

Book Reviews/Comptes rendus

BRENDA COSSMAN AND JUDY FUDGE, eds., *Privatization, Law, and the Challenge to Feminism*. Toronto: University of Toronto Press. 2002, xi + 420 p., \$75.00 hardcover, \$35.00 paper.

This is one of the most impressive theme collections I have read in years. As one might guess from the title, its focus is the timely and important topic of privatization—its history, its concomitants, and its impact on women's experience. Bracketed by a pair of strikingly erudite and far-ranging chapters by the editors, the meat of the volume comprises eight articles on a range of recently hot-button policy targets: tax law, employment equity, pensions, family law, immigration policy, health care, biotechnology, and child prostitution. The authors are feminist legal scholars affiliated with either Osgood Hall Law School at York University or the Faculty of Law at University of Toronto.

Many themes cross-cutting these pieces are predictable. Women's disadvantage is, of course, in the forefront. Virtually all the essays talk about the decline of the Keynesian welfare state and the rise of the New Right with its mantras of self-sufficiency and its privileging of market mechanisms. Most mention the new rhetoric of blame, the obsession with cost-cutting, and the downloading of public responsibilities to the private sphere. Though there is plenty of light shed into the less travelled corners of the subject matter, the backstory that ties the collection together is one with which most readers will already be depressingly familiar. The element that will not be so familiar, however—and that makes this book an important addition to the literature—is its unravelling of the role played by the law in the construction and contestation of the new order.

I use the word unravelled advisedly. This is not just a history of legislative maneuvering, nor it is a simple exposé on how politicians use legal instruments to promote moral values. From a social-science standpoint, law is usually seen as something external or prior to the social: a set of rules, an instrument of control or coercion, a conduit for policy delivery. In fact, the relationship is far more complex than that. Law both shapes and is shaped by its subject matter, both produces and reflects social change, both creates and constrains the possibilities of power. Transcending the classic sociological opposition, law is both structure and agency. Taken whole, this book gives us an illuminating glimpse into this underappreciated dimension of collective experience. We see how legislation is used, not just to change behaviour but to change attitudes; how regulatory regimes translate into concrete social effects, though not always the anticipated

ones; how law can literally naturalize new definitions of normalcy. We also see how the common law and the Constitution – which are less easily altered by shifts in political fashion – can offer sites of resistance. There is far more variation in how the authors treat this particular topic than in their treatment of the economic story. Even if the political issues were less pressing, therefore, this book would offer an intriguing demonstration of the way law invisibly facilitates social change.

There's a "but" in all this, unfortunately. Despite its technical excellence, I have to confess that my reaction to this offering is not entirely positive. It is an admirable book, but it is not a likeable one. Just as a physical object, it is daunting. Four hundred-plus pages of dense, close-set, teeny-tiny print is not exactly user-friendly. The style is equally daunting. There is not a hint of a subject in this text. This is the academic mode in full regalia: formal, abstract, depersonalized, thickly studded with statistics and parenthetical references. The authority trappings strike me as all the more surprising in what advertises itself as both a feminist and a collaborative endeavour. I cannot help flashing back to the eighties when one of the key feminist projects was to challenge the masculine (i.e., formal, abstract, depersonalized) voice of both academic and legal discourse. I also cannot help flashing back to Dorothy Smith's dictum—which was widely accepted among feminist social scientists—that the only way to practice a genuinely feminist research was to start at ground level, with the real experience of real women, and work outwards. Although this book purports to be about what has happened to women with the privatization of public goods and services, apart from a few cases recounted in the prostitution chapter, flesh and blood women are notably absent from the narrative. And even this is not the worst problem. When it comes to readability, the very strengths of the book—the breadth of coverage, the detailed documentation, the exhaustiveness of the research—are themselves detriments.

The fact is, this book tries to do too much, be too much. A primer on critical political theory. An analysis of late capitalism. A fifty-year history of fashions in governance. A disquisition on the legal construction of gender. Plus, of course, the case studies themselves. That it does all of this very well does not change the fact that the sheer largesse detracts from the impact. Adding to the frustration, the bulk seems unnecessary. It may be curmudgeonly to complain about what is admittedly one of the best and most comprehensive syntheses of work on postwar Canadian political economy that I have come across (as an indication of just how comprehensive, it is perhaps worth noting that the bibliography alone is 68 pages!), but the truth is, much of this material can be found elsewhere. In my view the editors would have done better to scale back the coverage, concentrate more on the part of the story that is unique, add a bit more human interest, maybe even lighten up the tone a little.

Are the flaws fatal? No. Is the collection worth reading? Yes. Will it have the impact it should? Probably not. A book is only as effective as its ability to engage readers. This one will no doubt be read and valued by feminist theorists and academics working in the various subject areas. Because of its

size and difficulty, however, it is unlikely to be read by many of the others for whom it could be valuable, from legal professionals to community workers to policy analysts. Given the political importance of the insights it offers, I find this regrettable. Preaching to the choir is not the best way to get more people into church.

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