



Book Reviews

Black Sexual Politics: African-Americans, Gender and the New Racism. By Patricia Hill Collins. New York: Routledge. 2004. 374 pp. \$26.00.

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To a large extent, scholarship on black politics often focuses primarily on institutions, rule of law, processes, political actors, and citizens but with very little attention to issues of gender and sexuality. In contrast, the principal aim of this book is to explore what the author sees as the inextricable links between racism and gender. The basic thesis of this well-written, important, and provocative book is that the fight against racism, especially the “new racism,” can never be won without first challenging sexism, which simultaneously oppresses African-American men and women.

In a genre wherein scholars are used to minimizing questions of gender and sexuality, Patricia Hill Collins roots her argument in critical social theory that is fiercely interdisciplinary. Furthermore, she argues that viable explanations of black politics must not marginalize but include gender, race, and sexuality as intersecting components in analyses of the black experience. She also relies heavily on discourse analysis to underscore how media representations of blacks in magazines, newspapers, music videos, and television perpetuate racial discrimination in gendered ways.

Black Sexual Politics is divided into three sections, each containing three individual chapters. In the first section, Collins lays out a basic rationale about the need for a black sexual politics by arguing substantively that racism is not dead, just different from the days of Jim Crow. She contends that black sexual politics must be taken seriously because racial stereotypes and racial discrimination, as applied to blacks, take on a gendered form. In a nutshell, she contends that African-American

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women are stereotyped as sexually promiscuous objects to be enjoyed and then discarded, while African-American men are perceived as unruly sexual predators who need to be controlled.

As part of her rationalization for black sexual politics, Collins contends that we live in a society in which sexual repression reigns alongside racial repression. In this context, sexual repression is seen in society's ability to eliminate sexual alternatives and also to shape the public debates that occur. More importantly, however, she argues that black institutions, including churches, families, and neighborhoods, perpetuate the sense of sexual repression by oppressing Lesbian, Gay, Bisexual, and Transgendered individuals in their communities. Meanwhile, black men are encouraged to express hypersexuality as a badge of masculinity.

The second section of the book examines how representations of gender, sexuality, class, and race become important in perpetuating the new racism that is evident in American society. Here, Collins implicates the role of the media in presenting distorted images of blacks and Latinos, while simultaneously casting whites as the norm as well as the yardstick by which all other groups are to be measured. Especially interesting about this section are the ways in which the author provides class-specific representations of African-American men and women. For example, working-class African-American women are often represented as being promiscuous and fertile and as bad mothers. Such representations, according to critics, justify the draconian policies of limiting resources and forcing mothers of young children to go to work. In contrast, representations of middle-class African-American women as being cutthroat and not "ladylike enough" justify the continued racial discrimination that persists in some employment arenas.

Just as media-generated images of African-American women create representations that make it easier to justify racial discrimination, similar situations occur with African-American men. According to Collins, African-American men are often portrayed as being oversexed and violent, a situation that justifies incarceration and a reluctance by whites to integrate schools. Yet another image that populates mass media is the overly strong African-American woman and the weak African-American male. Such explanations are destructive to African Americans in general, especially to the extent that they compel individuals to feel that the key to fixing such problems lies in changing individual behavior and not in a societal-based reconfiguration of racial, sexual, and gender relationships.

The final section of the book forces readers to focus on three different areas in which a change would bring about a more "progressive" black

sexual politics. Within the context of the new racism, Collins argues that we need a more expansive view of social justice that focuses not only on racial problems of lynching but also on problems of rape and incarceration, two issues that affect black women and men in gendered ways. She further argues that black sexual politics cannot thrive in environments where individual blacks treat each other in inhumane and unloving ways. This vibrant section ends with the author's proposal of the HIV/AIDS epidemic (or pandemic) in the black community as the sort of issue needed to drive traditional black politics toward a more progressive black political arena.

Substantively, Collins offers readers a lot of food for thought, and it is in this sense that the book makes its greatest contributions. Above all, it demonstrates a great deal of thoughtful analysis and scholarship, as the author culls evidence from myriad sources to substantiate her arguments. At the same time, her greatest challenge is a tendency to assume that the reader understands what the "new racism" means and, indeed, how she intends it to be defined in her text. Since this concept is so central to the book, it would have been more useful for her to offer a careful treatment of new racism before attempting to utilize it very widely in her work. At the same time, Collins forthrightly declared that her book is not an empirical study but a diagnostic project. Within this framework, it is definitely a winner and a great success. For not only has she provided us with different insights, but she has also helped her readers to consider the role that gender and sexuality play in the perpetuation of discrimination and oppression.

Regulating Intimacy: A New Legal Paradigm. By Jean L. Cohen. Princeton and Oxford: Princeton University Press, 2004. 304 pp.

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Although Jean Cohen's book was originally published in 2002, her argument for a reformulated justification for the right to privacy seems more relevant than ever. The resignation of a key swing vote from the Supreme Court makes feminist concerns about the future of legal abortion seem all the more pressing. As her subtitle — "a new legal paradigm" — suggests, Cohen undertakes an ambitious project of reviving the right to privacy as a key feminist concept, while simultaneously attempting to rethink the

nature and use of the law. Defending the reflexive paradigm of law, she argues that neither the liberal nor welfare paradigms of legal action is adequate for formulating solutions to privacy issues tinged with issues of gender equity, including abortion, sexual orientation law, and sexual harassment. The book's strength and weakness is its admirable breadth, as it tackles an impressive pantheon of legal theory, political philosophy, legal doctrine, and substantive legal and political issues. The author successfully refutes the liberal and welfarist paradigms but is less persuasive that the reflexive paradigm offers a way out of the dilemma.

Cohen's text adequately demonstrates that the right to privacy may be divorced from the liberal paradigm of law, requiring a rigid distinction between private and public and often reliant on an inaccurate depiction of atomistic private subjects. Interpreting legal doctrine, the author notes that privacy is an evolving concept that has been modified according to revised ideas about gender, marriage, and sexuality and is best understood as "individual decisional autonomy." Using this insight, she quite rightly argues that privacy is best understood neither as the prepolitical and idealized space defended in the liberal paradigm nor as the atomistic, contractual space attacked in communitarian critiques.

Cohen's rereading of privacy doctrine as an evolving standard is informed by the reflexive paradigm of law. The penultimate chapter of *Regulating Intimacy* outlines in detail the strengths and weaknesses of various versions of this paradigm, reading Jürgen Habermas, Ulrich Beck, Gunther Teubner, and Philip Selznick. Cohen's own construction of the reflexive paradigm is drawn from her feminist-inflected reading of privacy doctrine in action. She cleverly describes the key principle as "equal liberty," or the use of public institutions to enhance the equal right and ability of subjects to exercise their autonomy. Ideally, reflexive law is "receptive to the influence of such publicly articulated values (that everyone can accept!) and subject to the constitutional principles of equal liberty, while leaving the details of the intimate association up to the associates themselves" (p. 202). Rather than being outcome oriented, the reflexive paradigm requires an ongoing public discussion of both the principles we seek to enshrine in law and the question of whether actual legal regimes live up to these goals.

Taking on the task of rethinking both privacy and the law more generally is a Herculean task, and while Cohen does an excellent job of identifying weaknesses in our current understanding, she may not convince the reader about the reflexive paradigm's role as savior of privacy. The theoretical discussion is thorough but the application

of the paradigm to the specific problems she has identified is less clear. The open-ended and evolving character of reflexive law may explain this omission—reflexive law dictates processes rather than outcomes—but the theoretical discussion may leave the reader with more questions.

While addressing some of the critiques of the reflexive paradigm, Cohen seems to elide some of the most important issues of power raised, particularly in light of her feminist concerns. As one example, she briefly mentions the concern that the reflexive paradigm may introduce new and more insidious forms of regulation. Her oft-repeated phrase the “regulation of self-regulation” could have been lifted from the Foucaultian discussions of governmentality. Works by authors like Nikolas Rose (*The Powers of Freedom: Reframing Political Thought*, 1999), Colin Gordon (*The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller, 1991), and Barbara Cruikshank (*The Will to Empower: Democratic Citizens and Other Subjects*, 1991) address precisely this issue, the growing emphasis on self-regulation in ways that use the concept of liberty for the purposes of social control, often in gendered ways.

The problem of power may be reflected in some practical concerns about whether and how a legal paradigm may be effective in resolving some seemingly intractable social conflicts. The chapter on sexual orientation and the concluding chapter on marriage law, written before *Lawrence v. Texas* (2003), are particularly interesting. Her overall argument about the privatization and marginalization of homosexuality through the law, especially military policy and *Bowers*, seems correct. However, I was left with the question of why, after the court affirmed a right to privacy relative to sexuality, the underlying logic that enabled the *Bowers* decision and the military policy has survived as strong as ever in the same-sex marriage debates.

Part of the answer may lie in the reflexive paradigm’s optimism about the outcome of public discussion. While rejecting naive and progressive understandings of reflection, Cohen nonetheless retains a great deal of hope about the ability of democratically constituted publics to agree upon the principles of equal liberty and individual decisional autonomy, as well as willingness to reflexively debate societal principles and outcomes. In an era in which the conservative movement advocates both economic privatization and increasing regulation of private choices regarding sexuality, such optimism about reason may be misplaced.

The problem of power is most evident, however, in the final discussion of marriage. Cohen rightly argues that a rejection of a “contract” model of intimate relations, often implied by the liberal paradigm, does not require a return to a “status” model embedded in the traditional hierarchy of the patriarchal family. She argues instead that decisional autonomy requires public acknowledgment of the right to self-regulate in the arena of intimate decisions, including making choices among a range of relations such as domestic partnership. Reading this, I wondered why it is that the gay and lesbian movement has not followed Cohen’s suggestion and advocated public support for a range of possible intimate relationships but has, instead, focused upon achieving recognition of traditional marriage, the further institutionalization of an exclusive form of intimacy. While she may be correct that the reflexive paradigm offers a more open-ended and democratic conception of law that enables us to continually revise our legal understandings of concepts like privacy, we must also acknowledge that “decisional autonomy” and the “regulation of self-regulation” are already embedded in relationships of power that are not always so easily vanquished by a paradigm of law.

Women Making Constitutions: New Politics and Comparative Perspectives. Edited by Alexandra Dobrowolsky and Vivien Hart. Basingstoke, Hampshire, and New York: Palgrave Macmillan. 2004. 277 pp. \$90.00.

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This edited volume addresses themes pertinent to all who study politics and gender, namely, how to incorporate claims for both equality and difference into politics, constitutional politics particularly. It achieves a difficult balance for any edited volume by discussing common themes and avoiding a focus on overly narrow debates. Thus, a range of problems and concepts are explored using empirical and theoretical research that provides a comprehensive insight into women’s attempts to transform constitutions. The chapters are synthesized in the introduction and the conclusion, providing the reader with a more general insight. The editors highlight the tendency for mainstream analysis to oversimplify women’s role in constitutional change. This theme is developed in other chapters. Anne Marie Goetz considers gender and accountability sys-

tems. She demonstrates the gendered assumptions underlying what is usually described as accountability failure. For example, should audit offices review whether resources are unequally distributed between the sexes?

A core theme of the book is the sometimes-contested relationship between demands for race and class equality and feminism. Almost all of the contributors consider competing demands for equality and attempt to describe how the concepts of diversity and, for example, gender mainstreaming have been integrated into women's demands for constitutional change. Ronalda Murphey's comparison of Canada and South Africa traces the influence of context, namely, social conditions and dominant discourses, on the shaping of women's claims for constitutional rights. The relationship between claims for group differentiated rights and women's rights is examined through empirical and theoretical research. Amy Bartholomew suggests that by employing a procedural conception of rights, feminist concerns about the sometimes patriarchal demands of minority groups can be avoided. A procedural conception of rights is borne of theories of deliberative democracy, whereby groups have rights to participate in a "complex cultural dialogue" but the cultural practices of particular groups are understood to be historically situated and are not frozen in their current formation into the constitution itself. Joyce Green highlights how aboriginal women in Canada have been agents for constitutional change and have demanded recognition as both women and members of aboriginal communities. Perhaps this is an empirical example of Bartholomew's description of demands for procedural group rights?

Another theme evident within the book is the importance of political parties as a site for women's activism. Catherine Albertyn demonstrates that in South Africa, the women's movement within the African National Congress was crucial for the adoption of a gender-sensitive constitution. Meg Russell illustrates how the centralized nature of the Labour Party, and the cohort of feminist women within it, helped it to institute all-women shortlists for the 1997 general election and twinning for the Scottish Parliament and Welsh Assembly elections.

A number of chapters point to the importance of women activists within civil society and social movements for generating constitutional change. Fiona Mackay and colleagues describe a coalition of women who "seized the opportunities presented by constitutional change" (p. 84) in Scotland in order to promote gender equality. Paul Chaney describes how women activists also played a crucial role in

setting the blueprint for the Welsh Assembly. Judith Squires states that “where women worked proactively to shape the constitution, and have a sense of ownership in it as a result, their civil society involvement is bolstered” (p. 214).

Throughout the chapters a cautionary note is often made. Green describes the situation in Canada whereby “the prince and the pauper are still equally entitled to sleep under the bridge” (p. 48). In her analysis of women and politics in South Africa, Albertyn states that the legal rights gained for women in the constitution have yet to “translate into material gains” (p. 111). Thus, constitutional rights are not sufficient to guarantee equality. Equality demands both descriptive and substantive representation. A number of contributors conclude that substantive representation requires both constitutional change and the presence of women, or feminist women, in decision-making bodies. A number of the authors note that the constitutional reform in the UK is too recent to permit a full evaluation of women activists’ success or failure in bringing about real change in the lives of women. However, Albertyn notes that in South Africa, as politics have solidified, the “political space [given] to women has declined” (p. 114).

A number of contributors are careful to highlight that constitutional politics and human rights legislation are not automatically beneficial to women. Colin Harvey reminds us that “rules do not apply themselves,” and therefore institutional contexts must be studied alongside constitutional change (p. 136). Furthermore, Susan Millns explores how the British Human Rights Act can be exploited by the counterclaimants to women’s rights (p. 153).

These cautionary notes trace themes familiar to feminist researchers, namely, the tension between demands for equality and recognition of difference. A dominant concern of feminist discourse is that equality legislation often formalizes masculine norms as the standard for equality and therefore cannot deliver real equality. A potential resolution to “Wollstonecraft’s dilemma” (p. 201) might be the application of positive rights. Chaney outlines the unique obligation of the Welsh Assembly to promote equality. This duty, in combination with the high number of female Assembly Members, has led to an integrated equality agenda, although it is too early to assess outcomes.

More positively Alexandra Dobrowolsky concludes that “constitutional change can hold great promise for women” (p. 236). She also claims that constitutional reform favorable to women is usually attributable to women’s ongoing political involvement.

Women Making Constitutions traces themes of interest to anyone concerned with gender and politics. The diverse range of approaches and countries analyzed provides a comprehensive and sophisticated resource that will be a useful update for those already familiar with the area and a thoughtful introduction to those new to the study of women and constitutional politics.

Opposing Currents: The Politics of Water and Gender in Latin America. Edited by Vivienne Bennett, Sonia Dávila-Poblete, and María Nieves Rico. Pittsburgh: University of Pittsburgh Press. 2005. 264 pp. \$27.95.

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This book represents an important contribution to a growing subfield of feminist scholarship. Moving beyond a focus on the traditional policy areas normally associated with women and politics, the authors bring a gender analysis to bear on the “politics of water” in Latin America. Not only is this a policy issue not usually linked to women’s rights, but, as the editors argue, even the national-level women’s policy agencies created in many Latin American countries have overlooked the way gender discrimination impacts the heightening water crisis facing much of the region. Nevertheless, they maintain that “the right to water underpins all other social rights” (p. 15) and that “a gender perspective is not only possible but essential for effective water management” (p. ix).

By focusing on gender, rather than on women alone, the authors are able to examine how the relationship between women and men, which varies across cultural context, impacts women’s access to water. As the editors note, “In most rural societies, almost all the work in the home and in the fields involves water. Women’s and men’s access to water, use of water, and understanding of the principles of water management within their spheres of life can differ markedly. Though women are usually responsible for water management within the home, both women and men are involved in the fields” (p. 5). Thus, the goal of the case studies is not to argue for a new inclusion of women in water management but to recognize that women already are deeply involved in the process: “Bringing in women’s knowledge, experiences, and priorities regarding water use alongside men’s is to implement a gendered perspective in water man-

agement. The connection between gender and water is actually as visible as the connection between water and sustainable development, but the mainstream current of global policymaking until now has tended not to look at it" (p. 2). The primary objectives of this work are threefold: to explain, through a focus on Latin America, the intersection of water and gender policies; to illustrate the importance of women to water management through a diverse set of case studies; and consequently, to prove the centrality of gender relations for sustainable water management (p. 2).

The first case studies illustrate the critical lack of effective water management in Latin America, as well as the ways that neoliberal policy reforms—with their emphasis on short-term profit over basic service provision—have aggravated rather than ameliorated the global water crisis. Case studies from Cochabamba, Bolivia, and Tucumán, Argentina, highlight the profound economic dislocation caused by the privatization of water management. In both cases, women's organized protests helped defeat government plans for water privatization.

The second series of case studies focuses on the importation of new technologies of water management, arguing that a consideration of gender dynamics in a particular location is critical to the ultimate success of development projects. Vera Delgado's case study of the village of Llullucha (Peru) is particularly interesting in this regard. When a development team failed to include women in their "participatory" project on water management, the women of the village organized themselves and purchased a piece of farmland, which entitled them to irrigation water and, therefore, to participation in the development project. Lorena Aguilar's study of water management in Heredia, Costa Rica, notes that although the team of outside specialists initially failed to incorporate women into the water management project, the heterogeneity of the team itself nevertheless "modeled" equitable gender relations. In both cases, the authors argue that development teams need to recognize that technology transfer interacts with the gender relations of a given context, and that the importation of new technologies acts as a catalyst for social and cultural change, often unintentionally.

The case studies in the third section of the book chart the impact of women's increasing participation in water management and the cultural transformations that result. While the local context and type of participation vary considerably across the case studies, a common theme is the change caused by the absence of men from local communities. While in some cases the focus is on the single mothers and widows, in most cases men have migrated in search of work. Across the case studies, it becomes

clear that household changes lead to the emergence of women in more participatory roles. Where the men are permanently absent (Elena P. Bastidas's case study of Carchi, Ecuador), we see higher participation; where men are only periodically absent due to migration (the Mexican case studies by Michael C. Ennis-McMillan and Stephanie Buechler), we see less change in women's participation. The migration dynamic underscores the book's conclusion that "it is in the lower-income neighborhoods that either receive poor water service or have no piped water, where women increasingly become involved" (p. 200).

The practical advice offered by the editors in the conclusion is limited to a reiteration of the main conclusions stemming from the case studies. They underscore the importance of local context and culture for the shape of negotiations over water, the importance of broad participation by the community in the planning and implementation of water management policy, and the importance of government will in building an "enabling environment" for equitable water resource management. The editors echo the authors of the case studies in emphasizing the impressive resourcefulness of women at all levels of the process. *Opposing Currents* clearly demonstrates the relevance of gender (and gender analysis) for all policy areas, beyond the usual topics normally defined as "women's issues." Practitioners and policymakers will find this a helpful roadmap for the development of sustainable water policy, and even those not focused on water management will see parallels to other policy areas in the importance of gender for sustainable development.