Law and Poetry

Walter R. Arnold
THE LAW AND POETRY

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The appearance of a small volume of poems, "Stars Above Babel", written by Samuel B. Pettengill, a prominent Northern Indiana attorney, suggests a categorical survey of the field (or "green pastures") of poetry as associated with law.

It was thought well to trace, in brief outline, the careers of numerous poets who had their beginnings and stimuli at the bar or in those juxtaposition to it, and from which undoubtedly many of them obtained valuable guidance, training and information for their subsequent accomplishments.

It is suggested that a very popular misconception is abroad that fine poetry flows from the pen of the genuine (born) poet with the facility of wine from a wine-press. The old aphorisms that "a poet is born, not made," while "an orator is made, not born," are largely responsible for the idea that poetry is wholly spontaneous and the product of sudden sustained inspiration without the exercise of appreciable mental effort; while preparation for the ability to deliver extemporaneous (?) oratory is indispensable and calls forth attentive concentration and assiduity of intellectual labor. In final analysis, it will be found that both notions contain the germ of fact. There are many splendid orators who have in vain essayed the production of worthy verse, and there are some versifiers of prominence who have attempted, but sadly failed, to move their audiences by unwritten prose eloquence. But these events do not argue that poets do not need preparation and the expenditure of effort to express their visions; nor that one who may not be a "born" poet cannot attain some proficiency in producing rhyme and blank verse of commendable quality. Obviously, in either case, ability to recognize harmony in poetry is as necessary to the successful poet as ability to recognize harmony in music is to the musician, or capacity to recognize harmony in colors is to the successful picture painter. It is this peculiar quality that is perhaps innate—a native psychological characteristic. However, it is idle to contend that one possessed of such faculty or gift naturally applies it and reaps renown without long preparation and effort;
that the brilliancy of his achievements in the field where the faculty is essential, is in direct ratio to the accentuation of the faculty at birth. It is likewise fallacious to say that one naturally possessed of but little of this knack of recognition is unable to develop, by application, his ability to produce meritorious results.

Before Shakespeare—the greatest of all poets who wrote in the language of our tongue,—the Latin poet Horace (Quintus Horatius Flaccus) in 44 B.C. was a clerk to a Roman quaestor, whose functions were those of a modern prosecuting attorney. Francesco Petrarch was from 1319 to 1324 a student of jurisprudence in Bologna and Montpellier. Lodovico Ariosto, Milton's master and exampler, was destined for the practice of law which he studied for five years.

Of the English masters of verse, we find the poet “not of an age, or of a country, but of all time for the whole world” a barrister's clerk near Stratford-on-Avon. The correctness of this has been denied by learned Shakespearean scholars, but one cannot well read the many allusions to the old English common law and procedure in Shakespeare's plays, without concluding that he was very well versed in the reasons and red tape for “the law's delay.”

Among the noted names of those who were enrolled as novices at the Inns Court, we find Thomas Middleton, John Marston, Beaumont, and Donne. Henry Vaughn was a barrister; the father of Thomas Carew was a master in chancery at Middleton, Worcestershire, and pressed his son into service as his apprentice, but the son would not long stay pressed and turned to poetry. William and Isaac Browne, both superior poets in their respective days, were students at the Temple Bar. George Wither wrote much of his poetry while acting in the capacity of a solicitor's clerk. Waller, Congreve, and Goldsmith were law students.

The writer of some of England's most subtle poetry, William Cowper, was articled to a London barrister. Gray, noted for his “Elegy written in a Country Churchyard,” received from Peterhouse his degree LL.B. Robert Southey spent two years at Gray's Inn before he abandoned the law for poetry. Leigh Hunt was attorney's clerk to his brother.

It is not generally known in these days that Sir Walter
Scott was called to the bar in 1792 where he practiced with fair success, and was a K. C. when he commenced "The Lay of the Last Minstrel." Chatterton was a law clerk, and most of the "Rowley Poems" were originally written upon legal cap which Chatterton removed as "implied perquisites" from his master's chambers.

The first American poet to secure any measure of favor by latter day critics was William Cullen Bryant. He was admitted to the bar at Plymouth, Mass., and the following year completed his "Thanatopsis." He practiced seven years thereafter before devoting his time exclusively to writing. Edward Pickney prepared himself for the bar, but did not practice. His father was one of Maryland's most prominent lawyers. Stephen Longfellow, father of Henry Wadsworth, was a widely known Maine lawyer.

The author of "Old Ironsides," Oliver Wendell Holmes, Sr., father of our present Associate Justice Oliver Wendell Holmes, as all well know, studied law at Harvard. James Russell Lowell commenced the study of law with the intention of making that his profession, but succumbed to the importunities of the goddess Calliope. Paul Hamilton Hayne, a writer of admirable lyrical poetry, was the foster-son of Hayne, made famous by the Webster-Hayne debate, an active practitioner at Charleston, S. C., where also Henry Timrod, the poet, studied law.

While we have all but forgotten "Lesson of Life", "Königsmark," "Street Lyrics," and other poems that fell from the pen of George Henry Boker, it is well to reflect that most of his rhymes were struck off in a law office where he was apprenticed. Sidney Lanier was both a musician and poet. His father intended him to follow in his foot-steps as a lawyer, but the younger Lanier found the duties and responsibilities of a lawyer too irksome.

Edmund Clarence Stedman, generally recognized as the American poet-laureate after Lowell, was secretary to Attorney-General Bates during the Civil War. Richard Watson Gilder was a law student, and James Whitcomb Riley forsook his father's law offices to join some strolling actors.

When the name "Cincinnatus Heine" is mentioned, it fails
to provoke recollection in the minds of those familiar with American poets and poetry, but when we hear "Joaquin Miller," there is instinctively placed in apposition the words "The poet of the Sierras." The two names belong to the same man. Joaquin Miller was born in Indiana. He became a lawyer and moved to Oregon in the early days. There he practiced his chosen profession and eventually was elevated to the bench of a territorial district court. He wrote a vigorous defense of "Mex" Joaquin, and adopted the name Joaquin Miller shortly afterwards.

Among the living American poets who are, or were, law students and lawyers, the name of Edgar Lee Masters, the creator of "The Spoon River Anthology," must not be omitted.

So, let us not be wed to the notion that law is "dry as dust"; that its study and application deprives life of the finer and subtler instincts and free intuitions and leaves only the husks of form and the shell of regulation. On the contrary, given the proper frame of mind—the appropriate attitude of approach—it is a very potent school of discipline and source of provocation for the dormant spirit of poetic expression. Fundamentally, it deals with all the passions; the normal instincts; the emotions and impulses; the promptings of the soul and the ecological problems of mankind, the natural and acquired—rational and irrational. While essentially the law finds its genesis in the field of inhibition, the formulation of its rules and their application requires a study—an analysis—of these uninhibited attributes of man. The law offers a remarkable pre-poesy course for the "born", as well as the "made" poet.