

Preface and Acknowledgments

The paradox at the heart of this book is that discrimination and inequality based on race and gender persist in the workplace a half century after the landmark Civil Rights Act of 1964. My interest in this problem stems in part from growing up during the civil rights movement and the early implementation of civil rights law. Workplace inequality became my focus during graduate school at Stanford, where I was fortunate to study the sociology of law with Lawrence Friedman and the sociology of organizations with Dick Scott and then to collaborate on a project examining due process in organizations with Dick Scott, John Meyer, Ann Swidler, and Frank Dobbin. I recall that Ann Swidler lent me her well-worn copy of Philip Selznick's *Law, Society, and Industrial Justice*, and I was fascinated by his theorization of the role of legal ideals in shaping organizational governance. First as a student and years later as his colleague at Berkeley, I would have many conversations with Philip Selznick about the interplay of law and organizational governance. Although our perspectives differed, my research and thinking owes much to the wisdom he shared with me. Partly due to Selznick's influence, I decided to attend law school at Berkeley. There I began to read employment discrimination cases and was struck by the differences between sociological and judicial conceptions of organizational behavior. This apparent incongruity eventually led me to a series of research projects focusing on how social reform law shapes the governance of organizations and how organizations, in turn, shape the meaning of law. This book represents the culmination of that research, integrating its findings and developing a perspective that I call *legal endogeneity theory* to explain both the relationship of law and organizations generally and the persistence of race and gender inequality in the workplace. In many

ways, I build on the insights of *Law, Society, and Industrial Justice*, yet with a critical twist: whereas Selznick argued that organizational governance exhibited a natural tendency toward fairness and the rule of law, I highlight the limits of law in taming power and redressing inequality in organizations.

The law and society movement has long provided an intellectual home for my interests in law, inequality, and social change. Many law and society scholars have influenced my thinking, but I am particularly grateful to Lawrence Friedman, who has been a great mentor and friend and who makes being a law and society scholar fun. My critical stance on the limits of law derives in part from the influence of my father, Murray Edelman, whose pioneering work on symbolic politics no doubt at least indirectly inspired my thinking about symbolic civil rights. Although I shared his cynicism about the limited capacity of government policies to reshape deeply ingrained power relations, we frequently debated the value of traditional social science methods. He was the radical, conveying skepticism for “dubious empirical indicators,” which he eschewed as a form of political hegemony. I was the traditionalist, trying to convince him that such indicators could sometimes reveal underlying social and political biases. I suppose and hope that he would be at least amused to learn that my empirical indicators, however dubious, led me to conclusions that complement his own.

The research for and writing of this book entailed a long scholarly journey, and I owe thanks to a great many people. I thank my many graduate students over the years who have listened to and challenged my ideas, often helping me to discard arguments that made little sense and sharpen those that remained. I have benefited from outstanding research assistants. Early in the writing process, Rachel Best (now a faculty member at the University of Michigan) provided fabulous research assistance, and she has continued to be a wonderful collaborator and to offer sage advice to her successors in that role. Vasanthi Venkatesh, Melissa McCall, and Joy Milligan rendered excellent research assistance on particular chapters. I am especially indebted to my most recent research assistants—Alan Kluegel, Brent Nakamura, and Aaron Smyth—who for the past few years offered very helpful advice and provided coding, statistical analyses, figures, tables, references, and legal research with lightning speed.

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