

## Contested Labor: Social Reproduction, Work, and Law in the Neoliberal Age

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Today, many scholars and popular commentators define sex equality under law to mean a prohibition on gender stereotypes. This understanding serves the interests of professional women but sidelines the kinds of structural transformations in the workplace and welfare state that would be required to meet the needs of working-class women. My book manuscript, titled *Contested Labor: Social Reproduction, Work, and Law in the Neoliberal Age*, recovers a broader vision of equality advanced by feminist activists in the labor movement. In the late twentieth century, labor feminists defined sex equality as a mechanism to realize greater public responsibility for social reproduction. *Contested Labor* argues that amid deepening market conservatism, the rise of the New Right, and the shift from an industrial to a service economy, their vision—grounded in principles of distributive justice—was lost. Instead, courts, legislators, and the American public assimilated sex equality to neoliberal principles of private choice, individual autonomy, and freely determined identity.

My paper for the AALS Next Generation Workshop draws upon the central arguments of *Contested Labor* to highlight the importance of making class central to today's feminist legal imagination. First, I argue that labor feminists pursued not only equal employment opportunity but also state protections for workers against exploitation by employers. They fought in state and federal administrative agencies and legislatures rather than courts for limits on overtime work, entitlements to disability benefits, and workplace health standards. Second, I show how opposition from market conservatives defeated these claims. Employers and business trade associations fused concepts of reproductive choice with free-market economic principles to preserve reproduction as a private responsibility. These groups used Title VII in the courts as a deregulatory tool to eviscerate protective labor standards, while blocking labor feminist advocacy in state and federal administrative agencies to expand labor protections. Last, I suggest that feminist advocates today might recover some of labor feminists' vision, in service of class as well as gender justice, by moving away from a focus on anti-stereotyping and antidiscrimination law.