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## Working Law: Courts, Corporations, and Symbolic Civil Rights by Lauren B. Edelman

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book is more successful when examining the constraints—the structural changes of service work, management control, and the degradation of emotional labor—should come as no surprise. These issues are hotly debated and have a variety of potentially interesting answers. Yet Ikeler intends to keep alive the possibility for another explosion of retail sector unionism by finishing his story with some nostalgic moments from history—the socialist and radical history of labor’s past. But because these possibilities are such long shots, they mostly function as rather cautionary tales of what were, not of what could be.

For a moment, it seemed that retail workers might build a movement similar to that of other low-wage workers in fast food chains, and Ikeler alludes to the movements to reform the harsh scheduling practices in the industry. These include legal challenges and militant minority unionism. Ultimately, the rich insights of this book help us theorize the ongoing and contingent transformations of a low-wage service work regime and the quotidian experiences of workers themselves to move out from under its control.

*Working Law: Courts, Corporations, and Symbolic Civil Rights.* By Lauren B. Edelman. Chicago: University of Chicago Press, 2016. Pp. xii + 349. \$90 (cloth); \$30.00 (paper).

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Fifty years after the passing of Title VII of the 1964 Civil Rights legislation, we still have discrimination in equal employment opportunity in the United States based on race and gender. Lauren Edelman’s *Working Law: Courts, Corporations, and Symbolic Civil Rights* tells us why.

Edelman argues that an explanation for the limited success of both the 1964 legislation and, more generally, the Equal Employment Opportunity law is that courts defer to the presence of organizations’ diversity programs. These programs, according to Edelman, are “little more than cosmetic compliance. They often coexist with discriminatory practices and cultures and they transform our understanding of civil rights in ways that weaken the capacity of law to produce social change” (p. 11).

Quite a charge! Yet Edelman and collaborators have made this charge for more than 25 years without much response. Her work defines her as backing the concept that law is refigured in everyday practices. Transformation of the law, according to Edelman, is accomplished through legal endogeneity, a “process through which the meaning of law is shaped by widely accepted ideas within the social arena that law seeks to regulate” (p. 12).

Edelman’s book is focused on presenting the theoretical underpinnings of endogeneity by weaving the theory together with empirical evidence. The book is divided into three parts: “The Interplay of Law and Organizations,” “Law in the Workplace,” and “The Workplace in Law.”

The second chapter of the book, "The Endogeneity of Law," contains the core of Edelman's argument and presents six stages through which law becomes endogenous. Each of the stages toward legal endogeneity is given a separate chapter. The first three stages of endogeneity are explained in part 2 of the book and the later three stages in the last part of the book. Chapters 4–6 focus on professional framing of the legal environment, the diffusion of symbolic structures, and the managerialization of law. Framing, diffusing, and managing law are aspects of legalization of the workplace. Legalization processes fuse organizational attention to the goals of law and the everyday life of the workplace.

The later stages of legal endogeneity are presented in chapters 7–9 and depict how managerialization wins over legalization processes; Edelman shows how mobilization of symbolic structures of compliance through internal organization policies and grievance processes becomes accepted. Over time legal deference in court cases is given to those organizational procedures. Eventually, the internal programs become judicially equated with compliance to civil rights legislation. The conclusion is that we do not live "in a post-civil rights society but rather in a symbolic civil rights society" (p. 216). The wizard in all this is not law effecting social change but instead managerialization affecting the concept of legal compliance. Managerial logic becomes the preferred logic within a mixed environment of law and working place organizations.

Managerialization is a process that accomplishes the final transformation of the legal field from the use of legal logic to management logic. Edelman argues that the process becomes visible in three empirically recognized changes: (1) judicial reference to organization structures in legal opinions, (2) judicial recognition that the structures are relevant in determining if a legal violation has occurred, (3) judicial deference "to the mere presence of symbolic structures" as evidence of compliance and where "judges replace meaningful legal analysis of compliance with organizational symbols of compliance" (p. 40). Edelman sees this last stage as the most extreme form of legal endogeneity. The consequence is that actors in the area of civil rights and equal employment opportunity come to equate symbolic structures with legal compliance.

Concepts used in developing the legal endogeneity theory (LET) can be found in organization sociology. Edelman uses "fields," or social arenas, that can overlap and become "mutual environments" and "core logics," or principles that drive a field and can penetrate the logic of another field and become "preferred logic" by those in the invaded field.

Edelman offers a captivating story. However, as a presentation of LET, it is in need of further development. Edelman fails to align her research with similar work within the sociology of law that sees law as part of a social system and that develops theories of possible interactions between what can be "closed," or semiautonomous, subsystems. If she did this she would have to include the concept of "juridification" of procedures in areas regulated by law. She would have to argue that the process of juridification is or is not

different than the symbolic structures that she discusses. Edelman would also have to take a position in the debate of coevolution of different subsystems, which would bring her back to the important and unsolved discussion about the function of law. An analysis of these issues can be found in Ralf Rogowski's *Reflexive Labour Law in the World Society* (Edward Elgar Publishing, 2013).

Edelman also argues that even if organizational processes to combat discrimination are merely symbolic, sometimes they work. This is problematic for the development of a theory. When and why does legal endogeneity theory work or fail?

There is an obvious discrepancy between Edelman and sociologists who emphasize progress made by organizations toward meeting civil rights ideals. Edelman means these authors offer only half a picture by ignoring the negative impact of antidiscrimination structures within organizations. Yet she wants her approach to be seen "in many ways complementary" (p. 243) to approaches of colleagues such as Frank Dobbin (*Inventing Equal Opportunity* [Princeton University Press, 2009]) and Charles Epp (*Making Rights Real: Activists, Bureaucrats, and the Creation of the Legalistic State* [University of Chicago Press, 2009]).

In her closing arguments, Edelman returns to current work of sociologists to explore why compliance structures in organizations succeed or fail. Edelman maintains that, as long as courts use compliance structures in individual cases as equivalent to compliance, the work to develop better functioning compliance structures will be insufficient.

The book is interesting, easy to follow, and well written, but it leaves many questions unanswered. What is the purpose of law? How does law gain compliance? How does law adapt to a "living law"? Situating legal endogeneity theory within sociology of law and systems theory would force a better analysis than that offered by concepts such as fields or "social arenas," preferred logics, and mutual environments. But that might be another story.

*The Rise and Fall of the Miraculous Welfare Machine: Immigration and Social Democracy in Twentieth-Century Sweden.* By Carly E. Schall. Ithaca, N.Y.: Cornell University Press, 2016. Pp. x+245. \$55.00.

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In *The Rise and Fall of the Miraculous Welfare Machine*, Carly Schall examines the cultural conditions that facilitated the rise and fall of the welfare state in Sweden. In the process, she provides the readers with a nuanced understanding of the complex relationship that ties together welfare state, race/ethnicity, immigration, and nation—one that goes well beyond the specific case of Sweden and allows for potential comparisons with other countries.