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# THE RED BIRD

RONALD R. GARET\*

"I should also mention, though it seems clearly extraneous, that on the back of the piece of paper containing the poem appear the words 'the red bird,' also in Terry's hand, and written casually at an angle across the page."<sup>1</sup>

## I.

Does Professor McGarr mean that mention of "the red bird" is extraneous to consideration of Conn's text as poem, or extraneous to consideration of Conn's text as will? No matter; Professor McGarr is wrong in both contexts. As to the first context, he is wrong in principle; even if "the red bird" is extrinsic to the poem, it surely is not *clearly* so. As to the second context, Professor McGarr's error is more substantive, and of more moment. "The red bird," as we shall see in Part II of this Comment, is part of the content of the poem as will.

A brief comment must suffice here on the question of the status of "the red bird" in relation to the poem. To take the measure of the question, it is helpful to recall certain extreme products of the symbolist movement in poetry. Consider, for example, the pictograms and other linguistic obscurities which appear in some of the *Cantos* of Ezra Pound.<sup>2</sup> In reading (if one can call it that) Canto LIII, one posits a canon of aesthetic judgment which identifies the marginal glyphs as parts of the poem rather than as severable illustrations or extraneous markings. Without even understanding this supposed canon of judgment,<sup>3</sup> we observe that it prescind not only from meaning but even from sonority. The glyphs seem to be a part of the poem no matter

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1. Grey, *The Hermeneutics File*, 58 S. CAL. L. REV. 211, 212 (1985).

2. A portion of *Canto LIII* is appended to this Comment.

3. I am employing the term "judgment" in its Kantian sense, as the faculty or criterion which supplies or discovers the unity in a field of experience. See I. KANT, *CRITIQUE OF JUDGMENT* 46 (J.H. Bernard translation) (1914) (in the first part, *Critique of Aesthetic Judgment*). Cf. H. GADAMER, *TRUTH AND METHOD* 29-33 (1975).

what they mean (since we do not know what they mean) and no matter how they are to be voiced (since we do not know that either).

With Pound's glyphs in mind, let us return to Professor Conn's poem. Since the relevant canons of judgment supply aesthetic totalities, neither semantic strangeness ("the red bird" as discourse) nor topographical distance ("the red bird" as a mark on the reverse side of the paper) can suffice to extradite "the red bird" from the poem. (Which poem? *Some* poem.) Hence Professor McGarr's error, in believing it obvious that "the red bird" is extraneous to the poem, is two-fold. First, participation in the poem should be determined by recourse to aesthetic, not semantic, canons. Second, the aesthetic canons themselves are anything but clear.<sup>4</sup>

The question of whether "the red bird" is extraneous to the poem-as-will seems more hermeneutically adjudicable, since it is more dependent upon meaning. ("The red bird" can only be *a part of* the will, in any strong sense, if it has meaning; otherwise it is part of the material background of the medium, like a smudge on the paper or its rag content.<sup>5</sup>) The only criterion relevant to the determination is meaning;

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4. The canons are unclear in two distinct senses: (1) they are not easily stated as rules of general application, even where the intuitions of artistic boundary are straightforward; and (2) they do not always supply such straightforward intuitions.

5. Consider these lines from *Ars Poetica*, by Archibald MacLeish: "A poem should be wordless/ As the flight of birds. . . . A poem should not mean/ but be." MacLeish, *Ars Poetica*, in *MODERN AMERICAN POETRY* 453 (L. Untermeyer ed. 1962). Presumably MacLeish's "should" does not imply "can"; *Ars Poetica*, at any rate, is built of words, and it conveys meaning.

If a poem cannot be wordless, it can include marks that are not words. To the average Western reader, Pound's glyphs are not words but pictures; nonetheless, they seem to be a part of the poem in an aesthetic sense. So are the typographical disarrangements that interested e.e. cummings and other avant garde poets. The very shape of a stanza, or of the poem as a whole, may be regarded as a nonverbal, yet meaningful, mark. The sonnet form, for example, is ordinarily just a sort of grammar; but when chosen by Stephane Mallarme as the format for his "tomb" poems (*Le tombeau d'Edgar Poe*, *Le tombeau de Charles Baudelaire*, etc.), the sonnet shape looks tomblike. See S. MALLARME, *POESIES* 129-34 (1945).

The sonnet shape that looks like a tomb gives us an example of perhaps the most familiar relations that a nonverbal signifier can have to a text. Those relations depend upon meaning-as-representation. A nonverbal mark that represents something, and that is found on the paper along with a text, is ordinarily thought of as an illustration. Whether an illustration "belongs to" its text seems to be a matter of practices within genres. Thus a map or a photograph identifying a legatee seems to belong to a text in the will-genre. By contrast, in the poem-genre, the practice of widespread reprinting and republication puts premiums on the disassociation of illustration and text. This gives rise to the intuition that an illustration to a poem is not normally part of the poem, while an illustration to a will is normally part of the will. The point is that the functional significance of "part of" is different in the two cases.

Since the phrase "the red bird" contains words, it does not seem to fit into the category of illustration. While illustrations are nonverbal signifiers whose dominant meaning is representational, "the red bird" is a verbal signifier whose range of meaning is certainly not exclusively

that is how one decides, for example, that the watermark on the paper is not part of the will, but only a feature of the material production of the will. Hence McGarr's error in relation to the-red-bird-in-the-poem question is different from his error in relation to the-red-bird-in-the-will question. He is wrong on the former only because "the red bird" may belong to the poem without even having a meaning; but he is wrong on the latter because "the red bird" does have a meaning which fits it into the semantic universe of the will. The relevant meaning of "the red bird" is a symbolic meaning.

"The red bird" is extraneous to the poem-as-will only if a symbolic meaning of the phrase can be either ruled out or regarded as beside the point. In Part II of this Comment, I will show that "the red bird" carries a symbolic load which admits the phrase into the poem-as-will and supports the apprehension of the poem as a meaningful totality which ought to be regarded as a will. I will also draw out the substantive interpretive correlate of this inclusion: the effect of the incorporation of "the red bird" upon the interpretation of the poem/will's provisions. I will argue that "the red bird" operates in the will as a symbol which urges publication of Professor Conn's manuscripts.

All of this depends, however, on the notion of symbolic meaning. Yet this notion is problematic in several respects. Since there is reason to believe that Professor Conn, author of the poem/will, would reject

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representational. To see how signifiers of this type may function in poems and wills, we must draw a distinction between "belonging to a text," and "belonging to the force or effect of a text." Consider the words "anyone lived in a pretty how town," which are to be found in a poem by e.e. cummings. It seems clear that these words belong not only to their text (the poem), but to the force and effect of the poem. By contrast, if those words were found in a text that might be a will, we would say that they belong to their text (the will), and that they might not belong to the force and effect of the will. We might make use of the concept of "precatory" words to mark this distinction.

Marks that are not only nonrepresentational but nonmeaningful present the extreme case. Marks which Pound made by sneezing upon the manuscript of Canto LIII are not part of the poem's text or force, but only because such marks are extrinsic to the poem's aesthetic totality, and not because of any claim that such marks must be meaningless in every possible sense of the term. (Pound's sneeze-marks may mean that Pound had a head-cold when he wrote Canto LIII; and in that event, a case could be made that the marks are relevant to the interpretation of the poem. But this sort of meaning—in which the sneeze-marks are a sign, not a symbol, *see* PARKINSON, THE THEORY OF MEANING I (G.H.R. Parkinson ed. 1968) (introduction)—would not make the marks a part of the poem, since that issue is not one of meaning versus nonmeaning, but of aesthetic unity versus disunity.) By contrast, the question of whether smudge-marks or creases on the will *mean* revocation is crucial for the status of the text as will. The smudge marks are a part of the will's force (or nonforce) only if they have meaning, and, more particularly, if they mean certain specific things. The rag content of the paper on which the text is written is a part of the will, of its force as a will, only if it *means*: e.g., that the document is a will (because its author chose to write it upon paper which he or she associated with seriousness and legal finality).

the philosophy of symbolic meaning upon which the exposition depends, one wonders whether one can adjudicate the status of Conn's text by reference to a theory of meaning which is contrary to the hermeneutic, if not the substantive, intent of the text's author. More importantly, the theory of symbolic meaning which must be relied upon to intrude "the red bird" into the poem/will adjudication may be questionable wholly apart from Conn's own misgivings. Hence Part III of this Comment questions the philosophical foundation of the symbolist interpretation attempted in Part II.

## II.

Jung tells us, "Birds, as aerial beings, are well-known spirit symbols."<sup>6</sup> Frazer, in *The Golden Bough*, notes that "[o]ften the soul is conceived as a bird ready to take flight."<sup>7</sup> The appearance of a bird in connection with Conn's poem must increase the probability that the poem was written in contemplation of death. While the contemplation of death is by no means equivalent to testamentary intent, it does impress upon us the seriousness of the text, and does render it less likely that the poem is facetious or ironic. The spirit-bird endows the text with a kind of verisimilitude which is at least consistent with testamentary commitment. The spirit-bird is, in this initial approximation, both Conn's soul and his symbol: his "I, Conn" (icon).<sup>8</sup>

Is the bird about to take flight? The question cannot be answered directly since, lacking narrative, the phrase we are considering presents only the symbolic subject of a mythic discourse, not the discourse itself. Our bird has but two predicates: the definite article, and a color. "The red bird" shares the dominant thematic color of the Phoenix, who is itself scarlet, and who engulfs itself in flames of red. Moreover, Conn writes not "a red bird," but "*the* red bird"; and this reference provides us further evidence that "the red bird" is the Phoenix. For there is, in mythology, but one Phoenix at any time. When it senses that its end is near, it composes itself upon a nest of boughs and goes up in flames upon this pyre,<sup>9</sup> to be succeeded by the new Phoenix who rises from the ashes.

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6. C.G. JUNG, MANDALA SYMBOLISM 50 (1972).

7. 3 SIR J. FRAZER, THE GOLDEN BOUGH 33 (1920).

8. The "I" of the spirit-bird icon is consistent with Bettelheim's Freudian observation that "[t]he birds symbolize the higher aspirations of the superego and the ego ideal." B. BETTELHEIM, THE USES OF ENCHANTMENT 102 (1977).

9. We are told that Conn's death was sudden and shocking. Could it have been a suicide?

The Phoenix, as is well known, is a symbol of rebirth. To what rebirth did Conn look forward? We have no evidence that he anticipated an otherworldly resurrection. The text tells us, instead, that Conn is to be reborn in his manuscripts. The spirit Conn of the manuscripts will be born out of the ashes of the mortal Conn.

This anticipation of rebirth must support Professor McGarr's conclusion that there was an intent—albeit an unconscious intent—to have the manuscripts published. When we superimpose this specific intent upon the serious contemplation of death entailed in the adoption of the bird icon, the result is testamentary intent. Envisioning his death, Conn understood the paradox that rebirth entails death, and that his own death must unleash the long-guarded power of his spirit. As an inscription, in the context of a poem which purports to name an executor and dispose of property, "the red bird" accepts, intends, and performs the truth that the symbol understands.

With these basic principles in mind, let us restore "the red bird" to the poem in order to explore its specific symbolic load in the text. Above all, "the red bird" must be read<sup>10</sup> in conjunction with the poem's image of the "hoard." The hoard, one imagines, is the life-accumulation of a dragon, the treasure which it guards with its life. Here we are strongly reminded of the Phoenix as an image of rebirth. The hermetic symbols of alchemy convey the symbolic connection. Jung informs us that "[i]n the alchemical process the *serpens mercurialis*, the dragon, is changed into the eagle, the peacock, the goose of Hermes, or the phoenix."<sup>11</sup> In hermetic thought, the dragon was a chthonic figure, containing ambiguously the possibilities of death and birth.<sup>12</sup> The transmutation of lead into gold, body into spirit, or dragon into reborn Phoenix realizes the element of spiritual transformation which abides in death.<sup>13</sup>

The figure of the dragon lurks behind the warning which closes the poem: "But take care. Traps are here."<sup>14</sup> The dragon is clever and

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10. My colleague, Professor Axelrod, notes that Conn himself may be insisting that the red bird is a "read bird," i.e., one that belongs to the text.

11. C.G. JUNG, *supra* note 6, at 92.

12. See J.S. JACOBI, *COMPLEX/ARCHETYPE/SYMBOL IN THE PSYCHOLOGY OF C.G. JUNG* 146-50 (1971). Cf. M. ELIADE, *COSMOS AND HISTORY* 40 n.70 (1959).

13. A great many South American myths concerning how the birds acquired their plumage tell us that birds avenged the death of a young boy by killing the rainbow-snake. The birds then ate pieces of the rainbow-snake, thus acquiring their distinctive color of plumage. C. LEVI-STRAUSS, *THE RAW AND THE COOKED* 261-62, 302 (1969).

14. Grey, *supra* note 1, at 216.

stealthy; in myth, the dragon holds tightly to his hoard, and threatens those who would steal it. (Recall that Professor Conn called Professor McGarr a vulture for attempting to publish his legal outlines.<sup>15</sup>) The dragon sets traps for the hero who would win through to spiritual transformation. So the poet, in his dragon/chthonic/this-worldly form, withholds his treasures even as he contemplates their transcendent emergence.

The peacock, it will be recalled, is an alchemic equivalent to the Phoenix; it too is "the red bird" into which the dragon changes. With this thought in mind, we can illuminate Conn's poem by juxtaposing it to one of Wallace Stevens'.

*Anecdote of the Prince of Peacocks*

In the moonlight  
 I met Berserk,  
 In the moonlight  
 On the bushy plain.  
 Oh, sharp he was  
 As the sleepless!  
 And, "Why are you red  
 In this milky blue?"  
 I said.  
 "Why sun-colored,  
 As if awake  
 In the midst of sleep?"  
 "You that wander,"  
 So he said,  
 "On the bushy plain,  
 Forget so soon.  
 But I set my traps  
 In the midst of dreams."  
 I knew from this  
 That the blue ground  
 Was full of blocks  
 And blocking steel.  
 I knew the dread  
 Of the bushy plain,  
 And the beauty  
 Of the moonlight  
 Falling there,  
 Falling

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15. *Id.* at 217.

As sleep falls  
In the innocent air.<sup>16</sup>

Here we find confirmation and illumination of our readings. The peacock is indeed presented as red, sun-colored, flame-colored. It is a Phoenix.<sup>17</sup> It is Berserk, a mad avenger: crazy as the drunken Conn. But in his madness, in the midst of dreams, he *sets his traps*. He sets his traps "on the bushy plain," or, as Conn says, in words "plain as plain can be." The dialogue between the narrator of Stevens' poem and the Prince of Peacocks is congruent to the dialogue between McGarr and Conn. To the plain speaker, the peacock is mad, but, to the peacock, the plain speaker stumbles forgetfully in the peacock's uncertain dreamworld.

The dream is the dangerous medium in which symbols of transformation arise. It is the zone of "the other," but the otherness of the dreamworld is dominated by a larger totality: in Jung's view, the totality of the self, which integrates conscious and unconscious elements. Conn finds a poetic equivalent of the dream-zone in the reverse side of the paper on which he writes. The Phoenix arises on the reverse side just as the peacock arises on the dream side. But "the red bird" is not simply noted upon the reverse side; it moves diagonally across the sheet, exceeding the script as it directs attention to the four corners of the paper. The four-cornered paper with "the red bird" in its center is a mandala, a figure of totality.<sup>18</sup> It promises completion and synthesis, the reunion of contraries: dragon and peacock, Phoenix in flames and Phoenix reborn, the death of the author and the birth of the text.

### III.

In this Part, I will address four problems for the symbolist interpretation of "the red bird": ambiguity, ambivalence, authority, and ascription. While the ambiguity of "the red bird" concerns *what* it means, the other three problems concern not what, but *how* it means. The intuition that I want to explore here finds Professor Conn quite troubled by some of the assumptions and claims of symbolist interpretation. The more that we investigate the question of *how* "the red bird"

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16. W. STEVENS, *THE PALM AT THE END OF THE MIND* 84 (1971). The palm, by the way, is *phoenix* in Greek; the palm was equivalent to the Phoenix in certain Greek myths. Thus, the palm at the end of the mind carries the same symbolic load as the arising Phoenix. That Conn had read and was interested in the poetry of Wallace Stevens is evidenced in Grey, *supra* note 1.

17. "The peacock is an old emblem of rebirth and resurrection, quite frequently found on Christian sarcophagi." C.G. JUNG, *supra* note 6, at 91-92.

18. *Id.* at 3-5.



means, the more that it appears odd to bind Professor Conn by a symbolist interpretation that he might well have wanted to reject on philosophical grounds.

Since my main concern is the "how symbols mean" issues (ambivalence, authority, ascription), I will not linger on the topic of ambiguity. Let us suppose for the moment that a symbol is a kind of sign<sup>19</sup> and that it shares with signs the possibility of ambiguous signification. We can even say that some symbols, "the red bird" among them, are peculiarly ambiguous signs. There are forks in the path of symbolic interpretation: "the red bird" may signify "Phoenix," but it may also signify "Cardinal," which in turn may be taken as "Roman Catholic prelate" or "Stanford totem,"<sup>20</sup> or as an oblique reference to the numerical coefficients of infinitely variable readings. As a sign, "the red bird" has a very large range of meaning. But since Professor Conn, and indeed all of us, have no more reason to be troubled by the ambiguity of symbols than by the ambiguity of signs in general, not a great deal is to be gained by accusing symbolic interpretations of indeterminacy.

Indeed, the very real problems of *how* the symbol means take on a more pressing character if we assume that we know, at least approximately, *what* the symbol means. So let us suppose that "the red bird" refers to peacocks and phoenixes (and the other members of the alchemical bird-paradigm) and not to cardinals, whether priestly or totemic. Might we not ask, in the spirit of Professor Conn—so what?

To raise the problem of ambivalence, let us turn to one of the major substantive issues for the interpretation of Conn's text. Did Conn mean that the manuscripts he left behind were to be published, despite the fact that they were "drafts," or destroyed, despite the fact that they were to be "put out plain," or did he mean that some (which?) were to be published and some destroyed? It is instructive here to consider the views of Conn's estranged wife, Janet.

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19. Compare P. RICOEUR, *THE SYMBOLISM OF EVIL* 14-18 (1967) (symbol as kind of sign) with J. JACOBI, *supra* note 12, at 80 and C.G. JUNG, *MAN AND HIS SYMBOLS* 41 (1964) (symbol not a sign).

20. "The red bird" confirms Tzvetan Todorov's estimate of bird-color symbolism as an "arbitrary labyrinth of signification." T. TODOROV, *THE POETICS OF PROSE* 126-27 (1977). The priestly form of the Cardinal is suggested by McGarr's appraisal of Conn as a "renegade Roman Catholic." The other interpretation of "the red bird" as cardinal refers to a university at which Conn might have taught.

She sees Terry as having been driven by two contradictory urges: One, a terrible fear of facing judgment (possibly augmented by some neurotic association between finishing work, publishing, and dying), which prevented him from submitting anything for publication during his lifetime; but second, a powerful egotism that could only be satisfied by the conspicuous publication of every word he ever uttered. She sees the poem, and to her it is just a poem, as the completely ambivalent expression of these incompatible urges, not as a rational scheme for mediating or compromising them.<sup>21</sup>

If Janet is correct as a matter of psychology and biography—that Conn was ambivalent about publication—then the question arises, what should we expect of “the red bird” as symbol? Should we expect it to reflect and manifest this ambivalence, or to overcome it in a higher synthesis?

Practitioners of symbolic interpretation uniformly claim synthesis as one of the outstanding and definitive characteristics of the symbol. It is indeed supposed to be one of the main properties that distinguish symbol from sign, or at least make symbol a special kind of sign. Thus, Victor Turner takes “unification of disparate significata” to be one of the properties of dominant ritual symbols.<sup>22</sup> Those symbols are regarded as making possible a plane of social action on which the conflicts between disparate significata are transcended.<sup>23</sup> Mircea Eliade speaks of the symbol’s “multivalence, its capacity to express simultaneously several meanings the unity between which is not evident on the plane of immediate experience.”<sup>24</sup> Eliade regards symbols as effecting a *coincidentia oppositorum* within which “oppositions and antagonisms can be fitted and integrated into a unity.”<sup>25</sup> Jung’s depth-psychological theory of symbols closely resembles Eliade’s phenomenology. Thus, Jung speaks of the symbol’s “bipolarity” and “condensation” and its “transcending function” which overcomes oppositions and contradictions.<sup>26</sup>

But is it possible to effect a linguistic synthesis of values which are in conflict at the existential level? If Professor Conn lived his life in a mode of struggle between the competing values of publication and non-

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21. Grey, *supra* note 1, at 234.

22. V. TURNER, *THE FOREST OF SYMBOLS* 28 (1967).

23. *Id.* at 25.

24. See M. ELIADE, *THE TWO AND THE ONE* 203 (1979) (emphasis omitted).

25. *Id.* at 206.

26. J.S. JACOBI, *supra* note 12, at 95, 98-99.

publication, how can we expect "the red bird" to resolve and transcend this struggle?

Paul Ricoeur, perhaps better than any other student of symbolism, has understood the profoundly antiexistential character of the claims made by representative symbolists such as Eliade and Jung. In the following remarks about "the symbolic function of myths,"<sup>27</sup> Ricoeur challenges the symbol's purported power to effect a synthesis.

[Myth] indicates, we are told, the intimate accord of the man of cult and myth with the whole of being; it signifies an indivisible plenitude, in which the supernatural, the natural, and the psychological are not yet torn apart. But *how* does the myth signify this plenitude? The essential fact is that this intuition of a cosmic whole, from which man is not separated, and this undivided plenitude, anterior to the division into supernatural, natural, and human, are not *given*, but simply *aimed at*. It is only in intention that the myth restores some wholeness; it is because he himself has lost that wholeness that man re-enacts and imitates it in myth and rite. . . . If myth-making is an antidote to distress, that is because the man of myths is already an unhappy consciousness; for him, unity, conciliation, and reconciliation are things to be *spoken of* and *acted out*, precisely because they are not given.<sup>28</sup>

At issue here is the measure of the distance by which it is reasonable to expect the symbol to outstrip intent and experience. If the symbol is fundamentally linguistic—as it is for Ricoeur—then it is more a medium for the expression of experience than a lever which transforms it. If the symbol is fundamentally ontological, as it is for Eliade and Jung, then it is not a language but *mana*:<sup>29</sup> a breakthrough of the sacred. The reader of McGarr's four memoranda on Conn is forced to conclude that Conn would find the ontological and transformative claims somewhat self-deceptive. Professor Conn would regard "the red bird" as the multivalent correlate of personal ambivalence and conflict, and not as the achievement of a transcendental synthesis.

But is the power of a symbol necessarily limited by the fractured psyche of its author? We can assume that enactment of the symbol leaves Conn's inward ambivalences in place, yet we can go on to find in the symbol a synthetic authority for the interpreter. This search requires a shifting of attention from the symbol as embodiment of Conn's intents, toward the symbol as a value which impinges upon McGarr.

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27. P. RICOEUR, *supra* note 19, at 166.

28. *Id.* at 167-68 (emphasis in original).

29. *Id.* at 14.

The symbolist may regard "the red bird" as an omen or oracle which addresses McGarr's interpretive and normative choices. If McGarr is alert to symbolic meaning and sensitive to the sort of unific power which Eliade and Jung impute to symbols, then McGarr may believe that "the red bird" *authorizes* him to publish Conn's opus. On this view, the objectivity of the Phoenix's bid to rise from the ashes survives the limitations of Conn's ambivalence. It addresses McGarr with an exteriority and authority that might otherwise have sprung from the casting of the I Ching or the spreading of Tarot cards.

But why should "the red bird" enjoy this kind of moral authority? Eliade is quite clear on this point. The symbol brings the human person into contact with true being, the really real, the *mysterium tremendum et fascinans*.<sup>30</sup> Its unities are not only internal (as in the asserted synthesis which triumphs over ambivalence) but virtual: a symbol "reveals the unity between human existence and the structure of the Cosmos."<sup>31</sup> If "the red bird" reveals, to those who have eyes to see, the unity of the body's death and the word's rebirth, then it matters not that Conn was blind, so long as McGarr finally understands.

Are we ready, however, to accept authority which is predicated upon "the unity between human existence and the structure of the Cosmos"? From the point of view of modern existentialism, such a unity gives rise to no authority at all, since, in human being, existence does not follow essence but precedes it. While some may find existentialism's utter rejection of the unity of existence and cosmic essence as extreme and untenable as symbolism's open embrace of it, the fact remains that the authority of the symbol rests upon extreme metaphysical premises which are open to question.

It is time to give the hermeneutic issue one last twist. Having posed the question first as a matter of Conn's mind (did "the red bird" resolve his ambivalence) and second as a problem of value (does "the red bird" authorize McGarr to publish the manuscripts), let us pose the question a third and final time, now as a matter of legal ascription. Does "the red bird" mean that the poem is a will? This third version has the same *force* as the two which precede it, since the function of "the red bird" in each case is to secure the publication of at least some of the manuscripts. "The red bird" secures publication either by containing a (nonambivalent) direction from Conn, by impressing upon McGarr the

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30. M. ELIADE, *supra* note 24, at 201-03.

31. *Id.* at 207.

value of publication, or by securing the status of the poem as will, so that McGarr can rescue the manuscripts from Janet's *auto da fe*.

The poem is a will, other formal requirements satisfied, only if it evinces testamentary intent. Does "the red bird" give evidence of a metatextual intent; an intent *that* the text effect a disposition? Here the problem is not one of Conn's ambivalence toward certain of his property, but of Conn's self-understanding as he faced the prospect of his own death. In its philosophy of life and of property, the law contemplates the testator's serious commitment in the face of death, a commitment which disposes of life's production. Can we know *a priori*, however, that "the red bird," or indeed any other symbol, approaches life on these terms? The possibility must be acknowledged that "the red bird" is not addressed to the binary alternatives of "dispositional commitment" or "no dispositional commitment." Indeed, symbolic interpretation understands symbols to be primitive, and certainly to be prior to the categorical interests of legal language. In fairness, then, to "the red bird" as a symbol, perhaps we ought to regard it simply as a vocalized experience of being-toward-death,<sup>32</sup> a *cri de coeur* which does not speak to the legal issue of "testamentary intent."

In every case—ambivalence, authority, and ascription—symbolic interpretation wants to see a unity shining through the translucent ambiguity of the symbol. Nowhere is this quest for unity more appropriate than in the hermeneutics of the testament, for it is here that we would like (for our own sakes as survivors?) to see a summing up and a disposition of the fragmentary production of a life. But the aspiration is uncertain at every turn. The symbols in the text may express ambivalence without achieving a synthesis, may pretend to a cosmic congruence which is itself incongruent with the world of human value, or may seek a transcendental ego where there is only a stream of being-toward-death. In each case, the symbol is inadequate to its task; and the red bird takes wing only with the falling of the dusk.

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32. See M. HEIDEGGER, BEING AND TIME 279-311 (1962).

## APPENDIX

Excerpt from *Canto LIII* by Ezra Pound\*

This was in the twenty fifth century a.c.

YAO like the sun and rain,

saw what star is at solstice

saw what star marks mid summer

YU, leader of waters,

black earth is fertile, wild silk still is from Shantung

Ammassi, to the provinces,

let his men pay tithes in kind.

'Siu-tcheou province to pay in earth of five colours

Pheasant plumes from Yu-chan of mountains

Yu-chan to pay sycamores

of this wood are lutes made

Ringing stones from Se-choui river

and grass that is called Tsing-mo' or μῶλον,

Chun to the spirit Chang Ti, of heaven

moving the sun and start

que vos vers expriment vos intentions,

et que la musique conforme

YAO

堯

CHUN

舜

YU

禹

KAO-YAO

皋  
陶

. . . .

For years no waters came, no rain fell

for the Emperor Tching Tang

grain scarce, prices rising

so that in 1766 Tching Tang opened the copper mine (ante Christum)

made discs with square holes in their middles

and gave these to the people

wherewith they might buy grain

where there was grain

The silos were emptied

7 years of sterility

der in Baluba das Gewitter gemacht hat

\* E. POUND, *Canto LIII*, in *THE CANTOS OF EZRA POUND* 8, 8-11 (1948).

Tching prayed on the mountain and  
     wrote MAKE IT NEW  
 on his bath tub  
     Day by day make it new      新  
 cut underbrush,  
 pile the logs  
 keep it growing.  
 Died Tching aged years an hundred,      日  
 in the 13th of his reign. .  
     'We are up, Hia is down.'  
 Immoderate love of women  
 Immoderate love of riches  
 Cared for parades and huntin'.      日  
     Chang Ti above alone rules.  
 Tang not stinting of praise:  
     Consider their sweats, the people's  
 If you wd/sit calm on throne.      新  
     . . . .