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Book Review: MICHAEL THOMSON, *Endowed: Regulating the Male Sexed Body*. New York: Taylor & Francis, 2008, 194 pp., ISBN 9780415431330, £18.99 (pbk)

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normative arguments? And, if so, might it not be that the radical criminologist's focus on those who wield power – not so much the law, as those who make and enforce it – is in fact more productive than is a conceptual analysis as a basis for critique of modern law's particular irresponsibility? While Veitch's analysis of the impact of not only individualism but also the social division of labour has much to tell us about the distinctive method of modern law's operations, and their normative consequences, my feeling is that it is pushed a little too far, at the expense of an appreciation of what are in fact larger implications of the argument.

Another, related, caveat has to do with the upshot of the analysis. Veitch is at pains to emphasize that his argument is not about particular laws and their impact, but rather about law in general. In his conclusion, he declares the object of the enterprise to have been to sensitize us to the nature of law's organization of irresponsibility, in order that we should take a more stringent view of the forms of resistance or protest which would be needed to remove, or at least reduce, our own complicity in avoidable human suffering. This is persuasive. But there is nonetheless a risk here of losing the baby along with the bathwater, in that Veitch seems to imply that critique of particular laws or legal decisions is beside the point. This is to go too far, as his own discussion of the ICJ's decision on the legality of nuclear weapons suggests. Do we really want to preclude ourselves from arguing that Judge Weeramantry's dissenting position would have been a preferable decision, not least in its open recognition of the limits of legal reason and its underlining of the dangers of nuclear holocaust? The hope of less legal, political and personal irresponsibility, surely, rests in both global critique such as that offered by Veitch, and in more local and partial practices of criticism and resistance.

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MICHAEL THOMSON, *Endowed: Regulating the Male Sexed Body*. New York: Taylor & Francis, 2008, 194 pp., ISBN 9780415431330, £18.99 (pbk).

Michael Thomson has published his second book (his first book was in 1998), and it's a flawed yet truly thought-provoking examination of various aspects of the male body's treatment in law and culture. (Full disclosure: I met Michael Thomson at a conference in 2006 and spent some brief yet treasured time with him.)

Thomson addresses a variety of seemingly disparate topics, including the law and ethics of male circumcision, legal developments relating to protecting women of reproductive age (or all women) from workplace hazards, the path of Viagra and its competitors through our society including advertising and promoting of it, sperm donor identification policies, and the interrelationship of sports, sexual violence, and normative masculinity. The author convincingly demonstrates that the shifting sands of donor identification policies constitute responses to changing perceptions of the interests of a perceived normative, 'most deserving' heterosexual married couple as the putative recipients. Often policies seem to reflect the impulse to protect the sensitivities of an imagined husband whose wife becomes pregnant via sperm donation.

Highlights are the chapters on circumcision and on Viagra, in which Thomson's integrative and analytical skills particularly shine. Thomson notes that 'while female circumcision is constructed as morally and legally unacceptable within a civilized society, male circumcision is characterized as a standard and benign medical practice' (p. 18). He later adds, 'gender is crucially implicated in this failure to publicly recognize the pain and risks experienced by male neonates' (p. 35). He (and his co-author

for the original version of this chapter, Marie Fox) usefully propose a possibility for an improved legal standard: 'Addressing the issue in terms of the "needs" of children rather than the nebulous notion of best interests might be a more productive way to start to think about circumcision' (p. 23). Thomson comments that discussions of circumcision often omit the significant issue of pain. Circumcision 'is understood as sexing the infant body in two related ways. The first was the removal of feminised tissue. The second concerns the risk between pain, risk, and the process of defining the male body and masculinity' (p. 34). 'As well as minimizing risks, commentators are equally prone to exaggerate putative benefits of infant circumcision' (p. 24). Later he notes that notions of harm and risk are culturally specific and 'dependent on contemporary notions of what harms are acceptable' (p. 34). Surprisingly, at this point Thomson himself follows the path of countless prior authors, and limits himself to a 'risks' v 'benefits' analysis.

Similarly excellent is the chapter on Viagra. Thomson demonstrates that a fixation on heterosexual penetrative sex that can be ascribed to the legal system leads to male sexuality being constructed as 'as naturally active, penetrative, as forming the identity of the male'. So 'if penetration with the erect penis defines masculinity then a man's failure to consummate is a failure of masculinity' (p. 75). Moreover, 'defining masculinity through performance leaves those unable to consummate – due to impotence or for other reasons – not only emasculated but also dangerous' (p. 75). Public discourses, the author shows, privilege the idea of the family man. Moreover, 'the masculinity/masculine body that is imagined and privileged is generally an (otherwise) able-bodied, white and middle-class one' (p. 80). According to these concepts, 'intercourse should be heterosexual and familial'.

However, as Thomson also demonstrates, surprisingly, it need not necessarily be procreative. The author also pointedly comments on the 'almost complete absence of explicit consideration of gay use of the drug in mainstream press' (p. 86), which may be particularly incongruous given the absence of emphasis on procreative sex. What is going on, Thomson usefully concludes, is that 'particular masculinities are sanctioned and privileged. Most notable is the privileging of a familial masculinity, or more correctly, familial masculinities' (p. 87). Viagra, ultimately, is a cure-all for one of the most serious ailments a man can imagine, and its symbolic role is as potent as its literal one: 'The primacy of the erection and penetration to definitions of masculinity is reinscribed by a technology that promises that men can always perform in a way that is expected, no matter the reason for the inability to attain or maintain an erection' (pp.??).

In discussing protective workplace legislation in the USA and the UK, Thomson observes that seemingly men and women are viewed differently, in a way that will lead to women being the ostensible beneficiaries of protective legislation, whether they wish to be so safeguarded or no. 'Men's bodies are constructed as safe and impermeable. Women are constructed as unsafe and permeable' (pp. 56–7). In short, men's bodies are not identified with reproductive capabilities in the way that women's bodies are: 'A consideration of the male body as reproductive and also as susceptible to reproductive harm disrupts the idea of an invincible/male public body' (p. 64). Interestingly, Thomson later shows that this asymmetry even shows up with societal beliefs regarding infants and regarding assignment of sex to intersex infants: 'Guidelines for assigning sex usually focus on anatomy in the case of infants to be brought up as boys, while in the case of infants to be brought up as girls, they usually focus on chromosomes, regardless of anatomy' (p. 172). The author makes the provocative point that concern for protecting women from workplace danger seems to only arise when women enter traditionally male areas of employment and not, for example, regarding hazards from laundries and health care.

Thomson draws numerous illuminating and in many cases far from obvious connections between disparate topics. He makes excellent, judicious use of sources from a

wide variety of disciplines. Interrelationships between risk, pain, and masculinity are analysed in a variety of contexts. The repeated analysis of these topics from different points of view and with reference to various issues adds depth and perspective to the analysis. Clearly Thomson is not a fan of normative heterosexual masculinity, or of any favoritism it may receive in culture and law, which is certainly fair enough.

Regarding the custom among some sportsmen of sharing (female) sexual partners among themselves, Thomson trenchantly observes, 'in a fragile paradox the homoeroticism of team sports is negotiated by a heterosexual performance that can be read as a homosexual exchange enabled and made safe by the presence of the [shared] woman' (p. 152). Puzzlingly, Thomson laments that Kobe Bryant continued to receive his salary until the trumped up rape charges against him could be brought to trial. Is Thomson unaware that the criminal system generally presumes one innocent until proven guilty? The accusations against Bryant were particularly frivolous and unfounded.

While making no effort to check references, I came across a number of disturbing discrepancies, errors, and omissions. Any work that goes to the trouble of providing footnotes in the first place ought not partially squander the value of the notes by providing secondary references where primary ones could easily be obtained, as Thomson repeatedly does. This is not merely a theoretical objection, as it requires a reader to do extra work to learn more about a proposition of interest, and it runs the risk of needlessly leaving doubt in the reader's mind regarding the author's diligence and reliability. This is all the more true when an author labours in relatively disputed waters, as does Thomson. William Stowell, successful plaintiff in the only known successful circumcision lawsuit to date involving neither a botch nor a lack of consent, has his name misspelled as 'Stowells'. On the same page, the American Academy of Pediatrics is mislabeled as the 'American Pediatric Association', a bit surprising given the AAP's central role with its periodic position statements regarding circumcision. Numbers cited on page 56 regarding women's and men's relative earnings are inconsistent with a percentage provided that professes to be based on these numbers. (Thomson also fails at this same point to unpack the standard yet, as Warren Farrell has shown, erroneous view that women are paid less than men for *the same work*.) On page 8, he provides an outdated statistic on men's higher death rates for leading causes of death. Versions of his source are available online for more recent years, and use of this more reliable data would have enabled him to update his information. The basic point about men dying earlier is still valid, but the details have changed. Similarly, the AAP never said that 85 per cent of boys were circumcised in 1999. (In their 1999 statement, they mentioned 'circumcision rates of 84 to 89% in the period 1985 to 1986.') Thomson's suggestion that the very next year, the rate had dropped to 65 per cent is therefore misleading. When – as here – several such errors and omissions crop up, the larger points the author is making may, undeservedly but understandably, be seen by some readers as thereby undercut.

I found the discussions at the very beginning of the book of author Jim Crace, and at the very end of artist Matthew Barney, a bit incongruous. (The discussion of Fritz Lang's famous film *Metropolis* seems to have been more skillfully integrated into the chapter on protective workplace legislation.) It was not obvious to me why Crace and Barney and the particular works discussed were chosen, nor was it clear how these artistic creations related to the sociological, cultural, and legal issues discussed throughout the rest of the book. Barney is examined in what Thomson labels as the book's 'Conclusion', though I did not feel this final section drew together concerns from throughout the book in the way that is typically done in conclusions. The book more or less trailed off at the end without the sort of synthesis that helps readers to follow the author's reasoning. An earlier reference to the suggested homoeroticism and libidinous nature of sports spectatorship seems overly speculative and inadequately explained and substantiated.

Michael Thomson has written an imperfect, yet often enlightening and always fascinating survey of a number of interrelated issues bearing on cultural and legal views of the male body. He is to be congratulated for his successes and forgiven his occasional lapses, as they are far outshone by his book's undeniable strengths.

REFERENCE

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LIEVE GIES, *Law and the Media: The Future of an Uneasy Relationship*, Abingdon: Routledge-Cavendish, 2007, 166 pp., ISBN 9781904385332, £30 (pbk) and K. J. Bybee (ed.), *Bench Press: The Collision of Courts, Politics and the Media*, Stanford, CA: Stanford University Press, 2007, 240 pp., ISBN 978084756778, US\$29.95 (hbk).

Lieve Gies' book, *Law and the Media*, is a novel and intriguing account of representations and perceptions of 'law' and 'law making' in the modern media. It is – in part at least – a response to concerns that 'a persistent stream of distorted and sensationalised media portrayals [will] crowd out sober legal fact and may ultimately prove corrosive of law's authority and autonomy' (p. 1), which aims to 'probe arguments about media harm and unravel the thinking behind the idea that media influence poses a serious risk to treasured legal values' (p. 130).

Law and the Media revolves around a number of case-studies which explore the 'notion that law is constitutive of, instead of being external to, everyday life' (p. 26). Analysing the role of law in society, Gies examines representations of rule-making and legal process in the seemingly ubiquitous genre of reality television (chapter 3), the growing trend towards using internet fora, magazine columns and radio phone-ins as tools of legal self-help (chapter 5), and the emergence of press judges in the Dutch legal system to act as an interface between the courts and press (chapter 7), and to 'manage public perceptions of the judiciary' (p. 112). Each of these studies is supported by wide-ranging and theoretical discussion of the role of law in everyday life, the study of law and popular culture, and the relationship between legal institutions and the press in a liberal democracy.

It is perhaps Gies' discussion of reality television which is the most intriguing of these analyses. For Gies, 'reality television narrates law as something in which ordinary people actively and extensively participate in everyday life' (p. 37). The programme *Wife Swap*, for instance, 'explores the negotiability of rules in everyday life and gives women the opportunity to acquire the kind of law-making powers from which they are still to a large extent excluded in the official legislative realm' (p. 7). *What Not To Wear* and *How Clean is Your House?* are given as examples of treating participants as 'suspects' in a pseudo trial (p. 43). While *Pop Idol* and *X Factor* provide a 'master class in judicial bias' as a number of obviously partial 'judges' assess and adjudicate on the claims of the contestants (p. 44).

Of particular concern is the effect of such programmes on perceptions of gender and of roles within the family unit. *Wife Swap*, in which the participants move in with another family for a time, first living by their hosts' rules, then designing rules of their own for the adopted family to live by, comes in for particular criticism in this regard. Gies argues: