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CLASSIC REVISITED

FROST FOR LAWYERS: “THE BEST THING THAT WE’RE PUT HERE FOR’S TO SEE”

*Sherman J. Clark**

THE POETRY OF ROBERT FROST: THE COLLECTED POEMS. Edited by *Edward Connery Lathem*. New York: Henry Holt and Co. 1969. Pp. xx, 521. \$37.50.

INTRODUCTION

Why should lawyers read Frost? First of all, of course, it can bring great pleasure. As Robert Pinsky put it, poetry brings pleasures “both intellectual and bodily” and can provide “a satisfaction central to life.”¹ And this is particularly true of Frost, whose poems are both accessible and enjoyable. This does not mean that there are no challenges in his poems. Frost does make us work. Indeed, as I hope to explore in this Essay, the work he asks us to do is essential to what we can learn from his poems. But this work is itself engaging and invigorating—like the exhilarating challenge of rock climbing. Or, for those inclined to more grounded pleasures, it is akin perhaps to the satisfaction one can get from the hard, rewarding work of splitting wood, which Frost, through his narrator in “Two Tramps in Mud Time,” describes this way:

You’d think I never had felt before
The weight of an ax-head poised aloft,
The grip on earth of outspread feet,
The life of muscles rocking soft
And smooth and moist in vernal heat. (p. 276)

Both intellectual and bodily indeed.

But along with these essential pleasures, what can we get and learn from Frost? Granted that we may want to read Frost, why might it be a good thing for lawyers, in particular, to do so? It is not because Frost’s poetry teaches lessons about the law in any direct sense. Frost wrote poems, not lessons—let alone lessons for lawyers. His poems are true pictures of life and the world, not fables with easy morals. As a result, what we can learn from Frost comes less *from* the poems than *through* them. It comes through reflection on the things he shows us so honestly and well. And, more deeply, it comes

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1. ESSENTIAL PLEASURES 1 (Robert Pinsky ed., 2009).

through the very experience of reading the poems. Here, I consider some of the ways in which we might be enriched by both the things Frost shows us and the ways he helps us see. I hope to suggest that the enjoyable challenge offered by Frost can engender capacities and habits of mind that can be valuable, even ennobling, both in our lives and in our work.

I. "AS MY TWO EYES MAKE ONE IN SIGHT"

But why lawyers? Given that a thoughtful person should want to see the world as well and clearly as possible and that reading Frost can help, why should lawyers in particular seek out and embrace this experience? I hope in this Essay to provoke thought about this question, not dispose of it at the outset; but I might begin with these lines from the same poem:

But yield who will to their separation,
My object in living is to unite
My avocation and my vocation
As my two eyes make one in sight. (p. 277)

One hears much talk among lawyers and others about "work-life balance," but "balance" may be a limiting and misleading way to frame the question. We do not talk about a balance between left eye and right eye because we recognize that what matters is how the two work together. Nor is it simply a matter of "doing what you love," such that work and play would be one and the same. No; the depth perception afforded by having two eyes comes through the slightly different perspective provided by each. Understood in this way, the aim is not so much balance between life and work but the right sort of connection between the two.

Let this, then, be a starting point: lawyering well and living fully are, or can be, closely related and mutually illuminating endeavors. Both are about seeing as well and fully as possible. For thoughtful lawyers, work and life are both ongoing efforts to make sense of, impose order on, and ultimately find meaning and dignity in our world and ourselves. Granted, the daily concerns of much legal work can seem far removed from the deeper concerns of life, but that very distance is part of what allows each to add perspective to the other—how these two eyes might make one sight.

Thinking about how this might be the case calls on us to think about what it means to see well. What gets in the way? In what way is it potentially ennobling? Frost does not resolve these questions in any didactic sense but rather shows us how irresolvable they are, even as he illuminates and deepens our understanding of them. And that, too, is an essential part of the experience of reading his work. To read Frost is to be shown real and vital things with great depth and clarity while at the same time being confronted with our inability to resolve them, and the tensions within them, with any comforting certainty. Consider a short poem that both describes and provides this experience:

"A Passing Glimpse"
To Ridgely Torrence

on last looking into his "Hesperides"
 I often see flowers from a passing car
 That are gone before I can tell what they are.
 I want to get out of the train and go back
 To see what they were beside the track.
 I name all the flowers I am sure they weren't:
 Not fireweed loving where woods have burnt—
 Not bluebells gracing a tunnel mouth—
 Not lupine living on sand and drouth.
 Was something brushed across my mind
 That no one on earth will ever find?
 Heaven gives its glimpses only to those
 Not in position to look too close. (p. 248)

In our lives and work, we are rarely able to stand still long enough to look closely enough to see things well enough to understand them as well as we might wish. Like Frost's most quoted traveler, we too "have promises to keep."² As a result, what might be opportunities to get at something worthwhile pass by too quickly; they brush across our mind and recede. Lawyers will recognize this experience. Our work constantly presents us with issues that might reward deep engagement with worthwhile insight. We encounter people—clients, colleagues, students, even adversaries—whose views, had we time and capacity to appreciate them, might reward our attention with valuable perspective. But we rarely have that time. And, perhaps as a consequence, we often also lack the willingness and capacity to even try to see our work, and our world, as well and fully as we might.

"A Passing Glimpse," emblematic of Frost's poetry generally, not only describes but also provides this experience: when you read the poem, you first get a clear picture, a little story—neither obscure nor, on the surface, particularly difficult. But you also sense that there is more, some deeper insight beneath the surface. You wish you could pause, read it again, and try to get at what has brushed across your mind. And perhaps you try to do so. But the more you look, the more you realize you still have not gotten to the bottom of the thing. And life calls—other more pressing thoughts demand your attention; and the train rolls on.

The final couplet of "A Passing Glimpse" is suspiciously Aesopian, and thus should give us pause. Perhaps the narrator is simply reassuring and consoling himself for having been denied a closer look? Or can we take it at something like face value, as suggesting that fine things—heaven, happiness, true beauty—are often only accessible through various forms of indirection? Uncertainty about the status of our glimpses is part of what this poem demands we recognize, rather than something we can simply resolve. What the poem does not do, however, is end in cynical resignation or narrowness

2. P. 225 ("Stopping by Woods on a Snowy Evening").

masquerading as pragmatism. What we can do—what the poem perhaps encourages us to do—is look out for the glimpse.

In his work, Frost tries to slow the train for us briefly and give us a chance to look more carefully at what our world has to show. He offers, as he put it, “a momentary stay against confusion.”³ It turns out, however, that even when we can pause and look at things with care, we are often still not able to resolve difficult questions with finality.

II. “FOR ONCE, THEN, SOMETHING”

Consider another poem on the theme of elusive insight—this from the perspective of a narrator who has time to pause and look with care but who still cannot see all the way through:

“For Once, Then, Something”

Others taunt me with having knelt at well-curbs
 Always wrong to the light, so never seeing
 Deeper down in the well than where the water
 Gives me back in a shining surface picture
 Me myself in the summer heaven, godlike,
 Looking out of a wreath of fern and cloud puffs.
Once, when trying with chin against a well-curb,
 I discerned, as I thought, beyond the picture,
 Through the picture, a something white, uncertain,
 Something more of the depths—and then I lost it.
 Water came to rebuke the too clear water.
 One drop fell from a fern, and lo, a ripple
 Shook whatever it was lay there at bottom,
 Blurred it, blotted it out. What was that whiteness?
 Truth? A pebble of quartz? For once, then, something. (p. 225)

As with a pool of water, there are at least two reasons why we might be unable to see the bottom of a poem, even when we have the time and willingness to read with care. It may simply be murky. Some poetry is like that—opacity masquerading as depth. Frost’s poetry is not. His work is crystal clear. The reason we cannot see the bottom is that his poems, being true accounts of life and the world, are, like what they show us, just too deep. And, like what they help us see, his poems contain inherent tensions, even contradictions—tensions and contradictions we must learn to live and work with in both life and law.

Consider, for example, the very tension between clarity and resolution presented in this poem. Far from murky, the water is indeed “too clear,” yet the narrator cannot resolve fully “whatever it was lay there at the bottom” (p. 225). Clarity brings deeper vision but not final resolution. The narrator, however, is undeterred; this is the irresolvable nature of life and the world. If

3. ROBERT FROST, *The Figure a Poem Makes*, in COLLECTED POEMS, PROSE, AND PLAYS 776, 777 (Richard Poirier & Mark Richardson eds., 1995).

we are unwilling to look deeply at and learn from things unless we can see the bottom—let alone the “bottom line”—we will learn very little indeed. If we are to see even some pebble of possible truth, we need to embrace the experience that Frost describes here and gives us in all of his work. We must learn to cherish the glimpse.

This can be particularly hard for lawyers. We seek clarity and reject murkiness. This is part of what we mean when we talk about “thinking like a lawyer.” We pride ourselves on the ability to see through vague arguments, clarify analysis, and recognize what is and is not relevant. This valuable capacity can be described as the inclination and ability to get to the bottom of things. But therein lies the risk. If our desire to see clearly becomes an inability to abide uncertainty, that very inclination can become a form of self-imposed blindness. We can become hesitant to think about things we cannot resolve on familiar terms. We can develop, even pride ourselves on, a frightened narrowness masquerading as pragmatism or realism.

We can, if we insist on conflating depth with murkiness, tell ourselves that if we cannot see to the bottom of the thing easily, it must not be worth looking into deeply. We can turn away from the complexities of the issues we face and from the complex motives of the people we deal with. We can protect and comfort ourselves with oversimplified accounts of life and with inadequate understandings of others. We can think that we are being clever realists when in fact we are like an internet troll posting “TLDR”⁴ in response to a thoughtful comment—hiding from, rather than embracing, deeper understanding and the inevitable consequent uncertainty.

Similarly, we can take comfort in mordancy and misanthropy. Indeed, we can enlist oversimplified readings of Frost in aid of this effort. A central aspect of Frost’s depth is his irony, through which what at first seem like bright, warm stories and images reveal darker, colder meanings. In rejecting the popular image of Frost as genial New England storyteller, we can thus be tempted to paint him as a bitter ironist. But it is a mistake to say that Frost’s poetry simply reveals a cold view of the world. The more difficult truth is that Frost shows us our world—and it is not “simply” anything.

It may seem odd to say that we can be tempted to take comfort in misanthropy—and cold comfort it is. But comfort it can be. If we tell ourselves that the world is simply a dark and nasty place, we can avoid having to look at it closely—and thus avoid being disillusioned. If we tell ourselves that others are often just bad, or badly motivated, we can avoid having to understand them—and thus avoid being disappointed. But this is itself an ironic form of blindness. We may think we are being clear-eyed by looking through apparent beauty to the real ugliness underneath; but we are really just refusing to see. We may think we are being courageous by facing the cold reality of life; but we are really just afraid to face difficult and irresolvable truths. A darkly ironic, shallow, and oversimplified view is still shallow and oversimplified.

4. This is an abbreviation for the phrase “Too long; didn’t read.”

Whatever strategies we employ to hide from, and reassure ourselves in the face of, the deep uncertainty that Frost would have us see, the resulting blindness diminishes us in our professional as well as private lives. As advocates, we can dismiss arguments that should be acknowledged and thus miss opportunities to persuade. As teachers, we can fail to appreciate student questions that should be encouraged and thus miss opportunities to teach. More broadly, this blindness can cause us to turn away from insights that should be pursued and thus miss opportunities to learn. By turning away from depth and uncertainty, we can miss the pleasure offered by even a glimpse of what our world may have to offer; and, most fundamentally, we can deny ourselves the real human dignity inherent in the search.

We will see that this last-mentioned dignity—the ennobling dignity of an authentic search for always-elusive meaning and truth—is central to the experience described and offered by Frost’s work. But it is not always evident—either in his poems or in our lives. Note how “For Once, Then, Something” begins, with the narrator recognizing that he is taunted for his gazing. He knows he looks silly to others, kneeling there at well-curbs. But he is not deterred. And this matters. Those who take the time to try to look deeply into things will often be objects of confusion, even derision, to those who prefer to think they have it all figured out. We ought to be willing to endure some taunting for the sake of even a possible glimpse of truth.

Some of the taunting, however, is deserved: For what is the narrator almost always gazing at? Not truth, or even a pebble, but his own reflection—and not an honest, human reflection, but rather a ridiculously inflated vision of himself: “in the summer heaven, godlike, / Looking out of a wreath of fern and cloud puffs” (p. 225). We can easily become absorbed by puffed up visions of ourselves—as dispensers of wisdom, hotshot lawyers, even noble seekers of truth. This is not dignity but distraction. If we hope to get an authentically ennobling glimpse of what the world has to show us, perhaps we need first of all to stop gazing at ourselves.

But even as a starting point this is too simple, and it conceals inherent tensions of the sort Frost can help us recognize and confront. I have so far read this poem as describing an effort simply to get past the shining surface picture; but if the narrator is simply “wrong to the light” (p. 225), could he not just go to the other side of the well? Or is his own reflection part of what he does and ought to want to see? It may be mere distraction to obsess over a false and inflated self-image; but it can be valuable or even necessary to nurture in our imaginations some pictures of ourselves. Not all aspiration is merely self-inflation. One way we can guide and motivate ourselves is by imagining ourselves being and behaving in ways we can admire. More fundamentally, in order to think well about our lives, our work, or our world, we need to situate and see ourselves in relation to what we hope to observe—to find or make for ourselves some place in the larger picture. So perhaps our narrator is trying not merely to see past his reflection to the bottom but rather to hold both in suspension and see them in relation to each other. Is this possible? If so, how? Can we engage our imaginations in aid of aspiration rather than self-delusion? Can we get past ourselves while

at the same time seeing and situating ourselves well? These are the sorts of questions Frost's work does not resolve but rather reveals, illuminates, and helps us learn to confront.

One way to describe these sorts of questions is to say that there is "a fine line" between one thing and another. Here, for example, we might say there is a fine line between empowering aspiration and distracting self-delusion. But that way of putting it obscures the deeper and more fundamental tensions and contradictions we must learn to navigate. First of all, it suggests that there are just two things to be reconciled and just two dimensions in which to do so. More fundamentally, the metaphor of a fine line suggests that if only we could see clearly enough, we could find or draw it with precision. What Frost makes us confront, and what both life and the law call on us to recognize, is the unsettling truth that line-drawing alone will never suffice as a way of thinking about, talking about, or dealing with the difficult problems we encounter—in life and law. Law requires us to hold things in suspension. So, as in a poem, we must find ways of thinking and talking and working that allow us to acknowledge the inherent tensions we confront without becoming stymied by them. Poetry is one such way. And so, too, is law. As James Boyd White put it, the law is, among other things, "a structure of thought and expression built upon a set of inherently unstable, dynamic, and dialogic tensions. In this it is like a poem."⁵ Like a poem indeed; and this is one reason why the work a good poem makes us do can develop in us the capacity to do our own work better.

Of that course, poetry is not exactly like law; but that too—the intellectual and spiritual tension generated by the differences between these endeavors—is part of why we read. Law and poetry, even when they address similar questions, call on different, if overlapping, impulses and operate in different, if closely related, ways. Poetry, however firmly grounded, draws us to abstraction; while law, even when informed by reflection, tends to particularity. More essentially, while poems can end in suspension, much of what we do in the law requires at least temporary resolution. In these ways and others, there is thus distance as well as connection between the perspectives offered by law and poetry. But it is this very distance, and the work we must do to reconcile these two ways of seeing, that perhaps most helps us see—just as it is the distance as well as the connection between two eyes that can "make one . . . sight" (p. 277) and produce something like focus and depth. Lawyers reading Frost thus have an "avocation and . . . vocation," which, if we refuse to "yield . . . to their separation," can in this way be not the same but united—and in this way help us see. (p. 277).

III. "THE STAR-SPLITTER"

Return to the question of what can get in the way of seeing well. As easily as we can get caught up in looking at our own reflections, it is perhaps

5. James Boyd White, *An Old-Fashioned View of the Nature of Law*, 12 THEORETICAL INQUIRIES LAW 381, 386 (2011).

even easier to get caught up in how we are seen by others, or indeed in just being seen at all. Consider the opening lines of “The Star-Splitter”:

“You know Orion always comes up sideways.
 Throwing a leg up over our fence of mountains,
 And rising on his hands, he looks in on me
 Busy outdoors by lantern-light with something
 I should have done by daylight, and indeed,
 After the ground is frozen, I should have done
 Before it froze, and a gust flings a handful
 Of waste leaves at my smoky lantern chimney
 To make fun of my way of doing things,
 Or else fun of Orion’s having caught me.
 Has a man, I should like to ask, no rights
 These forces are obliged to pay respect to?”
 So Brad McLaughlin mingled reckless talk
 Of heavenly stars with hugger-mugger farming (p. 176)

The speaker, McLaughlin, is ostensibly making a self-deprecating objection to the way in which nature seems to laugh at him for his messy work habits. But the self-deprecation is also self-absorption, revealed in the conceit that the stars and the wind notice or care about him at all. The comic “reckless” tone (p. 176) suggests that he is gratified by the imagined attention—almost desperate to believe that he is seen and noticed. He asks that nature “pay respect to” his rights (p. 176); but the unspoken fear is not of disrespect but of disregard. Just beneath the surface is the recognition that “[t]hese forces” (p. 176) are simply indifferent to him and his work—that he simply does not matter. He is at this point in the poem like a person who will appear on a television talk show despite knowing that he is certain to be made the object of ridicule. At some level, being laughed at is less frightening than being ignored.

McLaughlin takes a brave, if reckless, step to free himself from this potentially humiliating condition. He turns the tables on Orion and promotes himself from farmer to seer:

Till having failed at hugger-mugger farming
 He burned his house down for the fire insurance
 And spent the proceeds on a telescope
 To satisfy a lifelong curiosity
 About our place among the infinities. (p. 177)

Much more follows in this remarkable poem, including much that might be of interest to lawyers, such as this reflection on community life and justice:

If one by one we counted people out
 For the least sin, it wouldn’t take us long
 To get so we had no one left to live with.
 For to be social is to be forgiving. (pp. 177–78)

The irresolvable tension highlighted here pervades life and law. True, we all sometimes need to be forgiven, and all must thus sometimes forgive; but we know this to be just a part of the equation, for we must also sometimes judge. In many realms, we can avoid this reality; but law is not one of them. And so we are confronted with an irresolvable tension—most evident in criminal law but present throughout the law: We are on uncertain moral ground when we judge, knowing that there but for the grace of God go we; but judge we must.

But Frost leaves this troubling dilemma—marked by the evident validity and equally evident inadequacy of his narrator’s pronouncement—to our contemplation. Instead, he returns to a more explicit focus on sight and comprehension:

He had been heard to say by several:
 “The best thing that we’re put here for’s to see;
 The strongest thing that’s given us to see with’s
 A telescope. Someone in every town
 Seems to me owes it to the town to keep one.
 In Littleton it may as well be me.” (p. 177)

And so he looks, often joined by his friend the narrator. And as they look, they not only deepen their appreciation of the world but also their own thoughts and talk:

I recollect a night of broken clouds
 And underfoot snow melted down to ice,
 And melting further in the wind to mud.
 Bradford and I had out the telescope.
 We spread our two legs as we spread its three,
 Pointed our thoughts the way we pointed it,
 And standing at our leisure till the day broke,
 Said some of the best things we ever said. (p. 179)

Nor is this a vision of people lost in the clouds, disconnected from reality. They are firmly on the ground. That ground, described with Frost’s signal clarity, melts and changes beneath them, as all earthly things do. But there they are, legs spread solidly, at leisure. And, thus grounded, they, their thoughts, and their communications are elevated by what they see.

Or, rather, by what they look for. For here, again, there is not a final resolution of this “curiosity / [a]bout our place among the infinities” (p. 177). The poem ends this way:

We’ve looked and looked, but after all where are we?
 Do we know any better where we are,
 And how it stands between the night tonight
 And a man with a smoky lantern chimney?
 How different from the way it ever stood? (p. 179)

Should we take this to mean that the burning was foolish, the gazing futile? No; there is real human dignity in this communion of friends looking and learning and talking together—a dignity that stands in sharp contrast to

the desperation and potential humiliation that attends an emphasis on being seen and noticed. And indeed this vision does offer a kind of partial but powerful resolution—not a final answer, but rather, as Frost hoped, “a momentary stay against confusion”⁶ about “where we are” (p. 179). We are here with friends, grounded but elevated. We are speaking to one another authentically and sharing in a search for meaning and truth.

Now, I can imagine many lawyers reacting to this sort of talk—of the dignity inherent in an authentic and shared search for meaning—by dismissing it as airy and abstract stuff, far removed from real life and work. But, with all due respect, this reaction can itself be a form of self-imposed, if sometimes-comforting, blindness. And this, too, is part of what reading Frost may help us overcome.

One way we as lawyers can avoid looking deeply into difficult things is by lauding ourselves as pragmatists—by setting up and taking comfort in an imagined dichotomy between the practical lawyer and the abstract theorist. We can tell ourselves that we are not being blind but rather grounded—as if rising above means losing touch with the real world and its concerns. But this dichotomy is a false one, and one that, while perhaps protecting us from the discomfort of uncertainty, also hides from us what we might see and be. Like the two friends with their telescope, we can point our thoughts upward while remaining grounded. Indeed, it is the very firmness of our stance that enables the depth of our sight.

IV. “BIRCHES”

In “Birches,” Frost gives us another way of thinking about how rising above need not mean losing touch. The narrator sees and describes birch trees bent by the weight of winter ice; but he would rather think that the trees had been bent by childhood sport. He imagines a boy climbing carefully each tree, then flinging himself “outward, feet first, with a swish, / Kicking his way down through the air to the ground” (p. 122). The closing lines are these:

So was I once myself a swinger of birches.
 And so I dream of going back to be.
 It's when I'm weary of considerations,
 And life is too much like a pathless wood
 Where your face burns and tickles with the cobwebs
 Broken across it, and one eye is weeping
 From a twig's having lashed across it open.
 I'd like to get away from earth awhile
 And then come back to it and begin over.
 May no fate willfully misunderstand me
 And half grant what I wish and snatch me away
 Not to return. Earth's the right place for love:
 I don't know where it's likely to go better.

6. FROST, *supra* note 3, at 777.

I'd like to go by climbing a birch tree,
 And climb black branches up a snow-white trunk
 Toward heaven, till the tree could bear no more,
 But dipped its top and set me down again.
 That would be good both going and coming back.
 One could do worse than be a swinger of birches. (p. 122)

The narrator sometimes feels not just tired (“weary of considerations”) but also that he is not seeing clearly (“one eye is weeping”), and that he may be losing his way (“life is too much like a pathless wood”) (p. 122). The universality of this experience, and its centrality to human life, is highlighted by the way in which these lines echo the familiar opening of the *Inferno*;⁷ and the narrator wishes he could “get away from earth awhile” (p. 122)—not by descending into the earth like Dante but rather by rising above it like a child. But only for “awhile,” and in a way that will not only bring him back to earth, but that indeed keeps him firmly rooted throughout. The image highlights the way in which being grounded can enable, rather than obstruct, elevation. If the tree were not well rooted, it would not bear even the weight of a child. Of course, if it were too thick, it would not carry him back down. It is the anchored flexibility of a young tree that allows it to both bear us up and bring us home.

The climb, crucially, is “good both going and coming back” (p. 122). Not only does being rooted enable elevation; but the perspective gained by elevation in turn helps us be well grounded as we apply our insights to the world. And it is only then that their full implications come to light. Ideas are transformed through experience, which in turn enables insight in an ongoing and mutually illuminating cycle. And so the boy climbs not just one but every tree he can, learning more from each trip up and back.

This, too, describes Frost’s work itself, and it can be our experience in reading it. The soul-nourishing process of momentary pause, heightened sight, and firmer footing is offered in part through the grounded suppleness of the poems themselves. They offer solid images and stories that anchor as they elevate. They can do this, that is, if we read with courage and care.

Here is how the narrator in “Birches” describes how the boy would climb:

He learned all there was
 To learn about not launching out too soon
 And so not carrying the tree away
 Clear to the ground. He always kept his poise
 To the top branches, climbing carefully
 With the same pains you use to fill a cup
 Up to the brim, and even above the brim. (p. 122)

7. DANTE ALIGHIERI, *THE INFERNO OF DANTE 5* (Robert Pinsky trans., Farrar, Straus & Giroux 1994) (n.d.) (“Midway on our life’s journey, I found myself / In dark woods, the right road lost. To tell / About those woods is hard—so tangled and rough . . .”).

And in this way also, we can learn to read, and live. It is tempting—in reading, living, and lawyering—to launch out for ground too soon. It is easy and comforting to seize upon the most obvious interpretation, the most familiar understanding, the most reassuring explanation—whether of a poem, a problem, or a person. But like a child, we too can learn to keep our poise and courage, to climb bravely and well. And Frost’s work shows us, indeed allows us to experience, that our pains will be rewarded—not with final resolution but with a better view, with deeper rootedness, and with an exhilarating ride along the way.

V. “INTO MY OWN”

As the image of climbing suggests, there is danger as well as fun and dignity in an effort to get a better view; but this image does not perhaps best convey the real risk. It is not so much fear of heights that holds us back but rather fear of depths. It is exhilarating to climb high, to see things from above—even if we do so with trepidation, and even if we often abandon the climb, “launching out too soon” (p. 122), before we have gotten the view we might. What is more unsettling is to go deep—to try to see things from within. And we are not just hesitant to look into things too deeply; we are frightened—afraid of what we might find. Or, perhaps more fundamentally, we are afraid of what we might lose. Frost spoke to this fear in the opening poem of his first published collection:

“Into My Own”

One of my wishes is that those dark trees,
So old and firm they scarcely show the breeze,
Were not, as ‘twere, the merest mask of gloom,
But stretched away unto the edge of doom.
I should not be withheld but that some day
Into their vastness I should steal away,
Fearless of ever finding open land,
Or highway where the slow wheel pours the sand.
I do not see why I should e’er turn back,
Or those should not set forth upon my track
To overtake me, who should miss me here
And long to know if still I held them dear.
They would not find me changed from him they knew—
Only more sure of all I thought was true. (p. 5)

Here, again, is a familiar image—a line of trees along the edge of a field. We have all seen this many times. And, like the narrator, we know that there may well be just a few yards of woods, behind which we would find another field or highway or such. But the line of trees looks as if it could be the edge of a great and terrible forest. And our narrator wishes it were. He wishes that it contained depths into which one could journey forever—that it were more like life. He thinks about what he might do if those woods did in fact

offer limitless depths and thus about what he hopes to have the courage to do in life, which does.

And what is it that this courage must overcome? By what should we “not be withheld”? (p. 5). It is, first of all, the fear of losing contact with others, those who might not choose to “overtake” us in our search (p. 5). But more fundamentally, it is the fear of the loss of the ideas and beliefs we “[hold] . . . dear” about ourselves and the world (p. 5). We come to cherish the “shining surface picture” (p. 225) of ourselves and hesitate to disturb that picture. We reassure ourselves of the rectitude of our opinions and actions through shallow understandings of the views and motives of others. We cling to the tenuous comfort offered by simplified accounts of the world and our place in it.

“Into My Own” does not offer any real palliative against this danger or any satisfying resolution of this fear. The narrator seems simply to reassure himself that neither he nor his ideas would be changed by the imagined journey:

They would not find me changed from him they knew—
Only more sure of all I thought was true. (p. 5)

This is the poem’s final couplet, where in sonnets one often expects to find a neat resolution of the problem framed by the three quatrains. But the seeming solution offered here is intentionally unsatisfactory. Are we really to believe that looking deeply into our world will leave us and our ideas unchallenged and unchanged? Would we even want that to be the case? What we can do, perhaps all we can do, is hope and trust that our souls will somehow survive the search—believe that the people we become will in some fundamental way be true to who we are. Frost thus confronts us with a question that is at the center of both life and lawyering: How can we face challenge and change while still holding true to ourselves?

We often say something like this about how a person should live. We say that a person faced with a challenge or choice should not only do what is right or best in the abstract but should also, in some way, be “true to himself.” But why does that matter? Indeed, what does it really mean? If a person happens to be cruel or lazy or ignorant, we would not say that he should try to stay that way in an effort to be true to himself. More generally, why limit ourselves to some preexisting sense of who we are? Perhaps, instead, we should simply try to be as good and as wise and as happy as possible. Why is it important for a person not just to be good and act well but also to have some vision of who he is, and to be and behave with some sort of fidelity to that vision? More broadly, how is it possible, as we feel it somehow must be, to learn and evolve while remaining fundamentally ourselves?

This question confronts a community as insistently as it does an individual and thus is as central to law as to life. This is, in fact, an essential aspect of what lawyers must think about every day. Take the common law, for example, which calls on us to decide cases in ways that are not just sensible and right but which are also, and essentially, consistent with what

we have done and said in the past—with precedent. It is the public or community version of “be true to yourself.” Common law reasoning is perhaps the clearest example, but whether in the context of *stare decisis*, statutory interpretation, constitutional theory, or elsewhere in our work, we are engaged in a similar effort. We try to reconcile and unite claims of reason with claims of identity, demands of policy with demands of precedent, the desire to be as good as we can with the desire to be true to ourselves.

We can tell ourselves, like the narrator of “Into My Own,” that there is nothing to worry about—that deeper thought and better sight will not fundamentally challenge the demands of identity or community. But we know this to be inadequate, for if there is nothing to fear, then there is nothing to learn. The question remains: How can we be both better and ourselves? And so we are left where Frost has left us, gathering our courage at the edge of the wood. We have not answered the question; but perhaps we have stayed the confusion long enough to confront it more clearly, deeply, and honestly—in our lives and in our work.

VI. “THE TUFT OF FLOWERS”

Return, finally, to the fear most explicitly acknowledged, and in imagination overcome, by the narrator of “Into My Own”—the fear of being alone. If we can overcome both our discomfort with uncertainty and our reluctance to let go of simplified and comforting ideas about ourselves and the world, will a search for truth and meaning leave us, if ennobled, also isolated? In some sense, yes. By looking beyond familiar shining surface pictures, we are also choosing to see things in ways that others may not, and in that sense leave them behind. But in a deeper sense, there can be a kind of joining, even when we seem to search alone. Frost highlights this hope beautifully in a poem that also speaks more broadly to what we have seen to be both the subject matter and experience of so much of his work: how we can—in our work and in our life—honestly, bravely, and nobly confront “questions that have no reply” (p. 22).

“The Tuft of Flowers”

I went to turn the grass once after one
 Who mowed it in the dew before the sun.
 The dew was gone that made his blade so keen
 Before I came to view the leveled scene.
 I looked for him behind an isle of trees;
 I listened for his whetstone on the breeze.
 But he had gone his way, the grass all mown,
 And I must be, as he had been—alone,
 “As all must be,” I said within my heart,
 “Whether they work together or apart.”
 But as I said it, swift there passed me by
 On noiseless wing a bewildered butterfly,

Seeking with memories grown dim o'er night
Some resting flower of yesterday's delight.
And once I marked his flight go round and round,
As where some flower lay withering on the ground.
And then he flew as far as eye could see,
And then on tremulous wing came back to me.
I thought of questions that have no reply,
And would have turned to toss the grass to dry;
But he turned first, and led my eye to look
At a tall tuft of flowers beside a brook,
A leaping tongue of bloom the scythe had spared
Beside a reedy brook the scythe had bared.
The mower in the dew had loved them thus,
By leaving them to flourish, not for us,
Nor yet to draw one thought of ours to him,
But from sheer morning gladness at the brim.
The butterfly and I had lit upon,
Nevertheless, a message from the dawn,
That made me hear the wakening birds around,
And hear his long scythe whispering to the ground,
And feel a spirit kindred to my own;
So that henceforth I worked no more alone;
But glad with him, I worked as with his aid,
And weary, sought at noon with him the shade;
And dreaming, as it were, held brotherly speech
With one whose thought I had not hoped to reach.
"Men work together," I told him from the heart,
"Whether they work together or apart." (pp. 22–23)

Much could be said about this astonishing poem, but let this suffice. It gives us perhaps as well as any the essential Frost experiences of work and pleasure united in sight and sound, of grounded elevation, and of clarity-revealing depth. The story and images are straightforward and seemingly simple—an impression potentially reinforced by the light title, the easy regularity of the meter in the rhymed couplets, and the talk of butterflies. Nothing about the poem is murky or obscure. But the deeper we look, the more we see and learn—about sight, work, nature, and more, and about how we might see and work things together.

On this last and crucial point, look again at the end of the poem. The final couplet, unlike that which closes "Into My Own," is indeed "from the heart" (p. 23). Our search can be a shared one—if not one shared by all. Sometimes we may be fortunate enough to look and learn together with others, like the two friends in "The Star-Splitter." But even when we seem to be alone in our work or at our well-curbs, and feel isolated from or even

taunted by others, we are in fact connected, to spirits kindred to our own in a larger and noble human endeavor to make sense of and appreciate our world.

And as vital and central as this effort is in the life of any person, it ought perhaps to be even more so in the life and work of lawyers—who purport to search and speak not just for ourselves, but for and on behalf of the clients and communities we serve. For us it is particularly important that we learn to abide and work with the inherent complexities and tensions revealed by a close look at a good poem or a good life. And so for us, it is perhaps particularly true that “[t]he best thing that we’re put here for’s to see,”⁸ and thus especially important that we try, in the ways Frost shows us, to see well.

This seems to me an ennobling vision of life—and of life and work in the law. Getting past an obsession with how we look, we can try instead to see. Learning to cherish glimpses, we can overcome our inclination to disregard what we cannot resolve with finality. Recognizing that cold irony is not the only form of clear thinking, we can see beauty as well as truth. Finding firm footing on ground that often seems to melt beneath us—“[t]he grip on earth of outspread feet” (p. 276)—we can learn to confront, indeed enjoy, the grounded challenges of our work while still pointing our thoughts upward. Confronting the fear of losing comforting views, we can find ways to grow and learn while remaining true to ourselves. Together with those of like mind, we can speak well and share this effort to make sense of our world and our place in it.

8. P. 177 (internal quotation marks omitted).