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BOOK REVIEW

RECENT BOOKS

DATE RAPE: FEMINISM, PHILOSOPHY, AND THE LAW. Edited by Leslie Francis. University Park, Pa.: Pennsylvania State University Press, 1996. Pp. 187. \$13.95.

Date Rape is a compilation of articles by lawyers, philosophers, and feminists that analyzes the meaning of date rape and how it should be criminally punished. The collection explores whether the model of "communicative sexuality" is an appropriate basis for the condemnation of date rape. In the communicative sexuality model of "good sex," each partner attempts to understand the aims of the other and to further these ends by avoiding aggressive or coercive sex.

The centerpiece of the book is philosopher Lois Pineau's article "Date Rape: A Feminist Analysis," which is noted as a major contribution to rethinking the criminalization of sexual assault. In her article, Pineau seeks to replace myths about female provocation and male self-control with the model of communicative sexuality.

Angela Harris, Catherine Wells, and David Adams, all of whom are authors of other articles in the collection, agree with Pineau's theories as to the problematic state of current rape law as well as to the desirability of communicative sexuality. They disagree with Pineau, however, on the status of communicative sexuality as a model of desirable sex and on the advisability of using communicative sexuality as a basis for legal reform. The final two pieces in the collection are responses by Pineau to the criticisms leveled at her model of communicative sexuality. Overall, the book provides for a better understanding of the bases for condemning date rape as rape.

DIVORCED FROM JUSTICE: THE ABUSE OF WOMEN AND CHILDREN BY DIVORCE LAWYERS AND JUDGES. By Karen Winner. New York: Regan Books, 1996. Pp. 329. \$24.00.

In her book, *Divorced from Justice: The Abuse of Women and Children by Divorce Lawyers and Judges*, Karen Winner asserts that the divorce court system is a lucrative industry that preys upon divorcing women and their children. Winner, a former investigative writer for the New York City Department of Consumer Affairs, contends that the divorce court system is controlled and manipulated by judges and profit-motivated attorneys. Her findings are premised on government documents, divorce industry trade literature, and interviews with jurists, attorneys, academics, women's rights proponents, and divorcing women.

In the first two chapters, Winner examines what happens when divorcing women are unprepared to confront a hostile legal system. In Chapter Three, she discusses the history surrounding the current divorce court system. Chapters Four, Five, and Six explore the manipulative behaviors of divorce attorneys, as well as how the legal system sustains these types of behaviors. Chapter Seven focuses on the role that judges play in the current divorce court system. In Chapter Eight, Winner examines the legal culture that supports abuses against divorcing women. Chapter Nine presents the stories of two women who have successfully survived the divorce court system. Finally, Chapters Ten, Eleven, and Twelve explore the latest developments in divorce courts, the future of the divorce court system, and the potential government solutions that would aid divorcing women.

DON'T PEE ON MY LEG AND TELL ME IT'S RAINING: AMERICA'S TOUGHEST FAMILY COURT JUDGE SPEAKS OUT. By Judy Sheindlin with Josh Getlin. New York: Harper Collins, 1996. Pp. 238. \$23.00.

A supervising judge for the Manhattan Family Court, Judge Judy Sheindlin shoots from the hip in this book chronicling her twenty-four years of experience in New York City's family court system. A tough-talking mother of five, Sheindlin advocates personal responsibility and old-fashioned discipline both in her

courtroom and in her book. Rich in anecdotes and lessons, Sheindlin's account depicts remorseless juvenile and adult criminals who have slipped through the legal system unpunished — until they reach her courtroom. Sheindlin makes it clear that, in her courtroom, criminals are not treated like "victims." Instead, they are forced to take responsibility for their actions. The problems Sheindlin encounters daily — welfare abuse, juvenile violence, abandoned or abused children, ugly custody fights — reflect what she believes to be the growing disintegration and destruction of America's families.

Sheindlin demonstrates how the judicial system permits and even promotes a lack of individual responsibility, and how the system often turns a blind eye to fraud committed by individuals and social service agencies. She also describes how the media reinforce misguided feelings of guilt about those who call themselves victims of social policy. Sheindlin then offers practical solutions based on her philosophy of self-discipline, individual accountability, and responsible conduct.

PORNOGRAPHY AND THE JUSTICES: THE SUPREME COURT AND THE INTRACTABLE OBSCENITY PROBLEM. By Richard F. Hixson. Carbondale, Ill.: Southern Illinois University Press, 1996. Pp. 268. \$26.96.

In this timely book, *Pornography and the Justices: The Supreme Court and the Intractable Obscenity Problem*, Richard F. Hixson, a professor of journalism and mass media at Rutgers University, examines the Supreme Court's approach to pornography over time. In twelve chapters, Hixson addresses constitutional issues raised in connection with pornography, such as whether pornography discriminates against women, to what degree the First Amendment protects certain types of expressive activity, and how the Supreme Court should balance the need to protect individuals with the right to individual expression. He then discusses how various justices have analyzed these constitutional issues.

Hixson also proposes his own view of the proper approach toward pornography. Relying on insights espoused by Supreme Court justices and scholars who have analyzed the First Amendment, he ultimately concludes that the government's role in con-

trolling pornography should be limited. Hixson contends that the right to access pornography should rest with the individual, not the collective.

RAPE ON TRIAL: HOW THE MASS MEDIA CONSTRUCT LEGAL REFORM AND SOCIAL CHANGE. By Lisa M. Cuklanz. Philadelphia: University of Pennsylvania Press, 1996. Pp. 135. \$12.95.

In *Rape on Trial*, Lisa M. Cuklanz, a professor of communications at Boston College, explores why much of the public discussion on rape focuses on specific cases, and the extent to which this discussion incorporates the feminist perspective. Cuklanz answers these questions through an in-depth analysis of three rape trials in the United States: the John and Greta Rideout marital rape case, the Big Dan's Tavern gang rape case, and the Webb-Dotson rape recantation case. Each trial was highly publicized, generated extensive mainstream media coverage, and was the subject of a fictionalized representation (a television movie-of-the-week, a major motion picture, and a confessional autobiography, respectively).

Framing her discussion of each case in the context of rape law reform efforts, Cuklanz analyzes the relationship between the public discourse surrounding the trials and the traditional and reformed views of rape. The book identifies the significant impact of the rape law reform movement on the discussion of rape. Additionally, it traces the roles of news coverage and fictionalized texts in granting legitimacy to rape reform ideas. Cuklanz ultimately concludes that fictionalized versions of rape are most often sympathetic to the rape victim.

THE ROOSTER'S EGG: ON THE PERSISTENCE OF PREJUDICE. By Patricia J. Williams. Cambridge, Mass.: Harvard University Press, 1995. Pp. 262. \$22.00.

In her latest book, Patricia J. Williams, a professor of law at Columbia University and author of *The Alchemy of Race and Rights*, weaves anecdote and argument to explore the racial differences that pervade American culture. The title of the book comes from a passage by Zora Neale Hurston: "Jamaica is the

land where the rooster lays an egg When a Jamaican is born of a black woman and some English or Scotsman, the black mother is literally and figuratively kept out of sight as far as possible, but no one is allowed to forget that white father”

Williams takes up this treatment of the black mother in her first chapter, entitled “Scarlet, the Sequel,” which examines the contemporary media’s attack on women in the condensed figure of “the” black, single mother on welfare. As she does throughout the book, Williams gathers evidence for her arguments from disparate sources — from daytime talk shows to U.S. Supreme Court cases. In the chapter entitled “Quayle Has a Cow,” Williams discusses former Vice President Dan Quayle’s attack on the television program *Murphy Brown* and the connection he drew between a collapse in basic family values and the riots in South Central Los Angeles. She argues that the controversial aspect of Quayle’s remarks stemmed from the equation of a white upper-middle-class newscaster with the single, black mother. In “Black-Power Dream Barbie,” the author examines the tension between white American culture and African-American cultural traditions, criticizing the “popular force by which dominant societies reward certain artists . . . while relegating those who are considered ‘sub’-cultural artists to the unremunerative bargain basement of perpetually raided ‘folk’ art.”

While Williams’ complex weave of reflections and legal analysis defies summation, her breadth of vision leaves the reader with a deeper understanding of the racism of American culture and a “reminder of the decency and mutual respect that are missing from so much of our public debate.”

SO ORDERED: MAKING PARTNER THE HARD WAY. By Ann Branigar Hopkins. Amherst, Mass.: University of Massachusetts Press, 1996. Pp. 410. \$34.95.

In *So Ordered: Making Partner the Hard Way*, Ann Branigar Hopkins, a partner at the Price Waterhouse Office of Government Services, describes her life before, during, and after seven years of litigation in which she successfully challenged the denial of her promotion to partner at the major accounting firm. Her case, *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989), signified a legal landmark because it was the first time that a federal court

ordered a firm to grant a partnership to a plaintiff as a remedy for sex discrimination.

In the first several chapters of the book, Hopkins describes her experiences at Price Waterhouse and the steps that led to her nomination to partnership in 1982 as the only woman among eighty-eight candidates. While she had an outstanding record for generating new business and securing multi-million dollar contracts for the company, Hopkins was denied promotion and later learned that several male partners had criticized her for being overly aggressive, macho, and in need of charm school.

Throughout this personal account, Hopkins also discusses various family crises that further complicated her Supreme Court battle against sex discrimination. Her story dramatizes the "double bind faced by many professional women who must walk a narrow line between appearing too feminine and too businesslike."

STILL UNEQUAL: THE SHAMEFUL TRUTH ABOUT WOMEN AND JUSTICE IN AMERICA. By Lorraine Dusky. New York: Crown, 1996. Pp. 452. \$27.50.

Still Unequal is a comprehensive investigation of the gender bias that still persists in the American legal system. The book examines sexual discrimination and sexual harassment in law schools, gender bias on the part of opposing counsel and judges, and problems facing women litigants and crime victims. Documented by several statistical studies and hundreds of interviews with law students, faculty, attorneys, litigants, and crime victims; the book is organized in three parts: Legal Education, Women at the Bar, and Law and the Courts.

In Part I, Dusky examines the sexism that still pervades legal education in the classroom atmosphere, in sexual harassment, in casebook chauvinism, in the teaching of rape, and in the tenure travails facing female faculty. Part II explores why women attorneys gravitate to public interest and government work and provides numerous accounts of sexual harassment in the workplace. Part III discusses courtroom demeanor, equitable distribution at divorce that is often anything but equitable, and women litigants' access to the courts. Dusky concludes that despite the many

gains made by women in the law in the last thirty years, women still receive second-class justice.

WHERE IS YOUR BODY? AND OTHER ESSAYS ON RACE, GENDER, AND THE LAW. By Mari J. Matsuda. Boston: Beacon Press, 1996. Pp. 207. \$24.00.

In her latest book, *Where Is Your Body? and Other Essays on Race, Gender, and the Law*, Mari J. Matsuda, a professor of law at Georgetown University Law Center, examines how divisions in race, class, and personal histories determine our notions of justice, equality, and freedom. The book is a collection of Matsuda's lectures and speeches, all of which confront the role of identity in the American justice system. Matsuda explores the ways in which her own experience as a Japanese-American woman has shaped her approach to the law. According to the author, "Who I am in relation to the historical forces that constrain my choices and options is critical to my understanding of law and justice."

By applying a multicultural and feminist theory of jurisprudence to specific legal issues such as affirmative action, hate speech, domestic violence, and anti-crime rhetoric, Matsuda sets an agenda for progressive civil liberties. In a chapter titled "When the First Quail Calls: Multiple Consciousness as Jurisprudential Method," she proposes an approach to the law that takes into account the histories of oppressed people in reconceiving principles of law. In "We the People: Jurisprudence of Color," Matsuda calls for a jurisprudence that encompasses "historical memory, duality, criticism, race consciousness, pragmatism, and utopianism." In sum, *Where Is Your Body?* looks at how racism and patriarchy persist in the American justice system, and explores how our identities can contribute to a more just society.

WOMEN'S RIGHTS, HUMAN RIGHTS: INTERNATIONAL FEMINIST PERSPECTIVES. Edited by Julie Peters and Andrea Wolper. New York: Routledge, 1995. Pp. 372. \$18.95.

Women's Rights, Human Rights is a compilation of essays by activists, journalists, lawyers, and scholars from twenty-one coun-

tries on the subject of women's human rights. The book offers informative and significant analysis that contributes to the understanding of the international women's movement. The compilation addresses topics such as the efforts to ensure a war crimes tribunal response to the rapes in the former Yugoslavia, domestic violence, the trafficking of women into the sex trade, the spread of AIDS among female sex workers, the persecution of lesbians, female genital mutilation, and reproductive rights and coercive methods of population control. The essays highlight the critical and current debates surrounding women's human rights by addressing the fundamental questions of why women's rights are not commonly classified as human rights and why violations of women's rights are excluded from traditional rights programs. As a whole, the book provides a number of perspectives on crucial issues of women's human rights and articulates new agendas for dealing with them.

— *Summaries by the Book Reviews Department*