

# New Faces, New Places: Charo and Williams Join Faculty

by Kathleen Conklin, '90

*As noted in the last issue, featuring profiles on Professor Linda Greene and Rennard Strickland, the Law School recently added five new faculty members. Prof. Richard Delgado, the first to arrive, was featured in Vol. 19, No. 3. The remaining two are featured here.*

## Prof. Alta Charo

Alta Charo returned to academia to reaffirm her personal politics, regain her ambition to "save the world," and prepare students to affect social change.

Charo's background is diverse and catalytic. She grew up in an immigrant neighborhood in Brooklyn; then took a scholarship to attend Harvard where she studied biology and did laboratory research on the sex lives of Florida lizards. She became involved with the Sierra Club which focused her interest on the politics rather than the science of the environmental movement. She subsequently entered Columbia Law School because of its fine reputation for international and environmental law, and was a summer associate with the Natural Resources Defense Council.

## Why Teaching

As Associate Director of the Legislative Drafting Research Fund at Columbia University, her "first job," Charo was able to combine teaching with policy research. At the time she was lecturing on "Legislative Drafting." The policy work included research and writing on environmental law, municipal election law, reproductive technologies and energy issues. Actually writing a law which someone else would then introduce helped Charo refine her politics. The experience also made her realize that lecturing was too removed from the real action, and kept her from implementing her own ideals. "I knew what I believed. Academia was too distant from politics."

After a one-year stint at the University of Paris, Sorbonne, as a Fulbright lecturer on American legislative process and institutions, Charo decided to get out of

teaching altogether. "I resolved to work for the government."

Over the next three years she worked first for Congress, then for the Agency for International Development. The former position was with the Office of Technology Assessment as a Legal Analyst addressing questions of reproductive technologies and other "cutting edge sciences." The information guided "the madness that is Congress," in outlining federal legislation and funding for the technologies.

But Charo was disturbed by what she saw happening there and the impact it had on her political ideals. "I saw politics and government up close and in-person. All the facile solutions I was so certain of at Columbia fell apart under the ideological and practical scrutiny and pressure in government."

Charo left OTA to work on low-tech issues affecting a wide range of people. Through the American Association of Science she became a fellow in population policy at the Agency for International Development (AID). Ultimately, the experience was a frustrating last shot at structurally implementing her ideals. Charo says, "AID left me demoralized and confused about the best way to tackle global social justice. When I left, I had no idea what my goals were, and went back to academia where the only person I could hurt was myself."

## Student Education Goals

In making her return to teaching, Charo has certain goals for her students.

She maintains that legal training creates the potential to affect social change, or to promote social stability, depending upon one's political persuasion. Charo contends that law students should develop their ability to understand the social and political context in which laws are passed and administered. They should develop the ability to find and exercise reasoning in the reform or application of those laws.

Some students, she says, will be radicals. "I want to help them be more per-



Prof. Alta Charo

suasive radicals. Students need to learn to do more than shout; they need to explain *why*, and suggest improvements. Some students will be traditionalists. I want them to be more nuanced in their traditionalism. I want them to see why others want to change the status quo. In the end, the business of arguing *both* sides is amenable to those goals." Charo suggests that if students can argue both sides, they will be more open to persuasion, and in turn be more persuasive.

Charo is teaching first-year Torts this fall semester and finds the experience consistent with her goals for student education.

She claims Torts is traditionally presented in light of the holy trinity of policy goals: deterrence, compensation and fairness. She expects her students to first learn how torts law operates in the U.S. to meet those three conflicting goals; then to analyze those cases as if we were living in a different society.

For example, if there is no need for the individual to compensate the victim, because compensation has become a collective social response, fairness and deterrence will necessarily have different characterizations. In a world where fairness is determined less by what is earned and more by what is needed, Charo hypothesized, the analysis of compensation and fairness must vary.

"Ultimately I want my students to learn how they and the law function in the U.S., and recognize the potential they have to affect global change."

## Why Wisconsin

Charo has a unique assignment with the University of Wisconsin. As part of the Law and Medicine initiative in conjunction with the UW Medical School, she splits her teaching time between the Law School, Medical School and Agricultural Biotechnology Center. Charo finds the experience rare and full of opportunity—a "luxury not found in other schools."

"Unlike most Universities, Wisconsin has very strong traditions of interdisciplinary work. Here, I have a chance to teach and do collegial research in the law school and medical schools." Charo relishes the ability to combine her need for "daily contact with real science," with the chance to ground legal research and analysis in current hot topics.

Charo's science emphasis is currently on genetics. She plans to look into the legal significance of growing evidence of a genetic predisposition toward addiction, particularly alcoholism. To the extent such a predisposition is irresistible, civil and criminal penalties for acts

committed while under the influence of alcohol may need to be revised. The solution is not present. Nor can the threat of punishment be an effective deterrent to behaviors sparked by irresistible urges. On the other hand, if the individual is no longer viewed as "in control," then there may be a potentially enormous area of state control opened up. This is particularly important these days, as more and more women are put in jail during the late stages of pregnancy in order to prevent access to drugs and alcohol.

Another area of research concerns the growing inapplicability of biological definitions of life and death to the questions surrounding accrual and extinction of legal rights. "When judges find it necessary to become arbiters of science and to make scientific findings on when life begins or ends in order to manage divorce cases and hospital care, it is clear that science and law can no longer expect to use the same definitions."

Charo will also spend her time this winter writing on the rise and fall of RU-486, the so-called "abortion pill" for an Institute of Medicine study on how bioethical decisions are made in the US; working with the Canadian Law Reform Commission on a series of health law studies; and examining congressional options for legislation on genetic screening in the workplace for the Office of Technology Assessment.

## Biopolitics

Aside from research, Charo's focus for future law courses is somewhat less esoteric. Next spring she will teach "Biopolitics." Structured as a statutory drafting class, students will actually write a law on one of the currently hot topics in health or biotech law. The course will be open to second and third year students. The topic will be "determined by the newspapers."

Several students have approached Charo about the possibility of adding a course or seminar on the legal ramifications of Acquired Immune Deficiency Syndrome (AIDS). While the resources and interest make this a feasible topic of a seminar, Charo contends that for now it may be more efficient and more appropriate to make AIDS an issue in every course.

Charo emphasized that people with AIDS have problems that touch on every aspect of life—pregnancy, health care, insurance, housing, employment, wills, etc. She encourages housing clinics or other student-staffed legal reference centers to deal with the issue. Furthermore, courses on insurance law, administrative

law, trusts and estates, etc., should address the legal and psychosocial ramifications of the AIDS epidemiology, and its effects on our social institutions.

There is one drawback to Charo's teaching arrangement which results in her spending about half her time at either school. She has found a severe limitation on the amount of contact she has with many law students. However, her responsibility as faculty liaison for the Wisconsin Health Law Association, a student organization at the Law School, will provide more exposure to a variety of students. She also encourages all students to feel free to come by and discuss career opportunities in health law and policy.

The development of health law as a viable field of expertise and legal training is an interest shared by several other professors at the Law School. In the ideal world, Charo surmises, students would have exposure to the macro issues in health law. Primarily, these are the problems of resource allocation at the U.S. and global levels, and distribution of services to a huge population of needy people. Students would also have exposure to the microethical issues, such as the individual relationship of doctor to patient, the dilemma of terminating life being sustained by technological advancements, and the decision to procreate by other than traditional means.

"The whole of the health law field is exciting and vitally important to the legal community because it concerns experiences which everyone shares in daily lives, and with which we are all passionately and controversially concerned. No one is without opinion on these experiences. We all face disease, aging and death and all have very strong and individual feelings about how we get through those stages." Charo recognizes that to cover this much material at Wisconsin's Law School will take the efforts of more than any one professor or department. Again, the interdisciplinary richness of this school may be the perfect environment.

Alta Charo has some personal goals consistent with those for educating her students, and some designed to preserve some measure of self-identification and sanity. Over the next five years, she would like to recapture some certainty about her politics. She wants to outlive another Republican administration. And finally, she desperately wants to keep accumulating enough frequent flyer miles to avoid the cold Wisconsin winters. Charo says "Star Trek" and "Bewitched" ruled her formative years. The former engendered some of her love

for science, and the latter bolstered her belief that eventually we will "eliminate the need for equipment." She has a passion for black and white movies. She loves "speaking foreign languages badly." She will go anywhere an airplane goes (if she hasn't already); but prefers those that stay in the air. And she will ride any roller coaster built.

As evidence of the truly international political spirit of this woman, Charo's favorite event this year was "doing the 1,000 minute dance" at a M'Chou ('meshuay'-translate "barbecue") in N'Djamena Chad, Central Africa. This endless song was about 'CIDA,' which is French for 'AIDS.' It was part of an effort

sponsored by World Health Organization to provide information about AIDS.

Finally, Charo has a few choice opinions about the best and worst aspects of Madison, Wisconsin. Despite all her worldly travels, she never knew that squirrels and chipmunks could make more noise at night than police sirens and she lives in constant fear that she will finally have to take her mother's advice and start wearing a hat and gloves. She describes the best of Madison as "How close you are to honest-to-god County Fairs with prizes for best pig and Mad Bob, in Car #25, in the Demolition Derby." Of course, seeing both Bob Dylan and Pinchas Zuckerman since

her arrival has also impressed her with the advantages of a town where buying tickets does not entail waiting in line overnight.

One of the most endearing aspects of her stay so far has been the widespread misimpression that she was hired under the "Madison Plan." "It's flattering," say Charo, "considering that each and every one of the Madison Plan appointees is more senior and accomplished than I. And, it has given me a chance to practice my language skills as students greet me with 'hola' or 'ciao'. I'd like them to know that I would also welcome 'gut morgen,' 'bonjour,' 'salaam,' or even a plain 'shalom'."

## Prof. Patricia Williams

Teaching at the Wisconsin Law School has a peculiarly ironic aspect for Professor Patricia Williams. In her previous position as Associate Professor at City University of New York Law School, Williams taught a jurisprudence course nicknamed "Cows and the Code." In a city where few to none of those in class had a first-hand concept of what cows look like, an issue such as "Do cows have horns?" often resulted in wide-ranging discussions about language, meaning, legal interpretation and resultant contractual expectations. In her current position, Williams need only to drive a few miles out of Madison to answer the question and avoid the linguistic intricacies.

She is not at a loss, however, for subjects by which to implement in her teaching this intense interest in linguistics. Williams is currently teaching a class called "Commercial Rights and Constitutional Wrongs," in which she incorporates the vagaries of advances in biotechnology to promote wide-ranging and thought-provoking discussions at Wisconsin, similar to those about cows at CUNY.

Though she began teaching for somewhat typical reasons, Williams' method

is anything but orthodox. She is a professor in order to share her experience and expertise, and to have a larger impact. As a law professor she is able to get past the immediate needs of the client and deal with fundamental changes rather than the symptoms.

She is also geared toward collaborative teaching-structuring classes to be taught by three or four teachers at one time. At CUNY she taught "Law in a Market Economy," an interdisciplinary first-year course covering contracts, property, economics and jurisprudence, with several other professors. She maintains that the collaborative effort is stimulating for the professors themselves, but also teaches students that there are many and different authorities on a subject.

## Student Education Goals

Williams has specific goals for educating students which are consistent with her teaching approach. She attempts to remove any hierarchy from the class structure. She feels most students are too dependent upon teachers dispensing information like some concrete thing. Her students are encouraged to interact with her and each other. She also enjoys



Prof. Patricia Williams

older students because they often bring a clearer sense of their goals to the classroom experience.

Her goal in education is ultimately to serve the goals of her students. The only over-riding concern is that students learn the skill of listening, both to better serve the needs of their clients and to become better informed about their chosen specialties.

Besides the commercial rights course for upper level students, Williams is teaching first-year Contracts. She brings a level of practical expertise to the course. Her past practice was in consumer protection and consumer finance related to contracts; and she has been a U.C.C. consultant for firms. She is a past member of the State Bar of California Standing Committee on Uniform Commercial Code.

After teaching contracts for nearly ten years, she is thrilled to be working with the Wisconsin contracts materials. The material is "wonderful, better than any other I've taught from." Because of her love for collaborative teaching, Williams welcomes the practice which the Wisconsin contracts professors have of getting together once per week to evaluate materials, difficulties, new cases and student perceptions.

### Why Wisconsin

The University of Wisconsin has a history of being dedicated to interdisciplinary studies, like few other universities in the country. Williams notes the Law & Society movement is associated with Wisconsin. She finds it particularly supportive of her goal to share information and improve accessibility of teachers to each other and to students. She will perhaps have the opportunity to contribute to the feminist legal theory works-in-progress workshop held by the Law School every summer.

Williams is also employed by the Women's Studies Department of the University, which she calls one of the largest and most diverse in the country. Next semester she will begin teaching a con-

temporary problems course on gender issues from a literary perspective. The opportunity to pursue both interests is one she has not found in other career positions.

But her real interest, she says is in language, and competitive meanings of words. In the "Commercial Rights, Constitutional Wrongs" course, this is evident in her focus on the import of language of attorneys, judges, and the effect of the use of the first person. Students explore how private bodies of law have and continue to make inroads into public discourse.

Primarily, the course addresses how commercial interests overlap and detract from or enhance civil rights. Commercial interests, such as the housing situation, may be approached from the constitutional property perspective.

All of Williams' courses have turned on the impact of the law on living creatures. It stems in part from the recent discovery by her sister, of a written contract for the sale of her grandmother to her grandfather. He, as irony would have it, was one of the wealthiest attorneys in the southern states. Williams began to see a commonality in the sacrifice and oppression of animals and slaves through contracts. It is somewhat appalling to her that this chattel use of contracts is now effected on women through surrogate mother agreements. She notes that the Mary Beth Whitehead agreement was based on bovine and porcine breeding contracts.

### Biotechnology

Another of Williams' pursuits is the legal implications of biotechnology. "Just because we have the means by which to transplant ovum, it does not follow that we should use it." She finds custody issues all mixed up with contract issues in the case of surrogacy agreements. She argues that this cannot be a contract for services unless we admit the womb is a mechanism. This mechanistic approach reduces women to "parts," and raises the

same type of property ownership and possession issues as contracts for inanimate goods or services.

The surrogacy issue is really one of much deeper cultural notions, particularly those of patriarchy, property, and the selfish motivations for replication. Fundamentally, the rhetoric of self-ownership is in question. Williams plans to work with a research assistant to study the linguistics and distinctions of what she calls ownership, disownership, self-ownership and self-possession. She maintains that self-ownership is not a self-evident freedom and hopes to restore the language of law and ourselves.

This property perspective also underlies her perceptions about minority professors in general. "We as minority scholars are told to prove ourselves in academia, but truth is a function of who is able to exercise intellectual dominion."

Williams is a prolific writer and intends to do much more of it over the next five years. Most of her work has already been unconventional in terms of law and literary criticism. However, she will continue to put her "self" into the writing, despite some criticism that her work should be less personal. Williams says her writing "parodies formality."

For Williams, the only drawback to teaching at Wisconsin is the winter cold. Clearly, she is not alone. Although she says she is incredibly happy here, Williams is also wary of the ivory tower seclusion that is inherent on university campuses.

Otherwise, she anticipates that teaching at the University of Wisconsin should be a perfect environment in which to avoid some of her dislikes. She abhors rigidity, fanaticism, literal interpretations, and the political and physical violence going on in New York City.

Williams, though careful to explain or avoid labels, admits to being something of a pacifist. She enjoys dancing and good jazz. Though Madison has its share of experimental theater and music, she may have to take some trips to Chicago to fill that need.