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The Poetry of Law

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Essay

THE POETRY OF LAW

Robert F. Blomquist*

Law is not typically viewed as being related to poetry. Since law's impact on human beings often involves *emotion*, poetry can translate abstract words from a statute or the common law into concrete, lived emotion. As Robert Frost once observed: "Poetry is when an emotion has found its thought and the thought has found words."¹

Jack Hiller inspired me to boldly extend my first, tentative intuitions about the connection between poetry and the law² and to open myself (and my students) to listening to connections between creativity and legal development. Jack enthusiastically helped me write an early law review article that explored how lawyers and judges create "new torts" when existing tort causes of action fail to do justice.³ Jack also actively encouraged me to think in poetic terms about American environmental law. He helped me craft an extended book review essay that attempted to describe the beauty of the complex structures of modern American environmental law.⁴ These two early pieces of scholarship helped me to gain tenure.

Jack Hiller helped me to better understand the law by lending his thoughts and insights during extended conversations (at the law school and Don Quixote's restaurant lubricated with pitchers of sangria), in addition to giving me armfuls of his personal books, insisting that I keep these books as part of my own personal library. (Some of my most prized possessions are the books that Jack gave me on legal philosophy and legal history which sit on my bulging shelves in my office at Wesemann Hall.)

In early 1990, Jack shocked me by giving me a phone call and asking me whether I would be interested in accompanying him and a few other Valparaiso University professors on an exploratory trip to the People's

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¹ MAKING POEMS: FORTY POEMS WITH COMMENTS BY THE POETS xi (Todd Davis & Erin Murphy eds., 2010).

² After my first year of law practice in a semi-rural law office in New Jersey, I wrote a book of poetry about what I had experienced in that seminal encounter with law and human beings. See ROBERT F. BLOMQUIST, *POETIC INSIGHTS OF A COUNTRY LAWYER* (1979).

³ Robert F. Blomquist, "New Torts" – A Critical History, *Taxonomy and Appraisal*, 95 DICK. L. REV. 63 (1990).

⁴ Robert F. Blomquist, *The Beauty of Complexity* (Book Review Essay), 39 HASTINGS L.J. 555 (1988) (book review).

Republic of China to look into the possibility of setting up a summer law program in that country. In a whirlwind two week journey over spring break that year our group dined with Chinese government officials, visited Chinese universities in different cities, and toured the cultural sites of the vast Middle Kingdom. (A poignant memory of this trip is of Jack and I accepting the spontaneous invitation of two old men in Mao jackets to drink shots of harsh Chinese spirits in celebration of better relations between the United States and China with the early spring sunlight filtering through the plum blossoms in the public park).

Within a little over a year, Valparaiso University School of Law joined with Ningbo University, on the east coast of China, to launch a pilot summer law program during 1991. I accompanied Jack (who was program director) and Professor Richard Stith on this six week adventure (and was joined toward the end of our stay by Professor Rosalie Levinson). Each of the Valparaiso University law professors taught our American law students—frequently joined by eager Chinese students—law courses with an international or comparative perspective. On long four-day weekends, the Ningbo University staff bused the American professors and students to cities and sites of historical or cultural interest. I remember that in one town that our group visited, an elderly Chinese woman was selling snakes on the street out of a burlap bag. If you were interested, she would dump the live snakes out on the ground and let you have a look. If you wanted to purchase a snake, the woman would chop off its head with a large meat cleaver and give you the limp, still writhing, body to take away.

Our close-knit group of American students and professors came to enjoy the virtues of the excellent Chinese beer that was available for off-hours consumption. The Chinese word for beer is *pjiuu*. We decided to form the Pjiuu Society which was dedicated to good conversation and good cold beer on the hot summer days in China. I penned assorted poems about our China adventure and shared them with Professor Hiller when we returned to the United States. One of Jack's favorites, which I now dedicate to his memory, speaks of the palpable emotional connections in China between the past and the present (reflected in Chinese law).

2010]

The Poetry of Law

109

When Passing Chinese Hillside

When passing Chinese hillsides
I always look for gravestones
Perched in the side like caves.

These ancestral markers
Float above the green rice fields
Open to the past yet sealed off.

Yet sealed off from bamboo trees
Ghostly in the monsoon winds
Blowing in from the white sea.

There is a texture up here
As stark and rough-hewn as rocks
Pushed up from inside the earth.

From inside the earth voices
Call in hushed tones like birds
In the village under bridges.

When passing Chinese hillsides
I always listen for songs
Sung to me from long ago.