

poetry as means of  
dialogue in | **court spaces**  
JOHN KINSELLA

As one dedicated to ‘openness’ in public architecture, I see courts as places of communication and exchange more than as places of control. I have written on surveillance (including an experimental novel *Genre*, a three-hundred-and-thirty-page paragraph that exposes/explores/watches the simultaneous goings-on in eight flats in a suburban block). I am all for reducing surveillance rather than increasing it. Court buildings, when designed well, attempt to welcome people, and to incline them towards treating each other ‘justly’. (As an aside, I think Melbourne’s Federal Court as part of the new Commonwealth Law Courts building at the corner of William and Latrobe Streets is particularly interesting with its use of light, and even constitutional textuality as art and a form of ‘justification’.) I feel that poetry is historically and traditionally, most often, a means of ‘just’ communication. Philosopher and sociologist Theodor Adorno’s question regarding writing poetry after the horror of the Holocaust is vital here, as are poet Paul Celan’s confrontations with the erosions of the German language through/after the Holocaust. By extension, the genocides and abuses of indigenous Australian peoples need to be healed and reflected in the language of our courts—especially through art and song/poetry.

I’ve always thought ‘court talk’ is poetic at its best, and that we should work collectively toward valuing it as poetry, as I will explain shortly. Poetry can be extremely inclusive, and a court house with poetry literally on the walls (and as part of the walls) or displayed in other ways (sound sculptures, free standing pieces), and certainly as a poetics of architecture (we might use Bachelard’s ‘poetics of space’ as one of many points of departure here) is one that welcomes people to *dialogue*, and also reflect (and inflect) internally. To my mind, such

a process helps *make* 'justice'. Lead by example rather than simply fix the problems: it's the recognition of the private within the public.

From a practical viewpoint, there are a number of ways poetry might literally be introduced to a court setting. One way is in the original architectural design and construction of the court space—the building itself shaped with a consciousness of the tools and devices of poetry (metaphor, simile and so on)—that is, interpretive elements in design—or literally shaped about the 'message' in a poem. One could make an argument for the poetical functionality of most buildings via poetry . . . On a more approachable level, poems might be tiled into walls, stained or marked into or onto glass, be encased in a transparent medium, shaped as free-standing sculptures, held as recordings activated by panel, pressure pad, switch, or even voice. These approaches could equally apply to a pre-existing building, with some work, as well. On the most basic level, poems might be hung framed: as is my poem 'The Swan River Viewed from a Court Balcony'. This poem was written near where it now resides (in the judges' chambers of the Federal Court in the Commonwealth Law Buildings on Victoria Street, Perth), and speaks to those making judgements (in the chambers), rather than those attending the court to be judged. I'd like to think the poem speaks across both spaces. Of course, it's easier to speak to the legal profession than to those being tried, where poetry has the same ability to violate rights as any other text—and to influence juries, I'd expect. Positioning these pieces is vital. It wouldn't work in the courtroom, but it would work in the waiting areas and public spaces.

The public space of a court is a crossover zone where the real after-effects (and pre-effects) of 'Justice' are felt. Courts are active liminal zones. There's a poem by Nyoongah poet, Lloyd Riley, entitled 'Supreme Court Gardens', that encapsulates a lot of the contradictions between the loss of one law and its usurpation by another, the occupation/colonisation of physical space, and the codes of the land being covered and substituted by new codes (urban gardens). The gardens of a court (and its public spaces in general), or those in its locale or bearing its name, become complicit in a greater dialogue on which law is the right law, and whether mere presence of building and landscaping denotes authority (it doesn't). This poem (I will show only a few stanzas) shows the power of the dreaming, the power of the imagination to transcend the urban, the building over the traditional, to literally reconnect with what is still 'deep, deep' down (by extension, the traditional law and way of living):

What do dreams do? Is it a twilight zone?  
Is there a doorway we all pass through,  
Not knowing what's on the other side?  
One Nyoongah came back then disappeared.

He's in the other world, not dead!  
Living here with urbanisation, yet  
Living faraway, deep, deep down,  
Down behind those mournful eyes,  
And above that empty laugh.  
Above the gentle blue skies  
Below the concrete and the tar  
Living beyond the touch of 'progress'  
And away from the snarling jaws of  
Civilisation.<sup>1</sup>

It seems essential to me that if there is to be any reconciliation in Australia between indigenous peoples and migrant Australians (all other Australians), it needs to start with the court buildings themselves, and, obviously, the law. The oral and written poetry of indigenous Australian poets is constantly concerned with law, and justice, and should be incorporated into *all* legal buildings in consultation with the traditional owners of the land.

The centralisation of different kinds of courts creates different possibilities for cross-genre, or blurring, and means that a consciousness of shared space creates not only physical proximity, but allows for a crossover in language. Specificity and application *might* be diluted or lost in this transfer, but certainly a more humane possibility arises in the conceptual (at least) sharing of languages. On the other hand, the single edifice (a building or court, or, say, two kinds of court) produces a different dialogue, and different semiotic weighting. There are generic things we might write or say about courts, and there are case-specific things. I have done both (from poems for Federal Court buildings to poems against state execution, which, while court-specific, have larger implications across all aspects and buildings in the legal system).

Though there's been much written on the relationship between poets and the law, there has not been a great deal written about the inclusion of poems and poetic texts in the design and building of court spaces. As a subscriber to 'natural law'—and one often politically sceptical of the legislative and executive motives for implementations of particular laws, and the nature of potential punishments attached to applying those laws—I feel it desirable, in many ways, for there to be a complete absence of legal machinery. However, I am in many ways a pragmatist, and feel that rather than functioning as vehicles for depriving individuals and groups of freedom and liberty for their transgressions, courts might serve as places of dialogue on the nature of these transgressions, and the appropriate way of dealing with them. For the purposes of this essay, I am not pursuing issues of the rule of law and separation of powers; suffice it to say that I am arguing for a 'metaphoric' or 'figurative' dialogue, rather than a legal, logical, 'realistic' or specific one.

In his innovative and insightful work, *The Wallace Stevens Case: Law and the Practice of Poetry*,<sup>2</sup> Thomas C. Grey, who is Nelson Bowman Sweitzer and Marie B. Sweitzer Professor of Law at the Stanford Law School, discusses Stevens's poem 'The Motive for Metaphor', which Grey heard read at a 'Law and the Humanities' symposium. The poem concluded the symposium, during which Margaret Jane Radin proffered a 'pragmatist' view of the place of law—an alternative to 'scientific and humanistic models of law': 'The pragmatist, she suggested, sees law as practice, as institutionalised action in problematic situations—a view that requires an oscillation between perspectives.' From my point of view, this serves as a partially useful definition of my own position. Returning to the poet Wallace Stevens, one must remember that he was a lawyer/insurance executive as well as a poet, and as Grey notes, certainly early in Stevens's life:

The law and its prose were separate from poetry, and supplied a form of relief for Stevens by way of contrast with poetry ... the priority was clear: imagination, poetry, and secrecy, pursued after hours, were primary, good in themselves; reason, prose, and clarity, indulged in during working hours, were secondary and instrumental.<sup>3</sup>

The poem that so fascinated Grey at the end of the conference, 'The Motive for Metaphor', finishes with the following stanza, which becomes a focus for Grey in his analysis of poetic intent and legal influence and commentary:

The ruddy temper, the hammer  
Of red and blue, the hard sound—  
Steel against intimation—the sharp flash,  
The vital, arrogant, fatal, dominant X.

In his legalistic-metaphoric reading of the poem, Grey says:

The motive for metaphor, in this secondary legal version of the poem, is thus not the *evasion* of the law's hard realities, but rather the *revelation* of two of the most basic of those realities: the inability of law's language to encompass the world it would regulate; and the inescapable link between language and feeling in establishing the hold over opinion that distinguishes law from brute physical coercion.<sup>4</sup>

From this statement, we work our way to:

What does the lawyer gain by learning this from poetic intimation rather than prose statement? Here is one possible answer, to be tested against the reader's experience with 'The Motive for Metaphor'. The exercise of working through to both sides of the poem's antithesis, with the intelligence resisted and the feelings involved at each step, may better simulate,

hence better teach, the exercise of legal judgement in a live dispute than could following any set of arguments in analytic prose. (This may be so even if one of the lessons is restraint of emotional response.)<sup>5</sup>

The last stanza of the poem emphasises the slippage in the imposition of order (steel, violent, brutal) against the intimated, the imagined. In this reading, it becomes a tale of two cultures, though clearly it's not: the slippage takes the reader into the tension and ambiguity behind specifics and possibilities. And if I might extemporise: a court in which there is never doubt is a dangerous court, a court that has lost its humanity. Taking it one step further, though error is the least desirable outcome of the court (... the executive might well be happy with any error that suits its purpose, and maybe elements of the judiciary itself), the error that errs towards caution in condemning (someone let off for a crime they have committed) is its most 'intimated' and humanised and metaphoric gesture.

I will leave Grey with his concluding paragraph of the 'Steel against Intimation' chapter:

'Steel against intimation' then juxtaposes two aspects of law: its sharp rigidity, which maintains order and dominance, sometimes fatally; and its flexibility before the imagination, which maintains vitality but tempts its servants to arrogant self-assertion. These correspond to the two relations between poetry and law portrayed in the poem as a whole: they are separate spheres; they are intertwining webs.<sup>6</sup>

A point of departure. For me, the genre boundaries between poetry and prose have always been blurred. As William Wordsworth and Samuel Taylor Coleridge pointed out in their 1802 'Preface to the *Lyrical Ballads*':

it would be a most easy task to prove to him [i.e. the critic], that not only the language of a large portion of every good poem, even of the most elevated character, must necessarily, except with reference to the metre, in no respect differ from that of good prose, but likewise that some of the most interesting parts of the best poems will be found to be strictly the language of prose, when prose is well written.

I would argue that the language of courts, seeking to be the most precise form of language, is in fact one of the most poetic. When the layperson in court gets lost in legalese, it's not simply a case of losing track of the logic as clause breaks into sub-clause, but that, heard as a whole, it becomes a blur—too much information to follow without close study. Mishearings and misprisions create a poetic distraction, a figurative language that moves to its own rhythms, creating a metaphoric slippage in which missing a disclaimer or caveat might lead one to interpreting the text as meaning its opposite. This is a crude reduction, but the point about loss of meaning is a common complaint. Of course, a piece of law that has been

tested in different contexts is not necessarily fixed, and precedent cases or challenges mean that language evolves, is added to, even deleted. This adds to the confusion—a misunderstanding regarding the organic nature of textual (written) law in particular.

In his chapter ‘Writing, Law, and Legal Practice in the Athenian Courts’, David Cohen quotes Demosthenes from *Against Meidias*:<sup>7</sup>

And what is the strength of the laws? If one of you is wronged and cries aloud will the laws run up and stand at his side to defend him? No. They are written texts (grammata gegrammena) and incapable of such action. In what, then, resides their power? In you, if you support them and make them effective whenever anyone asks. So the laws are strong through you and you through the laws.<sup>8</sup>

Cohen has already differentiated between the written and ‘unwritten, unchanging, timeless divine laws’ at the beginning of the chapter, and is here emphasising ‘the mutable, man-made, instrumental quality of law’.

This is an issue of prose and poetry for me. As an anarchist, I am not against a rule of law—I differ on how laws are made, why they are made, and how they are applied, but am not against their existence. I work small-scale rather than large-scale, and feel that most people know the difference between the right way to behave towards each other (and the world at large) and the wrong way. Now, that’s a subjective issue of choice, but where there’s an argument to be made regarding language is in Demosthenes, ‘So the laws are strong through you and you through the laws’. True, but not if the meaning of the (written) laws escape you. Not if you have had no training or experience in understanding them. *Is this a case for simplicity: fewer laws expressed in the simplest language? Clearly impossible, at least in the context of the modern nation state. Then what? The space where poetry and prose blur: people might better understand through the antithetical, the ambiguous, the metaphoric. In a practical sense, discuss the language of law differently, in a pragmatic sense, overtly introduce poetry to the court buildings. Poetry and prose as one.*

I argue that the language of the courts is both metonymic and metaphoric. Here’s a common legal synecdoche—that is, a kind of metonym in which a part stands for the whole: The Crown standing for the monarchy, or The Bench standing for the court and its powers as a whole. General examples worth considering in court language might be in the naming of crimes, such as (the British) ‘going equipped’, meaning the person has been found carrying potential tools of the burglar’s trade but has not necessarily committed a burglary. This has characteristics of metonym but also ironic metaphor. Another blurred example is the term ‘housebreaking’, which includes both metonymic and metaphoric aspects. Much contemporary poetry in English (and other languages) makes extensive use of metonym, in addition to the more traditional metaphor.

Here's a poem by Dylan Thomas that 'plays' with these linguistic devices and manners of expression for moral and 'just' purpose. Thematically, the poem also deals with issues of 'law'—it examines the alienation between cause and effect by considering the ever-widening gap between those who make and implement law (the hand that signs) and its effects/implications (on those who receive it). In this metonymic and metaphoric poem, we learn all that hands do: sign, fell, tax, do ... to death, hold dominion, count, not soften, stroke, rule:

### **The Hand that Signed the Paper**

The hand that signed the paper felled a city;  
Five sovereign fingers taxed the breath,  
Doubled the globe of dead and halved a country;  
These five kings did a king to death.

The mighty hand leads to a sloping shoulder,  
The finger joints are cramped with chalk;  
A goose's quill has put an end to murder  
That put an end to talk.

The hand that signed the treaty bred a fever,  
And famine grew, and locusts came;  
Great is the hand that holds dominion over  
Man by a scribbled name.

The five kings count the dead but do not soften  
The crusted wound nor stroke the brow;  
A hand rules pity as a hand rules heaven;  
Hands have no tears to flow.

(1936)

The rendering of court language into poetry (and vice versa, for that matter!) becomes neither difficult nor outside familiar modern reading practices. So much of the courts' duty is in listing and collating detail about specific crimes—the type of object/s stolen, for example, their value, the specifics of the item (if a shoe, it might be size, materials used in its manufacture, type of sole etc.), the brand names and the import of these, and so on. The accumulation of evidence is vital to the presentation of a case, but though a trial might turn on a very specific piece of evidence, the overall issues of wrong and right are broader, more generic. It's a mixture of the exact and the subjective. So too with a poem—some poems

work entirely through accumulation of close-up detail, others speak in clichés and generalisations. When we've read a poem we usually get a sense of a generic theme or mood: death, life, love, conflict, harmony, and so on.

Terms of address and ways of listing are overtly poetic. Whether law from the Bible or Koran or other religious text, the secular variation isn't often that far away. The secular court still has its roots in the religious. For some, the de-spiritualising of the court means a non-recognition of that court. Poetry is a way of bridging this gap. In my edition of the Koran, the commentary points out that the majesty of the poetry of the Koran (even when it is laying down the law with great specificity), meant whole eras when the Koran's poetry became the entire poetry of communities because it was so effective, meeting literal and figurative needs. I am not suggesting secular courts should become religious (I am an anarchist, remember), but I am suggesting there's room for dialogue there.

I'd like to look at three examples of poetry I have written designed for use in courts. Those on trial have not infrequently read poems aloud in courts, and that is another function of poetry, but I am talking specifically of the poet writing from 'outside' (though I have also been 'inside!'), for decorative (if political) purpose. As installation *and* intervention. The poems I am discussing were written about the space, but also designed to be displayed there. In the first case, this became a reality after a judge read the poem, in the second I wrote it specifically for the purpose. In the third, I wrote a series of poems to encourage people to stop an execution, and having failed to do this, would like to see the poem built into the fabric of court buildings as a reminder of the negations, contradictions, and implications of the death sentence.

In each of the poems I have written for courts, devices from metaphor to synecdoche are at work, as well as the genre blurring and 'message'. The 'mixture' of technical approach, and the choice between open and closed verse forms is vital: the tensions and relaxations that dialogue within the poems seek to replicate something of the to-and-fro of presentation, cross-examination, and summing-up of the courts themselves.

The poems have come about circumstantially on one level, and by overt intent on another. I have, in the last few years, written two pieces for Federal Court spaces—in Perth and Melbourne. Both are in 'open' forms. The first poem, the Perth Federal Court Poem, is about what makes law, about its social implications, about the loss or replacement of others' law, and about obligations to protect not only the rights of people, but the rights of the environment, animals, and place. The river is used as a metaphor and symbol of law and connection. It is the thread that makes sense of cause and effect: of decisions and their consequences. It was written looking out from a place of dialogue, hoping to extend that dialogue. It was written looking out from a place of restitution and hope, and a place where hope might

equally be lost or destroyed. The river suffers a similar fate. It calls for a holism and a respect for those who lose as much as those who gain. The use of 'pollution' is heroic Greek as much as literal.

### **The Swan River Viewed from a Court Balcony**

What flow passes the vista  
of a federal court,  
pauses in surface tension,  
the band of green  
that makes a foreshore?  
Blocked out, top-dressed  
for rally drivers,  
but still an official airstrip,  
that might be redesigned  
to influence the light—growth,  
sculpture, running water,  
to give back when the fad's  
to take, to grow out  
into what now amounts  
to a lake connected to a river  
at either end; from this balcony garden,  
this judge's bench floating  
or squatting over the courts,  
that cast down or lift up  
or just ask to be heard,  
a social conscience  
that might be the flow of water,  
of information, of language kept  
in check and saying exactly what it means.  
It's a framework too, it's a molar  
composition, the molecules settling  
against the banks, swarming  
about the jetties. The spray,  
the drifts, the currents and tides  
inform a judgement: the random path  
of particles cannot be forgotten:

we're in there, like it or not,  
breathing the same air,  
the same water.  
It's pollution  
we want to keep out,  
but metaphors and symbols  
don't always bridge the gap: people  
are not algae, and the blooms  
that choke the river  
find no place in the language of beauty:  
the liminal can be exact,  
and when we forget that  
people are wrongly imprisoned,  
and justice wallows in the drying  
riverbed. A kingfish moves  
rapidly upriver, avoiding bait  
and pollutants; it sets a precedent,  
as if it co-exists with the city,  
the river's traffic, the language  
obscured by development,  
any number of histories.  
We might imagine  
its arguments.  
Summing up ...  
                    the water forms  
a painting: as temporal as we  
make it, its laws mouthed  
through sediment. Curators,  
we sail against the light  
and forget, until something  
makes us look back.  
From up here, the river sits,  
its stilled points  
holes in the text.

The second poem I wrote from inside out—from a Federal Court building looking out—was in Melbourne, in 2004. The Swan River poem was dedicated to Justice Nicholson, with

whom I have enjoyed many long conversations about the nature of law and justice, and with whose hospitality I was allowed onto the court's balcony. In the second case, accompanied by Justice Nicholson, I was introduced to Chief Justice Black, who kindly showed me his chambers and the court in general. I was excited by its poetics: in general design, but also in the use of text-in-glass. The poem I responded with is about the nature of the court itself: specifically the federal court, and the nature of 'Australia'. It's also a poem that works with the discussion I had with Justice Black about the permanence (and impermanence) of law, and how and why notions of justice might change. The stone of the building becomes the obvious symbol of longevity, reliability, even permanence, but it's the view that changes, the lines of the map that do liminal double-duty as permanent yet constantly changing (even where change is slow, as in a desert landscape looking a long, long way outwards). For me, it was the light of the building that gave hope for dialogue: as in jails, light should never be denied. It is as important as food or shelter. To deny it is a crime as great as any. In this new building, light reached into and around chambers, points of viewing in and out were provided, even the courtrooms experienced the enlightenments of angled and abundant light. The city (and the gardens/park over the road) became part of the interiority of the space/s. The court becomes a place of liberty, release, and thus justice. Hope is, in design at least, fed, despite the contradictions of colonisation, occupation, and displacement that a court building will inevitably also represent and symbolise. It's the recognition that justice is positioned looking in and out of the pragmatic space as much as any other.

### **View Turned Inside Out from the Federal Court in Melbourne**

*for Chief Justice Black*

You say 'up the Centre to the Gulf,  
that's where Burke and Wills went',  
and our view augments the possibility  
of the mind's eye taking us away—  
the stone these laws are set in  
changes with heat and cold,  
with the lie of the land,  
the flow of river  
and the deepening clouds  
of interior, intensity  
of rainforests, textual ripples  
of wheat crops, ochre and primary  
against the red sky of stories,

parables—the echoes' timbre  
a variety of stone, this building's  
plateaus and chamber, edifices  
and rills, tablelands and highlands,  
caves and cliffs facing broad oceans,  
climatic interface and translation; to add,  
and 'across into Australia Felix',  
the emanations of Yarra  
weaving its suspending waters,  
hoists, chains, trucks, forklifts shaking the docks,  
Mount Macedon ... places to get your  
bearings by, places you rely on.  
Working the containers,  
stevedores know as well these  
fulcrums, and their gateways  
opening out beyond satellite navigations,  
the type of product they load and unload,  
the routes the crow flies inland; to reassure  
the sentinel balance, Mount Dandenong,  
where my partner's people  
congregate, out of Ireland  
and the goldfields,  
entranced by the lustre  
of good fortune, a semi-vision  
half-remembered in the wavering  
light between us; this balcony  
that holds us like justice  
wrought from light, illuminating,  
exposing those who'd  
refuse to listen ... we crave  
light and access. Threefold  
the leaves of glass  
filter light and history: legislature,  
executive, judiciary ... the architect's  
veil of words, or all we expect  
looking up at edges  
of letters testing opacity, processing

aspiration without tension  
as if the flow of the river  
were never in doubt,  
its visibility  
unravelling smoke-stacks  
and ships, the bleakest cases ...  
The green light of the park infuses,  
hints at early darkness ...  
a chevron mirror  
turns the court inside out,  
the spinal cord so sensitive,  
waterholes and campfires  
marked in every seat,  
faintly overheard  
by those not listening  
to the explorer's laws  
of stone, bush, and *lineless* maps,  
the songs of light  
there before them,  
tracks mapped out  
between the camps.

Over the years I have written a number of 'protest' poems about state execution, to which I am deeply opposed. To be effective as poetry, however, these works utilise slippage and metaphor, and invite the reader (or listener) into dialogue or conversation with the poem. Most recently, I wrote a series of poems for Van Nguyen, hoping to help stave off his execution. These poems were written to anyone who might listen, but most specifically they were written to the idea of the court in Singapore, and very much the building itself: that is, where the law was interpreted and applied. The city becomes a metaphor for the court itself, which is not to hold all responsible for the outcome, but to remind us all that we all have a voice and place in the application and preservation of justice. I consider myself part of justice, and culpable when it is wrongly applied—wherever that might be, allowing for cultural sensitivities, but still maintaining the right to life for everyone everywhere. The court building should be a passive defence against violence in any form, to my mind. When the violent go there to be tried, they should be prevented from making violence, and receiving it! If not, it's hypocrisy, I feel.

The form of a poem matters greatly to how it might be read. The following poems are written in strict traditional 'closed' forms (though I try to innovate within these parameters,

as I wish to offer an alternative to the ‘law’ as it exists in the context), and those forms become cultural/intercultural connectors, signs of respect (across cultures), so as to attempt not to disrespect another people’s laws and values: I will engage as much as I can on ‘your’ terms.

That is, not to create an Us and Them situation (in the example of the Van Nguyen case, many Singaporeans felt Australians had a purely nationalistic, primarily economic and even racist agenda in taking a sudden interest in this case, as opposed to others). At one stage, a journalist from the *Straits Times* approached me to do a feature on the poems and campaign (days before the execution), but was vetoed by the editor. I sent the poems to the *Straits Times*, to *The Australian* newspaper (which never responded in any way), and to a Singaporean literary journal and discussion board, which did publish them instantly. My hope is that these poems find their way onto court building walls, as reminders of our obligations. Here are a few of them:

### **Grace: a plea for the life of Van Nguyen**

The humidity is increasing here,  
and stretched taut through a time zone  
we share, there is no argument of nation,  
but rather a simple equation  
of what’s done between sunrise  
and sunset—our washing, our eating, our prayers.  
In taking a breath that feeds the air  
with embodiment, we gasp,  
struggle to fill our lungs,  
struggle to fill our days  
awaiting the sleep we will wake from:  
fresh, contrite, enlightened.

### **Doina: another plea for the life of Van Nguyen**

The serrated fronds of palms waver at the airport;  
The condemned is cut off from flight.  
  
The ripe durian fruit is sweetest eaten when the smell’s offensive;  
The condemned eats, is killed, the bitter-sweet unbalances.  
  
The flowering strands of rice exhale inflorescence;  
The executioner eats a meal—before, and after.

### **Lightning—a fifth plea for the life of Van Nguyen**

We observe night places  
so intensely  
    when rips  
of lightning  
underscore:  
    though we look  
    harder for it,  
harder  
at the ragged edges  
of rock and foliage  
    levelling apostasy?  
The storm ranging  
through the valley,  
    still the smell  
    of cut oat-stalks:  
so brittle  
    earlier in the day,  
broken open  
    to fuel violence  
everywhere  
around us.

### **Preservation Haiku—sixth plea for the life of Van Nguyen**

Elevated birds;  
Plants photosynthesising;  
No execution.

We celebrate birth  
To enrich the biosphere;  
No execution.

Eyes preserve distance;  
Up close makes large of the small;  
No execution.

The grime wasn't there;  
Rain over the window pane;  
No execution.

The boat cuts water;  
Its wake is soon forgotten.  
No execution.

The curved horizon;  
The intactness of island.  
No execution.

### **Ghazal—seventh plea for the life of Van Nguyen**

Buoyed by rain in the volatile forest, it's our loss.  
Forget the risk of fire and take your rest? It's our loss.

Children in my daughter's class will celebrate a birthday.  
All consequences as they feather their nest. It's our loss.

She wants to go but feels she shouldn't. It's her conscience.  
Whatever she does we'll support her. A test? It's our loss.

On the coastal plane it was raining less—people barely noticed.  
Though noticing it wasn't as hot, felt blessed. It's our loss.

I watched the ornamental fish swim golden in soda-blue water.  
Surfacing as one, I heard their request. It's our loss.

You'd stand alone, John, and make your statement?  
All of us lose a fragment. The State confessed? It's our loss.

### **Darkness—ninth plea for the life of Van Nguyen**

I walked through darkness this evening  
but it wasn't darkness at all—  
there was no resistance,  
no pushing back.  
I imagined the river

flowing nearby—fiercely close  
gatherer of tributaries.  
I could sense the movement of fish  
through oily water,  
I could hear movement of light  
on the bank distantly opposite—  
but there was no resistance,  
no pushing back;  
it not being darkness at all.

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JOHN KINSELLA's most recent volumes of poetry include *Peripheral Light: New and Selected Poems*, *The New Arcadia* and *America: A Poem*. His critical poetics book *Disclosed Poetics: Beyond Landscape and Lyricism* is out with Manchester University Press in 2007.

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1. From A. Brewster, A. O'Neill, and R. Van Den Berg (eds), *Those who Remain will Always Remember: An Anthology of Aboriginal Writing*, Fremantle Arts Centre Press, Fremantle, 2000, p. 120.
2. Thomas C. Grey, *The Wallace Stevens Case: Law and the Practice of Poetry*, Harvard University Press, Cambridge Mass., 1992.
3. Grey, p. 46.
4. Grey, p. 65.
5. Grey, pp. 65–6.
6. Grey, p. 67.
7. David Cohen, 'Writing, Law, and Legal Practice in the Athenian Courts' in Harvey Yunis (ed.), *Written Texts and the Rise of Literate Culture in Ancient Greece*, Cambridge University Press, Cambridge, 2003, pp. 78–96.
8. Cohen, p. 79.