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WRITING AND READING IN PHILOSOPHY, LAW, AND POETRY

James Boyd White

Introduction

In this paper I will treat a very general question, the nature of writing and what can be achieved by it, pursuing it in the three distinct contexts provided by philosophy, law, and poetry.

My starting-point will be Plato's *Phaedrus*, where, in a well-known passage, Socrates attacks writing itself: he says that true philosophy requires the living engagement of mind with mind of a kind that writing cannot attain. Yet this is obviously a paradox, for Socrates' position is articulated and recorded by Plato in writing. How then can we make sense of what Plato is saying and doing? What kind of writing, for example, does he think he is himself engaged in? What, according to him, is good philosophical writing more generally, if such a thing exists? This will be my first question.

Next I shall turn to the law, where it seems that writing is both utterly necessary and, as we shall see, often hopeless as a guide to the decision of actual cases. I shall look in particular at the first amendment to the Constitution of the United States and a case arising under it, asking what we can hope writing can achieve in this context. What is good *legal* writing, if such a thing exists, and what can be attained by it? Finally, I shall turn to poetry, using a poem by William Carlos Williams as my example, to define more fully the conception of writing, and of writing well, towards which I am working, in the hopes that we can then carry it back to what we have already done in philosophy and law. In all of this I shall be trying to give content to a rather simple and traditional idea—that reading and writing can be seen as forms of conversation—by working it out in three rather different situations.

Philosophy

First, then, Plato's *Phaedrus*. Towards the end of this dialogue the conversation turns from the nature of the soul and of love, its ostensible subjects, to the rather more mundane subject of writing. In this connection Socrates tells a story, supposedly from Egypt, which runs roughly this way:

The god Theuth, the inventor of astronomy and geometry and arithmetic and other sciences, comes to Thamus, the king of Egypt, to offer him his various inventions. He presents them to the king, one by one; Thamus, a kind of technological sceptic, examines each, asking what it is good for and what dangers it presents, before deciding whether to accept it. The conversation is intense and extended, as the merits of each invention are discussed in detail. The god Theuth is perhaps a bit deflated by Thamus' critical responses, but when he comes to the gift of writing his spirits are restored: he expresses the greatest confidence that this is a great invention, one that will surely make the Egyptians happy, for it will improve their memories. In writing he has found, he says, a magic charm for wisdom and memory. But Thamus disputes this claim, claiming that writing will in fact have the opposite effect from that predicted: since people will rely upon writing rather than their memories it will stimulate forgetfulness, not memory; and since they will be calling upon something external to themselves, not what is in their minds, it will create the false appearance, not the reality, of knowledge and wisdom.

Socrates then goes on to say, in his own voice, that writing is to speaking as a painting is to a person: it creates the image of meaning, but is wholly unable to answer when questioned. The written text just keeps repeating the same thing over and over, unable to adjust or respond to questions, doubts, or new ideas. For this reason, he says, we should take rather little satisfaction in what we write, even the best things we can do. This sceptical view of the value of writing is reaffirmed in Plato's seventh letter where he says that his philosophy is not to be found in any of his writings, but exists only in the living engagement of the mind.¹ Writing is at best a kind of play or game; the real thing, that about which we

¹ Plato, *Seventh Letter*, 341C–D, 344C.

should really be concerned, lies elsewhere, in actual conversation between minds taking place in what we might call 'real time'.

As I said above, there is an obvious paradox here, for both of the Platonic strictures against writing take place in writing. Without writing, indeed, we should have virtually no access to Plato's mind, or the mind of Socrates either for that matter, nor any sense of what Plato meant when he said that philosophy lay not in writing but in conversation. In fact, our best examples of the kind of living interaction between mind and mind that he admires are themselves in writing, as in this very dialogue. It is impossible to believe that Plato, one of the world's best writers, did not value highly his achievement of this kind.

What sense, then, can we make of Plato's attack on writing? To pursue this question will perhaps help us think about the merits and demerits of writing in our own world, and about the kind of education that will enable us to write well, and read well, including in the law.

READING THE *PHAEDRUS*

A natural place to begin is with our experience of reading the writing that is the text of the *Phaedrus*. The first thing that is likely to leap out at the reader is that this text, like so many other of the Platonic dialogues, is neither an argument written to support a particular set of propositions, nor a disquisition upon a particular subject. Rather, it is a story; a drama; a conversation; a dialogue, beginning with the meeting of Socrates and Phaedrus outside the walls of Athens and ending with their going back into the city together. Something happens between those two points; the creation of that happening between the speakers, and the corresponding happening in the life of the reader, is certainly one aim, perhaps the true aim, of the text.

I will not try to summarize the whole thing, but it may help if I say this much about what happens: Phaedrus and Socrates meet outside the city walls; Phaedrus talks about a party he has just recently left, at which the orator Lysias read a very clever speech; Phaedrus has borrowed a copy of this speech, which he has been planning to commit to memory; now seeking a place to discuss the speech, Socrates and Phaedrus find the cool and shaded atmosphere of the river-trees, commenting in detail on their surroundings.

Phaedrus then reads aloud the speech of Lysias, in which a seducer paradoxically argues that the fact that he is not in love is a good reason for his target to yield to his desires; Socrates, spurred on by Phaedrus, gives, in a kind of competition, a speech of his own to the same end, his point being that love is a kind of irrationality and thus inconsistent with the philosophic life. Suddenly visited by his private divine force, however, Socrates realizes that what he has said is awful, for love is a god and must be good; he then delivers a second speech, this one in favour of love, in which among other things he works out the famous image of the human soul as a pair of winged horses, one good, one bad, managed by a charioteer. Human souls once lived in the heavens, he says, but through mismanagement have lost their wings and fallen into an earthly life. Love, Socrates says, is an experience that reminds the soul of what it once had, life in contact with beauty and truth, and it rekindles the desire to attain it. It is one of the greatest gifts of life. When Socrates has finished, he and Phaedrus then speak about various questions raised by the three speeches on love, including the issue whether writing is a good or bad thing.

Even this summary should be enough to show that this dialogue is not, as I say, a sustained conceptual argument, leading by logical progression from one point to another, but a composition far more complex, in which one part answers or responds to another. Its closest analogue may be a play by Shakespeare, where any position Shakespeare has is expressed not by this speech or that, but by the play as a whole, by the way voice answers voice. For Shakespeare's art lies not only in the composition of the speeches but their arrangement: it is here, in the relation of these gestures across time, that Shakespeare can be found. And in Shakespeare as in Plato one finds items of very different kinds, humorous and solemn and farcical and deeply felt.

For the reader of both authors, then, the question is not so much what this all 'means' in a propositional way—as if true understanding meant the capacity to utter a series of true statements that represented what Plato or Shakespeare would have said if they had been smart enough—but what it means in an entirely different way, as an experience of mind and imagination, of thought and feeling. Its end is not persuasion to a set of statements, but something vastly more important and profound, a transformation of the mind and motives and understandings of the reader.

Reading the *Phaedrus* thus requires one constantly to ask exactly how a particular passage is to be taken in light of other passages or other moments. Here the question of tone is crucial. For example, in the central myth about the soul as a pair of winged horses guided by a charioteer, part of the story is that once the soul has fallen from the heavens to the earth, the experience of physical desire for a beautiful body reminds the soul of its own earlier experience of beauty itself, in the heavens, where the Eternal Forms can be directly apprehended; the person thus touched by *eros* starts to feel the itch and pain of his feathers beginning to sprout, in the total intoxication of desire. How are we to read this? I can remember being told that this story was a perfectly serious allegory of the moral nature of the soul, and that the lesson was plain, to develop the rational faculties of the charioteer to control one's baser impulses. But this won't work at all: it is some of the so-called baser impulses that are celebrated here, and the kind of madness they bring about is far from rational control. And in any event such a lead-footed reading is totally dead to what is most wonderful about this myth: its invented, playful quality, comic even to the point of the self-consciously ludicrous, poised as it is against a kind of real seriousness. The speech is both serious and comic, both beautiful and silly, both to be believed and to be disbelieved.

The story about Theuth and Thamus has similar qualities. It is funny, to start with, as the resolutely practical Thamus examines the gifts of the god with a sceptical air and practical intelligence.² (I do not think it wholly accidental that their names, at least for me, work as a kind of tongue-twister, leading me to want to lisp the second name, thus, 'Thamuth'.) And, as I suggested before, the apparent message of the story, that writing is bad because it will destroy memory and wisdom, is in plain contradiction to certain of the premises of the text of which it is a part. How then are we to read it?

One possibility—and it is only one—is to start from Socrates' point that the trouble with writing is that it always says the same thing and can thus never respond to questions or criticisms, never

² This is just what Socrates does not do with the gift of sexual desire, from *Eros*, and Thamus thus stands as a mild reproach to Socrates' abandonment of reason in telling the central myth.

engage in the conversational process that is the centre of philosophy. Plato is perhaps here telling us why he writes in the form of the dialogue, rather than simply telling us 'what he thinks and why he thinks it'—as though such a thing could be done.

On this view, what the passage about writing suggests is that he, Plato, is trying to write a text that is different from the kind of writing he rejects and instead has some of the essential qualities of conversation. It does not simply say something, and stop; rather, it offers the reader a complex experience, in part consisting of the stimulation of questions—about the myth of horses for example, or this very passage about reading—that the text will not in any obvious or easy way answer, but with respect to which it affords the reader material for thought, if he can grasp and manage it. Here, for example, the question, 'What can Plato mean by these strictures against writing?' leads to the possibility that it is not all writing that he opposes, but writing of a certain kind—or reading of a certain kind—working on certain premises. Moreover, in the way in which Plato renders living conversation between Socrates and Phaedrus one can find some idea of what his own aim is as a writer, and the standards by which he wants his writing to be judged.

I do not want to suggest that this is where the process stops: there are other points about writing, other complications and mysteries here, but this in a sense is the main point: Plato has written a text that does not simply say the same thing always, but says different things as you bring different questions to it. Its aim is to offer its reader a disorienting experience of controlled uncertainty and thus to stimulate independence of mind, in the way that conversation, or dialectic, at its best can do. On this view philosophy is not the exposition of a certain set of propositions about the world, but a mode of life and thought; its end is not a set of statements, but an end of a different kind, the transformation of the mind and imagination of the reader. This is a process that by its nature has no termination until death, and the hoped-for return to the world in which truth and beauty and goodness can be seen simply and clearly for what they are.

THE LIMITS OF LANGUAGE

One reason why Plato wrote this way, rather than proceeding as Euclid was to do in another field, from first principles, or as

Aristotle did, from common knowledge, is that for Plato the language in which he thought and wrote was a large part of the problem he addressed. This was partly a matter of its particular substantive commitments, for example to an idea of justice and 'goodness' that consisted in large part of the power to exercise dominion over others,³ but partly also a matter of the nature of human language more generally—for there is no language in which the truth can simply be said, and in Plato's view we must train ourselves to accept that fact and to display our awareness of it in our speaking and our writing alike.

The point of Plato's doctrine of the Eternal Forms, then, is not to assert the truth of their existence, which can after all never be observed or known while we live, but to define, by their absence, what human life lacks. This is a way of drawing attention to the important fact of actual human life that such knowledge is denied us. We must live on conditions of radical uncertainty; and it is to show us how this might be done without collapsing into incoherence or despair that the dialogue exists.

The experience of reading Plato may in fact provide us with a method for the reading of philosophy more generally, for it suggests among other things that the language in which philosophy is carried on can, and perhaps should always, be part of its subject. If we start to yield to the desire to create a general philosophic system, as Plato himself often did, the experience of the *Phaedrus* should check us in that course; not to prevent us, necessarily, but to slow us down. If, for example, we find ourselves talking about the 'proper end of life', and defining that as 'happiness', and then defining happiness in terms of the 'fulfilment of human capacities', or if we find ourselves talking about the proper form of political organization, and defining that in terms of 'consent', and consent in terms of the 'will of the majority' as reflected in the ballot, all as though those terms had meanings that were either self-evident or could be stipulated, and as though we occupied a platform somehow above history and culture from which we could speak universal truths on such subjects, the experience of reading Plato should

³ For further discussion see my *When Words Lose Their Meaning: Constitutions and Reconstitutions of Language, Character, and Community* (Chicago, 1984), 95–8. For a fine article on reading Plato as a general matter, see Hayden Ausland, 'On Reading Plato Mimetically' (1997) 118 *American Journal of Philology* 371.

make us pause, and ask how what we are saying might be located in one of his dialogues: poised against what counter-formulations; subject to what dissolutions, as the terms we use are shown not to bear the weight we want to give them; rendered to what degree incomplete or empty, as other related questions are raised to which we have no way of speaking; and so forth.

It is thus one of the monumental achievements of Plato simultaneously to engage in the impulse to systematize and to subject that impulse to criticism.

Law

What bearing if any does this understanding of Platonic philosophy have upon the reading and writing of the law? At first it may seem none at all: the whole point of written laws in our system is that they be clear and publicly available; only then, after all, can the citizen who is subject to them conform his or her conduct to their requirements, and only then can the official who interprets and applies them be subject to the constraint we think of as government under law. Uncertainty of law is a recipe for official corruption, for the denial of the fundamental principle of notice, and for violation of the ideal that like cases are to be treated alike. We therefore demand that the law be clear, in America making a constitutional principle of it. We in fact want the law to do just what Socrates complains that writing does, namely to say the same thing always. We do not want law to be dialectical or conversational; we want clarity, fair notice, obedience, equal treatment.

READING LAW

But all this is far easier to say in general terms than it is to work out in practice, as any look at a statute book or constitution or a set of judicial cases will show. The main provisions of the first amendment to the American Constitution, for example, are on the surface plain enough: 'Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging freedom of speech, or of the press.' When we read this we understand in a general way the values that the framers are articulating, and we know that they want to be read as meaning

business. But when we come to the application of such a standard, serious problems emerge: is it an establishment of religion, for example, for a legislature to begin its sessions with prayers led by a chaplain paid by tax dollars? For the armed services to employ chaplains? For a state to exempt religious organizations from its tax laws? For a city to have a Christmas display that includes a nativity scene?

Deciding those questions is not merely a matter of looking at the words and seeing what they mean, for different people will have different readings of the same language—different, reasoned, and decent readings. The question the law faces, here as elsewhere, is what to do about the fact that we do reasonably differ, including on the most important matters, and that there is no obviously right way to resolve our differences.

This means that the ideal of clear language applied the same way every time is simply out of reach. In the law the meaning of the language in which authoritative directions are given is itself always in question. Much in the same way that Plato sees that the central terms of his language are uncertain in meaning and call for new definition, the lawyer comes to see that the same is true of the central terms in her discourse: terms such as 'religion' and 'speech' and 'establishment' and 'free exercise' in the first amendment, for example. The lawyer should not simply use her language as a given, then, but see it as the proper subject of critical attention and transformation.

Likewise, the lawyer should know what Plato reveals, that there is no such thing as purely neutral, unsituated, abstract, or disinterested thought or speech: no way, except in the heavenly life Plato imagines to precede and follow our earthly one, in which one can see beauty and truth and justice for what they are, unchanging and eternal essences. Rather, every effort at thought and expression is located in an historical moment and a particular set of social relations, and these circumstances affect the meaning of what is said. This is true of the *Phaedrus* itself, which is a conversation between Socrates and Phaedrus; and true of the lawyer who always thinks and speaks as the representative of a particular client—the citizen who wants the nativity scene removed for example, or the city that wants it to remain—or, if he is a judge, as one trying to resolve the particular dispute before him. For both lawyer and judge, the materials of meaning with

which they work are to a large degree given them by others, in the constitutions, statutes, regulations, contracts, judicial opinions, and other texts that speak to the particular event. This material will not and should not say the same thing always; it will in fact yield different meanings to different minds in different situations, differences that themselves become the topic of thought and argument.

For the lawyer, as for Plato, every discovery, every conclusion, is provisional, open to question and perhaps to repudiation in a later conversation—think of Socrates, who in the *Phaedrus* made one speech against love, another one in praise of it, and then changed the subject entirely. And it is common for a Platonic dialogue to end with Socrates in a kind of perplexity, or if not that, by reaching a conclusion that is still, in the terms established in the dialogue itself, open to doubt.⁴ Likewise each performance in the law is the best we can do at the time, but it is always open to revision: by appeal, by distinction, by overruling, by amendment.

The life of the law, like the life of philosophy, lies then in the activity by which a problem is defined and approached, not in any solution to it. This activity is what we learn and what we teach. The part of this activity that we call ‘reading’ has much of the character of a conversation with the ruling texts of the law, and ‘writing’ takes the form of conversation too, between judge and lawyer, among lawyers, between lawyer and client, and so on.

Let me give you an example of what I mean, in the form of a much simplified version of a real case, *Lee v. Weisman*.⁵ The question is whether it is an improper establishment of religion for a public high school to invite a local pastor or rabbi to give a prayer as part of the graduation exercises. We can assume that the prayer in question is as non-sectarian and vague as they usually are, perhaps as simple as this: ‘God of the Free, Hope of the Brave, for the legacy and liberty and destiny of America we thank you. May these young people fulfill their own hopes and those of their parents and teachers. Amen.’ Does this practice violate the Constitution? My guess is that you are likely to have one of two quick reactions, either ‘Yes, of course, obviously it does: this

⁴ See, for example, *Protagoras* and *Crito*.

⁵ 505 US 577 (1992).

plainly violates the separation of church and state', or 'No, obviously not: we have had graduation prayers forever, and nothing could be more innocuous than such a thing.'

Notice that the language of the first amendment prohibiting the passage of any law 'respecting the establishment of religion', however plain it may be to those on each side of the dispute, does nothing to resolve the difference between them. It sits there, as Plato says, reiterating itself and unable to respond to the questions we have of it. But in the law we have more than the amendment: we have the cases decided under it, and these complicate the question by providing two somewhat inconsistent lines of authority.

First, the Supreme Court has decided a series of cases, beginning with *Engel v. Vitale* in 1962, that prohibited the use of prayers as part of the public school curriculum. Later cases have similarly struck down Bible readings in school, recitations of the Lord's Prayer, moments of silence meant as moments of prayer, and the like.⁶ These cases would support the conclusion that the graduation prayer is invalid.

But there is a contrary line of authority, partly judicial, partly rooted in the practice of other branches: Congress begins its sessions with a prayer made by a chaplain paid with public funds; there are chaplains in the military; high national officers are sworn in on the Christian Bible; the President often includes a prayer as part of his inaugural address; the Thanksgiving Proclamation is typically in the form of a prayer, at least in part; and, most recently, the Court held that the Nebraska legislature does not violate the amendment by beginning its sessions with prayers made by chaplains paid with state funds, even though some of these prayers are highly sectarian in content.⁷ In the same vein, within recent years the Court approved the inclusion of a nativity scene in a municipal Christmas display. These precedents would support the validity of the graduation prayer.

So what is the Court in the graduation prayer case to do? Distinctions can be drawn, focusing for example on the degree of compulsion present in school prayers, or the impressionable age of the children in those cases; similarly, one can try to work out

⁶ See *Engel v. Vitale*, 370 US 421 (1962); *School District v. Schempp*, 374 US 203 (1963); *Wallace v. Jaffree*, 472 US 38 (1985).

⁷ *Marsh v. Chambers*, 463 US 783 (1983).

'tests' of various sorts for the resolution of this and similar cases. I do not want here to pursue the various lines of argument in detail but only to make the rather simple point that the task of the lawyer, as he reads the amendment in the context of the cases briefly outlined above, and in the context too of the particular facts of the case, is a form of conversation, with a set of texts none of which will say the same thing always. The language of the amendment stimulates a conversation with its various contexts in which it says not one but many different things, among which choices have to be made. In fact, the law does not so much 'say things' as create the conditions for a complex process of thought and conversation, highly dialogic in character; it is this process of thought that we learn, and teach, and practise as lawyers; this process is, in an important sense, the law itself.

WRITING THE LAW

To think now about the problem of writing from the perspective of the writer of laws—whether they take the form of statutes, regulations, contracts or opinions—it should be plain that one cannot proceed simply by saying what one means clearly and plainly. This is partly a matter of the inherent vagueness of language in certain contexts. Think, for example, of the definition of crime. This requires an element of 'intention' or 'wrongfulness'—for we all surely would distinguish for purposes of criminal punishment between accidental and deliberate injury of another—but no one can specify states of mind with clarity and precision. Sentencing and custody disputes are similar cases: one simply cannot articulate rules that wholly capture the considerations that one thinks ought to influence the judgment in a particular case.

But the difficulty is not confined to cases where the law is forced to use uncertain terms. The larger point rather is that the way legal texts are used in our system—placed now in this factual context, now another, placed now in this composition of other texts, now another—gives all legal texts a kind of inherent uncertainty, which in turn gives rise to the necessity for the kind of legal thought I have described. Legal texts do not and cannot say the same thing always, and it is unrealistic in the extreme for the writer to hope they can.

How then is one to think of the process of writing law, or to

teach it, if not as the communication of commands in clear and direct language? The heart of it I think is this: the lawmaker should recognize that the application of his text depends on the action and judgment of others. It is thus a social and cooperative activity, and part of the lawmaker's task and opportunity is the management of the social relations through which his statute (or other text) will work. He is engaged in a conversation with his audience and should try to speak to them about the task which he has given them in some way other than by simply reiterating his commands. He should thus write a text that does not simply say the same thing always, but invites and responds to questions; a text that has some of the quality of a dialogic partner.

The writing task is made all the more difficult when one realizes that there is not one audience for legislative and legal texts but multiple audiences, ranging from citizens to jurors to lawyers and judges. In each case the legislator must try to attune himself to the situation of his audience, understanding the context against which they will read this gesture, and do his best to produce a text that will speak well to them all. An impossible but necessary task.

How this might be done, in particular cases or more generally, is the topic of another talk, or of a course.⁸ For present purposes it is enough to see that this kind of writing is not mechanistic, dull, or easy, but hard, complex, a full challenge to the mind.

Thus the best writing in the law and in philosophy alike does not, as one might first think, strive to say the same things always, but offers the reader an experience like that of conversation: it stimulates questions, and responds to them; these responses invite further questions, and lead the reader to a deepened understanding bounded by uncertainty. It is not in what Socrates 'says' or what Phaedrus 'says' that we are to find the philosophy of Plato, but in what the dialogue as a whole offers its reader, the experience of our engagement with it. Likewise it is not in what the Constitution—or a statute, or a judicial opinion—'says' that we find the law, but in the activity of reading and writing that these texts simultaneously stimulate and reward.

The experience of the law can thus be seen to reinforce the complex point of Plato's passage on writing, especially when it is coupled with his own performance as a writer. He tells us that we

⁸ It is the subject of my *The Legal Imagination: Studies in the Nature of Legal Thought and Expression* (Boston, 1973; Chicago, 1986).

should not strive for writing that simply states its position in plain words and stops, for such a thing is neither desirable nor possible. Words do not carry meanings like freight cars and cannot be made to do so; instead, we should understand that every act of language is a performance, a gesture against a background of other gestures, and that it asks to be understood as such by both speaker and audience, by both writer and reader. Every performance is by a situated speaker to a situated audience, and its conclusions must always be provisional. No final and universal statements of truth are possible for us here on earth but only, as Plato says, in the heavens, where we can see truth and beauty and justice directly—an image the whole point of which is to distinguish it from the conditions on which we live.

Poetry

Such are some connections between writing—and reading—in philosophy and in law. How about the third form, poetry?

My thought here is that the sense of writing worked out above, as an activity of mind—as an engagement with the nature of language and the limits of human understanding that cannot resolve itself into propositions assumed to be stable, but must renew itself, again and again, whenever we speak or write—is an essentially literary or poetic one. It might help, then, to work through a poetic example, both as a way of making clearer what I mean to say about philosophy and law, and as a way of suggesting a resource to which as lawyers and philosophers we might turn to learn more fully about the nature of the activity in which we are engaged when we write.

For it is much easier to see that a poem or a novel does not simply carry a message than it is to read a legal or philosophic text in such a manner; much easier to see of the literary text that much of its meaning lies in its tones of voice and their transformations, its ways of imagining the world and the speaker within it, its definition and management of relations between speaker and audience, its metaphors and images, its ways of meeting and upsetting expectations as to form, and so on. Literary texts are more obviously dramatic texts, explicit performances with language and with social relations, and to learn to read them may help us be more alert to what might be called the literary aspects of apparently non-literary texts. In particular, poetic texts are commonly founded on a tension,

or a contradiction, between different ways of thinking or feeling or acting or imagining the world, which they may not resolve at all, or only partly. The truth that such a text asserts is thus not reducible to one position, one voice, one way of thinking, but lies in the fact that both opposing elements have weight and validity.

As an example I have deliberately chosen a poem that may not look or sound much like a poem at all, and one that in fact may seem reducible to a message. It is William Carlos Williams's poem about taking the plums from the icebox,⁹ which reads this way:

THIS IS JUST TO SAY
I have eaten
the plums
that were in
the icebox
and which
you were probably
saving
for breakfast
Forgive me
they were delicious
so sweet
and so cold

When you first read this poem, or hear it read aloud, I think you are likely to have one or two rather strong reactions (just as was the case with the graduation prayer case): either that this is a beautiful poem, special in some as yet unknown way, or that it is trivial and empty. In my own experience this was true of a group of friends, all good readers, who divided in exactly that way and engaged in heated dispute over the question that divided them.

On the negative side, it seems true that the poem does not have the kind of dramatic and intense and clearly-shaped imagery of a poem, like Wallace Steven, 'Thirteen Ways of Looking at a Blackbird',¹⁰ which begins this way:

⁹ 'This is just to say' in *The Collected Poems of William Carlos Williams* (A. Walton Litz and Christopher MacGowan (eds.), New York, 1986), 372. [William Carlos Williams, 'This is Just to Say' from *Collected Poems: 1909-1939*, Volume 1, copyright © 1938 by New Directions Publishing Corp., reprinted by permission of the publishers, Carcanet Press Ltd. and New Directions Publishing Corporation.]

¹⁰ 'Thirteen Ways of Looking at a Blackbird' in *The Collected Poems of Wallace Stevens* (New York, 1971), 92.

Among twenty snowy mountains
 The only moving thing
 Was the eye of the blackbird.

By comparison, the language 'and which you were probably saving for breakfast' seems cluttered and awkward and utterly ordinary, devoid of visual force. In addition, those who take the negative view might add that this is a poem that is indeed reducible to a mere proposition: I have eaten your plums, and apologize. That is all there is to it.

But is that so? To test that we might ask what, if anything, the poem does that such a message does not. Here imagine that you are the poet's spouse—or perhaps room-mate or partner or host—and that you found this note on the icebox door: 'I ate your plums; sorry about that.' How would that be different from this poem?

Part of it is formal. You will probably not have noticed this when you read the poem, but, as one of my friends observed in the disputation referred to, there are patterns of sound that run through the poem, all leading up to a strong emphasis on the last line, 'so sweet and so cold'. 'Sweet' for example picks up the end rhymes of 'eaten', 'probably', and 'me'; 'and so cold' picks up the *d* and *l* from 'delicious', the *l* from 'plums', the *k* sound from the last line of each of the other stanzas, and, most of all, the enormously strong open *o*, which we have seen foreshadowed in weaker form in 'forgive' and 'icebox' and 'probably'. As my friend put it, these sounds 'have been laid out, given prominence, and anticipated, all as carefully as a key and scale in music'.¹¹

But even if you assume that we could go on at length in this vein, establishing the formal complexity and coherence of what seems at first a purely ordinary statement, there remains the question to what end this formal composition exists. It could still be at bottom an empty expression, however mathematically or musically complex its organization of sounds. As the recipient of such an apology you might feel that it was ingenious, reflecting a lot of skill and effort, but still not very different in the end from 'sorry about that'.

This brings us to the heart of the poem, which is the definition

¹¹ The friend referred to is my colleague A. L. Becker, whom I thank for his help.

of feelings and social relations achieved in its tones of voice. Take, to begin with, the phrase, 'I have eaten', which stands as its own line at the very beginning of the poem. It is hard for anyone educated in the Western tradition not to hear behind this simple phrase echoes of the Garden of Eden: 'And hast thou eaten of the tree whereof I commanded that thou shouldst not eat?' This allusion is reinforced by the later isolation of the word 'saving' in a single line, and by the force of the phrase, again in a single line, 'Forgive me'.

What does the speaker do with this allusion? It could work in ways that are heavy-handed, portentous, mechanistic; but in fact it is quite delicate, precise, at once amusing and touching. See how it plays against the self-deprecating title—'This is just to say'—to create a real tension, the subject of which is the poem itself: is this poem a trivial, minor, quotidian gesture, or is it serious, even too serious?

The biblical reference is reinforced by the fact that what is eaten here turns out to be a fruit; but at the same time it is made less heavy-handed or merely allegorical by the fact that the fruit here is not the apple of tradition but a plum—far more delicious and tempting, and far more ordinary at least than that traditional fruit, in part because it is located, we learn, in the 'icebox'.

Yet, despite the clarity of these allusions, a voice within us wants to say that this simply cannot be an instance of the Fall; it is far too quotidian or trivial. To think of this event in such a grand way is ludicrous. But eating an apple is trivial and quotidian too; and in the second stanza the poem makes plain that the eating of the plums was an act with real moral significance, not simply as a matter of doctrine or theology, but as a matter of actual human relations, for they were not his but someone else's, and he did not eat just one but all of them. Once more we face the peculiar tension that it is the characteristic of this poem to stimulate: we are bound to feel, in part, that this is simply not a big deal, perhaps once more finding ourselves using the word 'trivial'; but it is not an entirely small thing either, and if a marriage or other relation were regularly marked by such transgressions it would be full of difficulty. (Just imagine what Jane Austen would make it mean.) And if the Fall means anything it will show up in the smallest details of life.

The speaker has in fact wronged his wife (let us assume), on

however small a scale and no matter how understandable the temptation; what does he do about this fact? He acknowledges that the plums were themselves not trivial, but important to her; he also shows, especially in the 'probably', that he knows her, her tastes and values. This at once makes his offence the more serious and the poem a more adequate recompense, for this is not a stereotyped apology, any man to any woman, but one addressed to her. He shows that he knows her.

His acknowledgement is the initial point of the note itself—'This is just to say'. But why 'just'? He is here minimizing both the expression and the wrong that gave rise to it; this is part of what leads some readers to take the poem as trivial. But he does not stop with the sentence begun in the title, and the sentiments upon which that sentence was based, but comes to see the need to go on, to take another step. And this is far from a small one: 'Forgive me'.

This is still not the end. Now he reaffirms the original act, at least in part, by making the temptation seem practically irresistible, indeed by trying to elicit his reader's imaginative sympathy, even complicity, to confirm what he has done. This is the significance of what we noticed earlier, the great emphasis and intensity given to 'so sweet and so cold'.

The speaker thus begins with a gesture designed to trivialize both what he has done and his present expression; but he finds he cannot do this; he recognizes that the wrong, however small, was real—she was saving the plums for breakfast. He then asks for forgiveness, at first on the basis of his repentance; but he discovers that this too will not work, for the repentance is not and cannot be entirely sincere; he is still in the temptation and cannot deny it. Then he asks for forgiveness, implicitly, on quite a different ground, that it is his nature—and ours too: we confirm it in our response to the last line—to yield to such temptations.

The poem ends with real sweetness, in his confidence that he will be forgiven. This is an enactment of trust, part of what makes it a love poem. (The other part is his knowledge of her.) But it also ends with a real coldness, in the inescapably fallen nature of his being and ours. Yet it is this coldness that makes the sweetness possible: the sweetness is the blessing that he knows that with all his faults, he loves and is loved after all.

To return now to the question whether this really is a poem, or

really any good: you can see that I think that the answer to both questions is yes. On the other hand, the negative judgments I describe are not without basis, for the poem itself is perpetually creating a tension between the view that it, and the events it speaks of, are crucial, important, aspects of eternal human truth, and the view that it is all too trivial, ordinary, quotidian to count for much. Both parts, the claim of meaning and the self-depreciation are parts of the poem, and important parts: indeed this is the tension at the centre of the piece.

In this the poem captures a tension present in our own everyday life including as lawyers: are the details of our lives merely quotidian and trivial? Or do they make up a moral and aesthetic drama of real importance? This is a question to which law itself speaks. The truth that grandeur can be found in the ordinary, the great in the small, is in this poem placed against the truth that the ordinary is truly ordinary; what the poem represents is thus a crucial and unresolvable uncertainty at the heart of human life. It holds itself out as a response to be imitated, finding a kind of redemption in the tones of voice with which it speaks, at once serious and comic, overstated and understated, claiming and disowning meaning, all in a gesture of love and trust.

Let me briefly make it plain that the question at the heart of this poem is also at the heart of the law. Something happens in the client's life, say an unwanted pregnancy, or an arrest for drunkenness, or a restriction in the use of his land: does this mean anything, does it matter? These are the questions for the lawyer, whose task it is to see that it does matter and to give it meaning in the language of the law. We live our lives on the faith that this can be done, that law can convert the raw material of human experience—the pain, the fury, the loss—into the material of meaning, and in such a way as to permit or invite or enable meaningful action in response. Philosophy too, at least as Plato does it, lives out these questions: does it matter that Phaedrus is infatuated with the rhetoric of Lysias? What does it mean?

Williams's poem can be taken as an instance of a text that does not say the same thing always, but offers its reader a drama, an experience of discovery, that has many of the qualities of a conversation. I have offered one version of this poem, but it is only one version and surely not complete; what is more, I respect the views of my friends who read and judge it very differently.

This poem is at heart the occasion for an activity of thought and reflection and argument, in principle not reducible to an outcome, which it stimulates and rewards. Its value is the value of that activity. In this it is like the best of philosophy and the best of law.

In all three fields it is a mistake—a denial of life—to try to write a text that will say the same thing always, or to read a well-written text as if that were the writer's goal. Philosopher, lawyer, poet—all three do their real work in the conversations they establish with their reader, or among their readers. This is where the life and meaning are. There is a side of each of us that wants to forget this, and to live in a simpler world of statements that are true or false, rules that are just or unjust, poems that are beautiful or ordinary, denying our responsibility to face the uncertainties and tensions with which even the best work—especially the best work—presents us. But this will not do: the best work in each field teaches us otherwise; and in each field we are constantly in need of the education offered by the others.