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THE FIRST FOOTNOTE

LOUISE HARMON*

Robbins and Lynch. I liked the way the two names sounded together, like an Irish funeral parlor. We were both Irish American, although Pat didn't even know what county her family had come from. My grandmother was from Co. Tipperary. (She grew up on a farm that lay between Cashel and Ferns.) Indeed, most of the Lynches can still be found in Co. Tipperary, farming or raising sheep, or living in small towns, running grocery stores, counting money in the Bank of Ireland or the AIB, selling cars—my one cousin, David Lynch, owned a Datsun dealership for awhile, and kept winning free trips to Japan. His wife collected dolls, and there was a phalanx of miniature Japanese women in kimonos lined up on the black marble mantel in their parlor, porcelain heads cocked in seductive submission, silk umbrellas resting lightly on their shoulders, with piles of glistening black Barbie hair, and bangs. That all those dolls had bangs struck my cousin's wife as odd. Geishas should not have bangs, she thought, and I had to agree with her.

I understood Pat Robbins, perhaps because of our shared background. Even though her Irishness had been diluted by several generations of procreation in this country, the Robbins and the Flatleys—her mother's family name—had been discriminating, cautious to marry not only Catholics, but Irish Catholics. Italians would not do. Pat once told me about her older brother Michael who had gone out with a girl in high school whose name was Marianne Giambone, and how distressed her parents were at the prospect of a mixed marriage. Pat used to laugh at that. At the time, her parents didn't know what was coming down the pike—that they would have to contend with a daughter who was a radical lesbian, an outspoken feminist and crusader for gay rights. Her father was a member of the Ancient Order of Hibernians, and within those walls, covered with wallpaper mottled with red velvet flowers, Pat was difficult to explain. Actually, her brother, had he married the Italian, would have been more difficult to explain since his aberration was one that the Hibernians could conceive of and hence talk about, albeit in hushed tones. Pat's was so incomprehensible, so beyond the pale, it was unspeakable. Pat's dad probably didn't have to explain her at all.

Pat's public persona was that of frank openness. She faced the world freckled. (An easy stance for a natural beauty, I used to tell her. She

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should see my cousin Laura's freckle pattern, like a map of the Antilles.) Here I am, Pat's very being seemed to say, take me or leave me. And of course, many people opted for the latter, being squeamish about her gay pride. And she reveled in their rejection, particularly if they were straight. The term straight for Pat covered a lot of territory. It meant not only heterosexual, but conventional, shackled by the chains of familial expectations and the need to conform. She used the term frequently and always with disdain. He's really straight, she would say, and in one word, indict the accused of a whole multitude of crimes: for accepting without question the gender nature had assigned him, for marrying and bearing children, for having a mortgage, for vacationing at Disney World, for wearing tan corduroy jackets, for wondering what lesbians do in bed, for writing law review articles that had Sections I, II and III.

At the other end of the spectrum were those people who were cool. Cool was the opposite of straight, and implied at a minimum, tolerance of a gay life style, if not the embrace thereof, and a full arsenal of political opinions, ready to fire, that coincided with Pat's own. She had a well kept secret: among the straight, she strove for reverse popularity, but among those she designated as cool, she desperately sought approval. Her frank openness was a mask. Beneath her public persona, and her bold display of freckles, was hiding another woman, complex, insecure, elusive, whose bedrock was impossible to penetrate with a simple shovel, its blade too short to dig through the strata of secrets that protected her from exposure. No, it would take a bulldozer to excavate Pat Robbins.

The first time she threw up, I wasn't sure I was hearing right. We were done with the work of the day, and had just eaten a late dinner—my choice, Chinese take out. I had only ordered an abstemious Vegetarian Delight, but Pat had gorged herself on two fried egg rolls, shrimp toast, and an order of Peking Duck. I was at the kitchen sink, washing what looked like a week's worth of dirty dishes, a task I suspected had fallen to more than one research assistant. (Pat's perfectionism never manifested itself in housework. She was fastidious about her person, but her apartment was a pigsty—a stance of rebellion against her mother's tyrannical tidiness.) The sink water was rushing out of one of those pressurized nozzles, creating a whoosh of white noise. Pat had gone into the bathroom and shut the door, ostensibly to take a shower, so there was a second layer of water in motion between us, but I could have sworn that from the bathroom, I heard one, long wretch, the unmistakable sound of a human being *in vomitus*. Pat, are you ok, I yelled from the kitchen, and she didn't answer. The two streams of

water continued to rush between us, and I shrugged my shoulders. Perhaps I had not heard what I thought I had heard.

But I heard it again. And again. Night after night. Throwing up after eating a huge late night meal was a habit for Pat, just like brushing her teeth—something she invariably did right after. The deed was always done surreptitiously, under cover of the shower, and she was incredibly efficient. Never did I hear her heave more than once. It was always a single, deep-throated uuuuuuuggggghhh into the toilet bowl, flush, brush, shower, and out of the bathroom she would emerge, wrapped in a white terry cloth robe, her hair wet and spikey, looking like a sun-sparkled twelve year old boy. Her breath afterwards was always aggressively minty, having gargled with the dazzling aqua blue mouthwash that sat on the back of the toilet.

I can only assume she threw up to stay thin. Pat was something of a nut when it came to her body, although her obsession was only apparent from her behavior, never from anything she ever said. I assumed that mention of her body, and her desire for it to be perfect, flat, androgynous, was taboo. Every day after work, without fanfare, she would take off for the gym, don her sports bra and lycra pants, position herself on the black naugahyde seats of those instruments of torture, and push and pull, repetition after repetition, driven by some inner demon who must have taunted her by repeating the maddening mantra: you are fat, you are fat, you are fat. One thing was for sure: if she didn't get to the gym almost every day, she went crazy. When I made reservations for her at a conference, I had to find a hotel that was equipped to absorb her genuflections to the goddess of fitness, and if there wasn't one, she would come home after three days, probably aghast at the ground she had lost during the seventy-two hours of enforced relaxation.

Unlike her appetite for food, Pat's appetite for fame did not follow the purge, binge, purge, binge cycle. It was a constant pressure, a steady thumb on her organ of desire. She remained in a permanent state of unrelieved arousal—craving to be known, to be recognized, to be talked and written about, to hear her name uttered by strangers in strange cities, in the dimly lit hallways and fluorescent elevators of academe. She was hungry for fame, and that hunger defined her, devoured her, and in a perverse interplay of karmic influences, caused her to devour others. Her ambition was another well kept secret, and in this, Pat was not alone. Ambition is respected and expected in a man, but in a woman, it is considered vulgar. Many of us have learned to mask our ambition—sometimes behind our femininity, sometimes

behind children, sometimes behind a facade of indifference to—perhaps ridicule of—the ladder we are scrambling to ascend.

So many secrets—but what else could I have expected? Secrets are the stock and trade of the Irish—sacred and profane—and Pat was no exception. I used to assume that secret and sacred had the same Latin root—that the Latin phrases sung by the nuns in my great-aunt's convent (The FCJs) were both sacred and secret, but once I found the table of Indo-European roots in the back of my dictionary, I discovered I was wrong. My life changed when I found that table of word roots. I love that table. I even tried to introduce Pat to it, but she was impatient with etymology. She wanted words to achieve things for her, not to be an object of study. Me, I love to meditate on how and why a series of words might be related. The Indo-European root *Krei*, for example, came from Greek *krineim*, to separate, decide, judge. Its important derivatives are riddle, garble, crime, criminal, discriminate, certain, concern, decree, discern, excrement, secret, crisis, critic, and hypocrisy. Secret came from Latin, *cenere*, to sift, separate, decide. When I discovered *krei*, I showed the paragraph to Pat in wonderment, how the metaphor of sieve echoed throughout this list of seemingly disparate words, and she shrugged her shoulders and told me to stop wasting my—our—time.

And so I sifted another remarkable secret from the shifting sands of our relationship: Pat was not an intellectual. She was incapable of being interested in something just because it was interesting. On an intuitive level, she knew that, and that was why she hired me and others like me. There was a pattern to our interchange. I would stumble across something doing research for her that caught my fancy—an idea, or a bit of history, or an obscure connection—and bring it to her, usually with trepidation since I knew its fate, and then she would deride me. Later, in words thinly disguised as her own, she would appropriate my meditation, and try it out on the world, to see if it would capture someone else's imagination. Often it did, and then it was promoted to the status of one of Pat Robbins' insights.

At first the appropriation didn't bother me. To the contrary. I was flattered that the professor I worked for found any of my thoughts of interest. Of course, she would never say as much out loud, directly, to me, that my ideas were worthy, at least not until recently when it was in her interest to do so. Rather, I would find out later, after the idea had been presented, laughed at, and then repackaged as a Robbins' original. I can even put my finger on the precise moment that I discovered her *modus operandi*.

We were researching witchcraft—when weren't we researching witchcraft—and I was laying the groundwork for a lengthy footnote on Joan of Arc. At the time, Pat was trying to build a case for Joan's lesbianism from her cross-dressing, a conclusion that ultimately struck me as not very interesting, and even if it were true, something I seriously doubted. I was supposed to be going through the transcripts from the first hearing at Poitiers, then later the trial at Rouen, culling them for references to her armor, and her donning of male clothes, but I got fascinated by her testimony about the voices. Imagine what a threat it must have been to the Church leaders, I rambled on to Pat one afternoon as we discussed the research, that a young girl could be getting direct communications from God, or at least his agents, without the filter of Church authority. It reminded me, I continued, of the threat that Anne Hutchinson must have posed to the Puritan elders with her doctrine of grace, when she insisted that through prayer and meditation, it was possible for anyone to have immediate access to God—that the Church elders were not needed as intermediaries between the divine and the mundane.

Anne who?

Hutchinson. Anne Hutchinson. You remember, the Antinomians. Early seventeenth century. She was tried and banished from the Massachusetts Bay Colony.

Hutchinson. Like the Hutchinson Parkway in New York? The Hutch?

Yes, I sighed. Like the Hutchinson Parkway, not being sure that the parkway had actually been named after Anne Hutchinson. It didn't really matter. That was how Pat felt her way through unfamiliar territory. She started with something that she knew, some aspect of her own life that made sense to her, and then used that as a frame of reference, like the generation of children who have grown up thinking that Michaelangelo and Donatello were bipedal, talking reptiles who lived in sewers, wore bandanas and ate pizza. Pat was very sensitive about these gaps in her education, and used to blame them on going to college in the early 1970s when they had gotten rid of the core curriculum and the Western canon in favor of African and Women's Studies. She would have never publicly admitted that she didn't know who Anne Hutchinson was, but it was ok to confide in me—you have to feel free to admit to the woman who waxes your eyebrows that you've actually got one solid ridge of hair that spans the crest of your cranium.

It was Pat's weakness in history that motivated her to select me as a research assistant. She went to the Dean of Students who kept a file of student resumes, and sifted through it for someone with a back-

ground in history. Later she confided that one of the outside evaluators of her scholarship when she was up for tenure had critiqued her work as "naively ahistorical," an epithet that haunts her still. History, they want history? I could hear her muttering to herself on her way to the Dean of Student's office to dip into the well of available talent, I'll give them history. Pat does not take well to criticism, so she hired me. I had a double major in English and History in undergrad, and a masters in European History. Actually, it was more than a Masters—almost a Ph.D., but like so many others, I was ABD, having gotten mired in my dissertation, trying to do a feminist critique of the potato famine of 1849, as ill-fated a project as trying to establish the lesbianism of Joan of Arc. Finally I took the Masters as a terminal degree, and fled the hallowed halls of academe, figuring that I was ill-suited for the life of a scholar. Law school looked like a piece of cake compared to the rigors of a Ph.D. program, and so I joined the ranks of other refugees from the humanities who sought from the law, solace, sustenance, security.

I would not have thought much about our interchange about Anne Hutchinson, had I not run several weeks later into the following sentence while proofreading some of Pat's footnotes: "Much as Anne Hutchinson had been a threat to the Church elders in the Massachusetts Bay Colony in the eighteenth century (sic), Joan of Arc's direct access to the voice of God posed a threat to the hierarchy of the Catholic Church who claimed a monopoly on the receipt and interpretation of divine revelation." I was dumbfounded. The words were not exactly mine, but the idea was, and it was the first time I had ever witnessed such a metamorphosis—from Valerie Lynch's inchoate idea to Pat Robbins' fully formed one. Somehow the slumbering caterpillar had slipped out of his silk cocoon, and landed in a polyester sleeping bag monogrammed with PR's initials. This was how she operated, with a sleight of hand, deftly committing an act of appropriation discernible only by the appropriatee. I had tossed a pearl in her direction, and she had picked it up, dusted off the dirt, and unbeknownst to me, sewed it into a piece of fabric that she was marketing as her own. There was no warning on any label that read "Idea by Valerie Lynch;" indeed, there was no label at all, since all the material in the reader's field of vision belonged to Pat Robbins.

It was all right as long as it happened in the footnotes. Scholars from other disciplines are mystified by the phenomenon of the footnote in legal scholarship, although I have come to appreciate its beauty. In history, the footnote is used sparingly, with puritanical parsimony, like seasonings in Irish food; its telos is mere attribution, a nod in the direction of another mind that may have provided a set of quoted words,

or perhaps an insight so original that it would be intellectually dishonest to present it as one's own. The reverse is true of legal footnotes: there quantity is valued, in both number and size—the more, the fatter, the better. Even with attribution, law review footnotes are larger than life, including what we call “string cites,” lengthy technical notations to other sources of authority—statutes, cases, perhaps other canonical works in the literature dealing with the same subject. These I refer to as the litany—the lists of things that untenured professors must include in their footnotes in order to give the appearance of depth and breadth, an assurance to the eyes of the Promotion and Tenure Committee that the author has surveyed the literature. String cites are drone work, perfect for the dutiful, yet uninspired research assistant, of whom Pat Robbins hires several each semester.

But hyperbolic attribution is only one of a repertoire of dazzling tricks that the law review footnote can perform. Indeed, there are times in legal scholarship when the text is nothing more than an excuse for the footnotes—the reader may as well give up reading the pale, watery narrative above the line when all the passion, the poetry, the interesting ideas are packaged below the line in terse, single spaced, small-fonted, numbered paragraphs. This footnote mania even manifests itself graphically when the footnote goes on and on, sometimes longer than the text; I have actually seen pages in law review articles that are solely footnotes, slopped over from the rantings of the preceding page. Over the years, Pat's research assistants have introduced all sorts of fun stuff into her far-ranging, undisciplined footnotes—historical background (most recently), empirical research to satisfy the social scientists on your committee (the it-ain't-so-unless-we-counted-it-boys), parallel developments in the legal system of medieval Japan, you name it, the footnote has become a receptacle for her left-over detritus and half-baked ideas.

As I got into the swing of things, I discovered that you can write about almost anything in a footnote, as long as you start it out with a topic sentence of relevance—a skill that I developed with uncanny expertise. Pat's work has suffered since my defection to Gunther Hazard's camp, the law professor whose minion work I now get paid to do. Hazard has only one secret—as a scholar, he's finished, kaput, his creative juices evaporated under the hot sun of early acclamation. I am convinced Hazard hired me as a research assistant for cover, to create the illusion he is engaged in scholarship, much as some gay men marry to create the illusion they are having sex with women. My presence at the microfiche reader in the library is evidence that he's working on his

article on dying declarations, but he'll be dead himself before it ever sees the light of day.

Now that I no longer work for Pat, she is stuck with Amy Maier, my replacement and current manufacturer of Robbins' pastiche. Amy just doesn't have the knack of topic sentences. Her background in literature has forced her little mind to deal with one work at a time, *in seriatim*, and she doesn't seem able to make interesting connections among them. In fact, she doesn't have any kind of vertical sense at all, how to string beads of thought between the enumerated text and the corresponding footnote—how to build an invisible scaffolding so that the author's text gains stature, even majesty, from the research assistant's silent work in the basement below. Amy wasn't much of a trade-in, if you ask me. I think Pat was hoping for some literary inspiration on this round, but I can beat Amy Maier at poetry any day, despite her purple hair, her dark circled eyes and other affectations. I not only know a lot of history: I am also the metaphor queen.

But I'll have to admit: I learned a lot from Pat, as we built that subterranean world of footnotes. She taught me the fine art of citing other authors on the same subject, with either approbation or disdain. Pat is a master at the latter, not liking to engage in hand-to-hand combat, something she would have to do if her critique were elevated to the stature of text. Those denigrating footnotes were Pat's own invention. Neither Amy nor I could have devastated another's life work, with those acidic, fragmentary barbs, usually not even formed in whole sentences. Below the line, in introductory dependent clauses, and at other times in parentheses, Pat routinely poked merciless fun at her adversaries, knowing that she was safe. The institution of the footnote protected her from the burden of a sustained critique; it was ok to be casual, flippant and destructive with the neutralizing "see, e.g.," at your side. Pat was not a woman who liked to make enemies, but her finely tuned political sense made it necessary for her to point out the foibles of others. The law review footnote provided the perfect vehicle for her passive aggression, a safe battleground for the crusading, but confrontationally impaired.

Pat was also an artist when it came to that first footnote in any law review article—the footnote that thanks all your helpmates and colleagues and friends who assisted you in the preparation of this opus, the patient readers of earlier drafts. It is in this first footnote where you can carve out your place in the academy's pantheon of cool law professors. Much of the politics of the legal academy takes place in this bizarre arena—the first footnote. Here is where you list your credentials and mention your mentors, and those with whom you want the world to

know you are associated. Here is where you say to the world: I know these people well enough to ask them to read my work. (Preferably, you will use the nickname of someone famous. Hal instead of Harold, Kitty instead of Katherine. And you ought to make reference to their warm support, without which the piece would never have seen the light of day—anything to create the illusion of a cadre of close friends at your elbow, cheering you on at the computer, bringing you cups of tea and hot biscuits, each mentor emerging from the hypothetical kitchen more important and more brilliant than the next.) Sometimes I used to just peruse the first footnote to see if the law review article was one that Pat might want me to read, since her interest was more with the authors—their politics and their status—than with what was said. I also liked to see how research assistants were congratulated.

Indeed, it was over a first footnote that Pat and I parted company. It is customary, after thanking all your famous friends for their contribution to your work, to then throw a few peanuts to the peons who did the work below the line—to the cadre of research assistants who provide the authority for most scholarly law review articles. The sentence of gratitude usually goes something like this: “I would also like to thank research assistants X and Y for their able assistance in the preparation of this article,” or a warmer, “And a special thanks to X, Y and Z, my faithful research assistants, without whom this article would not have been possible.”

I had already featured in one such ritual gesture of appreciation, coupled with Stewart Parker, a third year drone who Shepardized all the cases and did Pat’s citations. I did not mind the coupling. While I had made a substantive contribution to the footnotes, generating ideas for Pat as well as padding the research with historical detail, I had stayed below the line with Stewart, who approached his tedious work with the calm and tenacity of a Zen master. But when I saw in a first draft what Pat was going to do with the first footnote of the second essay I worked on with her, I was furious. Stewart had dropped out, since most of the research was historical and required little citation work, and Amy Maier and I were lumped together as conjuncts in the direct object of one ungracious, niggardly sentence of thanks: “I would like to thank my research assistants, Valerie Lynch and Amy Maier, for their help in gathering material for this essay.”

It was an odd way to characterize my contribution to that essay—gathering material. I was the one who wrote the whole first part, describing the use of children as accusers and witnesses in witchcraft prosecutions. I was the one who filled in the details of Didier Perrat’s trial where his daughter, Marguitte, age eight, insisted that her father

had taken her to a sabbat, carrying on his back with a broom under his arm while they flew out of the chimney on their way to a mountain—how they had eaten bad meat and danced and followed the orders of a black man. I was the one who discovered the depositions by eight year old Thomas Kemp who claimed that his mother kept four familiars, Tiffin, Titty, Piggin and Jack, and that “he hath seen his mother at times to give them beer to drink, and of a white loaf or cake to eat; and saith that in the night-time the said spirits will come to his mother and suck blood of her upon her arms and other places of her body.”¹ Perhaps this all constituted “gathering materials,” but the central insight of the entire second part of the article was original, and it was mine: there was a parallel between using children as witnesses in witchcraft prosecutions in the early seventeenth century and using children as witnesses in sexual abuse prosecutions in the late twentieth century. Pat Robbins stole that insight from me—an insight that she may have been capable of appreciating, fine-tuning, communicating, but not generating on her own.

I suppose someone with a psychological bent might accuse me of sour grapes—that it was having to share the limelight with Amy Maier that incurred my wrath. There is some truth to that. It was downright insulting to be put into the same sentence with that airhead, with her pretentious postmodern prose and her predisposition to deconstruct with the subtlety of a wrecking ball. And of course, it doesn’t take Sigmund Freud to observe there was another truth lurking in the background—that by the time I read the draft version of the first footnote, Pat and I had finished our intimate relationship, such as it was, and that Amy had stepped in to fill the void. With reference to this psycho-sexual subtext, I might have been perceiving myself as the spurned object of Pat’s affection. Hell hath no fury, and all that.

But the fact is: Pat and I were never much of an item. She was too narcissistic to be much fun in bed, and I found that her throwing-up routine damped the barely glowing coals of my ardor. Amy could have her. No, it was the pitiful expression of thanks in the first footnote that I could not countenance. The recognition of my contribution deserved at least a sentence of its own—not the conjunction of Lynch and Maier—and it should have been a sentence with some meat on it, not just a cursory shake of salt and a plastic knife of mayonnaise spread thinly over a slice of white bread. Actually, forget the first footnote. In my heart of hearts, I thought my contribution deserved more recognition than that—it was

¹ Robin Briggs, *WITCHES & NEIGHBORS: THE SOCIAL AND CULTURAL CONTEXT OF EUROPEAN WITCHCRAFT* 235 (1996).

substantive work, not only below the line, but above the line as well—and I had provided the thesis. Pat knew that. My name deserved to be above the line, up with the text that I had co-written, conjoined not with the name of a pitiful wretch like Amy Maier, but with that of Pat Robbins herself.

When I first contemplated Pat's casual response to my dismay over this first footnote, I considered for the first time the root of the word "blackmail." I wondered if it had something to do with the color of the stationary—that demands of extortion were written on black paper in order to signify the evil intent or criminality behind the request. My stab at a derivation raised issues about the logistics of that mode of communication, however. If the paper were black, then the ink had to be white, and the only white ink I had ever encountered was in a magic kit I received for Christmas one year. The magic white ink was a thin, watery trickle, and was guaranteed to disappear within twenty-four hours, a perhaps desirable trait for some authors, but I had never seen the white ink anywhere else, unless you count white-out, and I never heard of anyone writing a letter with white-out, a thick, indelible substance like slug juice that would have taken an entire bottle just to scribble: *or else*.

When I looked up the word "blackmail," I discovered that it has an interesting derivation. English has two extant words "mail." One means "post;" this use of mail was fairly modern, having only arisen during the seventeenth century when it was first specifically applied to a bag for carrying letters. The second word "mail" meant chain-armour, coming via Old French *maille*, 'mesh' from Latin *macula*, which originally meant spot or stain. But English once had a third word "mail," which meant a payment or a tax. This word was borrowed from the old Norse 'mal,' meaning speech or agreement, and now survives only in the form "blackmail." So the word had nothing whatsoever to do with the postal service or stationary—and it didn't hark from sunnier climes, but from the dark, cold land of the north.

This etymology of the word "blackmail" gave me great pleasure. It had the virtue of clarity and directness, making clear exactly the nature of the transaction: Pat would pay me a price, and I would suppress the truth. That's just what blackmail is: a secret agreement about secrets, and of course, a crime about crimes. Is it any wonder that secretaries are often blackmailers, since etymologically speaking, they are the keepers of criminal secrets? And hadn't Pat relegated me to such a lowly status, by forcing me into that first footnote with the likes of Amy Maier? Old Norse rage—that was what motivated me to enter into the

pact. Pat's part was motivated by fear of exposure, and of the consequences of my threatened revelation.

Like drafting a petition, I had to give some careful consideration how to frame the threat. I knew so many of Pat's secrets—it was difficult to choose among them. In purely positivistic terms, the most potent secret I had on her was her amorous, albeit consensual, relationship with me. I got a good belly laugh out of that one: amorous relationship. The only person Pat Robbins had ever loved was herself. I'm sure she never loved me, although for awhile, I flattered myself that she was infatuated with me. For my part, I certainly never loved her, and could have cared less when we parted; it was no skin off my nose. But there still was the raw fact that Pat Robbins, a tenured law professor, had engaged in sexual relations with her student research assistant, conduct that was expressly proscribed by the school's sexual harassment policy.

I could have threatened her with a prosecution that would surely have compromised her position at the law school, posing as the vulnerable law student who could not resist the attentions of the professorial authority figure, whose consent was undercut by the imbalance of power in the relationship, the woman-child whose trust was violated. I felt confident that I could play that role, and I even rehearsed the testimony about the initial scene of seduction, in Pat's apartment, amidst stacks of xeroxed articles, yellow stickums, empty Diet Pepsi cans, and a cardboard box of cold, half-eaten pizza. I wouldn't even have had to lie and say that Pat had initiated things. I could own up to my role as a Lolita, and Pat couldn't avail herself of the consent of the victim as a defense. My luscious lips had been infantilized by the school's policy—it didn't matter who started the kiss.

I chose not to go that route for three reasons. (Lawyers always have three reasons for everything.) First, the complainant always gets a raw deal in these kinds of cases. There was a sort of pathetic woman in my first year section, Chris Malverne, who brought a claim of sexual harassment against the law school's biggest known lech, Joseph Posillico, and look what happened to her: she was maligned, accused of being mentally-ill and ended up leaving law school. I don't know what happened to the prosecution, but Posillico got off the hook somehow, and is probably right now trying to stick his hand up some student's skirt. I'm sure he lied about the situation, and although I wasn't confident about what Pat would do—she does have that vestigial Irish Catholic worry about burning in hell, after all—I didn't want to take any chances.

The second reason had to do with what most people think about lesbian sex—not very much. No one really cares about what women do with other women, because no one really cares about what women do—period. (And I have to fine-tune that statement by pointing out that when I say “no one” here, I mean men. They’re still the no ones that count.) Lesbian sex just doesn’t have much value in the dominant culture. It’s harmless. It’s featured in porno films made for male consumption, as a genre of fantasy and potential titillation. It’s just the girls, romping about—the accused is as insignificant as the accuser. What’s all the fuss about?

The third reason had to do with me. I didn’t really want to make it a matter of public knowledge that I’d been sexually involved with Pat. There’s no ambiguity about Pat’s sexual orientation as she locates herself squarely within the tradition of Sappho, and always has. But I’ve never been a comfortable member of the lesbian community. All those earthy, hairy armpitted women with scrubbed faces and earnest haircuts, with their Birkenstocks, their warmth, their political solidarity, their furtive glances—the whole scene makes me claustrophobic. Besides, I hate women’s music. And of course, I have committed the sin of sins. I have been known to, and still do, sleep with men. I suppose that makes me a bisexual—a suspect classification in the lesbian community. I don’t really much like the term bisexual, preferring to simply think of myself as versatile. But the fact is I like most women better than most men, but at times, on occasion, if it suits me, I also like some men. I’m also no fool. There is more to be gained by sleeping with men. Notoriety as a rejected lesbian lover would only shut doors for me, and I am a woman who likes many rooms to wander through. A mansion would do.

And so I dumped altogether the idea of threatening to start a complaint under the school’s sexual harassment policy. But there were two other secrets that I knew about Pat Robbins—glittering gems of the finest water, buried just a few inches beneath the topsoil of servitude, secrets whose revelation would equal, if not surpass, damage to her reputation—Pat’s ignorance and her bulimia. Hard as it was to choose their relative destructive value, I soon settled on a satisfactory plan of action. There is no need to relate the conversation that transpired between us. Suffice it to say I used Anne Hutchinson to great advantage, and stashed the other precious jewel away for a rainy day.

As always, Pat found a way to make things work to her advantage, even extortion. If Robbins and Lynch was forced upon her—and it was—she would make it seem as if the collaboration had been her idea, motivated by a desire to shatter hierarchy in the academy. Greek hieros

meant “sacred” or “holy,” and combined with -arkhes, or “ruling,” as in English archbishop, it produced hierarkhes, chief priest, or in Pat’s case, chief priestess. She was at the very pinnacle of the medieval academic categories, a tenured professor, and I was at the very bottom, a lowly student. But as one human mind to another, Pat said in a stirring presentation at a conference on “The New Scholarship,” discussing the genesis of our joint authorship, we must be open to accept our students as intellectual peers. We must transcend the hypocrisy of the first footnote; give a talented student’s contribution to our work its due. Then I could tell that Pat had pumped Amy Maier for some postmodern rhetoric, dumping on the concepts of originality and authorship altogether, claiming in one passage of her presentation (that surely Amy must have written), that all legal scholarship is nothing more than a patchwork quilt of the collective unconscious, a collage of yours and mine and ours—that there could no more be a single author of a law review article than of a literary text. I knew what she was up to, being a politically savvy creature, capitalizing on being chained to me—but it didn’t matter. The authors may have been dead under Pat’s new egalitarian, postmodern scheme, but at least I was one of them.

And so she yielded on the Robbins and Lynch, but I wanted more—expected more. I wanted to speak as a co-presenter at the conference on “The New Scholarship” with Pat, but she said no. It was an unfortunate decision, a disappointing one. After all, it’s my third year, and I’ve decided to look for a job in law teaching after I graduate. The exposure would have been good for me, and I knew that sitting next to Pat, the contrast between us would have been sharp. Like a bride who selects bridesmaids of greater girth and lesser radiance than her own, I have an instinctive sense for choosing the right setting in which to shine. I knew that sitting around that anti-hierarchical circle at the conference, once I got a chance to speak, everyone would realize who was brilliant and who was not. Pat would be confident, competent, politically astute, but once she had to depart from the script that Amy had written for her, there would be a marked decline in the quality of her language and her ideas. I, on the other hand, would be dazzling. Pat knew this, of course, and said there wasn’t time for both of us to speak. She’d done enough for me, she said, by moving me out of the first footnote and into a position of co-authorship. And perhaps from her limited perspective, she had. But I wanted her to do more. I wanted her to let me speak at the conference, and she had said no.

I got what I wanted. I usually do. I sat there in obedient silence through all the presentations, including Pat’s, nodding knowingly to indicate that I was following the debate—just what Pat had hoped for:

a beautiful, mute co-author, rendered dumb out of respect for those senior to her in the academic categories. But there is always a certain anarchy during the question and answer period after the presentations, where for a brief time, hierarchy no longer matters, and all minds, regardless of the status of their owners, can meet on even ground—and it was then I raised my hand. I had a question for Pat Robbins.

How did she think the collaborative process altered the hermeneutical stance of the co-authors? Did she think that having two authors, instead of one, presented a challenge to the Gadamerian model, and its assumption of limitations on the interpreter's horizon?

I didn't want to waste that other secret—the other gem I'd put away, but I was frustrated as I sought to find a forum for its revelation. Then it dawned on me, the truth can be told in many ways. Toilet bowls in fiction lack porcelain, but they still hold waste. Actually, I looked up the root of the word “fiction,” which literally means “something made or invented.” At least that was always the meaning of the word in English, being used in the sense of a story, or a set of invented facts, although it wasn't until the sixteenth century that the term “fiction” was used specifically to mean a literary genre of invented narrative. The word originally came via old French, from Latin *factio*, a derivative of the verb *ingere*, to make or shape. Much to my delight, the word effigy comes from the same root, a compound form from the prefix *ex*, out, and *ingere*—to make a shape out of.

That is what authors of fiction do: they take a real life person as raw material, and make a shape of that person. From her sculpted body, the features of her freckled face, etched with the lines of so many secrets—some too dark to even reveal here—the author kneads the dough of truth into a fictional figure that resembles. She is not the same, but she resembles, and that resemblance takes on a symbolic importance for the angry crowd below. Effigies are made for a purpose: to hang up in the public square, to mock—to burn. There's an interesting parallel between this new work of mine and the work of those who lit the fire under the feet of Joan of Arc. An interesting parallel that I can see, and I am happy to point out, Pat Robbins cannot.

