

**FEMINISTS, ANGELS, POETS, AND
REVOLUTIONARIES: WHAT I'VE LEARNED
FROM RUTHANN ROBSON AND NICOLE
BROSSARD ON WHAT IT MEANS TO BE
A LAW TEACHER**

*Kim Brooks**

I. PRELUDE

I was delighted to receive an e-mail in the summer of 2004 asking whether I would speak at a symposium at the City University of New York School of Law honoring the work of Ruthann Robson. Ruthann has been a leader in a wide variety of areas, but perhaps her two most significant contributions have been to the development of lesbian legal theor(ies) and as an advocate for progressive legal education. It would be impossible to overstate the contribution that Ruthann has made to the development of a specific lesbian-centered approach to understanding law and revisioning legal reform. Other participants in the symposium spoke eloquently to this contribution, and to the effect that it has had on their work and thinking.

My charge was directed to the second contribution—to reflect on the contribution Ruthann has made to our understanding of pedagogy in the law school classroom. Having never taken a class with Ruthann, this appeared at first to be a challenging task. However, after starting to re-read some of her pieces, I realized that her approach to teaching law pervades much of her work, and where her work does not directly address pedagogy, one might deduce from it a particular approach to teaching.

The question, then, was how to do justice to Ruthann's contribution to what we know about teaching law. I did not want to focus only on the work of Ruthann, suspecting that, given both her modesty and her curiosity about the ideas of others, she might find that focus embarrassing. Yet I wanted to pay tribute to her work.

* Kim Brooks is an Assistant Professor of Law at the University of British Columbia Faculty of Law. Portions of this paper are based on a presentation given at the Symposium in Honor of the Work of Professor Ruthann Robson held at City University of New York School of Law on November 5, 2004. Particular thanks to the participants in the Symposium, Helene Wheeler for her editorial and research assistance, and Susan B. Boyd for her thoughtful comments on an earlier draft. Congratulations to Ruthann Robson, whose work was the focus of the Symposium.

I seized on the idea of writing something about what I might learn about teaching from two figures: Ruthann Robson and Nicole Brossard. I liked the pairing because the work of both authors has some striking similarities. I also knew from reading Ruthann's work that she had been influenced in style and perhaps to some degree in approach by the work of Brossard, and so I thought that a piece drawing the two together would provide a tribute to Ruthann's work, without making her work its ultimate focus. I liked, too, that they are both writers of fiction, poetry, and non-fiction, and so traverse a range of genres and approaches in their work.

This decision created yet another dilemma: how to engage seriously with the work of these two authors? It would be impossible to write a straightforward standard law review piece. Both women have an enviable skill with the pen—they write lucidly, cleanly, with economy, and yet with passion. Something of the traditional law review mold would need to be discarded in favor of something more creative, something that spoke more directly to the experience of learning from the two women. This presented a challenge to someone unfamiliar with the less formal and less formatted voice. But perhaps confronting this challenge directly was the best tribute I might craft for these two remarkable women, from whose work I have learned a great deal about what it might mean to teach law.

So, what follows is my tribute to Ruthann—what I have learned about teaching law from Ruthann Robson and from Nicole Brossard. Finding myself incapable of dissolving completely into fiction-theory, or completely into something that reads with the lovely fluidity of their work, I have tried to assume a more narrative style than one might regularly expect from a law review piece, with occasional nods to the style embraced by Brossard and Robson.

As a final caveat, the text that follows reflects my comments at the symposium itself, and so where there are references to “you,” I was speaking directly to Ruthann.

II. INTRODUCING THE REVOLUTIONARIES

In an interview, Nicole Brossard said, “Before I became a feminist, I suppose I was an angel, a poet, a revolutionary.”¹ I like much about this quote: the idea that there is a time before one becomes

¹ JANICE WILLIAMSON, *Interview with Nicole Brossard: 'Before I became a feminist, I suppose I was an angel, a poet, a revolutionary . . .'*, in *SOUNDING DIFFERENCES: CONVERSATIONS WITH SEVENTEEN CANADIAN WOMEN WRITERS* 59, 60 (1993).

a feminist; that one could be simultaneously an angel, a poet, and a revolutionary.

Of course, I have assumed that Brossard means that she was an angel, a poet, and a revolutionary simultaneously, before becoming a feminist. It is possible that Brossard means that she was those things in sequence—that being an angel could turn one to poetry, which might in turn make one a revolutionary, leading to something even more dangerous, and even perhaps, outlawed: a feminist.

I wonder if you would be disappointed that this quote does not move a step further, making Brossard most explicitly into the lesbian (out)law. This should not trouble you, though, for under my second reading, it is simply a matter of time. The quote might be rewritten: “Before I became a lesbian, I suppose I was an angel, a poet, a revolutionary, a feminist.”

I first read Nicole Brossard, the Québécois feminist writer, in 1998 as part of a reading group in Toronto. The book was *Mauve Desert*.² The story is a dialogue between two versions of a story, set in the desert. It has inspired readers and translators, and placed Brossard as one of Canada’s most influential and imaginative authors.

Naturally, I hated it. I remember that at the book club, which of course involved a potluck meal, I mocked the novel. It opens with the line, “The desert is indescribable.”³ I remember thinking: There is no way that the desert is indescribable. I’ll tell you about the desert. The desert is hot. And in any event, if it is so indescribable, why does a description of it consume so many pages of the work?

This kind of remark led to giggles from at least some of my book club companions, a motley group of young feminists, mostly lesbians. I remember that there was a particularly delicious St. André cheese at that meeting. It had been left to warm to room temperature, so that when you spread it on a cracker you could achieve perfect thickness—enough for the taste to fill your mouth and nose, but not enough so that it got caught in your throat and required reaching desperately, clumsily, for your wine. The soft-ripened triple-cream was soft enough that in the act of spreading it there was only minimal risk that the cracker would break into pieces in your hand. Do you know what I am talking about? The

² NICOLE BROSSARD, *MAUVE DESERT* (Susanne de Lotbinière-Harwood trans., Coach House Press 1990) (1987).

³ *Id.* at 9.

embarrassment of that moment where you're trying to talk about a feminist theorist and casually eat cheese, but the cracker you're spreading the cheese on breaks into about fourteen pieces and you are left gaping at your hand and at the cheese, now on the floor. I find that when this happens to me it is difficult to take myself seriously. Suddenly what seemed like a profound thought about a Québécois feminist looks pathetic. Anyway, I ate about half of that piece of St. André with relish, never breaking a cracker and invigorated by my own lack of respect for the authority of Brossard.

I'll tell you what exacerbated my anger at the book. It was not just the style of the writing—a style that Brossard has described as fiction-theory—but it was the way that my artist friends at the potluck were mesmerized by it. They were agog with Brossard. They became sycophants, even in Brossard's absence. I could see that they had approached the book the way I approached the St. André. Cautious at first, appreciating the visual images created by the words—the short sentences and paragraphs, the pages with only a line or two of text, the pages with photographs. I suspected that they had pressed their noses into the bindings of the books, obstructed only by their glasses with thick black frames, then so in vogue, in an attempt to take a snapshot scent memory of their first experience with Brossard. Running their fingers over the pages to feel the paper's grains late into the night, contemplating how sensual they were in their consumption of the text. Then they had tasted the words, spreading them perfectly on their tongues, trying not to break their magic. In response to my heretic comments they asked, puzzled, how could I not love this passage: “In the desert fear is exact, it is well-proportioned, wears no mask. It is useful, precise, does a good job. Fear, here, is frequented like a natural history. It is exceptionally succinct, a few illustrations: beaks, fangs, stingers, forked tongue.”⁴

That potluck was two years after I read Ruthann Robson's *Lesbian (Out)Law* for the first time. I made no link between the two authors at the time. In contrast to my response to Brossard, as a

⁴ *Id.* at 178. Robson is similarly stylistically wonderful. See, for example, her discussion of what was missing in *Lawrence*.

Equality and Liberty. Privacy and History. Even a few references to 'Lesbian.' What could be missing? The missing word, the word I longed to read, longed to hear addressed, longed for like a lost lover, friend or child, was, an apology. Something like 'sorry' or a mention of 'remorse'. Repentance has a rather religious overtone, but I think that would have been more palatable than silence.

Ruthann Robson, *The Missing Word in Lawrence v. Texas*, 10 CARDOZO WOMEN'S L.J. 397, 402 (2004) [hereinafter Robson, *Lawrence*].

student reading Ruthann Robson, I felt oddly *listened to*. Is that possible? To be listened to by a book? A book of theory? And I had consumed *Lesbian (Out)Law* in the same way my artist friends had figuratively eaten Brossard. Perhaps not with the black-rimmed glasses, and I do not remember smelling the book, but still desperately, passionately. I tried to resist the urge to idealize this Robson person in my mind. Sure, she was smart, and prolific, and sometimes funny. Sure, she had written something that actually spoke to me not just as a law student, but also as a person studying law. But how great could she really be? Perhaps she didn't help out at home with the dishes, or never did her laundry. Maybe she was rude to her colleagues, or was a terrible driver.

That was ten years ago.

You sent me an e-mail in contemplation of this symposium. In it, you said, "I'm hoping that the speakers will use the occasion as an excuse to talk about whatever moves them." So, this is what I have been thinking about. This is what has moved me lately. I have been thinking about the fact that I was stupid at the potluck. Annoyed by my friends' pure enjoyment of the text,⁵ I missed what there was for me to see in the work of Brossard. And so I have revisited Brossard, and Robson.

Now I see many connections between their works. There are occasionally stylistic similarities—the use of fiction-theory.⁶ Con-

⁵ There is a lovely poem by Canadian Al Purdy called *Trees at the Arctic Circle*. After mocking the trees, he realizes that he has failed to see their greatness. In a move that characterizes the humility of Purdy's approach to poetry, he concludes with an apology that records forever his own stupidity:

I see that I've been carried away
in my scorn of the dwarf trees
most foolish in my judgements
To take away the dignity
of any living thing
even tho it cannot understand
the scornful words
is to make life itself trivial
and yourself the Pontifex Maximus
of nullity
I have been stupid in a poem
I will not alter the poem
but let the stupidity remain permanent
as the trees are
in a poem
the dwarf trees of Baffin Island

AL PURDY, *Trees at the Arctic Circle*, in *THE COLLECTED POEMS OF AL PURDY* 84, 85 (Russell Brown ed., 1986), *reprinted in ROOMS FOR RENT IN THE OUTER CIRCLE* 40 (Al Purdy & Sam Solecki eds., 1996).

⁶ Robson acknowledges this use. See Ruthann Robson, *Mostly Monogamous Moms?*:

sider this description of the work of Nicole Brossard:

Brossard's work is highly experimental, linguistically subversive, inherently sexual and openly lesbian—even when she's not writing about lesbian subjects. Brossard seeks to do more than merely say new things; instead she experiments, creates and recreates language to find new ways to say things that cannot be expressed in conventional thinking/language.⁷

I might have said the same things after my first experience reading Robson.

There are also the connections implied by the quote I relied on to title this piece—feminists, angels, poets, and revolutionaries. These similarities are just the beginning. What I want to focus on here are the common themes in your work that inform and inspire what one might want to remember when moving into the role of teacher in a law school classroom. Naturally, this is something of a stretch—a taking of some creative license. Particularly since Brossard does not teach law. And yet, there are themes in both of your works from which lessons about teaching in a law school classroom might be discerned.

III. LESSONS IN TEACHING LAW

In this part I will address six themes from the work of Brossard and Robson that remind me of what law teaching might be about: (1) law is part of the imagination; (2) there is no replacement for a close reading of the text; (3) it is important to be conscious of the exercise of translation; (4) the work of building communities makes a difference; (5) remain committed to impoverished communities and social justice; and (6) law is a conversation that requires openness of spirit.

1. *Law as Part of the Imagination*

Pragmatism. Realism. Practicality. Necessary qualities for the practice of law, for the practice of life. Yet too often such pronouncements are mere excuses for cowardice, for shallowness, for laziness. We circumscribe possibilities—for ourselves and for others—with justifications that we are being pragmatic, realistic, practical. We conveniently ignore any

An Essay on the Future of Lesbian Legal Theories and Reforms, 17 N.Y.L. SCH. J. HUM. RTS. 703 n.* (2001) [hereinafter Robson, *Mostly Monogamous Moms*]. “The form of this ‘essay’ is more closely aligned to the form of ‘fiction-theory’ as developed by lesbian theorist Nicole Brossard than to a traditional essay, although the experimental and lyrical essay as it is presently being practiced in non-lesbian venues is also pertinent.” *Id.* (citations omitted).

⁷ Joy Parks, *The Blue Books*, 17 HERIZONS, No. 2, 40-41 (Fall 2003) (book review).

*inkling we might have that our construction of the 'possible' is freighted with our political, not to mention personal, histories. We may even begin to believe that idealism, imagination, and utopian urges are adolescent. We may counsel others, and ourselves, to be 'mature.'*⁸

A few weeks ago, I was talking to a colleague about the great law reform ideas. We were bemoaning the fact that we seemed to be teaching law at a time when there were no more big ideas, only tinkering at the edges. What had happened to the creative ideas about law reform? The ideas that would change the way, for example, that a whole area of law might be conceived. What had happened, for example, to proposals to radically reform the area of tort law into a public insurance scheme?

After we both went away and thought more about the conversation, we admitted that perhaps we had been too hasty in our condemnation of the times. We both identified a few "radical" ideas that would change fundamentally particular areas of law. We may or may not have agreed with those ideas, but we accepted that they were creative, radical.

The Robson quote above elucidates something elemental: particularly in law, where the urge to practicality, to administrative feasibility, is so powerful, Robson is right to urge us to look beyond those criteria to imagine what else might be possible. It is easy to forget that all law was once merely an idea rooted in the imagination. In the classroom, it is important, despite all pressures to the contrary, to ask students to imagine how things might be different. How the rules might be constructed in a way that is entirely changed from the way they are constructed now.

This imaginary exercise presents a significant challenge. As Brossard notes in *The Aerial Letter*, "[o]ne has the imagination of one's century, one's culture, one's generation, one's particular social class, one's decade, and the imagination of what one reads, but above all one has the imagination of one's body and of the sex which inhabits it."⁹ We are constrained in our ability to imagine even. Constrained by what we bring with us to the law school classroom. But a focus on those constraints, and on our tendencies to the pragmatic, may provide us with the ability to train law students who will become creative problem solvers who will feel less con-

⁸ Ruthann Robson, *Politics of the Possible: Personal Reflections on a Decade at the City University of New York School of Law*, 3 N.Y. CITY L. REV. 245, 245 (1998) [hereinafter Robson, *Politics*].

⁹ NICOLE BROSSARD, THE AERIAL LETTER 82 (Marlene Wildeman trans., The Women's Press 1988) (1985) [hereinafter BROSSARD, AERIAL LETTER].

strained, at least, by the familiar urge to the practical instead of the possible.

The quote from Robson that opens this section echoes concerns about the constraining nature of law identified by Brossard. However, Brossard may be read as optimistic about our ability to transcend the limits of pragmatism. In *These Our Mothers*, Brossard writes:

Constrained, remember: there is a clandestine space where every law is subordinate to the imaginary or if infiltrating it like a reality they make them rescind themselves. Cloudy water in appearance but interior tissues knowing the only way to go. All in all, it's a question of practice. The slope of that other passion. The same. Or it could be said when imagination catches fire, it ends up a fuse and political.¹⁰

Her suggested answer to pragmatism, then, is fiction. In *Baroque at Dawn*, Brossard inserts herself into the text as a character arguing vehemently in favor of the use of fiction as a way of asserting a new reality and vision for the world. Brossard, the character, says:

[B]ecause we are exiled from ourselves in the language and imagery of our respective cultures, we cannot make spontaneous use of these indispensable tools of self- and world-awareness. To a certain degree, we are forced to elucidate our insufferable position in the midst of conceptualizations that reflect our exclusions and fragmentation, in the midst of contradictions that are not ours but for which we must pay, and which engulf us in ambivalence, double-binds, guilt, self-doubt, self-censorship. It will avail us nothing to raise our voices if by so doing we reinforce the landscapes of the status quo. It is through Man's fiction that we have become fictional. Let us emerge from fiction through fiction. We shall exist in the story we are about to invent, but we shall need towering rages, a will more preposterous than any surrealistic desire, curiosity that leads us to commit terrible indiscretions and persevere with arduous inquiries. We must learn to push beyond limits.¹¹

Brossard argues in favor of the use of fiction as a way for women to transcend the fictions about women that men have created. This use of fiction is like the call to the use of the imaginary in the law

¹⁰ NICOLE BROSSARD, *THESE OUR MOTHERS* 70 (Barbara Godard trans., Coach House Quebec Trans. 1983) (1977). This was the first text that Brossard called "fiction-theory." See Alice A. Parker, *Brossard, Nicole*, *GLBTQ: AN ENCYCLOPEDIA OF GAY, LESBIAN, BISEXUAL, TRANSGENDER, AND QUEER CULTURE* (2002), http://www.glbtq.com/literature/brossard_n.html.

¹¹ NICOLE BROSSARD, *BAROQUE AT DAWN* 118-119 (Patricia Claxton trans., McClelland & Stewart Inc. 1997) (1995) [hereinafter BROSSARD, *BAROQUE*].

school classroom. Without some imagination, some fiction, it is difficult to entertain ideas that may fundamentally alter our understanding of a particular area of law, or even our ability to understand law itself.

The point of Brossard's work is not that women will live only in fiction, but that this fiction will become what is real. Ideally, we come to a point where the imagination, the fiction, becomes the readable text. So, for example, Brossard concludes *Picture Theory* with these lines, set out by themselves on the last page: "[she] had come to the point in full fiction abundant(ly) to re/cite herself perfectly readable."¹²

This ability to invoke imagination is a particular strength of Robson's work. In *The Specter of a Lesbian Supreme Court Justice* Robson imagines the Supreme Court with a lesbian justice. For some legal academics, this idea might be seen as one that requires an astonishing imagination, yet Robson concludes:

[T]he desire for a lesbian Supreme Court Justice also exhibits a startling lack of imagination. This lack inheres in the problem of identity and identity politics, embodied by a Supreme Court Justice who might not only be conservative but also be strategically used. But this lack of imagination also inheres in the identities—socially constructed—of those of us who are imagining. It is this construction that makes it difficult for us to imagine the most radical changes, changes that are not merely inserting lesbian interests into the existing structure.

Imaginings that do not take for granted a Supreme Court, or even a constitutional system, or even the "rule of law"—these are the imaginings that are the real challenge of lesbian legal theory.¹³

Robson's work is deeply committed to expanding our analysis into the imaginary, not just in matters like the presence of a lesbian Supreme Court justice, but also in matters of legal policy-making. For example, in *Mostly Monogamous Moms*, she asks why marriage should not be opened up not only to same-sex partners, but also to biological family members. This argument is wildly unpopular with the vast majority of marriage advocates, regardless of sexual orientation, but Robson has the courage to take us there:

First, I wonder why I can't marry my mother.

(Again, insert and delete a narrative tangent. Explaining I

¹² NICOLE BROSSARD, *PICTURE THEORY* 184 (Barbara Godard trans., Guernica Editions Inc. 1991) (1982) [hereinafter BROSSARD, *PICTURE THEORY*].

¹³ RUTHANN ROBSON, *The Specter of a Lesbian Supreme Court Justice, in SAPPHO GOES TO LAW SCHOOL* 1, 14 (1998).

may not really want to marry my mother and I'm not sure what my mother—or my father—would think of this. Consider a lengthy textual footnote to some ancient Greek dramas.)

In other words, I would like an acceptable explanation of the basis for excluding blood relation marriage in same-sex marriage, when the usual justification for prohibiting blood relation marriage is the genetic quality of offspring. I suppose Lévi-Strauss kinship theories might be invoked here.¹⁴

In this piece, as in her more “academic” work on same-sex marriage, Robson challenges us to look beyond what we imagine to be the limits of legal regulation, in this case, of marriage. To try to imagine what might be possible in terms of understanding what the content of a word like “marriage” might be in law, and, further, to challenge whether or not it has any useful content at all.

What I have learned from Brossard and Robson is that the imagination is essential. That in our classrooms we need to find ways to transcend the current legal institutions and the current rules and to imagine how the underlying problems might be solved in different ways. That our ability to imagine something different may be constrained by the histories we bring into the classroom with us, and that fiction is the access to imagining something different.

2. *Paying Attention to the Text*

*Let us return once again to text.*¹⁵

Lest the first theme, attention to the imagination, leave the impression that everything is up for grabs, a second dominant theme in the work of both authors is the importance of the text. When students first arrive at law school, for the most part, they are relatively unparticular in their reading of texts. They are sloppy about the words they use to describe their ideas, and in the language they employ to discuss reasoning in cases. As they become more accustomed to legal language, and the attentiveness demanded by legal education, they often become clearer, more precise about their description of cases and theories, and their arguments become more connected to the legal issues at hand than to their opinions.

As noted by Louise Forsyth, one of the primary features of Brossard's writing is “the emphasis on the text as material principle of movement and free exploration rather than the vehicle for pre-

¹⁴ Robson, *Mostly Monogamous Moms*, *supra* note 6, at 704.

¹⁵ BROSSARD, *AERIAL LETTER*, *supra* note 9, at 71.

existing content.”¹⁶ Forsyth elaborates:

Since 1970, Brossard has been reminding her readers the text they are reading is nothing other than itself, a few marks of ink on otherwise blank, white paper, waiting to be actualized in the present moment. The text is not the representation of any reality external to itself, nor does it contain the author’s ideas. The text is a body, its own concrete presence as well as perhaps the author’s body, perhaps the reader’s body, waiting for the seeking eye and the pull of desire to find fulfillment throughout the release of its potential energy. It will never be anything more than a fragment or a variant, but as such it lends itself to unlimited experiences and experiments.¹⁷

The emphasis on the text, and its interpretation, is reflected in Robson’s work. Robson’s writing is meticulous—she is careful about her references to the work of others, vigilant in her analysis of cases and legislation,¹⁸ and, as discerned from her work that addresses her teaching approach in particular courses,¹⁹ unrelenting in her requirement that students pay close attention to the texts before them and not only to their experiences.

The textual care of Robson and Brossard provides a reminder of an important focus of legal training—learning to pay attention to precisely what is said, and what is not said. This textual attentiveness requires the development of a skill set that includes patience and focus. Patience with, care about, and meticulousness toward textual reading are some of the least exciting aspects of a legal education. These skills can be learned, however, through a variety of media. For example, students may well learn interpretive skills by looking carefully at any text, including non-legal texts. Brossard’s work is rife with interpretive challenges. The simple title: *The Aerial Letter* poses numerous possible interpretations.²⁰ Similarly, this

¹⁶ LOUISE H. FORSYTH, GYNOCRITICS: FEMINIST APPROACHES TO CANADIAN AND QUEBEC WOMEN’S WRITING 217 (Barbara Godard ed., 1987).

¹⁷ *Id.* at 218.

¹⁸ For a simple illustration, see Robson, *Lawrence*, *supra* note 4; and Ruthann Robson, *Posner’s Lesbians: Neither Sexy nor Reasonable*, 25 CONN. L. REV. 491 (1993).

¹⁹ RUTHANN ROBSON, *To Market, to Market: Considering Class*, in SAPPHO GOES TO LAW SCHOOL, *supra* note 13, at 205 [hereinafter ROBSON, *To Market to Market*]; RUTHANN ROBSON, *Lesbian Sex in a Law School Classroom*, in SAPPHO GOES TO LAW SCHOOL, *supra* note 13, at 215 [hereinafter ROBSON, *Lesbian Sex*].

²⁰ See, for example, translator Marlene Wildeman’s interpretation of the term:

“What is an *aerial letter*?” While the two words used by Brossard in the title of this collection are both familiar, the concept they refer to is not something you can pin down with certainty. This “letter” is sent to communicate information and convey a message. Like an “airmail letter,” *The Aerial Letter’s* message must reach its destination as quickly as possible with speed, intensity and direction. And yet, because the famil-

attentiveness can be obtained by looking closely at the text of popular songs, or at the signs around the law school. At the end of the day, the skill is a fungible one that can be imported to use in reading legislation, cases, or legal commentary closely and with care.

Not only is it important for students to learn how to be attentive to the texts they confront, but also it is important that they look for connections among the work they examine. The thematic integrity of Brossard's work extends beyond any particular one of her works. She questions some themes and words repeatedly: hologram, white, incendiary, baroque, mauve, aerial. There are connections among her texts—her work is not laid out entirely in one piece, although that piece itself may have a completeness to it, but instead the development of her themes is connected across her work.

Reading the work of either Brossard or Robson reminds me of the importance of attention to the text. Students need to find connections among the texts they explore in law school subjects, including cases, pieces of legislation, and commentary; between their law school texts and the texts they explored in their life before law school; and between their lives and the texts they are studying. As

iar expression is slightly altered in the title, we are inclined to stop and think about the meaning of each word. It seems that Brossard has chosen this suggestive but ambiguous title to emphasize right from the start that it is important to think about the sense of words, their materiality and their production of meaning. Their rich connotative power can be invoked to enflame the imagination to the point of ecstasy. It can also, and too often, be invoked to deceive and oppress. In the case of the title of *The Aerial Letter*, Brossard wants the reader to think about the sense of each of the two words separately. As soon as we do, we have a preview of the book's language, questions, images and themes.

The adjective "aerial" suggests associations on many levels of meaning: air, light, space, movement (in three dimensions, and particularly elevation through flight and soaring), freedom, vertigo, breath, spirit, sight and vision, eye and gaze, lucidity, communication, music. The noun "letter" is equally suggestive. As I have already mentioned, letters we send allow us to stay in touch with one another. As Jovette Marchesault stresses, letters are waves of energy which give birth to women's culture and spread its traditions. Letters also form the alphabet. The word "letter" calls forth associations with words, speech, writing, expression, communication, meaning, creation, stories and history, thought, imagination, discourse, literature, knowledge, culture, laws and social institutions. The letter opens the door into the affairs and politics of human society.

BROSSARD, AERIAL LETTER, *supra* note 9, at 16-17. This is an extensive exposition on the title of the book, and yet it is only a beginning. For example, Wildeman does not try to understand why the article "the" would precede the title, nor does she attempt to interpret the title in the context of the essays that comprise the work.

the quote that opens this section suggests, the return to text is a powerful call.

3. *Engaging in Translation*

The translator never ceases to surprise me. Impression that she devours too much of the present, too much of everything, fast with her red mouth lit up like a lighthearted device by day, a signal fire by night. A respectful connivance is developing between us. Beyond the difference in age and culture, there is a kind of truth binding us, demanding fabulation. Today, while crossing Lafontaine Park, we addressed each other as tu.²¹

One of the significant challenges to cultivating attentiveness to the text is developing students' interest in what may at first appear to be daunting (and perhaps even dull?) legal documents. Translation is necessary on so many levels in a law school classroom, but it is critical to students' success that they engage in an exercise in translation on two fronts. First, there is the translation to a legal language. From the first day students are engaged in translating the language that is familiar to them before law school into the language of law. This exercise of translation is intimidating. Some students traverse the divide of "before law" to "after law" with ease, but for other students, recasting the way they articulate issues and problems to conform with the legal framework law school requires is an enormous and mysterious challenge. Second, students are confronted with a range of "worlds" to which they have not previously been privy. For example, through the cases they read, or the clients they meet, they will be exposed to a diverse range of people who have entirely different life experiences from their own, or from the people they know. They will then need to engage in a translation of those experiences into something they can understand and relate to.

Assisting students with these important translations is a challenge, and a charge that law professors do not necessarily contemplate when entering a first year classroom on the first day. Instead, I have frequently rushed into the class, keen to introduce the students to a new case, to the case method itself, to the joys of legal education. Because the "legal" language and form are so familiar to me, I often forget to stop to offer a translation of my introduction.

Robson provides an illustration of the second kind of translation, translating different experiences into something understandable to students, in *Lesbian Sex in a Law School Classroom*. In that

²¹ BROSSARD, BAROQUE, *supra* note 11, at 230.

piece, Robson discusses the challenges of teaching a class on Sexuality and the Law. When students enroll in the class, they may have a wide variety of information about sex of any sort, however defined, based on their own experiences. They bring those into a classroom where students are charged not only with translating their own experiences into theories about law, but are also required, at least to some degree, to translate other people's experiences into legal theories. As the professor in the class, Robson exposes the additional challenge of monitoring her degree of interference in these translations—including the desire to provide translations of her own experience to elucidate a particular point.

Robson grapples directly with translating personal experience into her work. She resists the urge to use her personal experience and history as the justification for her position. For example, in *Critical Challenges*, she notes that:

I'm specifically troubled by the way in which narratives are 'authenticated' by background and experience. For example, it was very difficult to resist the impulse to trot out my own impoverished background to give credence to my position. I resisted because I believe that such a rhetorical move has inauthenticity at its heart.²²

The reluctance to use oneself as the justification for a particular position is different from the importance of explicitly inserting oneself into the exercise of translation. Brossard often asserts herself in her own work, not only as the narrator, "I", but also as a character.²³ Her characters agonize about their own presence in the fictions they create. For example, in *Baroque at Dawn*, it troubles and even plagues Cybil that she has inserted herself into the novel she is writing.

While for at least some law professors it might be difficult to imagine how the law professor is personally implicated in the act of translation, in fact, acknowledging one's role in the translation exercise can expose that exercise and make it easier for students to understand the process they are being asked to undertake. Speaking directly about the translation—into legal language or form, or from one person's experience into legal theory—makes the learning explicit instead of inferential. Imagine what it would be like if

²² Penelope E. Andrews, Sharon K. Hom & Ruthann Robson, *Critical Challenges: A Conversation on Complicity and Civility in Legal Academia*, 1 SEATTLE J. FOR SOC. JUST. 601, 611-12 (2003) [hereinafter *Critical Challenges*].

²³ See, e.g., BROSSARD, *BAROQUE*, *supra* note 11; see also NICOLE BROSSARD, *SHE WOULD BE THE FIRST SENTENCE OF MY NEXT NOVEL* (Susanne De Lotbinière trans., Mercury Press 1998) (1998) [hereinafter BROSSARD, *SHE WOULD BE*].

we took translation in the law school classroom as seriously as it is taken in some of Brossard's work. For example, Brossard offers the whole work *She Would Be the First Sentence of My Next Novel* in simultaneous translation. Each page is the translation from English to French and French to English of the page it faces in the text.

There is the inevitability that something is lost in translation, and some new meaning may be ascribed to the translated thing. In her introduction to *Intimate Journal*, Barbara Godard, the translator of several of Brossard's works, addresses the choices that must be made in providing a translation that seeks to remain true to the original, appreciating that an altered meaning is inevitable:

The play of repetition poses one of the greatest challenges to the translator of *Journal Intime*. While in this instance "kiss" rhymes with "synthesis," just as "baise" echoes "synthèse," such is not the case with many of the pairings. A choice must be made in translating between the logic of repeated rhyme with its chance connections and the logic of meaning, of sense matched with sense. Yet even in this case, the polysemy of "baise" exceeds the English "kiss" which relates only to the prelude to and not the complete sexual act alluded to in the slang connotation of "baiser." In the "posture" and poem at the end of the first section, repetition has posed greater challenges. The selection from the entries of rhymes that compose the phrase "d'yeux n'aveugle qu'aveu" in the "posture," which is repeated as the third line in the following poem, and further modified as the final line, "m'aveu m'aveugle" . . . is unrepeatable in English. Rhyme and polysemy are introduced into the English text elsewhere through the choice of "avowal" rather than "confession" for "aveu." In the poem, this creates end rhyme with "all" in the first line. As well, it introduces a new play on words that condenses a rich cluster of meanings at the heart of Brossard's text. For "avowal" is a homonym of "a vowel" and both rhyme with "arousal." As *Intimate Journal* demonstrates repeatedly, the attraction one word has for another injects the libidinal into language, sensation into intellection in an erotics of semantics.²⁴

But there are advantages to translation—it provides a kind of rigor to the understanding of the original experience.²⁵ As noted

²⁴ Barbara Godard, *Introduction* to NICOLE BROSSARD, *INTIMATE JOURNAL* 5, 15-16 (Barbara Godard trans., Mercury Press 2004) (1984).

²⁵ In an interview, Brossard discusses her autofiction essay BROSSARD, *SHE WOULD BE*, *supra* note 23, noting:

It's interesting because I wrote that text in French for a lecture that I knew would have to be given in English. Knowing that made me write some sentences directly in English. When that situation happens, it creates a lot of tension because I try to accelerate the process by injecting

by Brossard in *Intimate Journal*:

[w]here criticism, for example, can only presume, dream or imagine a meaning, translation seeks to ascertain. In this process of corroboration, I must confront what I have consciously and scrupulously hidden from myself. To be translated is to be interrogated not only in what one believes oneself to be but in one's way of thinking in a language, and of being thought by the same language.²⁶

As the quote that opens this part suggests, the obvious and direct insertion of the “translator” herself into the work of Brossard brings an explicit and focused emphasis on the importance and implications of the very act of translation as manifest in a particular individual.

There are significant links among the first three themes from the work of Robson and Brossard that might inform what happens in a law school classroom. Attention to the text, and to detail, is important. It is helpful to draw links between and among subjects, and from experience to theory. Links should be drawn explicitly, with the teacher acting as translator for students, and with the students acting as translators for each other. The act of translation feeds the attention to detail and to the text, and adds a level of rigor to the process. Using imagination can help with the translation, and can help to expand what is understood to be a text.

English sentences, or I get caught in the middle of an idea, wanting to say something in French but also wanting already to say it in English. So sometimes I am just paralyzed or caught in the middle of a thought not knowing where to lead it. Yes, there is a certain tension but I don't know if it is really productive. Though I can remember one time where it was productive. I had to send poems to Sun and Moon Press for an anthology and, of course, again, I knew it would be for an English audience, so I started writing in French, then I said, oh no, I should write in English directly. So there were constant passages from French to English and I said, oh no, I have to come back to French, and while I was moving from one language to another, I was observing myself, how I could be more economical in the use of words in French. In a way, I was constantly reinventing the poem and the tension. It is so true, as Goethe said, that you know your own language only through another language because by comparing you are forced to question the use you make of each word. Of course when I translate myself, I can cheat because it is my text, and therefore what would normally be a translation becomes a sort of transcreation, transformance. Cheating then can give you a lot of pleasure.

Marcella Durand, *Interview with Nicole Brossard: On Translation & Other Such Pertinent Subjects*, 2 DOUBLE CHANGE, <http://www.doublechange.com/issue2/brossard.htm> (last visited Sept 20, 2005).

²⁶ Godard, *supra* note 24, at 37.

4. *Building Communities*

To lose any woman's voice is to lose diversity, to lose the ability to affect and learn from each other; to impoverish our analysis of oppression, to diminish the correspondence that should sustain us.

Can we use our legally trained voices not to distinguish and dismiss and to convince ourselves that it will never happen to us or to anyone that we love when it already has?

Can we use our feminist voices not merely to develop a program to ensure our equality, but also our very lives?²⁷

As a law professor, there are no prizes for the construction of communities. If you find a way to forge a conversation that draws others in, you do not receive grant money for your work, nor is there a line on your tenure application or annual review that might reflect that effort. Yet the ability to build and connect communities is one of the most important parts of the mission of the university. For what is knowledge that resides only in one person's head? Does it mean anything if I think great thoughts by myself in my room at night? As is perhaps obvious from the themes discussed above, there is little about teaching law that can be done alone.

Building communities is a theme in both the works of Brossard and Robson and is reflected in their lives. Brossard's women are intimately involved in the creation of communities. For example, in *Baroque at Dawn*, three women—a scientist, a writer, and a photographer—head out on a ship called *The Symbol*. One of the novel's protagonists, Occident, intends for the women to use their different perspectives to bring together science, words, and images to revision the world around them. Occident cannot conclude the project, but instead that task is left to Cybil, the writer. And while Cybil on her own finishes the album envisaged by Occident as part of the project undertaken by the women, she is not alone. Cybil realizes that she carries her relationship with Occident and the photographer, Irène, with her, stating, "I suspect I won't ever manage without Occident and Irène anymore. Whatever happens, their voices will go with me, contemporary and wondrous, like arguments in favor of life in the sonorous world of change and fiction."²⁸

Robson's work also recognizes the dynamics of community. For example, in *Lesbian Sex in a Law School Classroom* she comments that intimacy is heightened in a seminar that lasts for three hours

²⁷ Ruthann Robson, *Correspondence . . . for Marlee Kline*, 16 CAN. J. WOMEN & L. 1, 2 (2004).

²⁸ BROSSARD, *BAROQUE*, *supra* note 11, at 195.

without a break. Her concern is that a break in the class would dissipate group energy.²⁹ The dynamics of the group trump the format of the class—Robson recognizes that there is something more going on in the classroom than a series of individual exchanges, there is a community that gets created by the format and the content of the discussions.

The quote opening this part is an excerpt from a letter Robson wrote to a Canadian feminist academic, Marlee Kline, who died of cancer. In the letter, she re-imagines a correspondence with Marlee focusing as a starting place on their experiences with cancer. The letter is a unique call to our sense of community, our understanding of feminist theory within the diversity of that community, and the unique contributions that any one of us may make to that community's development.

It is a challenge at times, with the press of material coverage, with lack of student or professor preparation, in badly designed classrooms, in circumstances where any number of participants might be absorbed by their own external commitments and pressures, to remember to conceive of the classroom as a community. A community with boundaries, difficult personalities, uncomfortable moments. But also a community where something remarkable may happen. Where both the professor and students may change the way that they think about something, construct new ideas, ask questions, and care about the answers. A classroom where the participants may, even for the brief time they are together, begin to care about each other's education.

Brossard relies heavily in her work on images of tables, around which women gather to eat or write. The table acts as a symbol of gathering, community. In the moments where the classroom seems to be a place of something extraordinary it is like that. It is like sitting down to a good meal with friends, where someone raises a topic that strikes at what we all care about deeply, and where for a time everything is forgotten except the communal project of discussion. We may disagree, talk with our mouths full, and forget to thank the host when we go, but in that moment we are engaged as a community in a collective conversation—attempting to discern what is.

The law school classroom is just one site where a law teacher might consider it an essential part of her calling to build community. For most of us, it is enough; in fact, it is a victory to create a

²⁹ ROBSON, *Lesbian Sex*, *supra* note 19, at 216.

community there. But we are also involved in the act of publishing writing (assuming the writing is read), which creates connections and community among readers.³⁰ When I first read Robson, I felt like I was in a form of conversation with the author. I would agree in my head with parts of the work but remain suspicious of some arguments. We also have the opportunity to create with our colleagues (whether across legal borders or not),³¹ and with the legal community more broadly.

5. *Committing to Impoverished Communities and Social Justice*

It is not enough to have a policy—or even a statute—prohibiting discrimination on the basis of sexual orientation in a world in which so many lesbians cannot find any work at all, and so many more cannot find work that they find meaningful or rewarding, and so many must work so hard and so long for so little. It is not enough to have justice for only those lesbians who can afford to purchase it.³²

The legal profession's commitment to impoverished communities and social justice waxes and wanes. There are periods where low law school tuitions are widely supported politically, and there are periods where increasing tuitions seem to be the norm and cause little obvious reaction. There are times when financial support for legal aid is popular, and times when cuts to legal aid threaten, erode, and even eliminate access to justice for low-income communities. These trends and debates are part of the fabric of legal education and the legal community's commitment to providing legal services. But the fact that they are trends that may have political currency only in some periods will hopefully not cause law professors, as guardians in some way of legal education

³⁰ Robson specifically invites community work on our understanding, for example, of what lesbian legal theory might be. In RUTHANN ROBSON, *LESBIAN (OUT)LAW: SURVIVAL UNDER THE RULE OF LAW* 22 (1992) she explicitly states:

[A]lthough a lesbian legal theory cannot be absolute, it can be coalitional. Opportunities for coalition include not only advancing theoretical approaches to issues such as disability, but also developing theories that definitionally should include lesbianism, such as feminist legal theory and queer legal theory. The insistence on an independent lesbian legal theory is just as necessary if lesbianism is not to be eclipsed by feminist and queer theories. Coalition work is certainly often appropriate, but one cannot be a partner when one is a shadow.

³¹ Robson brings her attention to the text, and her focus on theory, to bear even in her creation of community in her own law school. For example, in *Critical Challenges*, *supra* note 22, she works with two other authors to reflect on and analyze the difficult conversations that confront an academic community when one of its members is denied tenure.

³² ROBSON, *To Market to Market*, *supra* note 19, at 213.

and access to the legal profession, to lose their focus on the importance of remaining committed to impoverished communities and social justice, whether in our own schools or in the greater community that we serve.

Both Brossard and Robson address the alienation and marginalization of particular communities, most explicitly, perhaps, lesbian communities as a fundamental part of their work. Neither hides from the difficult subjects of rape, prostitution, and criminalization. In Robson's case, this is reflected not only in her scholarly work, but also in her choice of the school where she teaches. In *The Politics of the Possible*, Robson directly addresses the motivating factors behind her choice to move to the City University of New York. Among her reasons was that she did not want to become complacent in her politics, but instead, wanted to continue to push herself.³³ She describes a similar approach to her work in the classroom, where on a "doctrinal and theoretical level we grapple with the possibilities of progressive legal change."³⁴ Robson also brings this focus into the classroom. For example, at the beginning of her book *Sappho Goes to Law School*, Robson imagines Sappho as a law student. In addition to the fact that Sappho perhaps wears jeans and a leather jacket to class, Robson imagines Sappho's participation in law school as being part of her commitment to "impoverished communities and social justice."³⁵

Brossard also confronts social justice issues in all of her work.³⁶

³³ Robson, *Politics*, *supra* note 8.

³⁴ *Id.* at 253.

³⁵ RUTHANN ROBSON, *Introduction: The Appeal of Sappho*, in *SAPPHO GOES TO LAW SCHOOL*, *supra* note 13, at XIII.

³⁶ In addition to the focus in their work, both authors also have a deep sense of who they are as people in the context of their work, and of the politics of power within that location. So, for example, Brossard, in considering multiculturalism, states:

I am indeed familiar with the question of identity/otherness. I know what it means to be discriminated against; I know what it means to speak the language of the other when the other is the dominant, and I know at the same time how much I enjoy learning another language. I also know how it feels to be in a different position. As a woman; I belong to a majority which is treated as a minority. As a writer; I belong to a minority which is attributed authority. As a lesbian; I belong to a minority who will always remain a minority. As a feminist, unfortunately, I also belong to a minority. As a Québécoise, I belong to minority within Canada; in an independent Quebec I would be part of a majority. As a white woman, I hold a privileged position I know how it feels to be invisible, pointed at, colonized. I know anger and revolt. I also know the sense of euphoria and celebration that comes along with togetherness and solidarity. I also know how it feels to belong to a dominant group, how easy it is to fall into the "not me" syndrome, as well as the

Her body of work is focused on exposing the patriarchy that underlies all of our daily lives. Her work explodes with her analysis of the conditions under which rape and torture, environmental degradation, and other violent manifestations of patriarchy occur. In addition, the form of Brossard's work is deliberately chosen to undermine traditional narrative forms—it is explicitly political. In keeping with her attention to political context, it is not surprising that one of the translators often used for Brossard's work, Barbara Godard,³⁷ was an important figure in the Canadian translation movement that identified translation as an important political act.³⁸

This commitment to impoverished communities and social justice may be derived, in part, from the commitment to community exemplified by Robson and Brossard. When law professors are fully attuned to the communities within which they work, it is almost impossible to miss the importance of marginalized communities.

6. *Teaching Law is a Conversation that Requires an Openness of Spirit*

I am convinced that the best moments at a law school happen in conversation. At least in my experience, it is not the lecturing, or the piles upon piles of reading, that can make law school a wonderful place to be. It is those moments in conversation that can change the way we think about something—an idea we previously thought we knew everything about—that bring life to both teaching and learning. Conversations are central in much of both Robson and Brossard's work. For example, in *Intimate Journal*, Brossard reflects on a night without sleep spent in conversation. In her recounting of the evening, the word “conversations” becomes the sentence in itself: “Conversations.”³⁹ This sole word alone in a sentence provides the emphasis for the centrality and importance of that activity. Not only is conversation important in Brossard's work, but also the work itself often acts as a conversation. For ex-

patterns of justification/explanation, comprehension/empathy, or the expedient “fuck you” answer.

Graham Huggan & Winfried Siemerling, *U.S./Canadian Writers' Perspectives on the Multiculturalism Debate: A Round-Table Discussion at Harvard University*, 164 CANADIAN LITERATURE 82, 97 (2000).

³⁷ See, e.g., Godard, *supra* note 24; BROSSARD, PICTURE THEORY, *supra* note 12; NICOLE BROSSARD, LOVHERS (Barbara Godard trans., Guernica Editions 1987) (1980).

³⁸ See Anne-Marie Wheeler, *Issues of Translation in the Works of Nicole Brossard*, 16 YALE J. OF CRITICISM 425, 428-29 (2003).

³⁹ Godard, *supra* note 24, at 52.

ample, *Mauve Desert* is a conversation between two versions of a story. This exercise has been described as “interactive discourse.”⁴⁰

Robson also employs a conversational style directly in her work; for example, the dialogue she undertakes with two colleagues in *Critical Challenges* is a difficult one about the denial of a tenure application. But she and her colleagues remain open to it, and attempt to explore the issues that they confronted as faculty members. They insist that it is a conversation that must be undertaken, and step beyond their feelings and into possible theories that might help explain and analyze what happened to their faculty.

There is also an essential honesty required to undertake a meaningful conversation. The sincerity required for a real dialogue. Both Robson and Brossard take up the charge to be bold and honest. In talking about the sincerity of authors, in *Baroque at Dawn*, Brossard describes “the danger in trying to polish too much. Polishing one’s text, one’s words, one’s life. The danger of dulling reality.”⁴¹ Brossard, in fact, places the importance of daring centrally in what she does, critiquing the traditional form of the novel in *She Would be the First Sentence of My Next Novel* as “mostly long on words and short on daring.”⁴² Robson’s work has always been long on daring. She undertook work on developing a specifically lesbian legal theory before tenure, she approaches topics that others have avoided for fear of unpopularity, and she allows who she is to permeate her work and life.

It is in the openness of spirit that some of the bias of law might be questioned and challenged. As Brossard states in *She Would be the First Sentence of My Next Novel*:

So while her countrymen were voicing their despair and alienation as a colonized people, she was looking for some hope, some opening in language, convinced that the work of desire and consciousness could only conquer fear and ignorance, injustice and exploitation.⁴³

In this opening and consciousness, there is hope for our development as law teachers.

⁴⁰ Alice Parker, *The Mauve Horizon of Nicole Brossard*, 10 QUÉBEC STUDIES 107, 108 (1990).

⁴¹ BROSSARD, *BAROQUE*, *supra* note 11, at 203.

⁴² BROSSARD, *SHE WOULD BE*, *supra* note 23, at 11.

⁴³ *Id.* at 73. This paragraph may have been better translated as “convinced that the work of desire and consciousness could not help but vanquish fear and ignorance, injustice and exploitation.”

IV. CONCLUSION

Ruthann Robson, you have made a significant contribution to my understanding of what it means to be a professor in a law school classroom. Some of the fundamental parts of my pedagogical approach can be derived both from your scholarship generally, and from your work on teaching in particular. These commitments to the classroom take time, but make a difference not only for your students, but also for your colleagues, who have looked at your work to find inspiration for their own classroom endeavors.

At the end of this examination of your work, its relationship with the work of Nicole Brossard, and a distillation of what might be extracted from that work for application in the classroom, I am left with a heightened curiosity about what might be possible. What would my classroom look like, if I were able to keep these themes—a freeing of the imagination, attentiveness to the text, recognition of the exercise of translation, commitment to communities, focus on impoverished communities and social justice, and opening of the classroom conversation—utmost in my mind throughout the term?

My ideas about what it is to be a law school teacher will undoubtedly change as I spend more time in the classroom and gain more experience there. Yet, I feel confident about the importance of these six themes as guiding principles for the larger project of creating a classroom where the legal education of students is taken seriously, and matters. The kind of classroom where I imagine I might look around and see Sappho (in jeans and a leather jacket, or not) whispering something interesting about the case we're talking about in your ear.

Public Interest Practice Section

