

FACTS & FICTION

The novel law professor

By RUTHANN ROBSON
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“You aren’t going to believe this,” one of my students stopped me in the hall to tell me. “There’s a novelist who has the same name as you do.”

“It could be me,” I laughed.

“No. I don’t think so. You’re just my constitutional law professor.”

To many, the idea that professors have lives apart from our appearance in class or on campus can be unsettling. I remember only too well in my own student years when I was shocked to see one of my law professors driving down the road with a fishing boat atop his car. Of course, I knew he existed outside of the law school, but more than I like to admit I thoughtlessly assumed he spent all of his free time perusing arcane regulations. I mean, really, could someone who taught Tax actually bait a hook?

So I understand that some of my students find it odd that I have published several novels, volumes of short fiction and other creative works. If I were an English professor, my students might not find this curious at all and I would have been able to use these creative works to support my application for tenure and promotion. But given my role in academia as a professor of law, my creative work is most often viewed as an anomaly.

Assumptions about aberrance run both ways. At a writers’ reception, I become involved in a conversation about a controversial United States Supreme Court case and mention that I have just written an article about it. Another writer protests, “What makes you think you’re qualified to do that?” When I confess to being an attorney and law professor, I’m met with a dismissive response: “Oh. I thought you were a real writer.”

The law professor/novelist combination is not without its boosters, however. My agent thinks this would be a perfect combination for the mysteries and legal thrillers that have become so popular in recent years. I’ve even had interviewers suggest to me that I might combine my knowledge of law with my writing, as if the idea had never occurred to me. Unfortunately, I’m more interested in

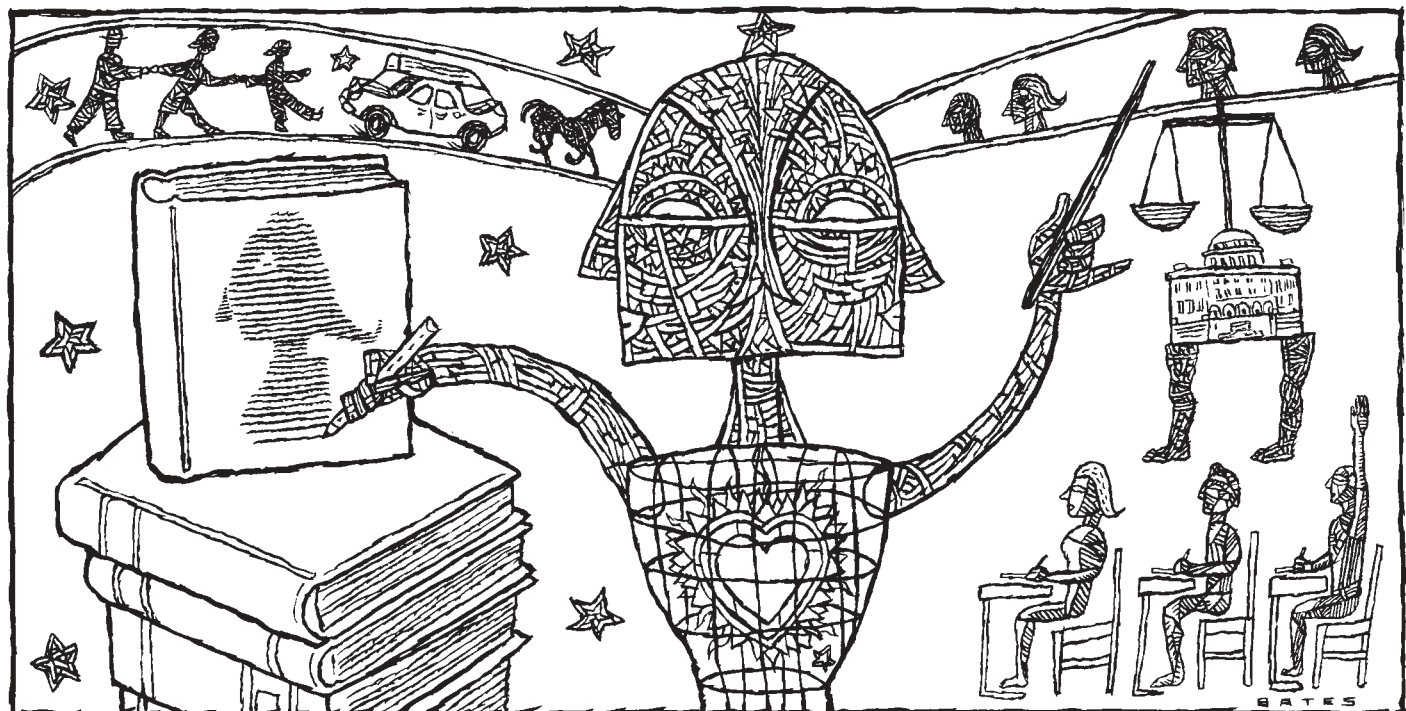
what is often disparagingly called “literary fiction” than in courtroom dramas, much to my agent’s continuing disappointment.

Which is not to say that I avoid legal and academic themes and settings in my creative work. The characters in my fiction have included several lawyers, a law student, an English professor who sues her university over an environmental illness, and – most fun – an actor playing the role of a lawyer on a soap opera.

tions may be less than obvious when the plot revolves around a pool-maintenance worker in Florida. But I write fiction for the same reason that I write scholarship, which is the same reason I went to law school, and the same reason that I teach at CUNY. Articulating that reason can be difficult: it smacks of a naïveté that I would quickly edit from the first draft of a fictional scene or a scholarly analysis. Yet even as I have critiqued postmodernist and feminist theories

lesbian legal theory that provides the basis for legal reform but more broadly questions the difference between inclusionary equality and liberation. As a teacher, I teach mostly in the areas of constitutional law, which often involve issues of sexuality, as well as gender, race, class and disability, including how such issues are implicated in broader debates about individualism, federalism and privatization.

Balancing fiction, scholarship and teaching is not always comfortable. Time constraints are the most trenchant problem – a problem I have yet to solve, although each year I futilely promise myself I will not chair a committee again. Additionally, as a law school professor, I am surrounded by people who are more likely to believe in “facts”



But my characters have also been nuclear power plant inspectors, ballet dancers and exotic dancers, a clerk at the DMV, fortune tellers, guitar players and the unemployed. They have lived in places I have lived or visited. They have done some things I’ve done other than be a law professor and many things I haven’t: they’ve driven across the country, gone snorkeling, had sex in a grocery store, endured medical procedures, fallen in love, had children and mourned a child’s death, rescued wolves, kicked drug habits and had numerous dogs, cars, meals, shoes, ex-lovers, almost-lovers, friends, brothers and co-workers.

While there are links between my life as a law professor and as a writer, the connec-

tion that privilege language over material conditions, I continue to believe in the power of language to foment progressive change.

The specific arena for progressive change in which I have been most interested has been justice for sexual minorities, especially lesbians. The characters in my fiction have been overwhelmingly lesbian: the lawyers, academics and law students as well as the dancers and snorklers. The impetus behind much of this writing has been to write about lesbians I was not finding in sufficient numbers in lesbian literature: working class lesbians, lesbians interested in something other than romance, lesbians who were multi-dimensional. Similarly, most of my scholarship has been devoted to developing

than in fiction and more than once a student has claimed to know things about “me” based upon reading my novels. The idea that I had simply invented an affair, an accident, or even childhood traumas may seem startling in a profession that purports to value truth. And then there was the reading at a women’s bookstore at which one of my retired male colleagues appeared; I don’t think I’ve ever read aloud a sex scene with less passion than I did that evening.

Yet I have long known that for me, writing fiction, writing theory and teaching all spring from the same commitment to what might broadly be called social justice. I am lucky because at CUNY, there is nothing novel about that.

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CUNY faculty and staff can play a key role in helping students to register, which will boost the number of “CUNY voters” in November. If you’re teaching or working in a library or computer lab this summer, why not pick up a stack of registration forms and offer them to students?

It’s an easy thing to do. Call Amanda De-

Jesus in the PSC office at 212-354-1252 and we’ll send you as many registration forms as you can use. (Registration forms are also available at your local library, post office or motor vehicle office.) All a new registrant has to do is fill the form out and mail it in.

The deadline for new voters to register for the primaries is August 16. The deadline for the general election is October 11.