

## A POETICS—OF AND FOR—RUTHANN ROBSON

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### WHERE TO BEGIN?

Where is one to begin talking about the work that Ruthann Robson has given us over these past twenty years?

What one would like, in beginning, is to achieve a moment of real clarity. There may be fog encountered along the way (some of our own doing, maybe Robson's), but it's good to get the feel of the road we're traveling, know the route we're taking, and begin with the sense that we'll eventually get to where we want to go. While clarity may be a great prize, at times we might have to accept momentarily some confusion. We (lawyer/academics) may aim for clarity; our students will tell us that we also traffic in obscurity.

In the 1980s and 90s I did a great deal of traveling, seeking out the world's remote places where I could find tribal people. In those years of travel, I never felt more dislocated and lost than the day in Ecuador when, after a long day's bus ride, my travels only beginning, I got off the bus I picked up in Quito and learned that thieves had stolen my bag from atop the bus. Foolishly and mistakenly, I had placed both my *Lonely Planet Guide to Ecuador* and my Spanish/English language dictionary in the bag that went atop the bus rather than in the small bag I carry. I was reminded of this loss, and its effect on my state of mind and my travels in Ecuador, as I set out to read Ruthann Robson. Early on, it dawned on me—I've got no *Lonely Planet Guide to the Writings of Ruthann Robson*.

I wonder whether Ruthann, over the years, has not experienced something akin to the sense of loss and disorientation I experienced in Ecuador, as she set about to write her own guide book, *Lesbian (Out)Law: Survival Under the Rule of Law*,<sup>1</sup> a guide to places many of her readers had never been.

I refer to Professor Robson as Ruthann. My use of her first name is a reflection of the fact that Ruthann has befriended many, including the author of these remarks. It would be both unfriendly and a forced effort at disingenuous distancing to call her anything but Ruthann.

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## THE ANXIETY OF HER PRESENCE/READING SEX SCENES

On November 3, 2004, we met at CUNY, the law school where Ruthann teaches, to celebrate her prodigious scholarly work, her work as a writer, and the value we place in our friendship with her. Ruthann must have appreciated the difficulty posed for those of us who had agreed to talk about her writings and her work, a still greater difficulty for those who would venture forth to talk about her life. Her presence as we spoke about her work and our friendship with her was shadowed by a transmutation of Harold Bloom's now infamous, "anxiety of influence."<sup>2</sup> What we were to undergo, on that day at CUNY, was an "anxiety of her presence," an anxiety heightened in my own case as I met Ruthann for the first time only hours before I was to stand before an audience to talk about her work.

On this condition I've called "anxiety of presence," I'm reminded of a story that Ruthann tells. She was getting ready to give a reading at a women's bookstore promoting one of her novels, when she noticed a retired male colleague from her faculty in the audience. Ruthann said, "I don't think I've ever read aloud a sex scene with less passion than I did that evening."<sup>3</sup>

## TRICKY BUSINESS

Talking/writing about Ruthann's work can be tricky business.<sup>4</sup> It requires a goodly dose of humility and a solid dollop of bravado.<sup>5</sup> Charting that course between humility and bravado, I've turned again and again to Ruthann for insight and inscription. For example, what does *she* say about this problem of reading and charting one's way through a colleague's work? There are times, when Ruthann can sound like the oracle at Delphi, as in *Lesbian (Out)Law* when she notes, "[a]ll work [is] ultimately idiosyncratic."<sup>6</sup> That's a fine bit of wisdom (even if it does sound a bit postmodernish), but it's the kind of statement that, if taken to heart, speaks to the kind of writing I undertake.

From Ruthann, there is also a more encouraging note, found in *Sappho Goes to Law School*, when she describes her approach to the reading of a colleague's work. She says: "I aim for an attitudinal mix of respect, attention, enthusiasm, and suspicion."<sup>7</sup> Respect, attention, and enthusiasm sound like the right frame-of-mind to me. "Suspicion"—the forté of academics and lawyers—I'd prefer to leave to others. Suspicion is not the state of mind I prescribe for myself in the exploration of Ruthann's writings.

Ruthann goes on to note in *Sappho Goes to Law School* that

2005] *A POETICS—OF AND FOR—RUTHANN ROBSON* 365

“[s]ome texts, like some bodies, are more seductive than others.”<sup>8</sup> As we read and talk about Ruthann’s work, I suspect, I’ll reveal, in my own way, which of Ruthann’s writings I find seductive.

#### AN EPIGRAPH

Faced with the *where to begin* problem—a more considerable problem for an essayist like Ruthann, than for a garden-variety legal writer<sup>9</sup>—Ruthann says, in one of her illness essays:<sup>10</sup> “I look for an appropriate quote with which to begin. Something to serve as an epigraph.”<sup>11</sup> While not in search of an epigraph so much as a toe-hold, I found the epigraph I did not know I needed in Ruthann’s observation that “[w]e are nothing if not literary . . . .”

Irony abounds in this statement. Most law teachers don’t think of their legal scholarly work as literary in nature. Yes, we may think ourselves literary in the sense that we do not applaud the legal thrillers of John Grisham, but it would be a fine surprise to learn that my legal colleagues at West Virginia imagine that in writing a traditional law review article they are doing “literary work.” We tend, for good reason, not to think of legal scholarship as “literature.” Not only do we (we—law teachers) *not* think of ourselves as doing “literary work,”<sup>12</sup> we may find that the more accurate description of our situation is “we are everything—in law—but literary.”

This notion that “we are everything—in law—but literary” takes account of neither the “old” literary history of lawyers in this country—the first installment of which was Robert A. Ferguson’s *Law and Letters in American Culture* (1984)—nor the “new” history of the law as a literary enterprise—history, which begins with the publication of James Boyd White’s *The Legal Imagination* in 1973. What followed—as many of you surely know—was a resurgence of interest in “law and literature,” and the emergence of legal storytelling and narrative jurisprudence in jurisprudence, clinical, and pedagogical writings.<sup>13</sup> With the turn to story/narrative, we are, in some real sense, all literary now (even if some of us are most definitely more literary than others).

We may want to read the epigraph borrowed from Ruthann—“We are nothing if not literary”—as metaphor instead of a literal declaration, as provocation rather than empirical observation. And there may well be a warning embedded in this Delphic statement. We may be diminished more than we realize when we are not literary. By diminished, I mean that we are far less than we might think we are:

—when we fail to see the care and quality found in skillfully crafted prose;

—when we do not attempt, in all the prose we write, to use a language that resonates with meaning;

—when we are unable to see the beauty in language;

—when we do not try to capture the evanescence of the lives we live in the plots of our stories, and our literary legal work.

Ruthann has us on the polemical high ground when she claims, even with a touch of irony, “We are nothing if not literary.”

#### GETTING PAST THE SUBJECTIVE

My students, perhaps yours, like to talk like relativists. They’d have you believe that in a situation like this—writing about Ruthann—fussing around about where to begin is misguided. A relativist would tell you something like this—one beginning is as good as another. (“What difference does it make?”) (“The bottom-line can’t possibly be how you get things underway. What counts is where you end up.”) (*We are nothing if not bottom-line in our thinking about matters of ordinary significance.*) The relativist, too clever for her own good, speaks a half-truth, and in doing so gets the convention part right, and the meaning all wrong. (*The relativist is always penny wise and pound foolish.*) Yes, one beginning is as good as another, until you see how a finely crafted one works. Consider for example Ruthann’s essay *Studies in the Subjunctive* (one of her illness essays): “I struggle to get past the subjunctive (*what if? if not?*) every day, including this brilliant November day when the waves twist from a far off hurricane and we still strive in our boats hewn of grammar to arrive at utopia, or at least survive into some future.”<sup>14</sup>

Wait, wait, Mr. Essayist . . . this is indeed one of Ruthann’s essays you’ve quoting here, and it has a distinctive literary quality, but what you quote happens to be the concluding lines from *Studies in The Subjunctive*. Caught red-handed, I turn to Ruthann for my defense. She notes, in still another of her illness essays, *Notes on My Dying*, “I am not interested in fooling anyone except myself.”<sup>15</sup> I might further bolster my defense by way of Ruthann’s observation in that same essay: “The absence of the beginning is compounded by the middle collapsing into the past.”<sup>16</sup> I’m not sure what this means, but it doesn’t rankle. It may be poetry (ever read haiku?). It may be language used for literary effect. Ruthann goes on, in what may or may not be thought cryptic, to say: “Everything is end.”<sup>17</sup> I don’t know exactly what this means. Yet, I have no doubt

2005] *A POETICS—OF AND FOR—RUTHANN ROBSON* 367

of its necessity to my defense—necessary as I find a place for this essay to begin.

POETICS (OR GETTING ON WITH IT)

In an essay with *poetics* in the title, there are some who would prefer that we say up front what poetics is, and how it is done. “Just what do you mean by poetics?” they want to ask. Others, relieved to be spared the banality of definition, may be pleased to learn that I will have nothing to say about Aristotle and his *Poetics*, ubiquitous as *he* and *it* is whenever we attempt a *poetics* of our own. We are, it seems, forever the sufferers of Bloom’s “anxiety of influence.”

What I have in mind in this poetics for Ruthann is a suggestion found tucked away in a promotional statement for an MIT Press book titled *The Poetics of Gardens*, a book described as “an entirely different garden book: a pattern book in which a score of landscapes and gardens are drawn, described, and analyzed not just as a bouquet of pleasures but as sources, lodes to be mined for materials, shapes and relationships, and ideas for transforming our own backyards.”<sup>18</sup> What I’ve come to see in Ruthann’s writings is that, taken as a whole, they constitute a truly radical, literary, relentlessly, “entirely different garden book.”<sup>19</sup>

We are reminded here of Marianne Moore’s poem *Poetry* where she says:

One must make a distinction however: when dragged into prominence by half poets, the result is not poetry, nor till the poets among us can be “literalists of the imagination”—above insolence and triviality and can present for inspection, “imaginary gardens with real toads in them, shall we have it . . .”<sup>20</sup>

Whether Ruthann presents us with real toads in imaginary gardens, or real gardens adorned with imaginary toads, I must leave, for now, unresolved. I do know that Ruthann, in a collection of her poetry, *Masks*, in a poem titled *a child’s garden of verses*, suggests that she too, has imagined gardens:

a child’s garden of verses

what i wanted was everything            in other people’s gardens  
twirling vines of purple flowers always in bloom  
smells that spiraled from the grass    sophisticated  
like cigarette smoke    gathering at my vinyl sandals  
like the spring-pink braided garlands            in the library book on Heidi  
like the double-heart ankle bracelets    adorning the whores on the corner  
what I wanted was            a garden  
a space                            a sanctuary                            a possibility

among the company of mountain-goat girls and black-eyed women  
 feeding them the vegetables of my labors tomatoes  
 as huge as tires red as the freshest stains on the sidewalk  
 potatoes that grew salted and fried on towering stalks  
 i would cultivate corn with rainbow-colored kernels beans  
 that had seeds of butter pumpkins with faces round as babies  
 i would have fruit trees, too cranberry sauce blueberry pies  
 oranges that did not need to be peeled nectarines and cherries  
 with edible pits there would be flowers, naturally  
 white blossoms of all sizes all breeds  
 buds folded, roses swimming, water-lilies tiny, soft as moss  
 i would bring home strays like the striped-lilies  
 bent, exhausted abandoned near the highways dead by July  
 what i wanted was a fence low enough to be hugged  
 far from barbed wire no chains, no locks what I wanted was a fence  
 wood, not metal i would always keep it painted  
 bright inviting colors like a trellis laced with morning glories  
 all day, every day what i wanted was a fence  
 with a gate that opened and shut  
 what i wanted was a garden a verse from someone else's childhood<sup>21</sup>

From that imagined garden in the poem, Ruthann too, in her writings has undertaken travels, of great distance, to remote places. Whether she has made for herself a fine garden in these writings or an exile from it, I have not been appointed to judge. (Ruthann has, of course, provided interesting clues for just this kind of judging.)

As evidence of exile, one might point to Ruthann's poem *Nightshade*, in which we find this line: "I am going away a little each day."<sup>22</sup> The line is repeated with only a minor variation throughout the seven numbered stanzas of the poem. Consider this larger fragment from one of the stanzas:

i am going away a little more each day.  
 farther & further  
 and no longer caring that i can never remember the difference  
 between those two words. (is there one?)  
 my writing is getting smaller & smaller, not because i'm becoming  
 practiced in italics, but because i'm running out of paper.  
 the trees grow more alive each night.  
 living in the woods romantic as the witch i've always wanted to be, but  
 without the vocabulary.<sup>23</sup>

In *Studies in the Subjunctive* Ruthann notes, "the images of the yellow ginkgo leaves and red maple leaves and the towering trees we once would have described as aflame but we can no longer since

2005] *A POETICS—OF AND FOR—RUTHANN ROBSON* 369

we have seen what we have seen . . . .”<sup>24</sup> We have all seen a great deal; Ruthann has seen still more.

In another poem, *Edith Lewis Comforts Willa Cather as They Spend a Night Lost in the Mesa Verde Canyons of Colorado*, we find this encouraging note: “We are not lost.”<sup>25</sup>

#### BY WAY OF SAPPHO

Ruthann titled one of her scholarly books *Sappho Goes to Law School*. In the preface to that book, she relates how Sappho scholars struggle to understand Sappho of Lesbos:

[O]ur knowledge of Sappho is largely fantastical. The surviving Sapphic lyrics are fragmentary, save one, and preserved through quotation in other sources or in an ancient refuse pile. Moreover, the fragments themselves are heavily interpreted, being not only fragments but composed in a language sufficiently ancient to eschew punctuation or breaks between words.<sup>26</sup>

Unlike Sappho scholars, I have before me what appear to be complete texts of Ruthann’s novels, stories, poems, essays, legal writings. Yet, for those of us who operate from behind the veil of “heteronormativity”—Ruthann’s term<sup>27</sup>—I have come to see her, like Sappho, as “largely fantastical.” While Robson’s full texts survive in plentitude, I set them aside to work with the literary shards, Delphic pronouncements, and notable inscriptions found in these texts. It is from this literary-archaeological work that we begin to shape a poetics—in and for—Ruthann Robson.

–“All work is idiosyncratic.”

–“We are nothing if not literary.”

–“I struggle to get past the subjunctive . . . .”

–“[W]e still strive in our boats hewn of grammar to arrive at utopia . . . .”

–“I am not interested in fooling anyone except myself.”

–“Everything is end.”

–“[W]hat I wanted was everything . . . among the company of mountain-goat girls.”<sup>28</sup>

The Ruthann Robson found in these literary artifacts, inscriptions, and shards is every bit as “fantastical” as the Sappho of Lesbos.

#### EROTICS

I reveal no secret, breach no trust, speak not of the unspeakable in the observation that Ruthann’s writings are lesbian-cen-

tered. Ruthann describes her exploration of lesbian legal theory and jurisprudence in *Lesbian (Out)Law* as “relentlessly lesbian.”<sup>29</sup> Ruthann would, we might assume given the nature of her writings, be proud to have her writing, and herself, described as “relentlessly lesbian.”<sup>30</sup> Yet, it also seems clear that her work must be read, not by way of labels, nor by way of the identity/sexual politics encoded in them.

John William Corrington, a lawyer/writer/poet/essayist I wrote about a few years ago,<sup>31</sup> was asked in an interview published in *Contemporary Authors* about the labels that were being attached to him as a writer:

Contemporary Authors: You’ve been called a Catholic writer and, not just a Southern writer, but a traditional apologist for the South. How do you feel about those labels?

Corrington: I really don’t think about them much at all. I figure that history will determine what I was, and I needn’t put a label on myself. Those who do that generally want to set up something they can attack. I am Catholic and I am a Southerner; I love my country—the South—and if that constitutes a justification of the labels, fine. As a critic I never found it necessary to create labels because the works stand by themselves.<sup>32</sup>

We use labels about writers to keep us on well-worn paths, to make our reading efficient, comfortable, and self-confirming.<sup>33</sup> The ironic thing about labels, of course, is that they turn out to be important; they tune our thinking to the deep structure(s) we draw upon when we go about describing, explaining, thinking, arguing, persuading (that is, when we are doing what Ruthann calls theory). Labels are significant and problematic; they are the signposts found (and placed) on the cognitive maps we use.<sup>34</sup> The labels we use become the spoken signs of a “wakeful mind;”<sup>35</sup> they often reflect a mind limited and befuddled by its categories.

We can say with some assurance that Ruthann (in her writings) does not seek to have us follow well-worn paths. And it’s not labels for her writing I pursue, but a way to read beyond labels (to the extent that any such reading is ever possible). There is, beyond the lesbian and lesbian sexuality, an *erotics*—an engagement and passion, a fight for survival and for life—that animates Ruthann’s work. It’s this animation, this intense engagement with life that I find seductive.

But is *erotics* the name for this seduction? I’m not at all encouraged when I turn to *Webster’s Seventh New Collegiate* and find the term *erotics* missing. The term begins to lose its luster, when I find



2005] A POETICS—OF AND FOR—RUTHANN ROBSON 371

erotic defined as “of, devoted to, or tending to arouse sexual love or desire; strongly affected by sexual desire.”<sup>36</sup> But as I prepare to abandon *erotics* as a descriptive term for Ruthann’s work, I find, just four words away from erotic in my *Webster’s Seventh New Collegiate*, the term *eros*. Eros is the god of love in Greek mythology, whose name means to love, desire. *Webster’s* defines *eros* as “the aggregate of pleasure-directed life instincts whose energy is derived from libido;” “love directed toward self-realization.”<sup>37</sup> (Shadowing this talk of *eros*, as Aristotle plagues our talk about poetics, we find Plato’s presence bearing down upon us when we try to use the term *eros*.<sup>38</sup>)

The problem, of course, is that *eros* is conflated to mean “in the realm of the sexual.”<sup>39</sup> What I seek in Ruthann’s work are those moments in which we experience Eros/Aphrodite<sup>40</sup> at play, those moments in which passion, desire, and human spirit are most in evidence and transcend the “relentlessly lesbian” focus of her work. This happens throughout Ruthann’s work, even in her legal scholarly writings, but is found best in her illness writings and in her poetry. We can hear, in the following fragments of Ruthann’s poetry, the resonance of Eros, Aphrodite, and of course, Sappho:

‡ ‡ ‡

there is no adequate preparation for desire, threadbare<sup>41</sup>

‡ ‡ ‡

there are other things we still need to say  
about the streets, about the academy, about

the distances between our love  
of death and our love  
of masks and our love  
for each other and our love<sup>42</sup>

‡ ‡ ‡

lust is a map and a calendar, i only want  
to wander  
and nest, simultaneously<sup>43</sup>

‡ ‡ ‡

The morning  
you decided you were too god-like to marry,  
we sat on a hill round as my breast. The park  
was fertile with spring and made me think  
of all the places you had never kissed.  
At that moment, you were more serious, more  
tormented, more interestingly blond, than anyone

I ever knew, but your words were dishonest as parrots  
caged as pets. I stilled the wings of my banter.

The day  
you first touched me, you had taken me to  
a museum in the city. One of us was explaining  
the paintings of dead men, while the other choked  
on the stale air. The halls were narrow as children's  
coffins. As your fingers traced the braid round  
the nape of my neck, I lifted my skirt to avoid  
the curse of lust in a public place. Even then,  
you did not guess I wore the feathers of a gypsy.<sup>44</sup>

‡ ‡ ‡

. . . please understand, i'm weary  
of my woodcuts of poverty, of struggle,  
of hunger. another life, i would  
have devoted myself solely to my hands,  
sculpting the sweet earth into vessels.  
but the death of children and women  
demands sharper instruments. come, hold  
me in your huge hands like you hold  
that borrowed infant. wait, let me hold  
you like a tree in the dead dead winter  
can hold both roots and sky.<sup>45</sup>

‡ ‡ ‡

in the night i cradle her ocean  
against the lonely winds  
the paint on the walls is silent .  
the moon watches intently  
through a window as i kiss her<sup>46</sup>

‡ ‡ ‡

In this stone womb, twilight is as long as birth.  
The moon rises yellow and round  
with my vow: I will love you for the rest  
of our lives, even if we survive  
this night; even if we survive the next forty years.  
You will forget Isabelle, forget Louise.  
You will love me enough.<sup>47</sup>

‡ ‡ ‡

You will write of tonight on the mesa:  
it was possession.  
And yes, we are possessed, unborn, children  
as pure as the silver whispers in the sky.  
We can never be lost if we are together.

2005] A POETICS—OF AND FOR—RUTHANN ROBSON 373

We are love. The world is our store.  
Take my hand. Kiss the silence.<sup>48</sup>

#### THE ILLNESS WRITINGS

“Soon I will be diagnosed with a cancer . . . rare . . . deadly . . . swift and dangerous . . .”<sup>49</sup> Faced with this diagnosis—serious, disruptive, life threatening—Ruthann, literary creature that she has proven herself to be, begins a fight for survival that produces a series of literary illness essays which are far more innovative than is suggested in the rather prosaic label—creative nonfiction.<sup>50</sup> In talking about her doctors, her diagnosis, her impending death, and her fight to live, we have something akin to Job imploring God to make it possible for him to understand the curses which have descended upon him. Like Job, Ruthann talks back to death.

While I refer to these essays<sup>51</sup> as her “illness writings,” Ruthann has sometimes referred to them as “fiction theory.” We find the narrator in one of Ruthann’s poems, *text*, saying, “[a]nd like all texts, this one is a tension/between fiction and theory.”<sup>52</sup> Ruthann’s “fiction-theory” label for her illness essays was adopted from the Quebec feminist theorist Nicole Brossard. Ruthann tells us that she was “seduced” by the work of Brossard, a seduction explained by the fact that “[h]er texts inhabit a new genre, a post-modernist feminist genre, that of fiction theory.”<sup>53</sup> “Fiction theory” is explained by Nicole Brossard in the following passage:

The female body will speak its reality, its images, the censure it has been subjected to, its body filled to bursting. Women are arriving in the public squares of Literature and Text. They are full of memories: anecdotal, mythic, real, and fictional. But above all women are filled with an original all-encompassing memory, a gyn/ecological memory. Rendered in words, its reality brought to the page, it becomes fiction theory.<sup>54</sup>

Fortunately, Ruthann’s writing has never been marred by the kind of jargon I find in Nicole Brossard’s work.

\* \* \*

When I first read Ruthann’s *Notes from a Difficult Case*,<sup>55</sup> I found the medical situation she described painful to acknowledge. I held to a hope that *Notes*, appearing in a journal called *Creative Nonfiction*, might turn out to be more creative than nonfiction. At the time I read the essay, I had not met Ruthann; I knew little about her life except what she presented in her writings. I still know nothing about Ruthann’s life by way of personal knowledge; yet, her writings create an illusion of intimacy.

*Notes from a Difficult Case* reveals the unspeakable/the unknowable/the unbearable. We are here in the literary terrain of *The Book of Job*<sup>56</sup> and *The Death of Ivan Ilych*.<sup>57</sup> And it is not just the “facts” of Ruthann’s case that impress themselves upon us—maybe the bare facts could do that—but the “facts” in Ruthann’s case are laid before us in prose that claws to the bone.<sup>58</sup> The notes on Ruthann’s case were painful in a far more personal way in the timing of their arrival. I was then struggling to deal with the fact that my wife Somjai had been diagnosed with renal failure and was undergoing no-cure, life-on-a-tether, dialysis. Three days a week, four hours at a sitting, I took her to be hooked-up to the machine that would filter her blood and keep her alive. If Somjai and I had been living prior to her kidney failure like wild birds, we now found ourselves clipped-wing parrots, living in a cage, speaking scripted lines: “She’s doing all right.” “We’re going to make it.” “It’s really not too bad.” “I feel fine.” For my own sanity, in these trying times, I took refuge in being clear-headed and realistic about my wife’s medical condition. As for Ruthann, I adopted a somewhat different strategy: *surely this cannot be true*, I kept telling myself.<sup>59</sup> I wanted it, I wanted for Ruthann, I wanted what I knew I could not have for Somjai and myself, a story that would abate the nightmares. But with Ruthann, there was nothing to do but follow her medico-literary peregrinations. I was often tempted to ask of Ruthann, “can this be true?” I couldn’t quite put this question to myself about my own situation. To voice the question for Somjai could produce only an unfathomable sadness.

In the illness writings, Ruthann begins to play—yes, play—with the idea of her illness as a story, as she resists the illness, and the narrative in which it becomes engulfed. She says in *Notes on My Dying*, “I hate stories about people dying of cancer, no matter how graceful, noble or beautiful.”<sup>60</sup> Hate the story she may, it’s a story she’s bound to tell, even if it requires an anti-narrative stance to do it. Ruthann wants us to know what happened and to accomplish that she must tell the story, but she seeks at the same time to avoid a “let me tell you what happened to me” *Reader’s Digest* story. It’s a story all broken up, fragmented, both within each of the illness essays, as well as from essay to essay. There is, of course, a powerful, engaging, “life is at stake” story being told in these illness writings, but it’s a story deconstructed as it’s told.

If I were constructing this as a story, with myself as the protagonist, I would be not only dignified; I would be brave and beautiful, courageous and kind, humorous and honorable.

## 2005] A POETICS—OF AND FOR—RUTHANN ROBSON 375

I would enshrine myself in narrative.

But this cannot be a success because the elements of narrative are corrupted.

There is no beginning. The beginning is not diagnosis. The beginning is before that. Before the suspicions, before the reconstructed past when one began to feel this or that, before everything except a tiny cell that got twisted and frisky. The absence of the beginning is compounded by the middle collapsing into the past.

Everything is end.<sup>61</sup>

The telling of this illness, its survival, and the talking back to death which saved her, is not just another story. The cell in the body that “got twisted and frisky”<sup>62</sup> has corrupted not only her body, it tainted the idea and the promise of narrative as well. The illness, as it seeks to bring about the writer’s end—“everything is end”—wants to dwarf the story, and to threaten the author/writer/narrator with the idea that she now faces a fate that cannot be captured and embodied in a story. Bringing the illness with all its questions, the life of the writer, and narrative (always and forever hedging on the truth) into alignment is what Ruthann struggles to do in her illness essays.

At the end of *Notes on My Dying*, we find death itself trying to tell the narrator’s story,<sup>63</sup> a death and a story that the narrator/writer resists. In that story, the story told by death: “I will be brave, beautiful and dignified. The word *struggle* will be used but with no incidents of sweating or cursing or thrashing. In her story, it will be as if I have fallen into a deep sleep.”<sup>64</sup> But the narrator resists death’s version of the story and holds fast to the conviction that she will do the telling, a telling that brings the essay to a close:

As long as I am still able to write, this is my story: I resist the lure of dignity; I refuse to be graceful, beautiful and beloved. I am not going to sleep with her [death]. I’m going home alone.

Back to my books, my computer, my Australian herb and shark cartilage, my visualizations meditations and bruised meridians. Back to my bedroom with the prism at twilight. Back to my office and its useless diplomas.

Back to my life.<sup>65</sup>

In the story fragments in *Notes on My Dying*, we find Ruthann and death vying for story-telling status. She says at one point, sounding like the Biblical Job, “I am not your story.”<sup>66</sup> The tension in the narrative comes not just from the narrator’s fight for survival, but by the corruption of narrative by the specter of death that would “enshrine” her.<sup>67</sup> This is a story that tries not to be a story, a

story that doesn't quite know, even in the telling, how it will be told, how it will turn out.<sup>68</sup>

If this is to be taken as a story, it's a story about how we face death, how we live the days with death, how we are to regard ourselves (and others) when death draws near. The narrator, whom we now know is Ruthann, as long feared, maps out a variety of strategies for her days and for us, her readers:

1. She engages us in irony, and an effort at humor: "I believe in death with dignity, don't you? At least in the abstract."<sup>69</sup> This is one of those instances in which the abstract—theory of death—begins to give way to its lived reality.
2. Moving from the emboldened resistance which permeates *Notes on My Dying*, there is now talk—literary talk?—about "characters in fiction."<sup>70</sup> One wonders whether, with the dislocation of the self (and the illusion of a narrator that is not the self) induced by serious, life-threatening illness, there is not, for the literary-minded, and for those like Ruthann who have learned to construct fictional characters for her writing, an attempt to see the dissipation of the self as the emergence of a new fictive self (a self both intimate and distant; a new self that is a distancing, a making of oneself as a subject/object of study; a self that brackets the reality one cannot fully imagine, an imagining we associate with literature not with our everyday life).<sup>71</sup> We recall here Ruthann's comment that "[w]e are nothing if not literary . . . ."<sup>72</sup>
3. She—narrator—fictional character—Ruthann—works, when she has the strength to do so, "I go to the library and the post office. I go for walks. And when I am too weak, I go anyway. The worst that could happen to me is already happening."<sup>73</sup> At this point we are still dealing with the particulars of the narrator's life, but this is a telling of particulars that implicates the reader. We can hear the narrator, impliedly asking, "do you have any earthly idea what you would do, in regard to your work, your life, if you found yourself with a deadly disease that seemed intent on bringing your life to an end? Would you continue to work? Go to the library? The post office?"
4. The narrator expresses surprise that she's managed to get so far in life as she has. There was a childhood from which "[n]ot all of us made it,"<sup>74</sup> and an earlier incident with a "strange malady" that hospitalized her intermittently for six weeks, leaving her with the fear that she had AIDS.<sup>75</sup>
5. There is the casting about to find someone to blame, trying to find the politics of her disease, "[b]ut who is there to

## 2005] A POETICS—OF AND FOR—RUTHANN ROBSON 377

blame? Industrialization? Capitalism? Corporate greed?”<sup>76</sup>  
When diagnosed with pesticide poisoning earlier in life, she notes, “No one told me I should be irate about the development of agribusiness.”<sup>77</sup>

6. Since this is a work of “fiction theory,” we find in the essay scattered remnants of theory, e.g., there is a reference to the influence of Elisabeth Kübler-Ross and her classic work on the stages one progresses through on the passage to death.<sup>78</sup> A narrator so steeped in theory can’t free herself of theory even as she confronts death.
7. Literary to the end, the narrator—Ruthann—doesn’t give up on being a reader. But what do you read when you are dying?
  - a) letters but only from someone who has long written to you and someone who will write to you *as if* you were not dying;
  - b) novels selected by someone from the New Fiction section (but this doesn’t work out because there’s too much death to be found in the stories and the novels, even when a story/novel is not about death, death lurks about), so she moves on;
  - c) biographies (but then you find that in biographies, the subject must die);
  - d) “I loot the world for survival stories. Not the narratives of Himalayan treks or being lost at sea, but illness. The bookstore has an entire section on diseases and five shelves on cancer. I inspect every title, except the ‘prevention’ ones, looking for possibilities. I buy a book by a Christian fundamentalist woman who attributes her survival to prayer and coffee enemas. I buy a book by a scientist who attributes his survival to vitamins. I buy books on healing by popular writers who intersperse their homilies with anecdotes of people given ‘six months to live’ but who are alive 10 years later.”<sup>79</sup>
8. The hold of theory on the narrator begins to loosen its grip when Ruthann starts reading “survival stories” and realizes, “My faith—in hard work, in intellectual pursuits, in books—has been misplaced. Nothing I know could save me.”<sup>80</sup> *Everything is end*. The intellect provides no greater haven than the hope we’ve placed in the organizing power of narrative. Yet, theorist to the end, the narrator/Ruthann goes on to become an expert in her rare form of cancer, “I try to think. To argue.”<sup>81</sup> *Once a theorist, always a theorist*.

One notable feature of *Notes on My Dying* and Ruthann’s other

illness essays, is the stark beauty and surgical precision of the prose. One begins to wonder whether, in writing about death, creating and living a story in which death tries to become the narrator, one's writing doesn't require a more exacting vigor, an ironic edginess, a laser-like movement from particulars to generalities and generalities to particulars. With Ruthann, we find ourselves in the presence of a writer taking the scalpel, precise and clinical, close to the bone. What we have in *Notes on My Dying* is prose poetics, to be read as poetry—a poetry that stuns the reader to silence and tears. What else can we do, when Ruthann writes:

My first decision about dying is that I will die at home. I will have the control and comfort I would not have in a hospital. The winter sun will be weak but brilliant, sifting through my window, refracting through a prism I have had since I was young. Then the light will fade, leaving only a slat of brilliant pink. Twilight was once my favorite time of day.<sup>82</sup>

With Ruthann's forbearance, we might read this prose as a poem, a found poem,<sup>83</sup> which we might title *A Time for Dying* (with a nod to Faulkner's *As I Lay Dying*):

A Time for Dying  
I will die at home  
not the hospital.  
The winter sun weak  
but brilliant,  
sifts through my window  
refracted by a young girl's prism.  
The light begins to fade now,  
leaving only a slat of perfect pink.  
You should not be surprised:  
Twilight was once my favorite time of day.

There are, of course, instances in *Notes on My Dying*, when Ruthann's writing is presented in a way that reminds us of poetry and the poetics of her prose.

I do not want to be heard.  
I do not want to talk.  
I want to live.<sup>84</sup>

. . . .

Possibilities.  
I do not want nobility or beauty.  
I do not want a good death.  
I want possibility.<sup>85</sup>

The essay *story time*, another of Ruthann's illness writings, begins with a selection of rather puzzling quotes from Arthur Frank's



2005] A POETICS—OF AND FOR—RUTHANN ROBSON 379

*The Wounded Storyteller: Body, Illness, and Ethics* in which Frank suggests that it is in these “postmodern times” that we rediscover the “capacity for telling” our own stories and that illness is an “anti-narrative of time.”<sup>86</sup> Ruthann is, of course, a theorist influenced by postmodernist writings, and it’s no surprise to find hints of theory, of postmodernism, and a deconstructive approach to narrative foretold in the Arthur Frank epigraphs to *story time*. And, we recall here from *Notes on My Dying*, that Ruthann wants to see and wants to tell us that the illness story is (by its nature? by the nature of narrative itself?) problematic. *The relationship of the poem to the poet is always problematic.*<sup>87</sup>

The illness essays are literary—we are nothing if not literary—without telling just another cancer story (“I hate stories about people dying of cancer, no matter how graceful, noble or beautiful.”<sup>88</sup>). In *story time*, we see a literary writer at work, to place alongside the notes of the fatally-ill reader we found in *Notes on My Dying*:

Hunched over the notebook, knees up . . . strain in the hand from holding the pen too tightly too long, some light sifting through the ominous green of the forest that threatens to reclaim the house at this time of year (*you are wood, you belong to me, the trees would say if they would only learn English*). The moon full and bright finally last night, a sight that never fails to flood me with hope. In my holy book, it is the moon and not the cartoonish rainbow that is the promise, the *evidence* of the promise, like silver in a ring or a pendant, a gift that proclaims connection, constancy, change.<sup>89</sup>

As *story time* evolves there are more references to stories; the essay turns out to be, not only a meditation on stories and how to tell them, but a genre-shifting rendition of the great illness/suffering/pathos narratives we find in Tolstoy’s *The Death of Ivan Ilych*<sup>90</sup> and *The Book of Job*.

#### STUDIES IN THE SUBJUNCTIVE

In 2003, Ruthann published three additional illness writings,<sup>91</sup> and it is to one of those essays, *Studies in the Subjunctive*, that I turn now. I don’t use this term “subjunctive” every day; indeed, I don’t think I’ve ever used it. *Webster’s Seventh New Collegiate* provides the following definition for “subjunctive,” derived from the Latin “[to join beneath; subordinate]: of, relating to, or constituting a verb form or set of verb forms that represents a denoted act or state not as fact but as contingent or possible or viewed emotionally (as with doubt or desire) <the [subjunctive] mood>.”<sup>92</sup> I’m still not quite

sure I know what kind of verb or verbs we're dealing with here. Good ones I hope! But Ruthann tells us, "The subjunctive's sharp blade can cut in more ways than suicide."<sup>93</sup> *A smart person doesn't walk away from subjunctives.*

We need not be reluctant to display ignorance of the subjunctive verb form. Consider the narrator's admission in *Studies in the Subjunctive* that, as a college student, she was "intimidated by the professors with their perfect accents and syntax" and was "mortified when . . . directed to Fowler's *A Dictionary of Modern English Usage*" and told in no uncertain terms, "make sure you get the third edition."<sup>94</sup> Since Fowler's dictionary is still in print (and not available online), I was temporarily foiled in finding what Fowler might have had to say about the subjunctive.<sup>95</sup> My ignorance of the subjunctive becoming all too obvious—what kind of education did I have?—I acquired my own Fowler's *Dictionary of Modern English Usage*. (*Do I dare look to see whether I ended up with the 3rd edition?*)

The connecting theme in Ruthann's *Studies in the Subjunctive* is working with a memory of Anne Sexton and her early death—by suicide—"in her cherished red car . . ."<sup>96</sup> The narrator of *Studies in the Subjunctive* pokes fun at the "kind of reader who feels compelled to decorate her books with her own comments, little notes to the writer as if the author could read them, as if the author would be interested;"<sup>97</sup> she claims not to be such a person. And yet, she confesses that she underlined passages in Sexton's *The Awful Rowing Towards God* with a single "phrase of marginalia," penned beside the poem, she wrote, "extended metaphor."<sup>98</sup>

This is the same narrator who had, in the Sexton days, ignored Sexton's poem:

*Doctors*

They work with herbs  
and penicillin.  
They work with gentleness  
and the scalpel.  
They dig out the cancer,  
close an incision  
and say a prayer  
to the poverty of the skin.  
They are not Gods  
though they would like to be;  
they are only a human  
trying to fix up a human.  
Many humans die.  
They die like the tender,

2005] *A POETICS—OF AND FOR—RUTHANN ROBSON* 381

palpitating berries  
in November.  
But all along the doctors remember:  
First do no harm.  
They would kiss if it would heal.  
It would not heal.  
If the doctors cure  
then the sun sees it.  
If the doctors kill  
then the earth hides it.  
The doctors should fear arrogance  
more than cardiac arrest.  
If they are too proud,  
and some are,  
then they leave home on horseback  
but God returns them on foot.<sup>99</sup>

#### THE FAMOUS CANCER DOCTOR

In *Leaving Her*, another illness essay, Ruthann writes about an encounter with her “first doctor” at “the famous cancer center” who wasn’t at all good in relating to Ruthann’s lover, who, with “pad and pen in hand,” had set about asking the doctors some questions. The doctor’s replies were “vague and dismissive.”

“What’s the precise diagnosis?” she asked.

“Sarcoma, probably liposarcoma, if you really need to know the name.”<sup>100</sup>

This brief exchange reminds us of still another patient-encounters-the-famous-doctor scene in Tolstoy’s *The Death of Ivan Ilych*. Ivan Ilych, after a life of good health, has a minor household accident, and ends up with “a queer taste in his mouth,” a feeling of “some discomfort in his left side,”<sup>101</sup> and makes a visit to see “a celebrated doctor.”<sup>102</sup>

Everything took place as he had expected and as it always does. There was the usual waiting and the important air assumed by the doctor, with which he was so familiar (resembling that which he himself assumed in court), and the sounding and listening, and the questions which called for answers that were foregone conclusions and were evidently unnecessary, and the look of importance which implied that “if only you put yourself in our hands we will arrange everything—we know indubitably how it has to be done, always in the same way for everybody alike.” It was all just as it was in the law courts. The doctor put on just the same air towards him as he himself put on towards an accused person.

The doctor said that so-and-so indicated that there was so-and-so inside the patient, but if the investigation of so-and-so did not confirm this, then he must assume that and that. If he assumed that and that, then . . . and so on. To Ivan Ilych only one question was important: was his case serious or not? But the doctor ignored that inappropriate question. From his point of view it was not the one under consideration, the real question was to decide between a floating kidney, chronic catarrh, or appendicitis. It was not a question of Ivan Ilych's life or death, but one between a floating kidney and appendicitis.<sup>103</sup>

And there is still another patient-doctor scene, this one undoubtedly far less known, in Pete Dexter's *Paris Trout*.<sup>104</sup> Rosie Sayers, fourteen years old, sent by her mother into town to buy bullets at Paris Trout's store, is on her way home when she gets attacked and bitten by a fox. When she returns to Trout's store to replace the bullets she has lost after being attacked by the fox, Paris Trout's wife is looking after the store and she decides, on seeing Rosie, that she needs to see a doctor. Rosie is black. At the white doctor's office, Rosie is "taken down a hallway and then into a small room in the back."<sup>105</sup>

The room was white and bare. There was a narrow bed against one wall, a wood chair against the other. Between them were the cabinet and a sink. The girl could see inside, cotton and little jars of pills. She could not read what was written about her on the paper.

She sat down in the chair and waited. There was a picture on the wall, a white boy and his granddaddy fishing in a river. She studied the picture a minute and saw neither one of them knew how to fish.

She was still thinking about fishing when the door opened and the doctor came in, frowning the same way as the nurse, white hair and white shoes, wearing some loose doctor's instrument around his neck like he didn't even know it was there.

He did not speak to her at first. He went to the cabinet and looked at the paper the nurse left. He was still looking at it when he spoke. "You been bit?"

She did not know if he was talking to her or the paper.

He turned around and stared into her face. "You hear what I asked you?"

"Yessir," she said.

"Well? Did you get bit or was it a story?"

"No sir, I don't tell no stories."

"So you been bit."

She pointed to the place on her leg. He looked at it, with-

2005] *A POETICS—OF AND FOR—RUTHANN ROBSON* 383

out trying to get closer. “How long since you had a bath?” he said a minute later.

“Saturday,” she said.

He frowned; he looked as unhappy as she was. “You got this dirty since Saturday?”

She looked down at her legs too. “I must of did,” she said.

Without another word he left the room, and in a moment the nurse was back. She washed the spot where the fox had bitten her with water and soap from the sink. She was rough and did not touch the skin except with the rag. Rosie could see from her expression that she did not enjoy to wash a colored girl’s leg.

When she finished, there was a circle cleaned around the bites, and streaks of dirty water ran down the girl’s calf and over her ankles. The nurse threw the washrag into a pail and then scrubbed her hands. It took her longer to scrub her hands than it had to clean the bites.

When the doctor came back into the room, he was carrying a needle. The needle was long enough to go in one side of her and out the other. “What that for?” she said.

The doctor looked tired. “Rabies shots,” he said. She shook her head no and edged farther back into the chair. “If you got bit by a fox,” he said, “you got to have shots.” He held the needle up for her to see. “They go in your stomach.”

“I don’t want nothin’ like that inside my stomach less I swallow it,” she said.

“Now, you’re sure it wasn’t some dog,” he said. “If it was a dog, the police just take you home, maybe ask what it looked like. As simple as pie, if it was a dog.” She saw him looking at her; she couldn’t see what he wanted.”<sup>106</sup>

After expressing concern about the fact that she’s never heard anything about police giving you a ride home when you have to go to the doctor:

The girl sat still a moment, looking at the needle. “I believe I take the ride home,” she says.

The doctor laid the needle down on the glass counter. “Then it wasn’t no fox,” he said. He looked at her as he said that and shook his head no.

“No sir,” she said.

“A lot them dogs,” he said, “they look like a fox, don’t they?”

And then he was gone from the room again, and a minute later the nurse led her out the back of the clinic and waited there with her until a police came to pick her up.<sup>107</sup>

Ruthann's meditations on her encounters with doctors are every bit as astute and condemning as what we find in *The Death of Ivan Ilych*, every bit as revealing as the observations by the wise-beyond-her-years Rosie Sayers in *Paris Trout*, where Rosie is frightened by the doctor into retelling the story about being bitten by a fox so she doesn't have to take big needle shots.

Ruthann, as we know, has faced the big needle. She writes, "If I try to imagine the knife, I cannot. It must have been steel and sharp, but was it serrated? It must have been accompanied by others, some smaller, some longer. How odd to feel the serious effects of an event for which I have no memory."<sup>108</sup> She says, of knives: "[M]y abdomen still twists, a labyrinth constructed by my surgeon, my Ariadne, my rowing god with his oars of knives."<sup>109</sup>

Rosie Sayers, in Pete Dexter's *Paris Trout*, sees the fox coming her way. "He was dull red and tired and seemed in some way to recognize her."<sup>110</sup> Something, whether her movement or her breathing, seemed to draw the fox to her. And with his being drawn to her, Rosie Sayers, like Ruthann talking to death in *Notes on My Dying*, talks to the fox: "Please, Mr. Fox," she said, "don't poison me. I be out of your way, as quick as you seen me, I be gone."<sup>111</sup>

Rosie Sayers knows that the foxes have "turned poisonous . . . [w]orse than a snake."<sup>112</sup> And when the fox bites her—"She opened her eyes, and as fast as he had come he was gone."—she cries because she knows she's poisoned.<sup>113</sup> Ruthann notes that one "of the dangerous miscellany" of side-effects that accompanied her illness was the mimicking of the symptoms of anthrax poisoning.

#### ILLNESS WRITINGS AND THE GENRE PROBLEM

Ruthann, as I've noted, claims inspiration for the form of her illness essays in Nicole Brossard's "fiction theory genre." Since I'm not overly fond of Nicole Brossard's writings, or of the term "creative non-fiction" (the label so often used by journals for Ruthann's illness essays), I think we need a different and more descriptive term. Of course, no one wants to be writing the prosaic *essay* these days. "Stream of consciousness" is neither descriptive nor accurate, and it is associated with writers and writing of another time. I could, perhaps, identify Ruthann's illness writings as postmodernist in nature, but whatever partial truth there might be in that description gives far too much credit to postmodernists. I do not think what Ruthann does in these essays has any credible linkage to postmodernism. I might call Ruthann's essays "life writing,"<sup>114</sup> but

2005] A POETICS—OF AND FOR—RUTHANN ROBSON 385

that raises the question of what, if anything, could be *non-life-writing*. The only term I've found remotely descriptive of Ruthann's illness essays is Linda Hutcheon's term, "literary-archaeological" (even if it does come rolling off the tongue in a cumbersome heap).

To her critics, Ruthann's illness writings may be little more than "notes," as indeed, two of her early illness writings are titled *Notes on My Dying* and *Notes from a Difficult Case*. "Notes" sounds right, honest, and descriptive. (We might well be better off if we could settle for modest labels for our work.) The problem with "notes" is that it suffers from the commonness of the *essay*, reminding us of genres and forms so institutionally-sanctioned as structures and containers of our thinking that they both confine and diminish our writing. We need renewable energy to write (and to continue to write, to write against the resistance); at times we need energy and imagination to defy the forms that constrain our writing and our thinking. *Try—if you dare—to write without using footnotes*. I once ventured into a writing-without-footnotes experiment and found, surprisingly, that it induced a kind of cognitive confusion that made it difficult to write. *And when you have mastered writing without footnotes, Mr. Essayist, see what you can do about those parenthesis*.

What are we to say about Ruthann's illness essays, about the form in which they are written? Is there a way of reading that contents itself with the shards and fragments of an author's work? Should we read Ruthann the way scholars read Sappho? I leave for others the great edifice of the whole; I fear it is an illusion, a mirage that allures us (and in its reality) pulls us away from the poetics, the erotics of Ruthann's work.

Ruthann's illness essays are written with what Peter Elbow and other writing teachers call voice. They are written with an attitude, a presence of mind, a view of the world. Beyond self-referential, her writings are fresh and sharp, lean and angular, shaker/mission-oak style writing. The writings can be pastiche, potpourri, medley (hodgepodge). But these terms do her essays an injustice. Justice lies in seeing them as fragment littered, as a new haiku of non-fiction, the genre—inscription. What we find in Ruthann's illness essays is a print, old-culture version of hypertext. Quotation is welcome, although it's a strategy not overly employed by Ruthann. Meandering is expected. What is not said counts equally for what is said. This way of writing with pen and scalpel produces meaning that lies between the lines. We may even be told something about

the writer, who she is, where she is, what she is, as she writes. The “essay” that results, the completed, presented, offered “notes,” constitute a whole greater than its parts, a haunting illusion that we know to be real. If this is “literary-archaeological” writing, we can be assured that Ruthann fires her pots to hold the stories of work, love, and life and then allows them to be broken and reassembled (by Ruthann?) (by the reader?). We read Ruthann the way we read the ancient Sappho; reading Ruthann’s illness writings we are brought around to the practice of poetics.

The illness writings and the “literary-archaeological” work we find in them results in an elegance not of argument and but of poetry, saying more by saying less. Ruthann’s illness writings are economical, sensible, practical; they are stunning exemplars of literary craft. They tell a story and consistently raise questions about stories; they are prose doing the work of poetry, poetry that does not suffer the broken line.

#### WHAT END LIES NEAR OF THIS POETIC?

Following the twists and turns, false leads, and distractions of labels, we have in Ruthann’s poetic phrase, “arrived on the other side of some deep but invisible ocean, on the continent of those about whom the word *miracle* is whispered . . . .”<sup>115</sup> Ruthann, in these lines, writes of her own survival; she writes longingly of a continent you and I too may seek. But we stand forewarned that arrival on this far continent cannot be assured. We know there to be ample torturous hours, storm-filled days, and lost lives before we arrive “in our boats hewn of grammar . . . at utopia.”<sup>116</sup> And yet, *we are not lost*. Ruthann charts the passage:

‡ ‡ ‡

the sun shifts in a direction you did not predict.  
smoke drifts, but you cannot measure the distance,  
every point looks half-way from the fuzzy horizon.

if you wait here long enough, the mountains  
will set themselves on fire, sparked  
by the fear of winter. you start to grow cold.

. . .

it occurs to you vaguely, you could throw  
yourself overboard, to drown in the ocean of sky,  
to become a mask on the face of the cliffs.

but you want to remain unpredictable. such



2005] *A POETICS—OF AND FOR—RUTHANN ROBSON* 387

clichés belong in films about outlaws and women,  
in nineteenth century novels, in nightmares.

. . .

it seems you have spent most of your life waiting  
for some purpose or some freedom to overtake you.<sup>117</sup>

‡ ‡ ‡

appearances realities analogies of caves  
master the classics, they instructed . . .<sup>118</sup>

‡ ‡ ‡

all remedies are partial  
in this god-forsaken world<sup>119</sup>

[In this “god-forsaken world”]

our ancestors met in caves  
we must live underground  
every place else it is summer  
without a sun  
our ancestors chanted at crossroads  
we must sit silent  
all other places are winter  
without provisions  
we are hibernation<sup>120</sup>

‡ ‡ ‡

they stole our holy places, our holy days  
once there was a sacred tree in this desert  
the tree is long dead  
the desert is in danger  
they named the second Sunday in May for mothers  
even as they said we would eat our own children<sup>121</sup>

‡ ‡ ‡

. . . madness comes  
not like a tidal wave but like eddies  
on a sandbar . . .<sup>122</sup>

‡ ‡ ‡

every small protest is a necessary charm  
against the promise  
that you will be among the first to die<sup>123</sup>

‡ ‡ ‡

solstices and equinoxes  
find me in the belly of this beast  
scanning for my future<sup>124</sup>

‡ ‡ ‡

. . . some stories survive even fire.<sup>125</sup>

#### SURVIVAL

If there is a single motif beyond lesbianism, beyond theory, beyond narrative, that defines Ruthann's work, it is the theme of survival. It's survival we find Ruthann talking about in her scholarly writing when she says, "[s]exual minorities, like other minorities, struggle to define our relations within the dominant cultures, politics, and legal systems we inhabit. At stake in this struggle is nothing less than our survival. . . ."<sup>126</sup> In the more rhetorical, polemical language of *Sappho Goes to Law School*, we hear Ruthann say: "Having survived the fires of violence set to extinguish us, we continue to survive as an incendiary category. Within and without the law."<sup>127</sup>

But it is in her poetry and her illness writings where Ruthann evokes a survival that best implicates our own, a survival that is relentlessly, hauntingly literary, as in these lines from the poem *Witchcraft in the Nuclear Age: thirteen accounts*:

i have the mark of the crescent moon  
on my toe  
she has a scar like a wild hare  
on her back  
we are each other after survival  
she & i<sup>128</sup>

And in these lines of advice from a first lesbian lover, in *time, place, desire*:

if you just must be a dyke, my first lover  
advised: fall in love with your own survival<sup>129</sup>

And these bone-chilling lines from *each winter*:

ring the years like pagan trees  
documenting survival as if endurance  
of each cold season since your death  
were a brutal success<sup>130</sup>

On this cruel business of survival, Ruthann says:

I am not interested in fooling anyone except myself.  
I call it survival.<sup>131</sup>

In her illness writing, Ruthann notes that she survived—whatever it may mean to survive what she has faced—her encounters with the doctors at the "famous cancer center"<sup>132</sup> and her illness. It is this fact and feat of survival, its rendering in poetics

2005] *A POETICS—OF AND FOR—RUTHANN ROBSON* 389

and erotics, that makes Ruthann's writing, her essays and her poetry, a continued occasion for celebration.

CLOSING LINES

For closing lines, I again plunder Ruthann's poetry:

‡ ‡ ‡

[M]y only secret was my lust for life<sup>133</sup>

‡ ‡ ‡

i can offer no satisfactions, i have nothing  
my darling, there are only desires  
those exquisite ropes that lash us  
to this astonishing raft of life.<sup>134</sup>

‡ ‡ ‡

we loved each other  
and our love was a revolution  
and our revolution was love  
it wasn't enough  
it was everything  
we grew older and older  
there are no words which can remember us<sup>135</sup>

‡ ‡ ‡

i have no desire for ashes to ashes  
for dust, for dirt, for the dark dank soil  
dying is not romantic  
but someday (not soon)  
i will be water to water  
bury me at sea<sup>136</sup>

## APPENDIX

## ON POETICS AND AN AFFINITY FOR THEORY

Ruthann is an avowed theorist, and we gather from her work that she takes pleasure in her theorizing. The reason for theory and theorizing is that we might—if we get the theory right—change the world. Many of us would like to see the world changed. Many of us have done what we can to change, as best we can (or so we tell ourselves), the small worlds we inhabit. Many of us don't expect, actually, to see the world change as a result of anything we do or say or write. Ruthann has bigger fish to fry than the many of us who have set our sights small. She wants her writing, her teaching, to change the world. She says, in one of her occasional writings, "I continue to believe in the power of language to foment progressive change."<sup>137</sup>

I share with Ruthann the desire to see the world changed. But in the small world I inhabit—in the world of my own writings and teachings—issuance of hopeful efforts and predictions about social change have given way to silence.

Ruthann happens, for those who still cherish theory, to be a good theorist. I should say too that Ruthann is far more enamored with theory and its power to change the world than I am.<sup>138</sup> Once entranced by theory, I have now grown weary of the pretension, the inflation, the language, and the arrogance found in so much of the theory writing. But, it would be foolish to condemn theory and theorists for the excesses of those far less skilled in theorizing than Ruthann. Let us, rather, praise the good theorist, the theorist with whom even the theory-weary might walk a mile, knowing as we do that we'll not be walking the long way the theorist lays out for us. The good theorist has the common sense to appreciate the simple fact that theory has its limits, that theory without a purpose is at loose ends in the world of the purposeful,<sup>139</sup> and that there is a world beyond theory.

Ruthann is, I'm pleased to note, a rather good theorist: careful and provocative, accessible without being condescending, sophisticated without being arrogant, angry but not mean. Ruthann is not the typical theorist. The reason, I think, lies in the fact that, first, she has a writer's sensibility as a theorist; second, she doesn't do theory for the sake of theory; third, she's blessed with being clever, edgy, street smart; and finally, she's good enough to be forgiven those instances in which she overreaches (given the world in which she writes, how can one not, at times, overreach?).

Ruthann says, "I take theorizing seriously," and she does, and I

admire her seriousness. Even those of us who have stepped away from theory (to the extent that is possible) can applaud Ruthann's observation in *Lesbian (Out)Law* that doing theory can be "another name for thinking, for deciding, for arguing and examining one's own beliefs and principles as well as the beliefs and principles we have been taught."<sup>140</sup> Consequently, Ruthann notes, "[t]heorizing is something that we all do." We may all be doing theory, but as Ruthann would mostly likely agree, there are better and worse ways of doing theory. The purpose of theory is to suggest a path through the confusion that plagues us. When theorists write with a language that envelopes us in a great fog, we have theory (as a mode, and a genre of writing) that is antithetical to thinking—deciding—arguing—examining—exploring that Ruthann associates with the *modus operandi* of the good theorist.<sup>141</sup>

Ruthann may be more willing to ride the theory boat and take it further out to sea than I, but for that she need not answer to me. I'll take the boat with Ruthann so long as she keeps her theory work accessible (and she's better at this than most), and is guided by the sensibilities she brings to theory as a writer and a survivalist.<sup>142</sup> It's a sensibility that keeps the jargon to a tolerable minimum,<sup>143</sup> that focuses on being a guide who spares the reader<sup>144</sup> the craven obscurity paraded before us in the name of postmodernist scholarship. *As for postmodernists, to write to them and for them one must swim with sharks.* Ruthann thinks it necessary to deal with postmodernism because it is "the dominant intellectual discourse" of the day.<sup>145</sup> Unless Ruthann is using postmodernism to be far more inclusive than I take it to be, I would differ on this assessment. I suppose we could be thankful that Ruthann seems eager and willing to clear a pathway for herself through the great thicket of postmodernist writings. As for me, I'm never sure, never really quite sure what it means to be a postmodernist, and I don't find the language of postmodernists at all persuasive in having me be one.

Ruthann's brand of theory and theorizing goes down like a vintage wine compared to what we find in postmodernism. Maybe, it's the fact that Ruthann is a writer, maybe it's the fact that she's a lawyer that draws back from the kind of wanton literary excess tolerated (and celebrated) in postmodernist circles. Maybe, ultimately, it's the fact that Ruthann is not only a theorist but a narrativist that saves her from the excesses we associate with postmodernist theory.

## NOTES

<sup>1</sup> RUTHANN ROBSON, *LESBIAN (OUT)LAW: SURVIVAL UNDER THE RULE OF LAW* 14 (1992) [hereinafter *ROBSON, LESBIAN (OUT)LAW*].

<sup>2</sup> HAROLD BLOOM, *THE ANXIETY OF INFLUENCE: A THEORY OF POETRY* (1973).

<sup>3</sup> Ruthann Robson, *The Novel Law Professor*, CLARION, Summer 2002, at 12.

<sup>4</sup> I've tried, along the way, to let Ruthann herself be my guide. But there's always a danger in letting the author be a guide to her own work. The author may tell us interesting things about where the writing came from, how it got underway, and how in doing it her life was changed. What the author is less likely to be able to do is tell us what the writing means; lest there be some misunderstanding, I'm not here to say that's what I want to do in this *poetics*.

<sup>5</sup> What we want in a text about still other text is bravura; what we're more likely to get is warmed-over hash, and the sense that the work would be better read in the original. Being original in the pursuit of another's work is no small problem, but we know it can be done. Where to begin to think, and to be original about the originality we find in the work of another is the problem.

<sup>6</sup> ROBSON, *LESBIAN (OUT)LAW*, *supra* note 1, at 14.

<sup>7</sup> RUTHANN ROBSON, *SAPPHO GOES TO LAW SCHOOL* 46 (1998) [hereinafter *ROBSON, SAPPHO*].

<sup>8</sup> *Id.*

<sup>9</sup> Of course, Ruthann is a legal writer—a legal scholar, to use the somewhat more elevated term. She's an essayist, by which we might mean she's a real writer. She's a novelist and writer of short stories, and she's a poet. There's not much in the way of writing that Ruthann doesn't manage to do. She writes so well in all these genres that we more prosaic colleagues are put to shame.

<sup>10</sup> In the late 1990s, Ruthann was diagnosed with what her doctors believed to be a fatal cancer. Ruthann, literary creature that she is, and faced with this medical death sentence, began to write about her diagnosis, her illness, her doctors, and her efforts to survive. In talking back to death she produced a series of literary essays that are stunning and brilliant, sad and poignant, gutsy and brave. I'll have more to say about them as I proceed.

<sup>11</sup> Ruthann Robson, *Studies in the Subjunctive*, 3 BELLEVUE LITERARY REV. 114, 114 (2003).

<sup>12</sup> We do not teach legal writing in law schools as if we have set out to make the student a "writer."

<sup>13</sup> For some years, I have had underway a bibliography of "law and literature" writings; it now exceeds 160 pages. There is still another 80 pages required for "narrative jurisprudence" and "legal storytelling."

<sup>14</sup> Robson, *Studies in the Subjunctive*, *supra* note 11, at 117.

<sup>15</sup> Ruthann Robson, *Notes on My Dying*, 18 CREATIVE NONFICTION 8, 9 (2001).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> The MIT Press, <http://mitpress.mit.edu> (last visited Oct. 13, 2005) (reviewing CHARLES W. MOORE ET AL., *THE POETICS OF GARDENS* (1993)).

<sup>19</sup> Ruthann's various writings, in the various genres that she has taken up, constitute a variety of different gardens and dramatically different literary landscapes, from which different kinds of pleasures may be experienced. Ruthann's gardens are not so much ornate and adorned; they are lode sources to be mined.

<sup>20</sup> Marianne Moore presented *Poetry* in different versions on different occasions. The prose reformulated version I present here is from MARIANNE MOORE, *Poetry in SELECTED POEMS* 36-37 (1935).

<sup>21</sup> RUTHANN ROBSON, *a child's garden of verses*, in MASKS 73-74 (1999) [hereinafter *ROBSON, MASKS*]. Reading Ruthann's poem, using it as I do here, I'm reminded of a cautionary note to be found in her book, *Sappho Goes to Law School*. The warning reads, "the nature of poetry is such that it is always naive to assume an unproblematic

## 2005] A POETICS—OF AND FOR—RUTHANN ROBSON 393

relation between the poem and the poet.” ROBSON, SAPPHO, *supra* note 7, at xiv. Ruthann is, of course, a theorist. *See infra* Appendix. She’s traveled among the postmodernists, and she often, in her writings, warns of relations we might want to consider “unproblematic.” There are times when we’ll do well to heed her warnings; still other times when perhaps we should not. This idea that a relation between poem and poet is problematic is very much a part of Ruthann’s work as a theorist.

<sup>22</sup> ROBSON, *Nightshade*, in MASKS, *supra* note 21, at 107.

<sup>23</sup> *Id.* at 111.

<sup>24</sup> ROBSON, *Studies in the Subjunctive*, *supra* note 11, at 117.

<sup>25</sup> ROBSON, *Edith Lewis Comforts Willa Cather as They Spend a Night Lost in the Mesa Verde Canyons of Colorado*, in MASKS, *supra* note 21, at 53.

<sup>26</sup> ROBSON, SAPPHO, *supra* note 7, at xiii-xiv.

<sup>27</sup> The term “heteronormativity” is from Ruthann Robson, *Introduction: Assimilation and/or Resistance?*, 1 SEATTLE J. SOC. JUST. 631, 631 (2003).

<sup>28</sup> ROBSON, a *child’s garden of verses*, *supra* note 21, at 73.

<sup>29</sup> ROBSON, LESBIAN (OUT)LAW, *supra* note 1, at 23. Putting lesbians first and at the center is what Ruthann says she is doing in her lesbian legal theory; it turns out to be what she is doing in most of her work, until we get to her illness writings. *See id.* at 20-23. More astonishing and troubling is Ruthann’s reflection on Judith Roof’s remark about being so “rarely happy” with narratives of lesbian sexuality which, Ruthann notes, is even more pronounced for her in the case of non-lesbian-fiction. “I am even more rarely happy with any narrative that does not represent the presence of lesbian sexuality.” Ruthann Robson, *Beginning From (My) Experience: The Paradoxes of Lesbian/Queer Narratives*, 48 HASTINGS L. J. 1387, 1411, n. 129 (1997).

<sup>30</sup> “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 lesbian legal theory . . . .” Robson, *The Novel Law Professor*, *supra* note 3, at 12.

<sup>31</sup> *See* James R. Elkins, *A Great Gift: Reading John William Corrington*, 26 LEGAL STUD. F. 425 (2002).

<sup>32</sup> Jean W. Ross, *John William Corrington: An Interview*, 26 LEGAL STUD. F. 695, 697 (2002), *reprinted from CA Interview* in CONTEMPORARY AUTHORS 114 (1983).

<sup>33</sup> I don’t have a great desire to label Ruthann’s writing—scholarly, fictional, or poetic. There will be those who are better prepared to engage in that task than I. There will also be some who undertake the labeling with mischief in mind.

<sup>34</sup> The study of the use of labels to name the categories of our thinking and the way we sort the “objects” and “desires” of the world into categories has grown into what we now know as cognitive science and cognitive psychology.

<sup>35</sup> “The wakeful mind is challenged to extend the class it can embrace.” BONNIE COSTELLO, MARIANNE MOORE: IMAGINARY POSSESSIONS 22 (1981).

<sup>36</sup> WEBSTER’S SEVENTH NEW COLLEGIATE DICTIONARY 282 (1963).

<sup>37</sup> A different word, *erose*, not pronounced quite the same way, is derived from the Latin word meaning irregular, uneven, “having the margin irregularly notched as if gnawed.” *Id.* We may find in Ruthann’s writings both *eros* and *erose!*

<sup>38</sup> Mordechai Gafni reminds us of Plato’s use of the term “eros” in the *Symposium* where he used the term, according to Gafni, to mean “precisely the kind of fully charged life experience which is evoked by the Hebrew term Shechinah.” Shechinah “means Indwelling Presence, ‘the one who dwells in you’. She is presence, poetry, passion. She is the sustaining God force which runs through and wombs the world. She is the underlying erotic, sensual, and loving force that knows our name and nurtures all being.” Rabbi Mordechai (Marc) Gafni, *Homo Imaginus and the Erotics of the*

*Imagination*, <http://www.marcgafni.com/Gafni-homo-imaginus.htm> (last visited Oct. 13, 2005).

<sup>39</sup> Mordechai Gafni notes, “[t]his narrowing of a term is an expression of a spiritual dynamic which the kabbalists called the exile of the Shechinah.” *Id.*

<sup>40</sup> We find this line in one of her poems: “i believed myself blessed by the star of Aphrodite.” ROBSON, *Isadora Duncan Swims in the Sea at Sunrise a Month After Her Children Drowned in the Seine*, in MASKS, *supra* note 21, at 55.

<sup>41</sup> ROBSON, *aesthetics*, in MASKS, *supra* note 21, at 92.

<sup>42</sup> ROBSON, *authenticity*, in MASKS, *supra* note 21, at 131.

<sup>43</sup> ROBSON, *time, place, desire*, in MASKS, *supra* note 21, at 87.

<sup>44</sup> ROBSON, *Regine’s Rebuke to Kierkegaard*, in MASKS, *supra* note 21, at 48-49.

<sup>45</sup> ROBSON, *Käthe Kollwitz, Graphic Artist, Sketches A German Working-Class Woman*, in MASKS, *supra* note 21, at 47.

<sup>46</sup> ROBSON, *time, totem pole*, in MASKS, *supra* note 21, at 35.

<sup>47</sup> ROBSON, *Edith Lewis Comforts Willa Cather as They Spend a Night Lost in the Mesa Verde Canyons of Colorado*, in MASKS, *supra* note 21, at 53.

<sup>48</sup> *Id.*

<sup>49</sup> Ruthann Robson, *story time*, 41 ANOTHER CHICAGO MAGAZINE 216, 219 (2002). “I weigh 87 pounds at five foot five, have no hair, can’t hold a pen or sit up in bed, and am dizzy whenever I stand. . . .” *Id.* at 220. The cancer, in one of Ruthann’s illness writings, is presented with stark, stunning clinical/statistical language:

The cancer with which I had so recently been diagnosed was a relatively rare cancer—sarcoma, a type of cancer that constitutes less than [sic] 1 percent of all cancer cases in the United States, about six thousand cases per year. Sarcomas are further subdivided into types, depending upon which kinds of cells they mimic: there are bone sarcomas and muscle sarcomas and perhaps the most famous sarcoma, Kaposi’s sarcoma, which is associated with AIDS. About 11 percent of sarcomas are liposarcomas, a sarcoma of the fat cells, which usually appear in either the extremities or the abdomen. I was diagnosed with an abdominal liposarcoma, also called retroperitoneal liposarcoma. These are usually quite large once detected because they grow for many years without causing symptoms relating to organ interference. They are often fatal. The five-year survival rate is less than 5 percent.

Ruthann Robson, *Leaving Her*, in TELLING MOMENTS: AUTOBIOGRAPHICAL LESBIAN SHORT STORIES 223, 224-25 (Lynda Hall ed., 2003). The clinical details of Ruthann’s diagnosis also figure prominently in *Notes from a Difficult Case*, 21 CREATIVE NONFICTION 6 (2003), *reprinted in* IN FACT: THE BEST OF CREATIVE NONFICTION 226 (Lee Gutkind ed., 2005). The CREATIVE NONFICTION issue in which Ruthann’s award-winning essay appears is titled *Rage and Reconciliation: Inspiring a Health Care Revolution*.

<sup>50</sup> When Ruthann’s illness writings are published, they are often labeled “creative non-fiction.” Labeling the form in which these illness writings are presented does little to convey or suggest how brilliant in conception and execution they turn out to be. And calling them “creative non-fiction,” as fashionable as that term may be, doesn’t do the writings justice either.

<sup>51</sup> I don’t know that it does justice to Ruthann’s illness writings to call them essays. Maybe there’s some taint to the essay genre by its being associated with something we ask a college student to write in a composition class.

<sup>52</sup> ROBSON, *text*, in MASKS, *supra* note 21, at 105.

<sup>53</sup> ROBSON, *SAPPHO*, *supra* note 7, at 46. Ruthann tells us that fiction theory “privileges invention in the form of writing,” and that she finds the genre “inspirational.” *Id.* at 46-47.

<sup>54</sup> NICOLE BROSSARD, *THE AERIAL LETTER* 73 (Marlene Wildeman, trans., 1988). Brossard notes that, “[w]omen write, but at this point in time, they write more than ever with the conscious knowledge that they cannot write if they camouflage the es-



## 2005] A POETICS—OF AND FOR—RUTHANN ROBSON 395

sential, that is, that they are women.” *Id.* One has to salvage what one can from a descending fog of obscurity that pervades Brossard’s writing. Even in her great dense fog of prose, there are patches, all too brief, where we are presented a statement that can be decoded, as for example, “[i]t is thus at the border between what’s real and what’s fictive, between what it seems possible to say, to write, but which often proves to be, at the moment of writing, unthinkable, and that which seems obvious but appears, at the last second, inexpressible, that this elusive derived writing, writing adrift, begins to make its mark.” *Id.* at 75-76. The problem with the label “fiction theory” is that the term is an awkward attempt to describe as new something which we may not be new at all.

<sup>55</sup> Robson, *Notes from a Difficult Case*, *supra* note 49.

<sup>56</sup> *Job* (New International).

<sup>57</sup> LEO TOLSTOY, *The Death of Ivan Ilych*, in *THE DEATH OF IVAN ILYCH AND OTHER STORIES* 95 (1960).

<sup>58</sup> I shamelessly borrow this expression from Ruthann’s *Notes from a Difficult Case* where she describes the side effects of the toxicity from her chemotherapy. “I weighed less than one hundred pounds and was so thin it hurt to sit on a chair. I had fevers that clawed at my bones. I was so weak I crawled down the hallway to the bathroom. I lost all my hair, even those sweet little hairs on my toes.” Robson, *Notes from a Difficult Case*, *supra* note 49, at 10.

<sup>59</sup> The essays in which Ruthann presents her illness are written in the first person; two of the essays appear in a journal called CREATIVE NONFICTION. I held out hope, that these illness writings were simply a new meta-literary turn in Ruthann’s many genred life. I remember reading Ruthann’s first illness essay and thinking, *my God, I hope this is fiction made to look real*. Having appeared as “creative nonfiction” I wanted these illness essays, for Ruthann’s sake, to be an ultimate act of creation, something akin to a literary hoax. Reading the illness essays again, they are still harder to read, knowing Ruthann, now knowing them to be nonfiction; it is hard to parse them for literary meaning. I still do not want them to be autobiography, knowing as I do, that this is what they are. How then, given what they are, can they be read as *creative*, presented not only to inform, but for literary effect? It turns out, several years after this first reading of Ruthann’s *Notes from a Difficult Case*, that the narrator in Ruthann’s illness writings is indeed Ruthann. And for those who have been following the story, we find statements by Ruthann in 2003, that she is now cancer-free. See Robson, *Leaving Her*, *supra* note 49, at 228. Moreover, Ruthann reports having “had the best revenge” against the physicians who misdiagnosed her, “I had defied them and I was living and well.” *Id.* at 9.

<sup>60</sup> Robson, *Notes on My Dying*, *supra* note 15, at 8.

<sup>61</sup> *Id.* at 8-9.

<sup>62</sup> “*It only takes a single cell, a renegade cell, a mutated cell*, the medical texts tell us.” Robson, *story time*, *supra* note 49, at 219.

<sup>63</sup> I have corresponded with Ruthann, and published one of her stories in the LEGAL STUDIES FORUM (a journal I edit), but my knowledge about Ruthann and her disease comes from her illness writings.

<sup>64</sup> Robson, *Notes on My Dying*, *supra* note 15, at 16.

<sup>65</sup> *Id.* at 17.

<sup>66</sup> *Id.* at 8.

<sup>67</sup> *Id.*

<sup>68</sup> On this idea (and exemplar) of a story being told, untold, retold, told again and again, see TIM O’BRIEN, *THE THINGS THEY CARRIED: A WORK OF FICTION* (1998).

<sup>69</sup> Robson, *Notes on My Dying*, *supra* note 15, at 8.

<sup>70</sup> *Id.*

<sup>71</sup> The narrator says, “I cannot pretend I am who I was a few months ago, so I pretend I am a fashion model. I am a Buddhist nun with a shaved head. I am anorexic. I have a lovely pallor. I have a noble beauty, a beautiful nobility.” *Id.* at 9.

This sounds like the writer of fiction constructing a character. In *story time*, she says that she “lost the story of who I was and who I wanted to be . . . .” Robson, *story time*, *supra* note 49, at 222. It is, with this introduction of a sense of fictional characters, that I begin to think of Ruthann in her illness writing as not only the Ruthann I know, but Ruthann as a narrator, the kind of narrator we talk about when we talk about a story with fictional characters who we care about in some way, but not in the way we care about Ruthann.

<sup>72</sup> Robson, *Studies in the Subjunctive*, *supra* note 11, at 114.

<sup>73</sup> *Notes on My Dying*, *supra* note 15, at 9. In *story time*, we find this question, “[w]hat if . . . I couldn’t even go to the post office anymore, the post office across the street from the library with the beautiful cherry tree that blooms every spring . . . .” Robson, *story time*, *supra* note 49, at 222. In *Studies in the Subjunctive* there is still another post office scene, “[t]oday, at the inland post office, the postwoman comments on the beautiful calligraphy that graces my envelope, announcing my prosaic return address. . . . I find her compliments comforting, talismanic. I would hope my doctors would be her kind.” Robson, *Studies in the Subjunctive*, *supra* note 11, at 115-16.

<sup>74</sup> Robson, *Notes on My Dying*, *supra* note 15, at 9.

<sup>75</sup> *Id.*

<sup>76</sup> *Id.* at 10.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at 10-11.

<sup>79</sup> *Id.* at 15.

<sup>80</sup> *Id.* at 15.

<sup>81</sup> *Id.* at 16. “I spend hours at the computer, leaving no Web site unturned. I become an expert in my rare type of cancer.” *Id.*

<sup>82</sup> *Id.* at 10.

<sup>83</sup> Ruthann does something of a similar sort when she translates lines from Anne Sexton’s poem *The Doctor* into aphorisms. See Robson, *Studies in the Subjunctive*, *supra* note 11, at 117.

<sup>84</sup> Robson, *Notes on My Dying*, *supra* note 15, at 10.

<sup>85</sup> *Id.* at 15.

<sup>86</sup> See ARTHUR FRANK, *THE WOUNDED STORYTELLER: BODY, ILLNESS, AND ETHICS* (1995).

<sup>87</sup> ROBSON, *SAPPHO*, *supra* note 7, at xiv.

<sup>88</sup> Robson, *Notes on My Dying*, *supra* note 15, at 8. But it is not just stories about cancer that are disturbing. Ruthann is also perplexed by the stories she finds so strategically located in academic writing. “I admit I sometimes squirm when academics, in lieu of abstractions and critiques, insert a few stories into their publications, then more stories, until their articles are a string of anecdotes and no footnotes.” Robson, *story time*, *supra* note 49, at 217. This annoyance, albeit a minor one, is all the more surprising given its source and that Ruthann is—how shall we put this?—so fully enmeshed in the reading of, thinking about, and production of narratives. So, what is Ruthann doing here? Perhaps because she’s developed the kind of audience for her narrative work, an audience separate and apart from her legal writings, she finds it annoying to see how her colleagues now feel a need—a fashionable imperative—to stick an anecdote or some kind of personal revelation into their law review articles. But I must say, for my part, it’s the rather unusual academic law review style article (purporting to be . . . what . . . theory?) that couldn’t stand the personal touch of anecdote and story. In her annoyance with anecdotes and stories in academic writing, Ruthann has too thinly disguised her status as an accomplished writer and her strong affinity for theory. Her stories have a place both within and outside legal writing.

<sup>89</sup> Robson, *story time*, *supra* note 49, at 216.

<sup>90</sup> Ruthann notes in *Sappho Goes to Law School*, Vladimir Nabokov’s statement that “The Death of Ivan Ilych” is “Tolstoy’s most artistic, most perfect, and most sophisti-

## 2005] A POETICS—OF AND FOR—RUTHANN ROBSON 397

cated achievement.” ROBSON, SAPPHO, *supra* note 7, at 251 n.72 (citing VLADIMIR NABOKOV, LECTURES ON RUSSIAN LITERATURE 238 (Fredson Bowers ed. 1981)).

<sup>91</sup> ROBSON, *Studies in the Subjunctive*, *supra* note 11, at 114-17. Robson, *Leaving Her*, *supra* note 49, at 223-30; Robson, *Notes from a Difficult Case*, *supra* note 49, at 6.

<sup>92</sup> WEBSTER'S SEVENTH NEW COLLEGIATE DICTIONARY, *supra* note 36, at 875.

<sup>93</sup> ROBSON, *Studies in the Subjunctive*, *supra* note 11, at 114.

<sup>94</sup> *Id.* at 115. A customer, reviewing Fowler's *Dictionary* on Amazon.com notes, “[e]veryone that writes should have a copy of Fowler. But please, don't buy the 'Third Edition,' which isn't really Fowler. The second edition (edited by Gowers) is OK, but the first is really the nonpareil.” Mika Nystrom, *The Classic Usage Guide: Everyone Should Have One*, Sep. 20, 2002, <http://www.amazon.com> (search “Oxford Fowler's Modern English Usage Dictionary”; then follow hyperlink) (last visited Oct. 13, 2005).

<sup>95</sup> Oxford University Press, the publisher of Fowler's *Dictionary of English Usage* provides this helpful note on the Fowler dictionary on the Press's catalogue website: “Over 75 years old, this classic text has become the standard work on the correct but natural use of English and has ensured that Fowler is a household name. Written in Fowler's inimitable style, it gives clear guidance on usage, word formation, inflexion, spelling, pronunciation, punctuation, and typography.” Oxford Press, <http://www.us.oup.com/us/catalog/> (search “A Dictionary of Modern English Usage”; then follow first hyperlink) (last visited Oct. 13, 2005). Reviewer Dennis Littrel on Amazon.com provides the following lucid and thoughtful commentary:

It is somewhat amazing that this book, first published in 1926, is still in print. The language has changed quite a bit since then; thousands of words have been added, hundreds have gone obsolete, and hundreds more have had their meanings shaded; and of course many of Fowler's pronouncements are now merely echoes of battles long lost or won. Not only that, but two newer editions of *A Dictionary of Modern English Usage* have been published, the excellent second edition edited by Sir Ernest Gowers in 1965 (now ironically out of print while the original finds yet another printing), and the not so entirely well-received (but underrated in my opinion) third edition, edited and revised by R.W. Burchfield in 1996.

How to account for this phenomenon? Part of it is because Fowler's reputation only grew after his death as several generations of writers sang his praises and adhered to, or sometimes fussed about, his many dicta on usage questions both great and small. And as the years went by, and as the pages of his masterpiece gave way to wine stains and silverfish or the few remaining copies disappeared from libraries, he himself became a legend. Not everything he wrote is considered correct today, nor was it then. And sometimes the succinct yet magisterial little essays he wrote were followed by other little essays that were all but impenetrable, obtuse, and somewhat overbearing. No matter. The good greatly outweighed the occasional misjudgment, and the education he afforded us remains.

Another part of the story is that there is something very properly English and wonderfully nostalgic about the man himself. He was a bit of a character who lied about his age and joined the army when he was 56 years old to fight the Germans in the Great War (only to faint on the parade grounds), a man who earlier gave up a teaching career because he did not feel it was his responsibility to prepare a student for the seminary. More than anything, though, the fact that this book is still in demand is a testament to the high regard and affection felt by the literate public toward Fowler himself.

What Fowler knew and preached was that before we could presume to be literary artists or journalists or even authors of readable letters we

must of necessity, if we are to be effective, be craftsmen. Central to his purpose was the belief that the right word in its proper place and context constituted the backbone and much of the muscle and sinew of forthright and effective writing. That belief along with Fowler's celebrated passion for the concise and the correct, and his intolerance of ignorance and humbug, coupled with his sometimes incomparable expression, long ago won him the undying respect and admiration of careful writers of the English language the world over.

But this is something of a problem. Since Fowler last set pen to page some seventy-one years ago (he died in 1933), the English language has changed and grown enormously. What was correct and effective then, as well as what was ineffective, offensively brash, or downright ugly, has in some cases become acceptable and even felicitous. So, like it or not, Fowler had to be updated, and of course there was no shortage of lexicographers, linguists, grammarians, journalists and others looking to do the job. Furthermore, the "Great Divide" between American English and British English needed to be explained, recorded, and codified. Some of the people who have joined in this enterprise over the years have been H. L. Mencken, Jens Jespersen, Margaret Nicholson, Dwight MacDonald, Bergen and Cornelia Evans, and more recently, Bryan A. Garner and R.W. Burchfield, and many others. I think all of them, if they looked over their shoulder would see upon the wall an especially sober portrait of Fowler passing silent judgment upon their protracted labors. Certainly on their desks would be this book.

Dennis Littrel, *The Standard to Which All Others Are Compared*, April 28, 2004, <http://www.amazon.com> (search "Oxford Fowler's Modern English Usage Dictionary"; then follow hyperlink) (last visited Oct. 13, 2005). Ruthann says, "the renowned H.W. Fowler would have been delighted about his work's immortality if he were still alive." Robson, *Studies in the Subjunctive*, *supra* note 11, at 115. Of course, we have to keep in mind that "[t]he subjunctive is, except in isolated uses, no longer alive." *Id.* Ruthann returns, throughout *Studies in the Subjunctive*, to Fowler and his teasing out of the subjunctive, and does so in a way that actually makes a reader want to go to the library to see Fowler at work. Ruthann says, "I am still possessed of my Fowler's . . ." *Id.* at 117.

<sup>96</sup> *Id.* at 11. Anne Sexton may provide the continuous thread that runs through *Studies in the Subjunctive*, but the narrator grows "suspicious" of Sexton, finding that she has deceived us into believing "death is romantic and not full of dullness and formalism; that death is literary . . ." *Id.* at 117. But remember, it was Ruthann who observed, "[w]e are nothing if not literary . . ." *Id.* at 114.

<sup>97</sup> *Id.* at 115.

<sup>98</sup> *Id.* at 115. *The Awful Rowing Towards God* was Sexton's last book published posthumously in 1975.

<sup>99</sup> ANNE SEXTON, *Doctors in THE AWFUL ROWING TOWARD GOD* 74 (1975).

<sup>100</sup> Robson, *Leaving Her*, *supra* note 49, at 225.

<sup>101</sup> TOLSTOY, *supra* note 57, at 120.

<sup>102</sup> *Id.* at 121.

<sup>103</sup> *Id.*

<sup>104</sup> PETE DEXTER, *PARIS TROUT* (Penguin Books 1989) (1988).

<sup>105</sup> *Id.* at 4-11.

<sup>106</sup> *Id.* at 11-12.

<sup>107</sup> *Id.* at 12.

<sup>108</sup> Robson, *Studies in the Subjunctive*, *supra* note 11, at 114.

<sup>109</sup> *Id.* at 117.

<sup>110</sup> DEXTER, *supra* note 104, at 5.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

## 2005] A POETICS—OF AND FOR—RUTHANN ROBSON 399

113 *Id.*

114 See *ESSAYS ON LIFE WRITING: FROM GENRE TO CRITICAL PRACTICE* (Marlene Kadar ed., 1992).

115 Robson, *Studies in the Subjunctive*, *supra* note 11, at 117.

116 *Id.*

117 ROBSON, *the ledge*, in *MASKS*, *supra* note 21, at 89-90.

118 ROBSON, *aesthetics*, in *MASKS*, *supra* note 21, at 92.

119 ROBSON, *the last decade of patriarchy*, in *MASKS*, *supra* note 21, at 95.

120 ROBSON, *Witchcraft in the Nuclear Age: thirteen accounts*, in *MASKS*, *supra* note 21, at 68.

121 *Id.* at 63.

122 ROBSON, *waves, night*, in *MASKS*, *supra* note 21, at 72.

123 ROBSON, *Witchcraft in the Nuclear Age: thirteen accounts*, in *MASKS*, *supra* note 21, at 65.

124 Robson, *Water*, 2 *KALLIOPE* 29, 30 (2003).

125 ROBSON, *Witchcraft in the Nuclear Age: thirteen accounts*, in *MASKS*, *supra* note 21, at 66.

126 Ruthann Robson, *Introduction: Assimilation and/or Resistance*, 1 *SEATTLE J. SOC. JUST.* 631, 631 (2003).

127 ROBSON, *SAPPHO*, *supra* note 7, at 27.

128 ROBSON, *Witchcraft in the Nuclear Age: thirteen accounts*, in *MASKS*, *supra* note 21, at 67.

129 *Id.* at 88.

130 *Id.* at 83.

131 Robson, *Notes on My Dying*, *supra* note 15, at 9.

132 There are frequently references in Ruthann's illness writings to the "famous cancer center" which becomes a motif in her illness essays. See, e.g., Robson, *Notes on My Dying*, *supra* note 15, at 6, 8. In *story time* there is reference to a letter "from the famous cancer center, the place where they told me I was going to die . . ." Robson, *story time*, *supra* note 49, at 222. In *Notes from a Difficult Case*, there are several references to the "doctors from the famous cancer center." Robson, *Notes from a Difficult Case*, *supra* note 49, at 6. In *Leaving Her*, yet another cancer center is referred to as "a cancer center with a stellar reputation." Robson, *Leaving Her*, *supra* note 49, at 224. It's at the famous cancer center we find doctors who act "as if they are gods . . ." Robson, *Studies in the Subjunctive*, *supra* note 11, at 117.

133 Ruthann Robson, *Anne Brigman in the Doorway of her Studio c. 1908*, *SOPHIE'S WIND* 30, 30 (2002).

134 Ruthann Robson, *Prospective*, 4 *BELLEVUE LITERARY REV.* 84, 85 (2004).

135 ROBSON, *the last decade of patriarchy*, in *MASKS*, *supra* note 21, at 97.

136 Robson, *Water*, *supra* note 124, at 30.

137 Robson, *The Novel Law Professor*, *supra* note 3, at 12.

138 For the first decade of my teaching I found myself to be the local theorist (and yes, acquired company along the way; theorists too get lonely and seek out their own kind). I can't say that my theorizing did much good or harm; it was more a predisposition, an aversion to teaching black-letter law and legal doctrine, than it would ever be fully translated into a pedagogical stance or scholarly writing. It was, shall we call it, a dance with theory, more a way of distinguishing myself from the traditions of my doctrinal, rules-centered, court-focused colleagues, than it was a mark of true distinction.

139 Ruthann does theory, as she does so much else, to serve her progressive politics and pursuit of social justice.

140 ROBSON, *LESBIAN (OUT)LAW*, *supra* note 1, at 15. Doing theory, for Robson, is a way of developing "clarity" of purpose in the struggle for survival. "Any theory that ignores our daily survival is useless." *Id.* at 17. She goes on to note, "[t]heory can

help us decide questions about ultimate goals and strategies.” *Id.* “Lesbian survival is the starting point for developing lesbian legal theory.” *Id.* at 19.

<sup>141</sup> I find Ruthann’s *Lesbian (Out)Law* not really a theory text at all, even though this is the text where she says she’s a theorist and that she takes theorizing seriously. Ruthann gets closer to (and practices) something more akin to what I would call theory in *Sappho Goes to Law School*, but even there, she may be talking theory more than doing theory. *Lesbian (Out)Law* is a path-clearing book, written by a great adventurer who has traveled with an advance survey team exploring terrain and routes overland—exploring terrain that those of us in the world of “heteronormativity” know about only by reading books like *Lesbian (Out)Law* and *Sappho Goes to Law School*. What we find in *Lesbian (Out)Law* is a history, a voyage of discovery—and what a trip it must have been. Then, in *Sappho Goes to Law School*, Ruthann chronicles lesbian survival, and gives sight to a hoped-for future.

<sup>142</sup> Ruthann tells us, “[t]heory permeates *Lesbian (Out)Law*, but by theory I mean thinking focused on . . . survival.” ROBSON, LESBIAN (OUT)LAW, *supra* note 1, at 13. Ruthann warns us about the theoretical nature of *Lesbian (Out)Law*, but in my reading of the book, given the nature of the subject, it doesn’t read like theory at all. *Sappho Goes to Law School* turns out to be the more theoretical book. “It is especially important to distinguish lesbian legal theory from the related endeavors of feminist legal theory and the possibility of queer legal theory.” ROBSON, LESBIAN (OUT)LAW, *supra* note 1, at 21. Robson is concerned about “[t]he preoccupation of feminist legal theory with men . . . .” *Id.* Ruthann also tells us, “[l]aw is not a subject reserved for professionals . . . . While law and theory are often considered abstract and formidable, they need not be.” *Id.* at 13. Ruthann commits herself “to theorizing in ways that are concrete and accessible.” *Id.*

<sup>143</sup> A little jargon goes a long way. If we took it upon ourselves to eradicate jargon, we might start with the word interrogate. For example, Ruthann uses the term a few times in her more theoretical work, *Sappho Goes to Law School*, where she tries to deal with the postmodernist writings on sexual identity and on lesbians. “Thus, it has become increasingly necessary to interrogate the predicaments posed by identity politics . . . .” ROBSON, SAPPHO, *supra* note 7, at 2. “In addition to interrogating gender, lesbians have also interrogated the meaning of the erotic, the affectional, and sex relational categories that apply to lesbian interaction . . . .” *Id.* at 7. If *Lesbian (Out)Law* is work on the ground, *Sappho Goes to Law School* is work on the high-wire of theory. In *Lesbian (Out)Law* theory is guided by its value in helping its lesbian (and non-lesbian) readers survive; in *Sappho Goes to Law School* theory is guided by its efforts to engage the postmodernists on terrain they have mapped. What we need from theory—postmodernism and the rest of it—and from theorists, is more work of the kind Ruthann gives us in *Lesbian (Out)Law*. What we need is a survivalist guide to theory, and to theorists, a new *Lonely Planet Guide to Theory*. What I’d like to see is a new travel literature, devoted not to what we would like to think are the exotic places of the world, but to the exotics of theory.

<sup>144</sup> Ruthann reminds us in her essay *story time* that all readers are students. See Robson, *story time*, *supra* note 49, at 216.

<sup>145</sup> She notes, in the same sentence, that it “may be waning;” what she doesn’t say is that some of us will not be saddened to see it go. ROBSON, SAPPHO, *supra* note 7, at 43.