

laissez-faire competition and the Charybdis of IP monopoly, is questionable. More dubious is the claim that even before this path was articulated, “the state” acted as a unified body to steer capitalism through it. The state’s efforts in this book, largely consist of unconscious determinations of capitalist necessity, and so there is little investigation of historical actors and their influence on law. For instance, Christophers does not discuss the strange fact that IP and antitrust both remain the most notable areas of judge-made law, or how this shaped the course of their development.

Christophers’s book offers a stimulating theory and an original line of research. Yet for those not wedded to historical determinism or Marxist economics, it leaves one craving more detail and nuance.

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Katherine Turk, *Equality on Trial: Gender and Rights in the Modern American Workplace*. Philadelphia: University of Pennsylvania Press, 2016. Pp. 284. \$45.00 cloth (ISBN 978-0-8122-4820-3).
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Even before Title VII of the Civil Rights Act of 1964 went into effect, the meaning of its prohibition of discrimination in employment “because of . . . sex” was contested. The enactment of the race discrimination provisions were the goal of a decades-long social movement. The addition of sex as one of the traits (along with race, religion, and national origin) on which employers and unions henceforward would no longer be permitted to discriminate was not exactly an afterthought; however, it did not reflect anything close to a consensus about the evils at which the statute was aimed. The theme that emerges from *Equality on Trial* is that in many cases and for many reasons, the agencies and courts that enforced the federal law against sex discrimination at work, along with employer intransigence and popular backlash, blunted the potentially significant transformative potential of the law. Employers managed to achieve what sociologist Lauren Edelman (*Working Law: Courts, Corporations, and Symbolic Civil Rights*, University of Chicago Press, 2016) has called “symbolic equality,” without transforming workplace structures that disadvantage women or eliminating the ways in which gender remains a barrier to workplace equality.

This book synthesizes legal history with the history of social movements and civil rights to illuminate fifty years of struggle among lawyers, government officials, activists, and women workers over what it means to

discriminate in employment “because of . . . sex.” In seven chapters, Turk covers the full range of major issues and cases in the law of sex discrimination, situating each in the context of the work cultures that the activists sought to change. Accessible to non-lawyers, but with sufficient detail to engage students and teachers of law, the book will be an important resource for anyone who wishes to understand the history of twentieth century efforts to use law to eliminate gender discrimination in employment.

The book opens after Title VII was enacted but before it took effect, by framing the debate over the meaning of gender discrimination with letters that women workers wrote to the new Equal Employment Opportunity Commission (EEOC) complaining about problems at work. Turk skillfully mines this resource (as she does all of her many and diverse archival sources) to illuminate the various ways that women workers experienced and conceptualized sex discrimination in employment. Many women complained about job restructuring at Midwestern meat packing plants that, in the process of ending formal sex segregation, eliminated jobs traditionally held by women, hired only men for the open positions, made too many jobs impossible for women employees to do, and left women with substantial seniority effectively unable to transfer to jobs that they could perform safely. Turk deftly moves between these letters and the struggles that the overworked, understaffed, and underfunded EEOC experienced in trying to establish its authority to enforce Title VII. She thus illuminates longstanding disputes among women and among labor activists and lawyers over whether sex equality at work should require women be treated differently or the same as men.

In the second chapter, Turk uses a case brought by women employees of the *New York Times* in 1974 to show how workplaces stratified by class as well as gender and race presented an especially difficult challenge for early feminist visions of gender equity. A caucus of women *Times* employees struggled to structure a class action suit that would address the barriers to advancement for white women in professional jobs while also challenging the sex and racial segregation that defined the line between professional and nonprofessional jobs. In this chapter and elsewhere, Turk shows how Title VII opened opportunities for professional women but did less than it might have done to eliminate racialized and gendered structural inequalities within and across workplaces.

Moving from the micro level of a suit against the *Times* to the macro level of the history of the National Organization for Women (NOW) and divisions among feminist activists, Turk tells the story of 1970s feminism through the lens of a campaign against sex segregation and sex stereotyping at the huge retailer, Sears Roebuck. She then turns to a less-well-known case of government service employment in Minnesota to tell the history of the unsuccessful battle to interpret sex discrimination law to require equal pay for work of *comparable worth* not just for equal work.

The last two chapters examine two issues that are most salient in the workplaces of the early twenty-first century. One considers sex stereotyping that bars men from traditionally female jobs (Turk discusses early childhood education and nursing). The other recounts the long (and still ongoing) effort of LGBT people to establish that discrimination on the basis of sexual orientation or gender identity is discrimination “because of . . . sex.”

The book is excellent and sophisticated sociolegal historical scholarship that could be taught to undergraduates as well as in graduate and law school courses. In every chapter, Turk links the abstract legal issue to the struggles of specific women. The melding of legal and social history enables readers to see the stakes in the legal struggles, to understand a world of sex segregation at work that may be almost unimaginable to upper-middle-class college students today, and to see how and why Title VII might have been more transformative than it proved to be.

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