

ETHOS IN THE COURTROOM POEMS OF SIMEON DUMDUM, JR.

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Abstract

Literary authors' ethos plays an important role in allowing them to persuade their audience and attain a particular communicative purpose in literary work. An Aristotelian conception of ethos, interacting with contemporary ideations of "prior ethos," enables a poet to strategically communicate with and persuade readers of literature. In this essay, I read two law-themed poems of Simeon Dumdum, a prolific, multi-awarded Filipino poet and former regional trial court judge, and show how he relies on prior ethos to establish credibility and an ethical reputation amongst readers. I then argue that Dumdum's signature deployment of self-deprecating humor (pathos) in these poems is effective, because his ethical appeal (with which pathos works) succeeds.

Keywords: *law and literature; rhetoric; poetry; humor studies*

A. Introduction

Edward P.J. Corbett says that Aristotle recognized that ethos, the ethical appeal, could be the most important of the three artistic modes of persuasion: one's skill at logical argumentation (logos) and appealing to an audience's emotions (pathos) come to nothing if the audience doubts the speaker's character (1965, p. 24). But does ethos matter in literature, specifically, in poetry?

Adherents of New Criticism, who focus mainly on the relation between the craft elements that make up a literary text, deem authorial intention and character as irrelevant to the interpretation of the text. Hence, a poet need not worry about how one might present the self, or the persona of the poem, to one's readers.

But poems arise in particular conversations and socio-historical contexts, and the author is part of that context. James Boyd White, who argued that one can learn much about literature and society by subjecting poetry to rhetorical analysis, prescribes that we pay attention "to the character the writer gives herself, to the way she talks about others, to the way the reader is constituted; to the language of value or motive that is employed, and its adequacy for the purposes of general social life" (1984, p. 1695).

In this paper, I argue that a literary author's ethos plays an important role in allowing for that particular author to persuade her/his audience and attain a particular communicative purpose in literary work. Drawing from Ruth Amossy, I discuss how an Aristotelian conception of ethos interacts with contemporary ideations of "prior ethos," enabling the poet, speaking through a poetic persona, to strategically communicate with and persuade readers of literature. I read two law-themed poems by Simeon Dumdum, a prolific, multi-awarded Filipino poet and former regional trial court judge, to show how he relies on prior ethos—his reputation as both judge and poet—to establish credibility and an

ethical reputation amongst readers. I then argue that Dumdum's signature deployment of self-deprecating humor (pathos) in both poems is effective, because his ethical appeal (with which pathos works) succeeds.

B. Ethos, prior ethos

In Aristotle's art of persuasion, the term "ethos" refers to the way orators present themselves in their speech. This self-characterization or image of the self is constructed so as to predispose the audience to accept the orator's message. Ruth Amossy argues that ethos has an intrinsic social dimension (2001, 9). Speakers who wish to exert an influence on their audience within the framework of a verbal exchange need to craft an image of themselves in a manner that the audience might perceive as credible, trustworthy, competent, and benevolent. While it is true that the audience, for whom speakers perform, is likewise imagined (speakers build an image of the speaking self based on an idea of audience as imagined by them), discourse fails when speakers guess incorrectly about the character and nature of their audience; what the audience regards as trustworthy, reliable, and true; or what the audience expects from the speakers (2001, pp. 6-7). To succeed, the speakers' characterization of their audience and its values must align with the social—who this audience really is; its values and norms; what it really recognizes as true or valid; and what its expectations are of the speakers.

Amossy introduces the concept of "prior ethos" to denote the audience's idea of the speakers' image even before they have spoken. Prior ethos precedes ethos, the construction of the speakers' image by what the speakers' say, the way they say it, and through their style of speaking (Amossy, 2001, p. 7). Speakers' perceived expertise, experience, and rank all function as "prior ethos." They allow the audience to hypothesize about speakers' character, linking them to a particular category of person, establishing or casting doubt on the speakers' credibility and authority even before they say anything. Speakers who are able to determine how audiences perceive them—what category the audience assigns them to—might be able to affirm their reputation (if positive) or transform it (if negative, or unhelpful to one's message) when they ultimately face the audience. In other words, ethos reworks and integrates with prior ethos, which includes, or may be derived from speakers' institutional status, which is exterior to the discourse.

C. Simeon Dumdum and the weight of authority

Simeon Dumdum, Jr. is a prolific Filipino writer celebrated for his "uniquely Cebuano humor and comic-ironic wit" (Abad, 1999, p. 566). He has 15 books to date; 12 are poetry collections. He is also a multi-awarded poet who has won five Palanca Awards and five National Book Awards.

Dumdum has two poems that touch upon the law. They carry a weight that other Philippine Anglophone poems on the law do not. This has something to do with the fact that in these poems, the persona is a trial court judge. Adopting a judge persona gives rise to the perception that the latter offers a vision of law from the vantage point of a judge's wide-ranging powers—something non-judges cannot provide.

In addition, readers who know that Dumdum is not only a poet but also a former judge, read his authority as both—his prior ethos—into the texts. Although we are taught to distinguish between the poem's persona and Dumdum the author, his former profession adds to the perception that the message we derive from his poetry—particularly that about law and justice—is credible.

In writing his courtroom poems, Dumdum claims not only a judge's authority, but a poet's too. Nussbaum points out that in *Leaves of Grass*, Walt Whitman levies a harsh critique against court judges who only see legal abstractions. He proposes instead that a poet is the ideal judge. The poet is an "equable man," who "sees eternity in men and women" and does not see them as mere "dreams and dots" (Nussbaum, 1995, p. 1478). He is therefore more inclined to consider the particularity of a case,

and decide justly. Whitman likens the poet to sunlight, “falling round a helpless thing.” He illumines what is not obvious but nevertheless true. His poems reveal the particular, the intimate, and the richness of human existence. A poet’s occupation, therefore, comes with a claim of moral authority.

Consequently, what the judge-persona has to say in Dumdum’s poems carries the weight of authority thrice over. For readers interested in what Philippine poetry has to say about law and justice, these poems arguably occupy a seminal place in the canon.

Not many Filipino poets writing in English engage with the law thematically, but those who have written about the law have treated it in fairly similar ways.

One thematic strand renders the sentiments of a persona who has observed and therefore critiques how the law has been corrupted and used for self-serving ends. Rafael Zulueta Da Costa’s “Like the Molave,” depicts a corrupt judge, all too willing to forego judicial duty for personal gain. “The Tyrant,” by R. Torres Pandan (1986, p. 29) and “Grave Thief,” by Gemino Abad (2017, p. 15) protest against the way former President Marcos and his family have been able to use the law to their benefit. A more recent poem, Dina Roma’s “First Degree,” suggests that knowledge of the law allows the police to subvert it (2017, p. 122).

Another thematic strand contrasts the restrictive nature of the law against the freedom afforded by poetry. In “The Ordinance,” Luis Cabalquinto underscores the irony of enforcing a law “for good order and better relations” that constricts life (which he aligns with the poem) itself (1990, 30-31). In “Permission to Leave, Sir,” Ernesto Supernal Yee expresses how the law’s deadening, depersonalizing effect makes one yearn for the “fragile, endearingly small” world of “verses” (1999, p. 48).

Dumdum’s poems about the law stand out from the rest in terms of content and tone. This has much to do with the fact that in his poems, the persona is not a victim or observer of law’s excesses, but a judge who wields its power.

D. Discussion

1. “First as Tragedy, Then as Farce”

“First as Tragedy, Then as Farce” appears in *to an evening star*, Dumdum’s fifth collection of poetry (2013, p. 15). The title references Karl Marx’s 1852 political treatise, “The Eighteenth Brumaire of Louis Bonaparte,” which states: “All great world-historic facts and personages appear...twice... the first time as tragedy, the second time as farce.” Despite this allusion, there is little to suggest that the persona shares Marx’s views. Instead, the poem critiques contemporary media’s practice of conducting trial by publicity.

The “tragedy” consists in the judge-persona being forced to appear as a minor figure in the discourse of justice because a “TV crew had jammed” a corridor of his courthouse. The “farce,” on the other hand, consists of the persona’s addressee (“you”) “cowering before the lights” that accompany a TV camera’s “wide unblinking eye.” The very same media that turned a dutiful judge into an insignificant character in his own courthouse earlier in the day, now exerts an absurd power—one that is compared to an angry wife questioning her husband. Media attention can make its fearful subject act as though guilty.

This harsh critique is softened by the persona’s tone. The poem begins with a self-mocking tone. In the first line, the persona coyly describes himself as “shy” and “modest.” The joke’s on me, he seems to be saying. Here I am, a powerful judge, rendered powerless in my own courthouse by a camera crew. It’s ludicrous. Having established his judge-persona to be humble, the latter gains our approval. We like him more for it. This makes us more inclined to agree that it is media that turns a court into a circus and causes the denial of justice.

Note, however, that our assent is premised on an understanding of a judge’s actual power. Without it, we would not be able to recognize the poem’s critique of mass media, how wrongful and

ridiculous it is for it to wrest the task of meting justice from hardworking and humble judges.

2. “Justice Aspires to the Condition of Music”

In “Justice Aspires to a Condition of Music,” which appears in his ninth poetry collection, *The Poet Learns to Dance (the Dancer Learns to Write a Poem)*, Dumdum juxtaposes the relative powers of a judge and a bird (2017, p. 1).

The title personifies an abstract concept, Justice, allowing it to “aspire” toward achieving a particular quality or aspect of music. To “aspire” suggests directing oneself upwards (one might say, for instance, “We never thought that we might aspire to those heights,”); thus, the “condition of music” that Justice hopes to achieve is superior to Justice.

In the context of a courtroom, Justice—an abstraction traditionally imagined as Lady Justice, a god-like entity—is personified by the judge. In appellate courts, the individual who settles the dispute is even addressed with the honorific “Justice” appended to her/his surname (for example, “Justice Sereno”). Thus, when the poem’s judge persona speaks, situating himself in his chamber, presiding over cases, admonishing litigants and lawyers, we understand that persona to be Justice, an entity with god-like power.

Unlike the persona of “First as Tragedy, then as Farce,” who begins the poem in a self-mocking tone, the judge-persona of “Justice Aspires to the Condition of Music” intimidates readers with the declarative statement: “In court, my gavel is authority.” This aligns, not only with the idea of a judge being the personification of Justice in the courtroom, but also with popular notions about the way judges act in the courtroom—sternly, authoritatively. The persona lets us know that the gavel—a small ceremonial mallet or hammer that judges strike against a surface to call people’s attention and establish order—stands for his power. When he makes a loud, sudden noise with his gavel, it literally silences everyone in court; but the metaphor in line 1 also makes us understand that judges have the power to make others do what they would not otherwise do. The verb “bang” suggests not only a loud noise, but also the action of hitting, striking something violently. Hence, violence, or the threat of violence, is integral to the judge’s display of authority, his ability to silence others who fill the courtroom with loud talk, ringing cellphones—noise.

In line 7, the persona mentions the word, “justice”—but this time, “justice” is no longer identified with the judge-persona himself, but with a voice he “would like” to hear—the “voice of justice”. This voice is hardly audible. It is a “ting,” a sound that can only be heard in complete silence (when “the truth and the lie are a pin/Dropped”). This is why the persona bangs his gavel, makes a forceful, violent demonstration of his power: he hopes that enforcing silence and order might help him determine what is the truth, and truth might then enable him to deliver justice. Once again, these lines align with the general understanding and expectation that judges will uncover the truth and rule according to their discovery.

But in the succeeding lines, the judge-persona reveals that even he doubts that hearing the truth naturally results in justice: “If both the truth and the lie were a pin/Dropped in the courtroom, I would like to hear it/Its ting *might* be the small, *still* voice of justice.” The word “still,” which modifies “voice of justice,” connotes silence, but also the absence of motion—qualities that readers might associate with dead things especially when the judge-persona contrasts the voice of justice with a sound from a living thing outside the court room: the “trill of birdsong/So sweet.”

This deviation from popular notions about judges is accompanied by a deviation in tone: “Just imagine my shock,” the judge-persona suddenly says, when birdsong interrupts his judicial proceedings, silences the accused who “was insisting that he/Was somewhere else on the night of the crime,” and makes the complainant feel “set to forgive.” This un-judge-like utterance signals the humorous reversal that Dumdum allows his judge-persona to make. In turn, tendentious humor facilitates readers’ acceptance of the judge-persona’s final insight even though it deviates from the expectation that one can obtain justice from courts and be satisfied. For in the end, the persona (Justice personified, the person tasked with hearing and speaking the voice of justice) realizes that, although

the power of his office can bring about a semblance of order (and even then, not necessarily a just outcome based on truth), it cannot restore human relations. Thus, the persona declares, the gavel in his hand (and therefore himself, the all-powerful judge, the embodiment of Justice) is “useless,” and the bird, the “better witness.”

When the judge-persona comically yields to the “better witness,” one reads this as a gesture toward the sublime, to the realm outside the pettiness and contingency of human life, rather than a statement that birdsong actually settles disputes. But this understanding depends on one’s prior acknowledgment that in real life, judges ought to be unhampered in their search for truth, and that in a real courtroom, judges are powerful and authoritative. Outside the poem, a judge’s pronouncements and actions do result in real consequences—including the loss of one’s life, liberty, property.

Similarly, when the judge-persona in “First as Tragedy, then as Farce” says he had “no choice” but to “walk behind the lawyer,” one understands that Dumdum’s point is not that the judge is literally powerless, but that contemporary media overreaches and works to defeat even a dutiful judge’s attempt to deliver justice.

When Dumdum allows his persona to bring himself down in these two instances, it is because he expects his readers to affirm his judge-persona’s privileged position. Success is contingent upon the reader’s awareness that the self-disparaging insight is not literally true.

Humor helps the judge-persona avoid negative associations with authority (his arrogance, condescension, his harshness toward, and disregard for, the people in and outside the courtroom) and bridge the gap between himself and the readers without undermining the position of authority he has established and buttresses by way of the ethical appeal.

E. Conclusion

Simeon Dumdum, Jr. is often celebrated for his wit and humor. In his two courtroom poems, Dumdum’s celebrated gifts are clearly on display. I suggest that the charming, tendentious humor in these poems is particularly effective because of his successful calibration of his audience’s knowledge of who he is, and what they think judges are, or ought to be. Sharing the audience’s understanding of judges as god-like figures with authority and power, Dumdum reverses readers’ expectations by presenting judges who “walk behind” a lawyer and who hold a “useless” gavel in his hand. The incongruence between readers’ expectations and the poems’ image of judges is what accounts for the humor in these poems. While it is true that readers may differ in their reception of the work, those who know that Dumdum is both poet and a former judge may tend to read the poems, if not autobiographically, then with the belief that the poems are informed by Dumdum’s experience as a judge. They may even take the poems as frank expressions of the poet’s feelings about having been a judge.

What both judge-personas in Dumdum’s poems emphasize is their lack of power to do what they are expected to do: solve cases quickly and independently, bring back peace and order, and restore human relations. But the poems also suggest that this lack isn’t due to any fault of the judges (as is the case of Zulueta da Costa’s corrupt magistrate). In “First as Tragedy, then as Farce,” the dutiful judge is constrained by mass media from doing his job, and it is mass media that forces him into a position that the audience knows does not befit his true station. In “Justice Aspires to the Condition of Music,” it is suggested that true justice resides outside the courtroom, and judges and courts can only “aspire” to be as effective. Thus, the poems foreground the fact that *judges are human after all*. They’re less god-like, and more like the rest of us: constrained by life’s vicissitudes; unable to deliver the impossible. This, in turn, suggests a new way for readers to view judges: we can hardly see them as superior to us—instead, we ought to sympathize with them, feel as though they were our equals.

But just as Dumdum’s judges are not Zulueta da Costa’s corrupt magistrate, neither are they Whitman’s ideal—the poet-judge who can, in fact, dispense the justice that the poems suggest judges cannot provide. Whereas Whitman’s poet-judge sees the women and men in the courtroom as persons,

and not simply as abstractions, Dumdum's judges either fail to make it inside the courtroom, or, having gained entrance somehow, find that justice is outside it.

In positioning his judges to be just like the rest of us non-judges, Dumdum may have gained them our sympathy. However, it is impossible for us to ignore the following questions: What might he be saying about the law, legal practice, and the justice system in the Philippines? What can judges, poets, and the rest of us do about it? What can we possibly hope for?

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