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**Review of Sheryl Grana, Women and (In)Justice:  
The Criminal and Civil Effects of the Common  
Law on Women's Lives**

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Both of these books would be appropriate for use in the classroom. Girshick's would provide an important perspective in courses on intimate relationships, violence against women, and domestic violence. Mason's might be used in upper level courses on sexuality or in feminist theory courses. Girshick's book would find an audience among general readers; clinicians who work with victims of violence and assault as well as survivors themselves will find it a useful resource. Finally, Mason's book provides an excellent starting point for an analysis of the experiences of U.S. lesbians.

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*Women and (In)Justice: The Criminal and Civil Effects of the Common Law on Women's Lives*, by Sheryl J. Grana. Boston: Pearson Education, 2002. pp. 194, \$35.00 (paper).

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In her new book, *Women and (In)Justice: The Criminal and Civil Effects of the Common Law on Women's Lives*, professor Sheryl J. Grana takes on the ambitious task of assessing the impact of law on women's lives in areas from marriage to crime to work. The book, which is directed at an undergraduate audience, offers a sociological perspective on law that draws on feminist analysis, history, and theory. At its heart, *Women and (In)Justice* seeks to illuminate how law and justice structure women's lives across vastly different areas.

Grana starts from an insightful and important premise: that discussions of justice are too often absent from texts in criminal and civil law and in women's studies. She has a broader aim than could be realized through a purely legal "casebook" approach (such as Goldstein's, 1988, classic and widely used *The Constitutional Rights of Women*). Grana seeks instead to introduce students to the dual purposes of law: as an enforceable code of behavior and as a reflection (and contestation) of prevailing ideas about justice. The range of topics covered in *Women and (In)Justice*, with chapters on ideas about women—the development of common law, equality, families and marriage, education and work, women in the justice system, poverty, pregnancy and violence, and female offenders—promises an interesting review of the relationships between law, justice, and gender.

Grana uses several concepts to tie the topics together: the importance of people, conditions, and ideas; quadruplexation; and "walking the line." These ideas provide a somewhat useful theme, as the book covers a wide range of issues that are not themselves linked in clear ways.

People, conditions, and ideas emphasize the social situatedness of culture, knowledge, and theory, although there is little discussion about how cultural context both reflects and changes law. Quadraplexation, the central analytic innovation of the book, is drawn from Mitchell's (1971) book *Woman's Estate* and "examin[es] the intertwining patriarchal and capitalist effects of. . . socialization, production, reproduction, and sexuality" (p. 5) in women's lives. These four variables are defined as social conditions or experiences and are not explicitly related to the power of law in everyday life. "Walking the line" is Grana's shorthand for the kinds of pressures women face in an oppressive patriarchal society that offers false "choices" among equally bad alternatives (pp. 13-14). Grana returns to these ideas throughout the book, although they are not always closely tied to her central point about the effects of law on women's lives.

Grana touches on many issues in the course of the book. I actually find it impossible to summarize the content because it is so diverse and loosely conceptualized: There is no central thesis or theme except that women have been oppressed individually and as a group. The mere fact that an issue has been the subject of legal regulation seems to provide the rationale for why it is included. Grana's argument about the relationship of law to these oppressive experiences and institutions often remains unclear. She draws liberally from sociology, history, and (some) feminist theory; most of the chapters offer a broad overview of the issue that is long on description and summary but short on engaging specific provisions or effects of law and policy.

The book is hindered by problems of both content and form that undermine its potential usefulness in the classroom. *Women and (In)justice* seeks to occupy a particular niche as an introduction to feminist perspectives on law and justice, but I found it too inattentive to feminist debates to satisfy women's studies requirements and too devoid of law for a legal studies class. The problems with content are reflected in the presentation of information. Too often Grana makes points or ends arguments with a remark that assumes the easy resolution of legal dilemmas or ignores the complexity of the legal issues. The lack of sufficient detail and evidence for her arguments undermines the persuasiveness of her claims.

The text is too impressionistic and unstructured to help students move through the steps of Grana's analysis. She moves from policy history to sociological analysis to legal theory without providing the kind of sustained or coherent discussion that could help the reader understand how these different traditions illuminate the connections between law, justice, and women's lives. Despite the book's title, law does not function as a central subject of analysis. As a result, the choice of topics and structure of arguments seem arbitrary and unfocused. The book

opens with the chapter on “people, conditions, and ideas,” which attempts to define the different ways that gender is experienced. This chapter pursues topics as diverse and far-flung as gender schemas, the image of “Lady Justice,” defining oppression, the origins of patriarchy, the Industrial Revolution, and biological arguments about women’s inferiority. These introductory remarks are unconnected to any discussion of law. Although Grana is clearly trying to establish a baseline from which to analyze how society understands and uses gender, there are no links drawn to legal institutions, thought, or theory. Students in a law-related class would likely be bewildered by the chapter, while those with any background in gender studies would probably be legitimately taken aback by the sweeping generalizations about women and feminist theory.

This brings me to the most puzzling and striking aspect of the book: its basic inattention to law. Grana often discusses issues with only the most cursory mention of fundamental policies or cases in the area. She acknowledges in the preface that the text is not organized exclusively around either civil rights or criminal issues and that she will “not spend a lot of time discussing the cases” (p. xiii), but this does not justify the lack of careful attention to the issues she chooses for discussion. Specific laws or policies are usually overlooked in favor of a sociological sketch of the issue. There are only a few occasions where Grana discusses the impact of law on women’s lives or the dilemmas legal intervention poses for women seeking justice, and these rarely provide the kind of detail that could help students understand how the arcane abstractions in law can have a very real effect on the lives of individuals. The issues are further muddled by a perspective that simultaneously argues that law is fundamentally male and hostile to women’s experiences<sup>1</sup> and yet is an appropriate vehicle and target for feminist activism (p. 127).

Activists and scholars have long recognized both the risks and the promises of pursuing legal strategies to achieve justice for women.<sup>2</sup> The richness of these writings comes from their willingness to grapple with the complexity and urgency of law reform for women. In trying to address such a wide range of issues, *Women and (In)Justice* touches on many topics but does not explore any of them with the kind of rigor or depth that might truly challenge readers to think about the difficulties and opportunities present in how law addresses and shapes women’s lives.

Although Grana takes on many controversial and difficult issues, they are addressed so briefly and with such little attention to important elements of legal thought that complex problems are reduced to simplistic solutions. A section on single-sex education, for example, completely ignores single-sex institutions for women as a question of justice. In that section, Grana concludes that, “Whether we are discussing women’s

contributions in a classroom or in the lab, it appears that silencing women or separating them from men is questionable at best, and dishonorable at worse [sic]" (p. 86). Another section is devoted to debunking myths about affirmative action (related to "buzz words like reverse discrimination, quotas, preferential treatment, and hiring less qualified people," p. 103). After dismissing objections to affirmative action (none of which include critiques by critical race theorists such as found in Crenshaw, Gotanda, Peller, & Thomas, 1995), Grana asks, "Should we consciously work to find 'different' people to fill jobs—that is, bring race and gender to the forefront of people's minds? Or should we treat everyone the same?" (p. 104). A more thoughtful approach might begin with those questions and walk students through the competing answers. These examples are indicative of the failure to look at issues closely enough that the complex relationships between law, gender, and (in)justice are illuminated. In place of nuanced discussions about how law shapes women's lives and itself reflects changing notions about gender, Grana offers a broad overview of issues that are discussed in more depth in other, readily available, scholarly works.

A quick example from the chapter most relevant to this journal will help illustrate the unrealized potential of Grana's approach. "Women, Their Bodies, and Violence" includes sections on pregnancy and contraception, violence against women, domestic battery, rape and sexual assault, pornography and media, prostitution, and criminal women.

The section on violence against women begins in a logical place: the difficulty in defining sexual violence. Grana characterizes "legal definitions as the narrowest of all definitions of violence, [which] tend to omit many behaviors and attitudes that women regard as violent" and "women's experiences of violence [as] the broadest, because they come from actual experiences" (p. 134). The question of how to define sexual violence—legally, socially, politically, and personally—is certainly worthy of examination. But to assert that women intuitively recognize and name experiences of forced sex as sexual violence ignores a wealth of evidence to the contrary (Bondurant, 2001; Koss, Dinero, Seibel, & Cox, 1988). Indeed, these studies show that personal definitions of sexual violence are often more restrictive than legal definitions. Naming sexual violence is often a process rather than an immediate recognition; as Grana mentions, legal definitions are powerful factors in this process (p. 134). But rather than pursuing the idea that legal definitions can shape social understandings of sexual violence in a profound way, a position held by many rape law reform activists of the 1970s (BenDor, 1976; Largen, 1976), Grana creates the impression that law either does or does not mirror the "truth" of a preexisting, independently constituted, fixed definition of sexual violence.

There are provocative and challenging questions implicit here about how law shapes women's lives and can create (not merely reflect) experience and interpretation. Was a woman raped if the act meets the legal definition but she does not identify it as rape? What if she feels like she was raped, but the act does not meet any of the legal criteria? Can an act of statutory rape be truly consensual? How, why, and should standards of proof for sexual assault be different in the courtroom than in a consciousness-raising or counseling session? Some more time on definitions of sexual assault could be used to show the diversity of state codes in the wake of feminist reforms, raise questions about the capacity of law to reflect feminist definitions of sexual violence (Estrich, 1987; Schulhofer, 1998), and evaluate the effectiveness of legal reform (Marsh, Geist, & Caplan, 1982). Instead, the brief and overly confident assertions about how we understand sexual violence diminish the complex and constitutive relationship between law and experiences of harm.

There is a point to offering students a more accessible version of influential arguments in feminist legal studies. Grana describes law as two distinct conversations: as a set of written texts that shape our lives and as an ongoing conversation about how theories of justice shape our perceptions of our lives particularly with regard to gender. She does a nice job of showing how these two different understandings of law are actually quite closely related and frequently raises questions that ask how gender justice can or should be achieved, for instance, in her discussion about equality versus difference in law. Grana makes the text accessible by eschewing jargon, speaking in a friendly and colloquial tone, and including supplementary material to generate discussion. It is here that her skill as a writer and scholar are exhibited most clearly: The book has the feel of a friendly, engaged discussion between teacher and student. The problem is that although well presented, the chapters do not break new ground and frequently oversimplify or omit ideas of real importance.

The book would do better to do less; the very breadth of the topics surveyed limits the possibility that a reader could gain a good sense of the possibilities and limitations of law in a particular area or see how Grana's quadruplexation framework could be applied as a thorough and systematic model.<sup>3</sup> I found Grana's premise sound and her approach promising, but without a more focused investigation on the connections between law and everyday life, I do not think that her approach will provoke the kind of dialogue she hopes.

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## NOTES

1. Grana draws on the work of MacKinnon (1983, 1993) and West (1993) to argue that current laws represent a "male form of jurisprudence" (p. 21) based on falsely universalized claims to neutrality and rationality. In contrast, Grana describes women's lives as "connected to others" in ways that are "celebrated among women but abhorred by the legal world" (p. 22). The epistemological framework of the legal system is thus fundamentally incompatible with women's experiences and (what Grana calls) feminist ideology (p. 22).

2. See, for example, works as diverse as Baer (1999), Connell and Wilson (1974), Minow (1990), Schneider (2000), and Spohn and Horney (1992).

3. For an instructive contrast, see Crenshaw's (1995) development and application of the model of intersectionality. She weaves together legal theory, policy analysis, and political commentary to look at how institutions respond to violence against women of color.

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