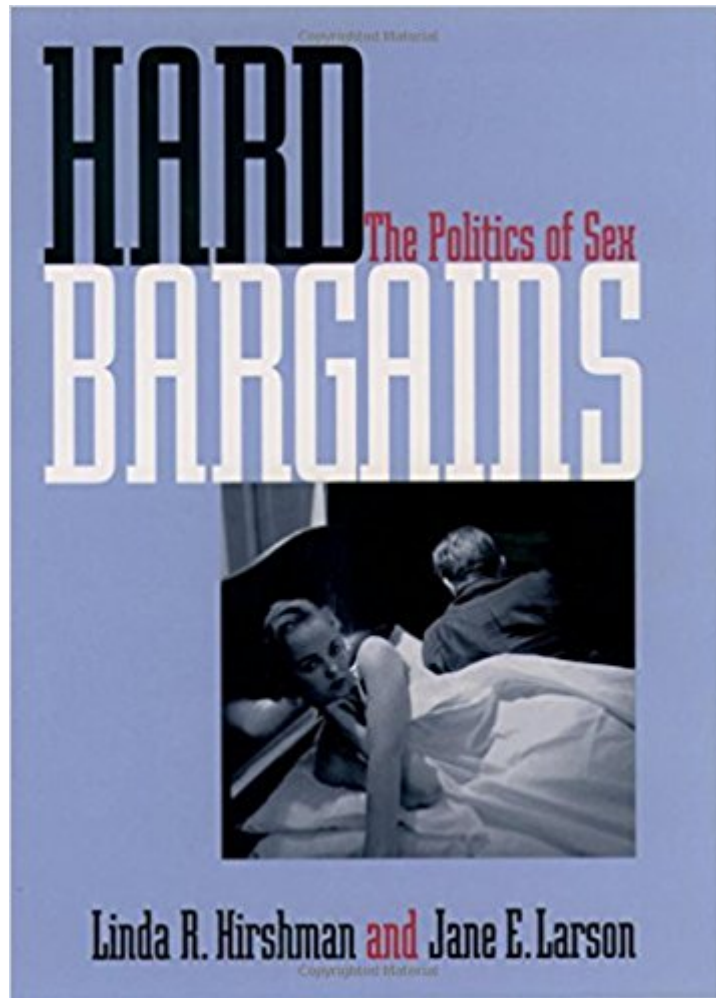




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Hard Bargains: The Politics Of Sex



Synopsis

Men and women have always bargained for sex. In *Hard Bargains*, philosopher-lawyer Linda Hirshman and legal historian Jane Larson provide the first complete analysis of power in heterosexual relationships, combining an eye-opening legal history of sexual regulation with thought-provoking predictions of what the future might bring. Hirshman and Larson tell a riveting tale that spans the centuries--from early accounts of adulterers hanging from the gibbet, to the impact of the Kinsey Reports and Hugh Hefner's playboy philosophy, to the 1960s judge who argued in favor of sex with eleven-year-olds. The book examines the factors that have shaped our notions of sex, from Catholic teaching to the theories of Sigmund Freud, and it explores the Supreme Court decisions of the last few decades that revolutionized the politics of sex. And *Hard Bargains* not only provides a deep understanding of historical and current disputes, it also offers striking predictions of what sexual bargaining will look like in the future--rape laws replaced by laws of sexual autonomy, adultery subjected to breach of contract action, fornicators responsible for each other's rent, prostitution considered an unfair labor practice. These are a few of the surprising--and surprisingly workable--solutions the authors foresee in the 21st century. *Hard Bargains* takes a forthright and level-headed look at all aspects of one of the biggest controversies in contemporary American society--heterosexual sex--and delivers a radically new perspective on the sexual lives of women and men.

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Customer Reviews

For coauthors Linda Hirshman and Jane Larson, sex is a matter of political negotiation. Focusing on

heterosexual practice in four specific forms--rape, fornication, adultery, and prostitution--they trace the history and law of sexual regulation in the West from the ancients to the present day. In the final section, they lay out their "prescription for a new sexual order," proposing "that the touchstone for political legitimacy requires the recognition that women are political players, that adult heterosexuality is a political relationship, and that the goal of sexual politics is neither to be the handmaid of an antique morality nor the umpire in a free-for-all between unequal players." This is a wide-ranging, dense, and well-written book, blending political theory, historical detail, cultural critique, and sexology in discussing how our notions of sex have been formed and why we should acknowledge sex as thoroughly political--not just in the public realm, but in each individual sexual encounter. *Hard Bargains* provides an erudite and involving exploration of the classic feminist political adage: the personal is political. --Julia Riches --This text refers to an out of print or unavailable edition of this title.

The main point of this pedantic text is that "sex is political" and that white women have historically bargained their way out of their status as possessions of white men. Retracing the path of male-female relations through Western civilization, the authors conclude that contemporary "bargaining" strategies in heterosexual relationships?the exchanges via "force, sale [or] gift/barter" that create "sexual community"?stem from the increasing presence of women in public political roles, and that heterosexual relations are, like other human relationships, based on power. Hirshman, a professor of philosophy and women's studies at Brandeis, and Nelson, a law professor at the Univ. of Wisconsin, draw on such diverse sources as J.S. Mill, Woodhull & Claflin's *Weekly* (an organ of 19th-century free love advocate Victoria Woodhull) and the American Law Institute's Model Penal Code to develop a densely historical, philosophical and legal portrait of sex relations. Yet despite such delvings into the cultural record, the authors fail to address adequately the significance of race to the power balance (though topics such as the Great Migration are touched on). The role of evolving homosexual, especially lesbian, identity in forming community standards of femininity or masculinity, obscenity or pornography, or even what is considered "political" receives similarly short shrift. Scientific sexology studies are reported on more fruitfully, and theological developments are touched on vis-a-vis sexuality. The final section proposes "a new structure of sexual regulation," but few beyond academe will have enough fortitude to make it that far. Copyright 1998 Reed Business Information, Inc. --This text refers to an out of print or unavailable edition of this title.

A scholarly, in depth study of sexual politics. Of no interest to me, an 80 year old grandma with an RN and PhD in Health Education. I bought it wanting a resource for sex education with teens at church. It was not what I needed.

"Hard Bargains: The Politics of Sex" is an eminently readable and fascinating analysis of male/female sexual relationships from a new vantage point--bargaining theory. While there is plenty of research and scholastic documentation covering both historical perspective and fresh and daring contemporary insights, the book reads like a novel. The familiar paradigm of bargaining theory is surprisingly applied to the most personal and intimate of human relationships with logic and insight. The results are rigorous and very provoking. This book traces the legal history of women and sex from ancient times forward to the present day. The middle chapters are fundamentally shocking as they show the pervasive extent of misogyny that legal scholars built into the very foundations of our Western legal system. With incredible quotations from the 'fathers' of our modern legal system the reader gets to see the systemic bias -- bordering on evil -- that has colored legal thought to this very day. The combination and intertwining of bargaining theory with a vast historical perspective leads the authors to some dramatic suggestions for legal change. The goal is to give men the legal tools to more adequately negotiate their most personal lives from a more equally balanced bargaining position. This book is powerful in scope and dramatic in its implications for today and the future. Every young person, and not so young person, should read it. Their life and the law will never quite be the same!

Hirshman and Larson, law professors at Brandeis and the University of Wisconsin, see a remarkable transformation in American politics: private sexual negotiations formerly dominated by men have become public negotiations with recourse to public standards of justice and fairness. Unfortunately, the authors' optimistic vision is distorted by an objectionable reductionism. Hirshman and Larson rely on game theory, the methodology of rational self interest beloved by economists and by political scientists enthralled with the celebrated "prisoner's dilemma." Much of their book is based on a variant of the prisoner's dilemma, namely "The Battle of the Sexes". Thus Hirshman and Larson conclude that the participants' bargaining positions structure consensual heterosexual sex: they argue that while both partners typically prefer sexual intercourse to masturbation, the male bargains for "her fidelity and his freedom" while the female holds out for "sex on terms of equal fidelity." Although Hirshman and Larson consider their attempt to propel game theory "beyond the bedroom door" thrillingly audacious, their theoretical enterprise cannot address

the true emotional depth of either sex or love. The politics of sex encompasses so much more than hard bargaining over costs and benefits, but this fact cannot be accommodated within a game theoretical perspective. This is not to say that the analyses in this book are uninteresting. Nor are the authors slavish adherents to social science reductionism: at times, they introduce humanistic perspectives from philosophy (Aristotle's ethics, Michel Foucault's analysis of power), from history (ancient Greek law, Puritan sexual morality), and especially from political theory (Plato's Republic, Hobbes' Leviathan, Rawls' A Theory of Justice). Unfortunately, these refreshing interludes cannot overcome Hirshman and Larson's disappointing over-reliance on a trendy but ultimately sterile methodology.

This book represents another step in the reduction of human affairs to legally arbitrated exchanges and misses the unique quality of sex. The very power of sex lies in its connection to a hoped-for reciprocity, a spontaneous and unstoppable expression of passion or love. Such an expression cannot be compared to, for instance, the exchange between a merchant and client. In such an expression there is no buyer and seller, personal walls break down. Hirshman's humorless account of sex does violence to the emotional and spiritual experience of the act, missing, in fact, that it is not an act at all, but an event.

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