced me most in law school—Theodore St. Antoine, Joseph Sax, Yale Kamisar, Joseph Vining—taught what Karl Llewellyn had the insight to see in 1931, during the early years of the Great Depression, that, "[a]t best, [rules] set the framework for decision, and the bounds within which it is to move. No less important," Llewellyn said, "if there is any slightest doubt about the classification of the facts—though they be undisputed—the rule cannot decide the case; it is decided by the classifying." Legal rules and concepts develop out of factual situations, which "set the framework of approach to any legal problem-situation"; the legal rules or concepts that develop out of a factual situation "set the framework of thinking about, or even of *perceiving*, the problem."[47] Llewellyn saw that any legal problem can be characterized as a field in the disciplinary sense of the word—as, first of all, a space comprising a number of interpretative possibilities available within the law's set limits. The way in which the facts are perceived and stated determines how the issues are framed.

While I was working on *Breish* and *Bingham*, I was writing several poems, one of which, "Then," opens the first part of my first book, *Shouting at No One*. The poem reads:

> Joseph Joseph breathed slower
> as if that would stop
> the pain splitting his heart.
> He turned the ignition key
> to start the motor and leave
> Joseph's Food Market to those
> who wanted what was left.
> Take the canned peaches,
> take the greens, the turnips,
> drink the damn whiskey
> spilled on the floor,
> he might have said.
> Though fire was eating half

[46] *Id.* at 548–49.

[47] Karl N. Llewellyn, *The Constitution as an Institution*, 34 COLUM. L. REV. 1, 8 (1934).

Detroit, Joseph could only think
of how his father,
with his bad legs, used to hunch
over the cutting board
alone in light particled
with sawdust behind
the meat counter, and he began
to cry. Had you been there
you would have been thinking
of the old Market's wooden walls
turned to ash or how Joseph's whole arm
had been shaking as he stooped
to pick up an onion,
and you would have been afraid.
You wouldn't have known
that soon Joseph Joseph would stumble,
his body paralyzed an instant
from neck to groin.
You would simply have shaken your head
at the tenement named "Barbara" in flames
or the Guardsman with an M-16
looking in the window of Dave's Playboy Barbershop,
then closed your eyes
and murmured, This can't be.
You wouldn't have known
it would take nine years
before you realize the voice howling in you
was born then.[48]

## II

In 1983—two years after Nancy and I moved from Detroit to downtown Manhattan—I finished "Curriculum Vitae," the title poem of my second book. The poem's closing lines read:

Now years have passed since I came
to the city of great fame.
The same sun glows gray on two new rivers.
Tears I want do not come.
I remain many different people
whose families populate half Detroit;
I hate the racket of the machines,
the oven's heat, curse
bossmen behind their backs.
I hear the inmates' collective murmur
in the jail on Beaubien Street.

[48] LAWRENCE JOSEPH, *Then*, *in* SHOUTING AT NO ONE, at 3, 3–4 (1983), *reprinted in* LAWRENCE JOSEPH, CODES, PRECEPTS, BIASES, AND TABOOS: POEMS, 1973–1993, at 7, 7–8 (2005).

> I hear myself say, "What explains
> the Bank of Lebanon's liquidity?"
> think, "I too will declare
> a doctrine upon whom the loss
> of language must fall regardless
> whether Wallace Stevens
> understood senior indebtedness
> in Greenwich village in 1906."
> One woman hears me in my sleep
> plead the confusions of my dream.
> I frequent the Café Dante, earn
> my memories, repay my moods.
> I am as good as my heart.
> I am as good as the unemployed
> who wait in long lines for money.[49]

From the summer of 1982 into the fall of 1983, while working as a litigation associate at the law firm of Shearman & Sterling located at 53 Wall Street, a block from the New York Stock Exchange, I worked on a case that appears in the Federal Reports in 1984 under the title *In re Flight Transportation Corporation Securities Litigation.* The facts of the case can be found in an opinion from the U.S. Court of Appeals for the Eighth Circuit, written by Judge Arnold. Flight Transportation, a Minnesota corporation, provided air-charter and other aviation services. "William Rubin was [Flight Transportation's] President, Chairman of the Board, and chief executive officer."[50] In June of 1982, Flight Transportation made two public offerings of securities, selling, on June 3, 715,000 common stock shares and, on June 4, 25,000 securities "units" consisting of a number of stock warrants and a debenture. Moseley, Hallgarten, Estabrook & Weeden and Drexel Burnham Lambert Incorporated were the lead underwriters. On June 10 and June 14, Drexel and Moseley delivered full payment for both offerings through certified checks of over twenty-four million dollars to Flight Transportation. Flight Transportation deposited these checks in a New Jersey bank account. "A few days after the deposit, on June 18, the SEC halted trading in [Flight Transportation] securities and commenced an action against [it], its subsidiaries, and Rubin in the United States District Court for the District of Minnesota, alleging that the defendants had violated"[51]

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[49] LAWRENCE JOSEPH, *Curriculum Vitae*, *in* CURRICULUM VITAE, at 7, 8 (1988), *reprinted in* LAWRENCE JOSEPH, CODES, PRECEPTS, BIASES, AND TABOOS: POEMS, 1973–1993, at 69, 70 (2005).

[50] *In re* Flight Transp. Corp. Sec. Litig., 730 F.2d 1128, 1130 (8th Cir. 1984).

[51] *Id.*

the federal securities laws, especially the antifraud provisions. The district court appointed a receiver and entered a temporary restraining order. The receiver transferred the remaining proceeds of the June 3 and 4 offerings—some $22,700,000—from Flight Transportation's New Jersey account to a segregated, interest-bearing "escrow fund" account in a Minneapolis bank. On June 23, Drexel (represented by Cahill, Gordon & Reindel) and Moseley (represented by Shearman & Sterling),

> filed a class action in the same district court on behalf of themselves and all other persons who had purchased [Flight Transportation] securities pursuant to the June 3 and June 4 offerings. In August 1982, [Drexel and Moseley] moved for a constructive trust on the [e]scrow [f]und on behalf of members of the public to whom they had sold the June 1982 securities and sought a preliminary injunction against the distribution, commingling, withdrawal, or other disposition of the [fund].[52]

Judge Arnold wrote, "During the following months, the litigation became increasingly complex."

During the summer and fall of 1982, I was finishing a law review article that I had begun in Detroit. *The Causation Issue in Workers' Compensation Mental Disability Cases: An Analysis, Solutions, and a Perspective* was published in the March 1983 issue of the *Vanderbilt Law Review*. The article opens: "The causal relation between employment and a disabling mental or emotional injury presents one of the most complex issues in accidental injury and workers' compensation law."[53] In the article's introduction, I present its various purposes: first, "to explore comprehensively the technical and policy dimensions . . . in workers' compensation mental disability cases"; second, "to clarify the distributive and jurisprudential considerations that courts and legislatures inevitably confront in their attempts to resolve the mental disability issue"; and

> a third, more general purpose . . . to provide a method of technical and policy analysis that applies not only to mental disabilities, but also to other disabling diseases of unknown etiology, including cardiovascular and back related disabilities. These disabling

[52] *Id.* at 1130–31.

[53] Lawrence Joseph, *The Causation Issue in Workers' Compensation Mental Disability Cases: An Analysis, Solutions, and a Perspective*, 36 VAND. L. REV. 263, 264 (1983) (footnote omitted). This sentence was cited by the Supreme Court of Oregon in *McGarrah v. State Accident Insurance Fund Corp.*, a case in which the claimant sought workers' compensation for "a mental disorder allegedly arising out of and in the scope of his employment." 675 P.2d 159, 160, 161 (Or. 1983).

> diseases contain essentially the same kind of technical, policy, administrative, and medical causation issues as . . . mental disabilities.[54]

The article concludes with a "perspective," a proposal for "a legislatively created compensation system designed and structured to deal specifically with most of the technical and policy considerations in mental disability cases and cases that concern disabling diseases of unknown etiology," and provides "the structure as well as the advantages and disadvantages of this proposed system."[55]

During that time, I was asked to contribute a poem to *Ecstatic Occasions, Expedient Forms: 85 Leading Contemporary Poets Select and Comment on Their Poems*. Editor David Lehman explains in the book's preface: "Each contributor was asked to provide a poem accompanied by a statement on the decisions that went into its making."[56] The poem that I submitted, "That's All," is in *Curriculum Vitae*. It reads:

> I work and I remember. I conceive
> a river of cracked hands above Manhattan.
>
> No spirit leaped with me in the womb.
> No prophet explains why Korean women
>
> thread Atomic Machinery's machines
> behind massive, empty criminal tombs.
>
> Why do I make my fire my heart's blood,
> two or three ideas thought through
>
> to their conclusions, make my air
> dirty the rain around towers of iron,
>
> a brown moon, the whole world?
> My power becomes my sorrow.

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[54] Joseph, *supra* note 53, at 268–69.

[55] *Id.* at 269. Justice Jones, writing for the Supreme Court of Oregon in *McGarrah*—again citing the article—noted that:

> A legislature may wish to consider the scholarly work and suggestion for a "worker's disease protection system" which would substantially and structurally reform the present methods of compensation for mental disorders and resulting disabilities.

*McGarrah*, 675 P.2d at 160. "This interesting proposal is set forth by attorney Lawrence Joseph of the New York Bar in his challenging law review article . . . ." *Id.* at 160 n.5.

[56] ECSTATIC OCCASIONS, EXPEDIENT FORMS: 85 LEADING CONTEMPORARY POETS SELECT AND COMMENT ON THEIR POEMS, at xi (David Lehman ed., 2d ed. 1996) [hereinafter ECSTATIC OCCASIONS].

Truth? My lies are sometimes true.
Firsthand, I now see the God

whose witness is revealed in tongues
before the Exchange on Broad Street

and the transfer of 2,675,000,000 dollars
by tender offer are acts of the mind,

and the calculated truths of First
National City Bank. Too often

I think about third cousins in the Shouf.
I also often think about the fact that

in 1926, after Céline visited
the Ford Rouge foundry and wrote

his treatise on the use of physically
inferior production line workers,

an officially categorized "displaced person"
tied a handkerchief around his face

to breathe the smells and the heat
in a manner so as not to destroy

his lungs and brain for four years
until he was laid off. I don't

meditate on hope and despair.
I don't deny the court that rules

my race is Jewish or Abyssinian.
In good times I transform myself

into the sun's great weight, in bad times
I make myself like smoke on flat wastes.

I don't know why I choose who I am:
I work and I remember, that's all.[57]

My statement about the poem reads:

I began "That's All" in late 1982, two and a half years after I moved to New York City from Detroit. I wanted to write a poem that incorporated various aspects of both cities and of the Shouf

[57] LAWRENCE JOSEPH, *That's All*, *in* CURRICULUM VITAE 34, 34–35 (1988), *reprinted in* ECSTATIC OCCASIONS, *supra* note 56, at 111, 111–12.

> mountains in Lebanon (from which my grandfather emigrated, and which was immersed at the time in fierce warfare). I wanted to make emblematic images of Detroit, New York and Lebanon: Detroit, as an expression of labor; New York City, as an expression of finance capital; Lebanon, as an expression of religious violence. I also wanted to create a person—the *I* of the poem—who reacted to and was part of these worlds.[58]

On January 26, 1990, seven or so years later, I wrote in my journal: "James Schuyler: his secret—he contains Williams, Moore, Stevens, Bishop, and several million aesthetic megawatts of the French avant-garde. A very smart talker." That following summer, I was asked by the editor of *Poetry East* to write on a book of poems that was important to me. My essay, *The Morning of the Poem*, was written shortly after James Schuyler died on April 12, 1991. It appeared in *Poetry East*'s Fall 1992 *Praises* issue. I wrote:

> Although every poem he writes is spoken by a particular, subjective self, his "I" is, at the same time, revealed as consubstantial and coextensive with the poem itself. The writing subject is not only dependent on language, but is also part of it, placed in the position of questioning its own, and its language's, status and function. 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. . . . Schuyler's poetry, like collage, demonstrates a sharp demarcation between the imagination and actual, everyday life. The real world is engulfed in an aesthetic venture.[59]

In early 1991, I was also asked to write a comment on the first Gulf War for the *Hungry Mind Review*. In *War Afterthoughts*, I began: "Make no mistake about it: the Iraqi military state is barbarous, an affront to the dignity and inviolability of Arab life."[60] I went on:

> But, almost immediately after the Gulf War began on August 2, 1990, the executive of the United States utilized his enormous war powers to amass over a half-million American troops, as well as hundreds of billions of dollars of armaments, within eight weeks. War, on America's part, was inevitably made. Socially, the executive showed how efficiently the United States could collectivize militarily (although in other social realms—wealth distribution, medical care, sustenance for the aged, poor, and infirm,

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[58] ECSTATIC OCCASIONS, *supra* note 56, at 112.

[59] Lawrence Joseph, *The Morning of the Poem*, POETRY EAST, Fall 1992, at 157, 157–58.

[60] Lawrence Joseph, *War Afterthoughts*, HUNGRY MIND REV., Summer 1991, at 27, 27.

> labor—the abject failure of the state to collectivize its powers remains manifest).[61]

The President has historically

> reaffirmed that these United States have been, effectively, in a state of war since the late 1930s. After over a half-century, the war state so profoundly permeates the American economy and consciousness that ours has become a society in which ninety percent of its populace appears to have no moral problems with elaborately abstract (and media controlled) justifications for state-sanctioned violence. As for the moral implications of the violence committed by our armed forces in excess of that needed to dislodge the Iraqi army from Kuwait, and the disbalance between the amount of violence our armed forces unleashed and the values (political and moral) we purported to uphold—well, take a look, for example, at a recent cover of *Newsweek*. Without any irony, the lead domestic story, "Violence: Is It Mainstream?," is scripted beneath another headline, "Apocalypse in Iraq." Neither article imagines there might be possible connections with the other.
>
> The question of how much power our constitutional democracy should provide its executive and armed forces is not only one of the most crucial domestic political issues—it is among our most necessary moral issues, too.[62]

The April 20, 1992, issue of the *Nation* includes an essay of mine on Adrienne Rich's book of poems *An Atlas of the Difficult World*. I wrote:

> Rich looks at herself and her subject matter hard, pushing out the complexities of human behavior through an "I" who is essentially functional, although at the same time personal and social. For Rich, the poet inside a wrecked society must will an imagined common language to get to human love, which is for her the central subject of any personal or social order. A poetry of ideological commitment must enter the heart and mind, become as real as one's body, as vital as life itself—that's what makes it poetry.[63]

During the summer of 1992, I wrote several poems that appear in my third book, *Before Our Eyes*. One poem, "Under a Spell," opens with these lines:

> Now the governor of the Federal Reserve Bank
> doesn't know how much more he can take
> while my thoughts wander outside me and can't be grasped—
> I'm under a spell. While the prisoners

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[61] *Id.*

[62] *Id.*

[63] Lawrence Joseph, *The Real Thing*, 254 NATION 531, 533 (Apr. 20, 1992) (book review).

> on Death Row whose brain cells will reach
> the point of boiling water during electrocution
> receive blessings through cable television
> and presidents and commissars devise
> international housecleanings
> history won't recognize for years,
> the precedence of language and image preoccupies me too
> under the influence of a spell.[64]

On February 12, 2009, I gave a talk in Chicago on Wallace Stevens. I said:

> Most poets, even most critics, as well as the continuously growing readership of Stevens's poetry, think and speak of Stevens as a poet who also underwrote insurance. But Stevens had nothing to do with underwriting insurance of any kind, nor was he involved in any of Hartford's business decisions. Stevens was a lawyer, Hartford's in-house counsel for handling surety bond claims. He was, in fact, a first-rate lawyer, considered, as one colleague put it, to be "the dean of surety-claims-men in the whole country."[65]

In "The Irrational Element in Poetry," a talk that he presented at Harvard in 1936, Stevens asks rhetorically: "Why does one write poetry?" "[B]ecause," he answers, "one is impelled to do so by personal sensibility." Stevens says,

> A poet writes poetry because he is a poet; and he is not a poet because he is a poet but because of his personal sensibility. What gives a man his personal sensibility I don't know and it does not matter because no one knows. Poets continue to be born not made . . . .[66]

On July 29, 1942—just months after the bombing of Pearl Harbor by the Japanese—Stevens writes in a letter to Harvey Breit:

> [O]ne is not a lawyer one minute and a poet the next. You said in your first letter something about a point at which I turned from being a lawyer to writing poetry. There never was any such point. I have always been intensely interested in poetry . . . .
>
> No one could be more earnest about anything than I am about poetry, but this is not due to any event or exercise of will; it is a

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64 LAWRENCE JOSEPH, *Under a Spell*, *in* BEFORE OUR EYES 18, 18 (1993), *reprinted in* LAWRENCE JOSEPH, CODES, PRECEPTS, BIASES, AND TABOOS: POEMS, 1973–1993, at 135, 135 (2005).

65 Lawrence Joseph, The Poet and the Lawyer: The Example of Wallace Stevens, Address at the 2009 Association of Writers and Writing Programs Conference, Chi., Ill. (Feb. 12, 2009) (transcript on file with author).

66 Wallace Stevens, The Irrational Element in Poetry, Address at Harvard University (1936), *in* OPUS POSTHUMOUS 224, 224, 227 (Milton J. Bates ed., Vintage Books 1990) (1957).

> natural development of an interest that always existed. Moreover, I don't have a separate mind for legal work and another for writing poetry. I do each with my whole mind, just as you do everything that you do with your whole mind.[67]

In a letter to Breit sent about a week later, Stevens writes: "[L]awyers very often make use of their particular faculties to satisfy their particular desires." In an untitled prose piece included at the end of Stevens's book of poems *Parts of a World*, which was published in September 1942, Stevens writes: "The poetry of a work of the imagination constantly illustrates the fundamental and endless struggle with fact."[68]

On Sunday, January 25, 2009, in an article in the *New York Times*, *Exposed to Solvent, Worker Faces Hurdles*, Felicity Barringer writes:

> When the University of Kentucky published new research in 2008 suggesting that exposure to a common industrial solvent might increase the risk for Parkinson's disease, the moment was a source of satisfaction to Ed Abney, a [fifty-three]-year-old former tool-and-die worker. . . . now sidelined by Parkinson's [who] had spent more than two decades up to his elbows in a drum of the solvent, trichloroethylene, while he cleaned metal piping at a now-shuttered Dresser Industries plant here.[69]

The University of Kentucky study, according to Barringer,

> had focused on [Abney] and his factory co-workers who worked near the same 55-gallon drum of the vaguely sweet-smelling chemical. It found that 27 workers had either the anxiety, tremors, rigidity or other symptoms associated with Parkinson's, or had motor skills that were significantly impaired, compared with a healthy peer group. The study, Mr. Abney thought, [provided] the scientific evidence he needed to claim worker's compensation benefits.[70]

"He was wrong," Barringer writes.

> The medical researchers would not sign the form attesting that Mr. Abney's disease was linked to his work.
>
> Individuals like Mr. Abney are caught between the conflicting imperatives of science and law—and there is a huge gap between what researchers are discovering about environmental contaminants and what they can prove about their impact on disease. The gap has

[67] Letter from Wallace Stevens to Harvey Breit (July 29, 1942), *in* LETTERS OF WALLACE STEVENS 413, 413–14 (Holly Stevens ed., 1966).

[68] WALLACE STEVENS, PARTS OF A WORLD 183 (1942).

[69] Felicity Barringer, *Exposed to Solvent, Worker Faces Hurdles*, N.Y. TIMES, Jan. 25, 2009, at A16.

[70] *Id.*

> ensured that only a tiny fraction of worker's compensation payments are received by those who were exposed to harmful substances at work.[71]

In the April 2009 issue of *Harper's*, in an article, *Infinite Debt: How Unlimited Interest Rates Destroyed the Economy*, Chicago labor lawyer Thomas Geoghegan writes:

> Some people still think our financial collapse was the result of a technical glitch—a failure, say, to regulate derivatives or hedge funds. . . .
>
> In fact, no amount of New Deal regulation or SEC-watching could have stopped what happened. . . . The problem was not that we "deregulated the New Deal" but that we deregulated a much older, even ancient, set of laws.
>
> First, we removed the possibility of creating real, binding contracts by allowing employers to bust the unions that had been entering into these agreements for millions of people. Second, we allowed those same employers to cancel *existing* contracts, virtually at will, by transferring liability from one corporate shell to another, or letting a subsidiary go into Chapter 11 and then moving to "cancel" the contract rights, including lifetime health benefits and pensions. . . .
>
> And then we dismantled the most ancient of human laws, the law against usury, which had existed in some form in every civilization from the time of the Babylonian Empire to the end of Jimmy Carter's term . . . . That's when we found out what happens when an advanced industrial economy tries to function with no cap at all on interest rates.
>
> Here's what happens: the financial sector bloats up. With no law capping interest, the evil is not only that banks prey on the poor (they have always done so) but that capital gushes out of manufacturing and into banking. . . . What is history, really, but a turf war between manufacturing, labor, and the banks?[72]

On September 24, 2008, I wrote in my journal:

> Locating, historically, the time of the financial collapse . . . Friday, September 12 . . . Saturday, Sunday, Monday—September 13, 14, 15. The *Times*, in Monday the 15th's paper: "On Sunday, as the heads of major Wall Street banks huddled for a third day of emergency meetings at the Federal Reserve Bank of New York . . . ." No one connects the fact that these meetings took place two blocks from the site of the World Trade Center, seven years and . . . one . . . two . . . three . . . four days after the suicide bombings of the World Trade Center Towers . . . four, five blocks from our apartment . . . right over here again, in our neighborhood.

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[71] *Id.*

[72] Thomas Geoghegan, *Infinite Debt: How Unlimited Interest Rates Destroyed the Economy*, HARPER'S MAG., Apr. 2009, at 31, 32.

This is my poem "The Game Changed," written in 2003, which appears in my fourth book, *Into It*:

> 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.
> I believe I told you I'm a lawyer. Which has had
> little or no effect on a certain respect
> I have for occurrences that suggest laws
> of necessity. I too am thinking of it
> as a journey—the journey with conversations
> otherwise known as the *Divina Commedia*
> is how Osip Mandelstam characterized Dante's poem.
> Lebanon? I hear the Maronite Patriarch
> dares the Syrians to kill him, no word
> from my grandfather's side of the family
> in the Shouf. "There are circles here"—
> to quote the professor of international
> relations and anthropology—"Vietnam, Lebanon,
> and Iraq . . . Hanoi, Beirut, and Baghdad."
> The beggar in Rome is the beggar in Istanbul,
> the blind beggar is playing saxophone,
> his legs covered with a zebra-striped blanket,
> the woman beside him holding an aluminum cup,
> beside them, out of a shopping bag, the eyes
> of a small, sick dog. I'm no pseudoaesthete.
> It's a physical thing. An enthusiasm,
> a transport. The melancholy is ancient.
> The intent is to make a large, serious
> portrait of my time. The sun on the market
> near Bowling Green, something red, something
> purple, bunches of roses and lilacs. A local
> issue for those of us in the neighborhood.
> Not to know what it is you're breathing
> in a week when Black Hawk helicopters resume
> patrolling the harbor. Two young men
> blow themselves up attaching explosives
> on the back of a cat. An insurgency:
> commandos are employed, capital is manipulated
> to secure the oil of the Asian Republics.

I was walking in the Forties when I saw it—
a billboard with a background of brilliant
blue sky, with writing on it in soft-edged,
irregularly spaced, airy-white letters
already drifting off into the air, as if they'd
been sky-written—"The World Really Does
Revolve Around You." The taxi driver rushes
to reach his family before the camp is closed—
"There is no way I will leave, there is no way—
they will have to kill us, and, even if
they kill every one of us, we won't leave." Sweat
dripping from her brow, she picks up the shattered,
charred bones. She works for the Commission
on Missing Persons. "First they kill them,"
she says, "then they burn them, then they cover them
with dead babies . . ." Neither impenetrable opacity
nor absolute transparency. I know what I'm after.
The entire poem is finished in my head. No,
I mean the entire poem. The color, the graphic
parts, the placement of solid bodies in space,
gradations of light and dark, the arrangements
of pictorial elements on a single plane
without a loss of depth . . . This habit of wishing—
as if one's mother and father lay in one's heart,
and wished as they had always wished—that voice,
one of the great voices, worth listening to.
A continuity in which everything is transition.
To repeat it because it's worth repeating. Immanence—
an immanence and a happiness. Yes, exquisite—
an exquisite dream. The mind on fire
possessed by what is desired—the game changed.[73]

## III

On January 4, 1990, I wrote in my journal: "Ideas for titles of poems: 'The Constant and Endless Struggle with Fact' . . .'Admissions Against Interest.'" On August 22, 1990, I wrote: "working on 'Admissions Against Interest'—ready to write it."

An admission against interest is an admission to the truth of a fact by a person, although the admission is against his or her personal or economic interests. It is an exception to the hearsay rule and is allowed into evidence on the theory that the lack of incentive to make a damaging statement is an indication of the statement's reliability.[74]

[73] Lawrence Joseph, *The Game Changed*, *in* INTO IT, 63, 63–65 (2005) (omission in original).

[74] *See* FED. R. EVID. 804(b)(3).

My poem "Admissions Against Interest" is in *Before Our Eyes.* It is in four parts. Part II in its entirety reads:

> Now, what type of animal asks after facts?
> —so I'm a lawyer. Maybe charming,
>
> direct yet as circumspect as any other lawyer
> going on about concrete forces of civil
>
> society substantially beyond anyone's grasp
> and about money. Things like "you too
>
> may be silenced the way powerful
> corporations silence, contractually"
>
> attract my attention. The issue's
> bifurcated. "Why divide the dead?"
>
> the Foreign Minister asks, "what's one life
> when you've lost twenty million?"
>
> And if what has happened during my life
> had been otherwise could I say
>
> I would have seen it much differently?
> Authority? Out of deeper strata
>
> illuminations. A lot of substance
> chooses you. And it's no one's business
>
> judging the secrets each of us needs:
> I don't know what I'd do without my Double.[75]

## IV

So it is—"The intent is to make a large, serious portrait of my time." Like this it is—being in the language of poetry, being in the language of law . . .

[75] LAWRENCE JOSEPH, *Admissions Against Interest*, *in* BEFORE OUR EYES 10, 12–13 (1993), *reprinted in* LAWRENCE JOSEPH, CODES, PRECEPTS, BIASES, AND TABOOS: POEMS, 1973–1993, at 131, 132 (2005).