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From Space-Off to Represented Space: A review of REIMAGINING EQUALITY: STORIES OF GENDER, RACE, AND FINDING HOME by Anita Hill.

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From Space-Off to Represented Space: A review of REIMAGINING EQUALITY: STORIES OF GENDER, RACE, AND FINDING HOME by Anita Hill. Boston: Beacon Press, 2011. 195 pp. \$25.95 hardback.

ABSTRACT

In *Reimagining Equality: Stories of Gender, Race, and Finding Home*, author Anita Hill explores some of the literal and figurative meanings of “home,” focusing specifically on African-American women in their quest for home. Hill layers discussions of law, literature, and culture with stories of individual women, both historic and contemporary. In *Reimagining Equality*, Hill takes on a topic clearly distinct from the Clarence Thomas Senate confirmation hearings, the episode for which she is best known. Her work here is, nonetheless, evocative of her struggle in those hearings, because the book addresses the interrelation between gender, race, place, space, and power. Taking up the baton of spatiality, *Reimagining Equality* brings to “represented space,” or central focus, a topic that is often in the “space-off,” or margin: black women’s struggles to find home.

I. INTRODUCTION

Professor Anita Hill’s *Reimagining Equality: Stories of Gender, Race, and Finding Home* is a story of home. With vignettes of individuals, Hill examines home as a place as well as a state of being by interweaving discussions of law, literature, and culture. Hill’s specific focus is on women and African Americans in their quest for home.

Many readers will remember Anita Hill from her testimony during the 1991 Clarence Thomas Senate confirmation hearings.¹ That testimony both *engendered* and *gendered* a national conversation on sexual harassment in the workplace and demonstrated how such harassment had the potential to oppress and demean even relatively privileged women.² Hill’s testimony also had the effect of exposing to broad public view a group of persons that many Americans

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1. Alessandra Stanley, *Anita Hill is Welcomed As a Heroine*, N.Y. TIMES, Nov. 2, 1991, <http://www.nytimes.com/1991/11/02/nyregion/anita-hill-is-welcomed-as-a-heroine.html>.
 2. GENEVA SMITHERMAN, AFRICAN AMERICAN WOMEN SPEAK OUT ON ANITA HILL—CLARENCE THOMAS 161 (1995) (discussing the impact of Hill’s claim that the earliest recorded sexual harassment cases were from women whose earnings and status placed them at “the bottom of the occupational hierarchy, not the top”).

did not know existed: Hill, Thomas, and many of the witnesses were members of a little-known African-American intelligentsia with Ivy League credentials and upscale jobs.³ Moreover, Hill's testimony aired publicly and interracially a battle that many blacks saw as a private, intraracial, and almost intrafamilial struggle between a black woman and a black man.⁴ It was a conflict that many critics believed should have remained far from the "represented space" of media glare and within the raced and gendered "space-off" that is at home in the black community.⁵ Hill's choice to speak out and exit the "space-off" still resonates with many people. Rosemary Bray describes how black women, "in our efforts to make a place for ourselves and our families in America," created a "paradigm of sacrifice [and] convinced even ourselves that no sacrifice is too great to insure what we view in a larger sense as the survival of the race. . . . There are those that believe that the price of solidarity is silence."⁶

On the other hand, Carolyn Mitchell, in discussing the "space-off" in the context of the confirmation hearings, writes that although Clarence Thomas's assertion—that Hill's claims of sexual assault amounted to a "high-tech lynching"—was "distorted and dishonest," it was still true that Anita Hill figured "as the accuser and we cannot ignore the implication of Clarence Thomas's words that Anita Hill, totally erased from 'represented space' . . . 'cried rape' in accusing him of sexual harassment."⁷

Hill addresses some of these issues from the hearing directly and explicitly in some of her earlier writings.⁸ In *Reimagining Equality*, Hill takes on a topic that is distinct from the hearings. Nonetheless, her work here is in some ways evocative of her struggles, for it considers the interrelation between gender, race, place, space, and power. Hill has noted that part of the impetus for writing *Reimagining Equality* was the many letters she received after the hearings, in which people not only discussed Hill's role in the hearings but also related Hill's plight to their own struggles with powerlessness in other contexts, most notably

3. William Safire, *Myths of the Confirmation*, N.Y. TIMES, Oct. 17, 1991, <http://www.nytimes.com/1991/10/17/opinion/essay-myths-of-the-confirmation.html>.

4. *Id.*

5. TERESA DE LAURETIS, TECHNOLOGIES OF GENDER: ESSAYS ON THEORY, FILM, AND FICTION 26 (1987). De Lauretis describes the "represented space" of gender as ideological male-centered points of view made visible within a frame; represented space is contrasted with "space-off," spaces not visible within the frame that are only inferable from represented spaces and sometimes even erased or contained in the represented space by cinematic rules of narrative. Teresa de Lauretis, *Aesthetic and Feminist Theory: Rethinking Women's Cinema*, 34 NEW GERMAN CRITIQUE 154, 158 (1985).

6. Rosemary L. Bray, *Taking Sides Against Ourselves*, in COURT OF APPEAL: THE BLACK COMMUNITY SPEAKS OUT ON THE RACIAL AND SEXUAL POLITICS OF CLARENCE THOMAS VS. ANITA HILL 47, 53–54 (The Black Scholar ed., 1992).

7. Carolyn A. Mitchell, *Choicelessness as Choice: The Conflation of Racism and Sexism*, in DISCOVERING DIFFERENCE: CONTEMPORARY ESSAYS IN AMERICAN CULTURE 189, 194–95 (Christoph K. Lohmann ed., 1993).

8. See generally ANITA HILL, SPEAKING TRUTH TO POWER (1998); ANITA HILL, RACE, GENDER, AND POWER IN AMERICA: THE LEGACY OF THE HILL-THOMAS HEARINGS (1995).

in the context of home (p. 33).⁹ Spurred on by some of her correspondences, Hill offers a look at structures of home that are both internal and external, both personal and shared. In this regard, the book is more than a distant echo of Hill's earlier writings discussing the confirmation hearings. *Reimagining Equality* allows us to see Hill's role in the confirmation hearings as a sequela of a much larger human geographic search for home. *Reimagining Equality* is thus an effort to place the concerns of women and African Americans about home at the forefront of the country's broader social, legal, and political struggles.

II. OVERVIEW

In the Introduction, Hill outlines her book, describing how millions of Americans of both genders and all races have been dispossessed by factors as varied as reckless financial behavior (both their own and that of other actors outside of their control), the decline of manufacturing industries, and natural disasters such as Hurricane Katrina (p. xi).¹⁰ Hill also evokes homeownership as the bedrock of the American Dream, a trope that figures heavily in some of the accounts offered in the book (p. xi).¹¹ Home ownership, while expressing norms of the everyman, is also a means to feed vaguely aristocratic yearnings; as one writer observes, "[t]he discourse of home-ownership portrayed the new middle-class homeowner as the contemporary equivalent of, in the words of one

9. *Talk of the Nation: 20 Years Later, Anita Hill Is 'Reimagining Equality,'* (NPR radio broadcast Oct. 11, 2011), available at <http://www.npr.org/2011/10/11/141240657/twenty-years-later-anita-hill-reimagines-equality>.

10. Hurricane Katrina sounds a particularly somber reminder of the spatial and racial dimensions of poverty and homelessness in the United States. See Patrick Sharkey, *Survival and Death in New Orleans: An Empirical Look at the Human Impact of Katrina*, 37 J. OF BLACK STUD., 482, 482 (2007). A category four storm that struck on August 29, 2005, it was one of the single worst assaults on housing in recent American history. Roger D. Congleton, *The Story of Katrina: New Orleans and the Political Economy of Disaster*, 127 PUB. CHOICE 5, 17 (2006). Eighty percent of New Orleans was flooded. *Id.* at 5. News reports of the housing disaster wrought by Katrina brought people who existed in the journalistic "space-off" into the "represented space" of the media. See, e.g., Shaila Dewan, *Lives and Homes Strewn on an Abandoned Street*, N.Y. TIMES, Sept. 1, 2005, at A1. Such reports "showed mainstream Americans, some of them dubious about the continued existence of racial discrimination and increasingly reluctant to address it, a vision of American apartheid in the new millennium. Cameras scanning the shelters, which had quickly deteriorated into little more than human warehouses, rarely showed a white face." Lolita Buckner Inniss, *A Domestic Right of Return?: Race, Rights, and Residency in New Orleans in the Aftermath of Hurricane Katrina*, 27 B.C. THIRD WORLD L.J. 325, 326, 328 (2007). No storm since 1928 had caused so much damage in the United States. In addition to being a massive natural disaster, Hurricane Katrina was also a racial and economic juggernaut that left a swathe of recriminations as both government entities and private actors struggled to address the vast privations suffered by poor, mostly black storm victims. *Id.*; ELIOT KLEINBERG, *BLACK CLOUD: THE GREAT FLORIDA HURRICANE OF 1928* xiv (2003).
11. DAVID COWAN, *HOUSING LAW AND POLICY* 30–31 (2011). Normalizing discourses of home ownership that promote the social, political, and economic benefits of home ownership has been common in the United States since at least the nineteenth century; the discourse of home ownership is one that is at once at the center of and permeating through the notion of the American Dream. See also KATHLEEN R. ARNOLD, *HOMELESSNESS, CITIZENSHIP AND IDENTITY: THE UNCANNINESS OF LATE MODERNITY* (2004).

influential proponent, ‘the landed barons of King John . . . the squirearchy and yeomanry of England.’”¹²

Hill notes that her focus on African-American women addresses an issue that has long been neglected in the United States: the role of black women as heads of household as well as their corresponding role as dominant forces in community building (p. xvi). Hill also remarks upon black women’s determination to build their lives, families and communities despite the often harsh public perceptions of them as black matriarchs (p. xii, xvi). Here, Hill cites the work of Daniel Patrick Moynihan and his iconic, indelible frame of the “matriarchal structure” of black homes as the source of domestic failure in the black community (p. xvii). Moynihan’s deployment of the term “matriarchy” in the context of black families lowered it almost to the level of epithet.¹³ Hill acknowledges that while some of Moynihan’s work predicting the escalation of decay of black neighborhoods was prescient, Moynihan’s remedy for black equality was flawed: he ignored the external social and economic conditions that shaped black people’s lives and relied on the existence of gender inequality within black homes (p. xvii).

Hill details her own story of home in Chapter One. She begins by comparing and contrasting her hometown, the home structure in which she grew up, to her first college experience at Oklahoma State University. Hill then reaches back in search of the home of her enslaved ancestors. The opening section of this chapter, entitled “The Luggage,” is especially evocative of what it means to leave home with the hopes and prayers of those left behind. Hill packs her belongings in luggage previously owned by the most educated woman in her town, the local schoolteacher (p. 1). There is an irony here, in that carrying luggage can signify a delimiting burden, or it can be the means of traveling forward to overcome burdens left behind.

After describing her first adult steps forward, Hill then turns to her family’s past, beginning with the last generation of slaves in her family in Ouachita County, Arkansas (p. 3–8). She tells the story of Mary (later Mollie) Elliott, a pregnant slave separated from her husband Sam and put up for sale in 1864 in the waning years of the Civil War (p. 5). Mary and her son William Henry (called Henry), living one hundred miles from their original site of enslavement, never again saw Sam (p. 5). Mary made a home where she found herself after slavery ended. Eventually she remarried and changed her name to Mollie (p. 7).

Chapter One goes on to tell the story of Henry and his wife Ida Crooks, and

12. JEFFREY M. HORNSTEIN, *A NATION OF REALTORS: A CULTURAL HISTORY OF THE TWENTIETH-CENTURY AMERICAN MIDDLE CLASS* 132 (2005) (citing *HOME OWNERSHIP, INCOME AND TYPES OF DWELLINGS* vii (John M. Gries & James Ford eds., 1932)).

13. “Black matriarch” has become a polysemous epithet that is often wielded with brutal force. Frequently deployed in discussions of the “overly strong” black mother who challenges male authority and especially white patriarchal authority, the black matriarch is often used as a cautionary tale for black and white women of what can go wrong when male power is challenged. PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 77 (2000).

considers how marriage helped them to gain social respectability and to make a home (p. 8–9). At the same time, marriage itself was a challenge for Ida. With marriage she came responsibility to care for not only the child she brought to the marriage, but for her new husband's three children from a first marriage and for the thirteen additional children Henry and Ida had together (p. 9). Ida's story is a reminder that home life for women, especially for black women during the immediate antebellum years, was anything but a scene of domestic bliss. With little ability to control births or conditions within the marriage and with even less ability to control social conditions and racial violence outside of the home, Ida and women like her faced long odds.

Henry and Ida and others like them sought to build a home against a backdrop of severe racial repression. Hill notes that in response, during the 1880s and 1890s, hundreds of black Arkansans joined the exodus to Liberia (p. 11–12). Many more made the move to the Oklahoma Territory, where there was more opportunity for land ownership (p. 12). Hill's own family eventually moved to Oklahoma after Henry and Ida's own direct brush with racial intimidation and the threat of lynching (p. 21–22). Hill's telling of her own family's story of relocation during slavery, their fixity in the immediate locus of the slave site after slavery ended, their efforts to remain that were thwarted, and finally their relocation, are potent reminders about the general historic nature of black geographies. All too often, such stories are hidden and reshaped to obscure the ways in which black geographies differ from more traditional geographies. As Katherine McKittrick writes:

Prevailing geographic rules have a stake in the ghettoization of difference and/or the systemic concealment of physical locations that map this difference. . . . Thus the production of black spaces in the diaspora is tied to locations that were and are explicitly produced in conjunction with race, racism, captivity and economic profit. Traditional geographies did, and arguably still do, *require* black displacement, black placelessness, black labor, and a black population that submissively stays 'in place.'¹⁴

Chapter Two continues the story of Henry and Ida in Oklahoma, and of how they found belonging through family and church in a black enclave called Lone Tree (p. 27). Hill mentions the broader development of all-black townships in Oklahoma during the period after the Civil War and how the region held the promise of economic and social opportunity, home, and safety for the thousands of blacks who came there; there was even some discussion of Oklahoma becoming an all-black state (p. 26–28).¹⁵

14. KATHERINE MCKITTRICK, *DEMONIC GROUNDS: BLACK WOMEN AND THE CARTOGRAPHIES OF STRUGGLE* 8–9 (2006).

15. See DAVIS JOYCE, *AN OKLAHOMA I HAD NEVER SEEN BEFORE: ALTERNATIVE VIEWS OF OKLAHOMA HISTORY* 269 (1998) ("Oklahoma has had between twenty-five and thirty all-black towns during its history."); see also KENNETH C. BARNES, *JOURNEY OF HOPE: THE BACK-TO-AFRICA MOVEMENT IN ARKANSAS IN THE LATE 1800S* 125 (2004).

Henry and Ida were the parents of Hill's mother, Erma Elliott, who was three years old when the family left Arkansas for Oklahoma (p. 29). Erma married Albert Hill, the author's father, and had thirteen children, the thirteenth of which was Anita Hill (p. 30). Hill describes the close-knit family and town in which she was raised, and brings the reader back to Miss Young and the gift of luggage that sent Hill on her way to college (p. 31–32). Hill thus reminds us of her own privileges even as she sought a place to belong. By doing so Hill also implicitly reminds her readers of the privileges that many of us also share relative to women like Hill's ancestors, even if facing grave difficulties. Hill thereby sets the scene for the rest of the book's focus on what she calls "place" and "fixity" (p. 39).

It must be noted that while Hill explains why she reaches backward rather than forward to discuss the meaning of home in the context of her own early life, the reader is left wondering about Hill's contemporary life, especially given what we know about her involvement in the Clarence Thomas Senate confirmation hearings in the 1990s. Hill mentions the hearings at various times in the narrative. However, she does not address the hearings head on or in depth, and by seemingly skipping over any in-depth discussion of the hearings as a direct source of her understanding of home, she changes the psychological and narrative texture of the place from which she writes. This is perhaps an attempt to frame the book around what she sees as the larger substance of her life. It is also perhaps an effort to push to the "space-off" what many readers still see as the defining and emblematic represented space of Hill's life—the confirmation hearings.

In Chapter Three, Hill considers gender and race "at home in America" (p. 40). She begins by briefly retelling the story of Abigail Adams, wife of President John Adams, and her famous 1776 admonition to her husband to "Remember the Ladies" (p. 40). As Hill tells us, Abigail Adams held out the hope that women, particularly married women, would have protections under the Declaration of Independence (p. 41). Although Abigail Adams's hopes did not come to fruition, Hill notes the significance of Adams's articulation of women's needs for legal protections and not just the protections afforded them by the men in their lives (p. 41–42). Hill also observes, however, what was and continues to be a significant experiential divide for women: Abigail Adams, as a wealthy white woman married to a powerful white man who was away from home frequently, enjoyed more privilege and freedom than many women of her time and certainly more than most black women (p. 41).

For less privileged women, Hill writes, home could be tantamount to a prison (p. 41). This was especially true for black women in the antebellum South, most of whom labored as slaves on farms or plantations. Hill also points out that, for such women, release from involuntary servitude was not always freedom (p. 41). Many women, such as Hill's grandmother Mollie Elliott, lived their lives after emancipation in the shadow of their former owners, doing work similar to what they had done before slavery ended and facing similar potential

for racial and gender violence (p. 42).

In this chapter, Hill also profiles some black women who made noteworthy efforts to establish homes for themselves, their own families, and for others more broadly, but are less well remembered in popular legal or historical accounts. Hill writes, for example, of Biddy Mason, a slave who accompanied her owner from Mississippi to California along with her children and other slaves, arriving in 1851 after a three-year journey across the South, the plains, and the Southwestern states. Mason and the other slaves in the party worked for their owner until 1855 when they learned of his intention to return to Texas (p. 42). Mason filed suit, basing her claim on a California state law that granted freedom to persons who had entered as slaves and thereafter took up residence (p. 42).¹⁶ Mason was a midwife, a large-scale real estate owner and one of the founders of one of Los Angeles's largest black churches, the First African Methodist Episcopal Church.¹⁷

Hill also tells of Nannie Helen Burroughs, an educator who trained black women in domestic skills as well as in subjects such as bookkeeping, agriculture, Latin, and drama (p. 50–51). Burroughs encouraged black women's economic self-sufficiency and political engagement (p. 50). Perhaps most tellingly, Burroughs conceived of home as dignified work places and the home arts as skilled labor (p. 51).

In Chapter Four, Hill discusses *Hansberry v. Lee*¹⁸ as a frame for understanding the black yearning for home in the midst of harsh private legal sanctions whose goal was to keep blacks out of white neighborhoods. *Hansberry* was a case brought by Carl Hansberry, the father of Lorraine Hansberry, the prize-winning playwright. In 1937, the Lees purchased a home in the Washington Park section of Chicago, then a mostly white neighborhood covered by racially restrictive covenants (p. 58). Real covenants barring blacks from owning or renting property in certain neighborhoods were a common device to maintain racial separation: Hill notes that all deeds in the Washington Park neighborhood contained various types of restrictions barring blacks (p. 58).¹⁹ The Lees were harassed and their property vandalized before they finally sued (p. 58–59). Although they lost at earlier stages of the case, the Lees were finally vindicated in the United States Supreme Court when the Court held that an

16. Mason was fortunate indeed, as shortly after her case was decided the United States Supreme Court reached an opposite conclusion. *Dred Scott v. Sandford*, 60 U.S. 393 (1856).

17. JUALYNNE E. DODSON, *ENGENDERING CHURCH: WOMEN, POWER, AND THE AME CHURCH*, 34 (2002). See also EDWARD SOJA, *THIRDSPACE* 187-90 (1996).

18. *Hansberry v. Lee*, 311 U.S. 32 (1940).

19. See Allen R. Kamp, *The History Behind Hansberry v. Lee*, 20 U.C. DAVIS L. REV. 481 (1996) (noting that the racially restrictive covenants in Washington Park were the work of the Chicago Real Estate Board and were meant to serve as models for racial exclusion: the Real Estate Board sent organizers to Chicago neighborhoods to instruct them on how to draft such provisions); PRESTON H. SMITH, II, *RACIAL DEMOCRACY AND THE BLACK METROPOLIS: HOUSING POLICY IN POSTWAR CHICAGO* 23, 45–46 (2012) (noting how racially restrictive real covenants that barred blacks from buying or renting housing in white neighborhoods were a significant factor in the overcrowding of black neighborhoods).

earlier ruling that the covenant bound all owners was in error and reversed.²⁰

Such racially restrictive covenants were permitted in substance until 1948, when the United States Supreme Court held in *Shelley v. Kraemer*²¹ that race-based restrictive covenants are, on their face, invalid under the Fourteenth Amendment. The Court held that while private parties are free to accede to such covenants, judicial enforcement of such covenants would constitute unlawful state action.²² *Hansberry* is, interestingly, often presented as a relatively minor case for students of property law, having been decided in what could be termed the procedural “space-off” of law and not in the “represented space” of substantive law as was *Shelley*.²³ Hill’s narrative helps the reader to see how Lorraine Hansberry put her family’s story center stage when she loosely based her highly-regarded play, *Raisin in the Sun*, on her family’s struggle for home (p. 59). As Hill notes, while *Raisin in the Sun* ends on an optimistic note, the Lee family’s real life was not so rosy: the family patriarch, Carl Augustus Hansberry, was embittered by his struggles and died prematurely (p. 59–60).

In Chapters Five and Six, Hill switches gears to focus on the recent past, profiling the stories of two contemporary black women and their struggles for home. One woman, Marla Wyatt, made her home in Los Angeles in what was a racially mixed neighborhood of pleasant homes when she arrived in 1969 (p. 80). By the 1980s, gangs were beginning to infiltrate the neighborhood (p. 87). Wyatt, even through a divorce and financial strains, maintained the house, working to make it a haven from the ills outside (p. 85–89). Ultimately, Wyatt and her family were touched by violence when Wyatt’s son, Sam, was killed in an unexplained shooting (p. 91). Hill makes a somber observation about life in such areas that serves as a caution and as one of the broader themes of the book:

20. *Hansberry*, 311 U.S. at 46.

21. *Shelley v. Kraemer*, 334 U.S. 1 (1948).

22. *Id.* at 23.

23. See David Marcus, *The Past, Present, and Future of Trans-Substantivity in Federal Civil Procedure*, 59 DEPAUL L. REV. 371, 384–85 (2010) (citing JEREMY BENTHAM, OF LAWS IN GENERAL 142 (H.L.A. Hart ed., 1970) (1782)). Describing procedural aspects of law as space-off and substantive aspects as represented space is particularly apt given their traditional treatment in legal domains. Procedural law is the body of legal rules that govern the process for determining the rights of parties. Substantive law refers to the body of rules that determine the rights and obligations of individuals and collective bodies. Lawyers and judges typically look to procedural aspects first in assessing legal matters not only because many procedural aspects are logically and temporally prior (such as proper jurisdiction or parties to a claim) but also because procedural matters may provide an easier and faster disposition of a case than when it is determined on its substantive merits. Robert G. Bone, *Making Effective Rules: The Need for Procedure Theory*, 61 OKLA. L. REV. 319, 323–24 (2008). The distinction is an old one in Anglo-American jurisprudence, and is frequently credited to Jeremy Bentham. Albert Kocourek, *Substance and Procedure*, 10 FORDHAM L. REV. 157, 157 (1941); see also OLIVER WENDELL HOLMES, THE COMMON LAW 253 (1881) (“Whenever we trace a leading doctrine of substantive law far enough back, we are very likely to find some forgotten circumstance of procedure at its source.”). But see Albert Kocourek, *Substance and Procedure*, 10 FORDHAM L. REV. 157, 186 (1941) (noting that there are scholars who have maintained that while there may be applications of the distinction that raise questions of policy, there is a clear logical distinction and full conceptual clarity between “substance” and “procedure”).

“The idea that the safety of the family depends on individual homes we build today is a recipe for isolation and disappointment” (p. 93).

Hill then tells the story of Anjanette Booker, a woman who in 2008 held a subprime mortgage and who, having fallen behind on the payments, faced foreclosure on her Baltimore home (p. 96). After having refinanced a mortgage on the eve of a divorce, she learned that what she believed was a fixed rate mortgage was actually an adjustable rate loan that more than doubled after two years (p. 96). Hill places Booker’s story in the larger narrative of racial and gender discrimination in the lending market (p. 100–01). Hill also considers how Booker’s story, though it resulted from a number of forces beyond her control, is susceptible to interpretation as a story of personal failing or even fraud. Few people, Hill writes, take the time to distinguish between the two (p. 114–15). Booker’s story ended on an upbeat note as she was able to negotiate for a lower payment and marshal resources earned from a beauty salon business. But Hill cautions that Booker’s story should not be used as “a testament to rugged individualism” (p. 112). Nor, writes Hill, should Booker’s story be seen as “an example of how government should ‘get out of the way’ and let people take care of themselves” (p. 112). Booker’s story, while an “American Story,” is not a simplistic Horatio Alger story; such a reading, says Hill, ignores the role of race and gender in causing or exacerbating such problems (p. 112).

Chapters Seven and Eight bring the book to a close by highlighting how the housing crisis is undermining the centrality of home in the American Dream. Hill asserts that what should replace the physical notion of home is a broader and more symbolic sense of place and belonging (p. 140–41). Hill seems to suggest that this new narrative would be shaped and led by none other than President Barack Obama (p. 141). Obama’s life story, says Hill, illustrates the coming together of race, gender, and the finding of home (p. 143). The election of Barack Obama, the excitement that it generated, and the emotionally wrenching symbolism of a family of African ancestry making the White House its home are important reminders of just how far we have come in reconciling our past. That we still have far to go is evident in lingering questions about whether Obama is “one of us” from a national perspective.

Hill’s invocation of Barack Obama is not to suggest that the solution to black women’s housing problems is distinctly political. There is, however, a clearly felt need to redress deep social inequities that often run along lines dividing race and gender. The foreclosure crisis and its attendant ills often exacerbated racism and gender inequality. Forces well beyond them often misshaped the contemporary frames of “home” that occupy the thoughts of Hill’s protagonists. Hill concludes by putting forward a series of questions that, if answered, will help us to restore our faith in the United States as a place of promise (p. 167). Equality of opportunity—and *of place*—is a clear goal.

III. HUMAN GEOGRAPHY AND THE MEANING OF HOME

It has been long understood that space and identity are frequently reciprocally produced. The spaces that people occupy shape identities and the spaces in turn are formed and reformed by the people who occupy them.²⁴ Like many of these accounts, *Reimagining Equality* goes well beyond material concerns and addresses social structures, customs, and the ways in which these concerns shape ideologies. Ideologies are often sustained via material manifestations of space.²⁵ The home is at the foundation of many such ideological claims, existing as it does as a physical and figurative sanctuary and nurturer, a powerful embodiment of autonomy and freedom. In *Reimagining Equality*, Hill examines some of the issues arising when disruptions to home life such as slavery, segregation, crime, drug addiction, illness caused by environmental toxins, predatory lending, and other harms occur. Frequently, these harms are exacerbated by racial, gender, and economic inequality and interfere with the imagined and real spaces of home.

Explorations of the role of home and its interplay with race and gender are not new.²⁶ A number of scholars have discussed the ways in which home has historically been structured as an apolitical private sanctuary as well as a political public space.²⁷ “Home” is a heavily charged word that calls forth a number of images.²⁸ It also has wider meaning as the geographic space or place where one belongs: country, city, village, and community.²⁹ Perhaps most instructive for Hill’s book, the home is often also construed as a “woman’s place,” her natural environment.³⁰ Hill’s work, however, offers a fresh perspective on such notions, beginning as she does with her own personal story of home, then looking back to her family’s slave past and its aftermath, and

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24. Linda Peake, *Gender, Race and Sexuality*, in *THE SAGE HANDBOOK OF SOCIAL GEOGRAPHIES* 55, 65 (Susan Smith et al. eds., 2009).
 25. HENRI LEFEBVRE, *THE PRODUCTION OF SPACE* 44 (1991) (“What is an ideology without a space to which it refers, a space which it describes, whose vocabulary and kinks it makes use of, and whose code it embodies?”).
 26. See, e.g., RUTH FELDSTEIN, *MOTHERHOOD IN BLACK AND WHITE: RACE AND SEX IN AMERICAN LIBERALISM, 1930–1965* 154 (2000) (describing how concerns with women’s oppression in the domestic sphere of home was a racial argument, given the ways that black women’s experiences in the workplace and at home varied so greatly from the experiences of white women).
 27. JOAN R. GUNDERSEN, *TO BE USEFUL TO THE WORLD: WOMEN IN REVOLUTIONARY AMERICA, 1740–1790* 206 (2006) (describing how in the early days of the new American nation the job of women and mothers was to create good citizens by, among other things, carefully crafting an apolitical private refuge in the home that was to be used as the foundation of an expressly political public morality and patriotism).
 28. See Lolita Buckner Inniss, *It’s a Hard Luck Life: Women’s Moral Luck and Eucatastrophe in Child Custody Allocation*, 32 *RUTGERS WOMEN’S RTS. L. REP.* 56, 74 (2011) [hereinafter Buckner Inniss, *It’s a Hard Luck Life*]; see also ROSEMARY MARANGOLY GEORGE, *THE POLITICS OF HOME: POSTCOLONIAL RELOCATIONS AND TWENTIETH-CENTURY FICTION* 1–2 (1996) (discussing connotations of the word “home”).
 29. GEORGE, *supra* note 28, at 11.
 30. Buckner Inniss, *It’s a Hard Luck Life*, *supra* note 28, at 74 (citing ELIZABETH JANEWAY, *MAN’S WORLD, WOMAN’S PLACE: A STUDY IN SOCIAL MYTHOLOGY* 15 (1971)).

finally offering stories of other women and their crises and conundrums, ideations and ideals of home.³¹

Exploring the work more metaphysically by taking up the baton of spatiality, *Reimagining Equality* considers some of the literal and figurative meanings of home. The book acknowledges and addresses the multiple spatial frames and claims of home. In doing so, *Reimagining Equality*, like an increasing number of works across academic disciplines, engages with human geography.³² The home is a prime example of a concept that is rife with concordant and contesting spatial metaphoric import. The home is, as Hill shows in her book, frequently the source of contentment and a place of perceived safety. It may also be in some instances a source of dismay as well as a place of actual physical danger. Whether home is “good” or “bad” depends upon how it is framed in a particular context and all too often such framing depends upon perceptions.

A number of recent developments in cognitive science suggest that the categories that people use to describe their perceptions of reality are, while widely shared, not necessarily “objective.”³³ Such perceptions are, moreover, frequently processed via cognitive models called schemata by some scholars. Many schemata are often essentially geographic or spatial in nature.³⁴ Some examples are “path,” “near versus far,” or “center versus periphery” (the latter schema being a key feature of the concepts of “space-off” and “represented space”).³⁵ As landmark psychologist Ulric Neisser noted, “because we can see only what we know how to look for, it is these schemata (together with information actually available) that determine what will actually be perceived.”³⁶ Likewise, University of Oregon philosopher, Mark Johnson, recognized the special importance of how schemata, and, in particular, the center-periphery

31. Other works have considered the racial, gender, and spatial implications of black women’s enslavement. See, e.g., MCKITTRICK, *supra* note 14 (discussing the ways in which black women inhabit diasporic locations, both literal and conceptual, that are marked by the legacy of violence and slavery).
32. Human geography’s method of “spatialization” of what may appear to be non-spatial concepts extrapolates from geography, the field chiefly employed to query space and spatial relation; such use of spatialization is typically conveyed through the use of metaphor, and these metaphors are often premised on both physical and cultural experiences. GEORGE LAKOFF & MARK JOHNSON, *METAPHORS WE LIVE BY* 17–18 (1980). This is true even of interpersonal relationships. Consider phrases such as “we’re at a crossroads” or “we’ll just have to go our separate ways.” *Id.* at 44–45.
33. See generally David M. Mark & Andrew U. Frank, *Experiential and Formal Models of Geographic Space*, 23 ENV’T & PLAN., Series B. 3, 7 (1996).
34. *Id.* at 32 (citing ULRIC NEISSER, *COGNITION AND REALITY: PRINCIPLES AND IMPLICATIONS OF COGNITIVE PSYCHOLOGY* 54 (1976): “A schema is that portion of the entire perceptual cycle which is internal to the perceiver, modifiable by experience, and somehow specific to what is being perceived. The schema accepts information as it becomes available at sensory surfaces and is changed by that information; it directs movements and exploratory activities that make more information available, by which it is further modified.”).
35. Mark & Frank, *supra* note 33, at 6 (citing MARK JOHNSON, *THE BODY IN THE MIND* 126 (1987)).
36. *Id.* at 32 (citing NEISSER, *supra* note 24, at 20).

schema, may alter perceptions by constraining “meaning, understanding, and rationality.”³⁷

Spatial schemata appear to be at the core of cognitive structure, and they often form the basis for organizing many domains. It is therefore not surprising that much contemporary work in human geography often crosses boundaries, addressing numerous dimensions in a broad swathe of subject areas. This is frequently evident not only in the material spatial concerns of disciplines such as land use or architecture, but also in the spatial metaphors deployed across disciplines to describe perceived placement, such as “public” and “private,” social “insiders” or “outsiders,” and “upper,” “middle,” or “lower” class.³⁸

Reimagining Equality, like a number of contemporary accounts in human geography, offers spatial engagement with identity and difference and, specifically, with racial and gender identity and difference. In its thematic address, it makes frequent use of spatial schemata. For example, Hill cites urban geographer Elvin Wiley’s description of how physical geographic distances caused by moves to the suburbs also result in racial, gender, economic, educational, and other disparities (p. 168). This “suburban bias” currently shows no sign of abating. There is, however, some hope of remedying these ills, which Hill expresses in what is perhaps her most potent overarching spatial metaphor of home: the need for an “inclusive democracy” (p. xxiv, 169). Near the end of the book, Hill writes

Americans are in need of a twenty-first century vision of our country—not a vision of movement but one of place; not one of tolerance but one of belonging; not just of rights but also of community—a community of equals. This new vision will lead to an inclusive democracy that stays alive and remains real for everyone.

(p. 168–69).

IV. CONCLUSION

As noted at the outset, *Reimagining Equality* evokes in numerous ways the author’s involvement in the Clarence Thomas Senate confirmation hearings. This evocation seems crucial to the work. One scholar has described how the schematic of the coincidence-counterfactual is a plot device that is structured around pivotal moments when characters’ life trajectories, or sometimes the paths of history, converge or diverge.³⁹ Drawing from this, it is interesting to

37. *Id.*, *supra* note 33, at 6 (citing LAKOFF & JOHNSON, *supra* note 32, at 125).

38. ROB SHIELDS, *PLACES ON THE MARGIN: ALTERNATIVE GEOGRAPHICS OF MODERNITY* 29 (1991).

39. HILARY P. DANNENBERG, *COINCIDENCE AND COUNTERFACTUALITY: PLOTTING TIME AND SPACE IN NARRATIVE FICTION I* (2008) (discussing how coincidence and counterfactuality are two plot patterns that can be traced in a variety of forms across the developmental history of narrative fiction; these devices allow authors to project characters across space and time).

recall the ways in which the lives of Anita Hill and Clarence Thomas, like figures in a novel, were instantiated by a series of convergences in the form of biographical coincidences. Both were from rural hometowns. Both came from humble, values-driven black families. Both excelled at early schooling that ultimately led to their being admitted to Yale Law School. These coincidences culminated in one of American politics' most memorable and visible divergences: Hill's claims of sexual harassment and Thomas's denial.

This divergence is a potent source of counterfactuals. What if Hill had not testified about her story of sexual harassment? What if Thomas had not denied Hill's claim? What if Thomas had not been confirmed? *Reimagining Equality* is very much a book about home, but it also serves as an extended counterfactual that is both self-focused and external. It asks and answers the question: should Hill have offered her Senate testimony? The answer seems to be yes, if the reader deems Hill's notoriety and the subsequent attention given to her by public entities, the press, and private individuals to be the source of positive change. Many private individuals seem to have viewed Hill's dilemma as a symbol of dilemmas in their own lives. Hill, in becoming aware of what she symbolized, has been able to further amplify the concerns of others about home in all of its forms through her writings, speaking engagements, and other work.

Perhaps one of the most important aspects of Hill's book is that it directly engages with the plight of black women in the context of housing. Many human geographic accounts of inequality seek to generalize about the plight of people of racial minority status or focus on class as the principal source of oppression. While it is true that many of the ills facing contemporary black women are shared by members of other racial minority groups and by others in the same economic class, black women face separate burdens. This is the essence of what has been termed the "black woman question."⁴⁰ Some may be skeptical of what may seem to be a journalistic rather than an academic approach to discussing the lives of women such as Marla Wyatt and Anjanette Booker. All too often, "journalistic" is used pejoratively, reflecting a dissonance between journalism and journalistic styles and the academic world and scholarly styles.⁴¹ However, what is frequently ignored in such usages is the way that journalistic writing is characterized by directness, honesty, and clarity.

The women about whom Hill writes play key roles in what is a decidedly academic and scholarly endeavor. By directly engaging with these women and telling their stories, Hill avoids the failings of many such accounts that sometimes construe people as objects to be discussed or as problems to be solved

40. Lolita Buckner Inniss, *Toward a Sui Generis View of Black Rights in Canada? Overcoming the Difference—Denial Model of Countering Anti-Black Racism*, 9 BERKELEY J. AFR.-AM. L. & POL'Y 32, 68–69 (2007) (referring to the "black woman question" as the multiplicity of oppressions faced by black women).

41. See, e.g., Barbie Zelizer, *Journalism and the Academic World*, in THE HANDBOOK OF JOURNALISM STUDIES (Karin Wahl-Jorgensen & Thomas Hanitzsch eds., 2008).

rather than seeking to directly engage with people's lives.⁴² Hill, however, does more than move the women she discusses from the space-off to the represented space of scholarly endeavor. As one scholar notes in the context of race and gender-focused social geography, the issue is not about inclusion in or expansion of the circle of what constitutes the scholarly.⁴³ The larger issue is eliminating the boundary that marks such endeavors and thereby creates the division between scholarly "represented space" and "space-off."⁴⁴

Lolita Buckner Inniss

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42. Audrey Kobayashi, *The Construction of Geographical Knowledge: Racialization, Spatialization*, in HANDBOOK OF CULTURAL GEOGRAPHY 544, 548 (Kay Anderson et al. eds, 2003).
 43. Audrey Kobayashi, *Coloring the Field: Gender, "Race" and the Politics of Fieldwork*, 46 PROFESSIONAL GEOGRAPHER 73 (1994).
 44. *Id.*

GENDER AND CULTURE AT THE LIMIT OF RIGHTS edited by Dorothy Hodgson. Philadelphia: University of Pennsylvania Press, 2011. 300 pp. \$47.50 hardback.

I. INTRODUCTION

In *Gender and Culture at the Limit of Rights*, editor Dorothy Hodgson assembles a timely interdisciplinary interrogation of current rights-based strategies for gendered visions of social justice. Through a diverse interlocution of practitioners and academics, Hodgson succeeds not only in raising essential questions about gendered personhood, but also in critically unpacking the contemporary deployment of “human rights” as a foundational component of organizing, legislating, and executing struggles for the rights of women. Over three well-composed sections, eleven authors bring unique case studies into larger discussions of how and in what contexts the discourse of human rights has served to elevate or threaten potentialities of cultural and juridical justice around the world. They invite us to challenge our cultural assumptions, evaluate the perpetual reframing of ideologies constitutive of “human rights,” and assess the extent to which work toward justice encompassing gendered bodies relies on and/or rejects problematic constructions of rights as such.

Appeals to global understandings of human rights as rationales for international advocacy for the rights of women have not been without measurable successes (p. 1). For many international women’s rights organizations, the discourse of rights has served to excavate gendered injustices and inspire marked improvement in women’s political, economic, and cultural statuses. These improvements, however, do not come without questions as to how their reliance on ahistorical conceptualizations of “rights” succeed in reinforcing culturally biased—even imperialist—approaches to social justice. The three sections of Hodgson’s carefully curated forum provide three lenses for closer analysis of the potential—and potential problems—in contemporary negotiations of rights-based activism.

II. IMAGES AND INTERVENTIONS

The three chapters in the first section present some of the gendered assumptions underlying historical and present implementations of human rights. On the surface levels of the series of consensuses we recognize as “international law,” it is easy for policymakers and activists to adopt juridical vocabularies understood to be neutral in both their referents and discursive power. The

language of the state has served to successfully organize power, and thus any attempt to shift power's distribution is necessarily understood to rely on these same terms. The three authors in this section examine the gendered realities that are muted by supposedly neutral policies' erasure of complex cultural and social identities. They succeed in drawing our attention to the ways in which gender is systematically absent from broader political considerations of rights when these considerations are in fact shaped by and recognized within contexts of gender. Hodgson does well to include diverse examples of this problematic silence, and through three distinct and critical explorations from these authors, we are imbued with a sense of the pervasiveness of the tendency to neutralize the foundational language of human rights.

Pamela Scully introduces the contested figure of the "long-suffering African woman" to illustrate the convergence of external political forces upon the individual. In nineteenth-century British anti-slavery campaigns and today's heart-wrenching television specials, the African woman has been negated as individual and edited for consumption as a racialized, gendered subject to be recognized and protected by white people (more specifically, white men) (p. 22). Human rights initiatives deployed with pithy pleas for international funding often ignore tensions between racial and gender identities, and critical histories are condensed into strategic narratives designed for effective mass media appeal. Even if the image of the "long-suffering African woman" succeeds in generating donor-sponsored advocacy on women's behalf, Scully correctly censures the intrinsically oppressive removal of African women from their own narrative agency (p. 28). Often, Scully argues, discourses of rights succeed in parliaments as they fail in communities, particularly in communities still working to define their own conceptualizations of success (p. 29). Appealing to rights in order to "save" or otherwise "better" the plight of the suffering Other neglects the very personhood the strategy purports to uplift. Rights-based policies are in fact profoundly gendered, and they often privilege forms of community and conduct that discount the genuine empowerment of women moving in and creating alternative modes of being and thriving.

Salma Maoulidi extends this discussion as she explores specific renderings of images of Muslim women in Zanzibar. The history of these images, she writes, is one intimately tied to the flux of the women's political and cultural rights, and she describes in detail how image and status inform one another as they remain contextually framed by patriarchal influence (p. 33). Analyzing Zanzibar's colonial, post-revolutionary, and contemporary periods, Maoulidi exposes the extent to which women's status became in many ways a stronghold of Muslim resistance to colonial influence (p. 33). As external forces destabilized the nation's culture, women "became the ultimate cultural icons through which a society would resist cultural intrusion and assimilation" (p. 32). The author notes the particular danger in ascribing last vestiges of cultural authenticity to women, for it is women who remain situated in externally reinforced cultural stasis even as society itself evolves. Zanzibar today remains a

transitioning political climate, and the position of women, notes Maoulidi, remains a contested site upon which legal and cultural reflections still come into conflict (p. 53).

In the third chapter, Sally Goldfarb outlines the American legal system's inherent authorization of a juridical status quo rooted in patriarchy. For years, key tenets of the American feminist movement cohered in several campaigns for the legal recognition and prosecution of acts of domestic violence. Even successful implementations of punitive legal response, however, problematically reinforce images of male domination (p. 57). Cases of violence against a partner, for example, are punished according to the severity of measurable physical acts. Goldfarb notes that this qualification of degrees of physical violence emerges from law that reflects understandings of conflict typically encountered by men (p. 58). Emotional abuse, strategically reoccurring patterns of smaller acts of violence or manipulation, and other less photographable damages that women experience are more difficult to name and prosecute. Similarly, current law frequently mutes cultural contexts that make certain juridical responses to domestic violence potentially damaging to women in minority or immigrant communities (p. 68). The law informs culture just as culture informs the law, and Goldfarb skillfully explores the problems of monolithic domestic violence doctrine for minority communities with a mind toward building the law into a more nuanced instrument of justice.

III. TRAVELS AND TRANSLATIONS

The second section of Hodgson's collection considers how international communities and conversations have adopted, challenged, and deployed specific human rights discourses in the interest of bringing broader visions of universal rights to unique cultural populations. We are ushered through case studies framing how formations of rights-based cultures of international activism have had significant impacts on how women around the world come to know their own communities, potentialities, and identities. While there are certainly commonalities among various discursive iterations of rights, their effects and translations beget changes to women's lives that remain critically mediated by cultural context.

Peggy Levitt and Sally Engle Merry open the section by challenging the popular understanding of "culture" as something existing in opposition to what we have come to recognize as "rights" (p. 81). While colonial narratives have frequently pitted the "civilizing" neutrality of rights against the "antiquated" traditions unique to a culture, the authors seek here to expose the extent to which this false dichotomy is predicated on the hazardous gendering (more accurately, feminizing) of culture as concept. When rights are invoked to influence allegedly neutral questions of infrastructure, for example, there are rarely (if ever) questions as to the potential for cultural damage—even as management of local governments' technology and resources is a distinctly influential constituent of

every culture (p. 82). Culture, rather, is all too frequently measured as the adjudication of gender roles, with women's position in a society understood to signify the culture's adherence to and respect for its historical mores. Rights, Levitt and Merry argue, are themselves cultural phenomena, and the authors proceed to delineate the process they name "vernacularization" to explain how translation and culturally specific interpretation of rights begin to create spaces for liberating intervention for both women and society writ large (p. 83, 87).

Lila Abu-Lughod explores the "extraordinarily active social life" of Muslim women's rights in contemporary times (p. 101). Between languages and continents, and media and political movements, the rights of Muslim women have served as contested sites of cultural transition throughout history. But what do we lose, Abu-Lughod asks, in assuming the ontological stability of rights and their roles in Muslim women's lives? We are well served, she continues, by engaging questions of rights through the anthropological lenses of how and where these analyses of rights are circulated (p. 102). By unpacking the influence of cultural location, the author delivers compelling comparisons between the intersections of women's historical roles and the evolving cultural framework of rights in Egypt and Palestine.

In Egypt, public discourse surrounding women's rights in the past two decades has shifted most notably in the technologies through which it is filtered into public life (p. 103). The social life of rights in Egypt, the author asserts, has encountered an unprecedented governmentalization, an "imbrication with Islamic institutions and religious discourse," and a "commercialization or association with the corporate world" (p. 103–04). Despite stringent regulation, women's rights advocacy has proliferated in segments of Egyptian civil society, opening avenues for careers, organized sources of funding, and new ways of sustaining women's globally networked professional communities (p. 118).

In Palestine, the political context acts upon the operation of Muslim women's rights against the backdrop of occupation and militarization, and Palestinian feminists must negotiate political aims within the realities of displacement and everyday conflict (p. 111). Rather than tracing a genealogy of rights, Abu-Lughod impels readers to consider ethnographic frameworks when evaluating the subtleties of rights-based advocacy worldwide.

Abu-Lughod's incorporation of the explicitly anthropological language of ethnography is a refreshing context against which to consider her broader political questions. A strength of the anthology in general is its engagement of multiple evaluative lenses from diverse disciplines, and Abu-Lughod succeeds in challenging us to assess not only our assumptions about gender or nationality, but also how these assumptions came to be and to function. Though ethnography may not always be a useful framework, by drawing our attention to the power of nuanced critique, Abu-Lughod offers a meta-critique of Hodgson's volume itself as she reminds us to dig deeply into narratives and context that can far too easily be taken for granted.

Caroline Yeezer considers the influence of human rights interventions in

indigenous villages of post-conflict Peru. As international aid organizations have expanded initiatives in these rural communities formerly under martial law, understandings of how villages engage new “freedoms” following militarization have altered how some practitioners evaluate the utility of rights-based interventions in certain societies (p. 121). The author examines the complexity of demilitarization’s impact on village culture and structure, and writes that while many foreign activists expected peace to bring order to previously militarized communities, the resultant “emasculatation” of men destabilized families’ and villages’ social cohesion (p. 121). The author does not argue in favor of permitting or supporting militarization in the interest of stabilizing developing communities, but rather skillfully calls us to more critically examine the categories by which we define reform and its successes. To assume uniformity in the efficacy of rights-based reform would be to problematically mute vital histories of social organization specific to evolving communities, particularly in indigenous populations. In any assessment of intervention’s effects, supposedly “objective” metrics of development must be reconfigured to reflect their place within cultural contexts and their origination from externally organized sources.

The editor Dorothy Hodgson closes the section with an evaluation of the transition from understanding female genital mutilation (FGM) as a health issue to recognizing it within the context of human rights. Nongovernmental organizations have turned toward explicitly evaluating the “progress” of African communities based upon communities’ eradication or continuance of FGM. In so doing, they have frequently failed to consider critical tensions among multifaceted rights-based claims to justice for women and the separate—though often similar and/or overlapping—claims to justice for indigenous communities (p. 139). International pressure has resisted local grassroots women’s advocacy organizations’ attention to alternative priorities, instead galvanizing outcry against such specific iterations of cultural practice as FGM that Western (and “increasingly African elite”) activists have deemed categorically unacceptable (p. 138, 140). Though local women’s organizations like the Maasai Women’s Development Organization explicitly outline concerns for economic well-being and political empowerment as paramount to their own communities’ advancements, influential NGOs and other elite sources of funding operate according to rubrics of programmatic success that privilege historically Western conceptualizations of valid activism. Hodgson rightfully criticizes the apprehension of rights as diametrically opposed to culture and unites the anthology’s selections when she names the “problem of culture” as “really a problem of power” (p. 140). “Even if we acknowledge the interconnection of all rights (including economic, political, and cultural),” she explains, “the question still remains as to who decides which rights to pursue at any given time.”

Hodgson’s argument is not a new one, and indeed each contributor understands this problem of power as integral to any question of rights or culture. The force of the anthology is rooted in its expert reflection on the diversity of the vectors along which the power problem operates. While many

interrogations of gender and culture consider the impact of power, far fewer inquiries are so strategically positioned alongside one another. If the reader has progressed through the collection in order, the second section in particular offers a sense of the vastness and often overwhelming intricacy of power's dynamism. As discussion moves toward the final section, we begin to see more opportunities for opening and challenging the dialogues that have surrounded questions of power for those too often left without it.

IV. MOBILIZATIONS AND MEDIATIONS

The third and final section presents four authors' analyses of specific mobilizations of gender-based collective action deployed within and against contexts of state regulation. The authors explore the tools with which women have successfully built collective power and political agency, and uncover the ways in which the media, the law, and grassroots civil society have been reframed to accommodate communities' shifting renderings of gendered civic praxis. If the media and law have historically been engaged in the methodic disenfranchisement of marginalized populations, the authors ask, for what aims and with what strategies can we refigure them as engines of genuine social justice?

Lynn Stephen's recounting of the recent mass mobilization of women in Oaxaca, Mexico opens the section with a compelling demonstration of collective reclamation. Over five months in 2006, in a city widely recognized as one of the poorest in Mexico, variegated movements for indigenous rights, women's rights, teachers' rights to collective bargaining, and others coalesced into popular uprisings that occupied federal buildings, built street barricades, and systematically took over state-run media outlets (p. 163). Stephen effectively outlines the most recent decades' contributions to the fomentation of rights-based organizing in Oaxacan communities, and through a brief genealogical exploration of Oaxacan women's political consciousness, she is able to sketch a history that positions the events of 2006 as a turning point in the movement to build women's political power. Initially, explains march participant Mariana Gomez, the women sought entrance into state television and radio stations for airtime, to "be heard," not to occupy (p. 167). When they were denied access to airtime, the women refused to return home. "They didn't even give us permission to talk for even an hour," one woman stated. "So the compañeras decided that we were going to stay" (p. 168). This right to speak became poignantly gendered, Stephen notes, as the women—many of them for the first time—rose to publicly lay claim to the rights of participation in civic life. For so many women in the community and even in grassroots movements, silence was understood to be the norm (p. 171). The capacities to speak and to be heard were embraced as women's rights, and in the activists' demanding attention to the silencing of marginalized voices, they succeeded in catalyzing the redefinition of citizenship for all. While the legacy of the 2006 takeovers is still evolving,

Oaxaca has since witnessed an unprecedented “proliferation of community radio stations” and public forums through which the rights to speak and be heard are upheld, and the women’s organizations that formed during this time continue to challenge the silencing of underrepresented communities throughout Mexico (p. 179).

Ousseina Alidou discusses the interplay of rapid innovations in information and communication technologies and the evolving democratization of communication in contemporary Muslim societies. By engaging in critical analysis of the Kenyan women’s radio program, *Ukumbi Wa Mamama* (Women’s Forum), Alidou explores the strategic application of secular resources and education to the advancement of women in religious and cultural spheres. The post-colonial successes of mass education policies and the democratization of technology that began in the 1990s enabled women to participate in new forms of authorship of their own religious and political stories (p. 181). As state control of the media weakened, privatized stations and organizations developed new avenues for specific constituencies to reach their own communities. Women, in particular, were able to cultivate heretofore impossible dialogic mechanisms for the analysis of their own lives as educated Muslim women and activists. As the included transcript excerpt from *Ukumbi Wa Mamama* evidences, these forums serve as powerful venues for reframing discourses of “womanhood” according to newly gendered visions for the potentialities of participatory citizenship. As Kenyan women’s voices reach one another, they are also diverse international interlocutors on imperative questions of faith, culture, and the future of Muslim women’s leadership.

Robyn M. Rodriguez considers the gendered subtexts and strategies of rights-based advocacy for immigrants and their families in the United States. Unpacking the intersecting struggles of male immigrant detainees with families, she assesses how these detainees frame their claims to rights in the United States and how their advocates may ignore critical components of their client’s subjectivity as they work toward securing their client’s release or initial steps toward citizenship (p. 201–02). Rodriguez offers her own history of legal work with immigrant detainees as indicative of the tendency to rely on the ostensibly non-gendered arguments for detainee release. Many legal advocacy organizations, she writes, invoke claims to constitutional rights for all or work to affirm recognition of immigrants as drivers of economic growth (p. 201–02). While these approaches can be effective in appealing to certain segments of the public, they are also effective at erasing constitutive elements of immigrants’ own commitments to their families and identities. Rodriguez notes that “many immigrant detainees affiliated with the New Jersey Civil Rights Defense Committee, for instance, construct their demands for release from detention on the basis of their status as fathers” (p. 202). They understand themselves as vital to the continued stability of their families, and emphasis on their roles as emotional and financial providers may offer more nuanced tools with which to approach advocacy for immigrants’ rights. If we are to believe genuinely in just

futures for all citizens, Rodriguez cogently insists that we challenge assumptions about how rights are earned, granted, and deployed.

Mary Jane Real concludes the anthology with a trenchant evaluation of the promises and pitfalls of transnational political organizing. As a founder of the Women Human Rights Defenders International Coalition, she has worked at the forefront of women's communities seeking to capitalize on the power inherent in cooperative struggle while still remaining cognizant of community particulars requiring attention and unique political response. In addition to the challenges of negotiating divergent interests, women's rights advocates around the world still operate within and against patriarchal histories of governmental and cultural organization, and as demonstrated throughout Hodgson's collection, women are often precariously situated at the fault lines between modernity and the preservation of cultural tradition (p. 219). The strength of Real's argument coheres in its thoughtful rejection of the confronting of international women's organizing as incompatible strategic monoliths. Advocacy has tended to emerge from claims to "universal" rights for all across cultures or from culturally specific movements predicated on belief in localized knowledge and historical contexts. Real acknowledges the utility of "a shared articulation of rights on which to build alliances across movements," but also embraces the complexity of localized claims to particular visions of justice (p. 223). It is imperative that the "highly contested terrain" of the language of human rights be constantly interrogated and reframed, and the anthology appropriately concludes with Real's call for an active, perpetual renegotiation of the fragile compromises constitutive of contemporary rights-based activism (p. 233).

V. CONCLUSION

Hodgson's greatest success in *Gender and Culture at the Limit of Rights* is its somewhat unexpected optimism. To trace diverse histories of gender and its often violently contested significance is to recall innumerable injuries to individual and collective identities. The selections here, however, reveal the authors' dedication to uncovering moments of profound agency. We are introduced to diverse coalitions of people of all genders that have gracefully considered the messy significance of history and moved radically forward toward new political, cultural, and juridical imaginaries. Many of the selections engage case studies for careful articulation of specific organizing strategies, and each author takes care to provide digestible context for their arguments and attentive critique of their own vocabularies. Ultimately, the questions with which the collection begins remain open: How are we to advocate best for women when that advocacy is itself rooted in problematic histories? Can we operate effectively within existing political frameworks, and if so, are we able to do so without compromising the empowerment of historically marginalized voices? In the end, the reader comes away with the sense that, while the answers to these and other questions may be far from complete, we are making definitive progress

toward challenging restrictive norms of gender, opening global discourses of “rights,” and building collectively upon inclusive potentialities of justice for all.

Brit Bjurston

scholarship requires critical examination of the intersection of gender with one or more other axes of subordination

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Dedication

Volume twenty-eight of the *Berkeley Journal of Gender, Law & Justice* is dedicated to The Honorable Betty Binns Fletcher, a federal appellate judge who served on the United States Court of Appeals for the Ninth Circuit from 1979 until her death on October 22, 2012. Judge Fletcher graduated first in her class of the University of Washington School of Law in 1956, was one of the first women named partner at a major law firm, and the second woman appointed to the Ninth Circuit. One of the country's most highly respected jurists and a tireless champion of progressive causes, Judge Fletcher maintained a full caseload until the very end, in defiance of Republican senators who had demanded Judge Fletcher take senior status before confirming the appointment of her son, William A. Fletcher, to the Ninth Circuit in the mid-1990s. Judge Fletcher was outspoken about the gender-based discrimination she had faced as a young lawyer at a time when law firms routinely only hired men for legal positions, and became an inspirational figure for progressive women and men alike with her courageous, insightful opinions defending the least powerful members of society (her favorites of which, she noted, had often been reversed by a resurgently conservative Supreme Court). Judge Fletcher's inimitable presence on the Ninth Circuit will be sorely missed, and the *Journal* is honored to dedicate this volume to her memory and legacy.

From the Membership

The *Berkeley Journal of Gender, Law & Justice* is guided by an editorial policy that distinguishes us from other law reviews and feminist journals. Our mandate is to publish feminist legal scholarship that critically examines the intersection of gender with one or more other axes of subordination, including, but not limited to race, class, sexual orientation, and disability. Therefore, discussions of “women’s issues” that treat women as a monolithic group do not fall within our mandate. Because conditions of inequality are continually changing, our mandate also is continually evolving. Articles may come within the mandate because of their subject matter or because of their analytical attention to differences in social location among women. The broad scope of this mandate, and the diversity of scholarship it supports, is reflected in this volume of the *Berkeley Journal of Gender, Law & Justice*.

The majority of pieces submitted to this journal, however, do not fall within the mandate. There are far too few of us in legal education and practice committed to advocating for women, let alone focusing on those women least served by the legal system. Rather than abandon or modify our mandate in response to the limited pool of available scholarship, we hope to cultivate and support such scholarship by recommitting ourselves to the vision our mandate reflects. We need your help. This forum can only exist with the vigorous participation of thinkers and writers nationwide who share our vision and our commitment. We urge you, our readers and friends, to consider the issues raised in the *Berkeley Journal of Gender, Law & Justice* as you pursue your own work. Share your work-in-progress with us. Publish with us. Tell your colleagues, students, and teachers about us. If you read an unpublished paper or hear a speech at conference that addresses the mandate of the *Berkeley Journal of Gender, Law & Justice*, refer it to us. Join us in nurturing and critically engaging the legal research, theories, and strategies required to serve the interest we share in social justice.

From the Editors

Welcome to volume twenty-eight, issue two, of the *Berkeley Journal of Gender, Law & Justice*. We thank you for your continued support of the *Journal*, especially during the budget austerity that continues at the University of California. The *Journal* continues to forge ahead as a consensus-based platform for feminist legal scholarship. You are a big part of this plan; as someone who shares a commitment to our vision, your interest motivates us to continue in this work, and your support enables us to do so.

The *Journal* continues to play an integral role in the social justice community at Berkeley. During the spring of 2013, we presented a symposium entitled *Presumed Incompetent: The Intersections of Race and Class for Women in Academia*. Scholars from around the United States discussed the obstacles of being a woman of color in academia and potential solutions to the isolation and discriminations may have encountered firsthand. In October, our journal will present a symposium on the impact of *Roe v. Wade* forty years later. Through these symposia and other events, we have also increased our ties to other identity journals and student organizations in the hope of fostering mutual support and solidarity.

The *Journal* is excited to create a forum for members within and outside the Boalt Hall community to discuss and publish cutting-edge scholarship that fits within our feminist mandate. We appreciate your contributions to support the existence and evolution of this community. For more information about our upcoming events and to renew your support, please visit our website: genderlawjustice.berkeley.edu.

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In *Getting the Government in Bed: How to Regulate the Sex-Toy Industry*, recent Berkeley Law-grad Emily Stabile identifies a serious gap in our federal consumer protection regime: the government's nearly complete failure to regulate sex toys. Almost half of all Americans will use a sex toy at some point in their lives, and toys that are improperly designed, used, or constructed can and do cause serious injury to consumers. But though the federal government heavily regulates other consumer products to prevent dangers similar to the ones posed by sex toys, thus far the government has managed to shirk its duty to protect its citizenry from the threats posed by faulty or poorly designed sex toys, in part because the taboo nature of sex in general and toys particularly makes it harder for consumers to effectively demand the protection they deserve. Stabile argues that sex toys should be classified as consumer goods under the jurisdiction of the Consumer Product Safety Commission, which already regulates similar products, and outlines the ways in which the CPSC's regulation could be initiated. Stabile then examines the types of rules that might result from federal oversight, and concludes that, though it might be difficult to achieve, regulation is possible and would effectively protect consumers from the perils posed by these commonly used but infrequently acknowledged products.

In *Decoding Civility*, Kerri Lynn Stone explores some of the reasons why, despite nearly fifty years of antidiscrimination law, women still lag behind men in gaining access to the upper echelons of most professions: workplaces continue to be rife with bias, though now less overtly expressed, which alienates and pushes women and minorities out or otherwise works to prevent their upward trajectory. Stone argues this is the result of the failure of law to capture a significant category of abusive speech in the workplace. She charts how expressions of bias at work have evolved in response to antidiscrimination legislation and jurisprudence, concluding that while many workplaces have become less overtly discriminatory or hostile, they are not necessarily any less biased or difficult for women and minorities in reality. This is compounded by narrow jurisprudential readings of Title VII, where the law has refused to recognize a significant amount of harassment and discrimination as actionable under Title VII. Arguing that Title VII's objectives cannot be met by mechanically categorizing some biased speech in certain contexts as unlawful, while allowing other, possibly equally corrosive speech to escape censure and poison the workplace, Stone suggests possible solutions to the problem of abusive speech, concluding that the law can and should address this problem by updating its standards to do justice to Title VII by recognizing the new ways bias is expressed today.

In *Women's Rights on the Right: The History and Stakes of Modern Pro-Life Feminism*, Mary Ziegler weaves a compelling history of the antiabortion feminist movement. Starting in the 1970s, Ziegler underscores the importance of understanding the history of pro-life law reform feminism in order to better confront the future of the antiabortion division and pro-choice division within the feminist movement. From the founding of Feminists for Life in the face of *Roe v. Wade* to Lila Rose's recent manifesto for pro-life feminists, Ziegler captures the nuances that are lost when all antiabortion feminists are treated as a monolith. Ziegler portrays antiabortion feminists as advocates who want to protect women and enhance society so that women are not "economically coerced" to choose abortion. Ziegler takes issue with the fight within feminism about antiabortion beliefs; the struggle over what constitutes a true feminist stirs unnecessary opposition. Ziegler proposes that antiabortion and pro-choice feminists may find a common enemy in members of the Religious Right and the National Right to Life Committee who have condoned antifeminism. The author concludes that pro-choice feminists can find common ground with their antiabortion counterparts on issues of contraception, equal pay, and support for parental leave.

In *Posthumously Conceived Children: Why States Should Update Their Intestacy Laws After Astrue v. Capato*, recent Berkeley Law graduate Jennifer Matystik argues that, in light of the Supreme Court's recent holding in *Astrue v. Capato*, it is time for states to reassess their intestacy laws to cover posthumously conceived children. Matystik begins her Recent Developments piece with a thorough analysis of the story of the Capatos the circuit split before *Astrue v. Capato*, and how the Supreme Court's decision resolved this split. Matystik describes how the Supreme Court confronted the issue of whether posthumously conceived children fall under the definition of "children" in the Social Security Act. In the end, the Court utilized deference to the Social Security Administration and allowed states to make the determination whether to extend survivor benefits to posthumously conceived children. Matystik gives a comprehensive overview of the model acts that states should consider: the Uniform Parentage Act, the ABA Model

Act, and the Uniform Probate Code. Regardless of which model the states choose, Matystik advises lawmakers to consider both the deceased parent's written and implied consent and a realistic time limit under which the decedent's genetic material can be used.

This issue also features two book review pieces. Kai Haswell reviews *Intersexuality and the Law: Why Sex Matters* by Julie A. Greenberg. Arlyn Katen reviews *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, an anthology edited by Eric A. Stanley and Nat Smith.

On behalf of the *Journal's* membership and editorial board, we would like to thank all of you, our readership, for your continued and enthusiastic support. We hope that you enjoy reading this volume as much as we have enjoyed creating it. Please do not hesitate to provide comments and feedback at genderlawjustice.berkeley@gmail.com.