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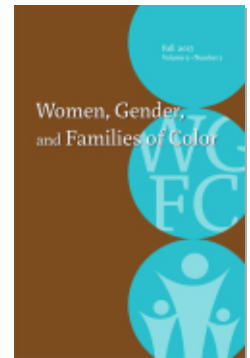
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*Because of Sex: One Law, Ten Cases, and Fifty Years that  
Changed American Women's Lives* by Gillian Thomas (review)

Cheryl Childers

Women, Gender, and Families of Color, Volume 5, Number 2, Fall 2017, pp.  
175-177 (Review)

Published by University of Illinois Press



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## Book Review

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*Because of Sex: One Law, Ten Cases, and Fifty Years that Changed American Women's Lives*, by Gillian Thomas. St. Martin's Press, 2016. \$26.99.

Reviewed by Cheryl Childers, *Washburn University*

Adding “sex” to list of other protected categories in Title VII of the 1964 Civil Rights Act started out as a joke by Representative Howard Smith, a southern Democrat segregationist, in an apparent attempt to derail the legislation. Martha Griffiths, a Democrat from Michigan, one of twelve women in the House of Representatives, reminded her fellow representatives that, without “sex,” Title VII would “afford more rights to black women than to white women” (2). President Lyndon B. Johnson signed the landmark bill into law on July 2, 1964. However, it was only the beginning. As with many other laws, there was resistance from management in many companies and sometimes confusion about how to apply it to real workers.

Thomas takes us on a fifty-year journey of the plaintiffs and attorneys in the ten Supreme Court cases that defined, debated, and ultimately applied Title VII to the labor force, and the activist organizations that supported them. Those not familiar with the legal process will be fascinated by the detailed, and sometimes frustrating, bandying of words and their meanings. This is a behind-the-scenes look that few of us get to the world of district courts, federal appellate courts, and the U.S. Supreme Court.

The book details the cases of ordinary women, from a variety of races, ethnicities, and social classes seeking fair treatment in the workplace. The women in this text represent a wide spectrum of the labor force: from working on an assembly line, managing accounts at a renowned accounting firm, delivery driving, operating a forklift, working as a bank teller, to wanting to be in law enforcement or corrections. The specifics of their experiences also vary widely; cases detail women not being allowed to work specific jobs because they were pregnant or had young children, not being promoted, being forced to have sex with a boss, being demoted because they asked questions about discrimination, and so forth. But the one experience they have in common is discrimination.

The 1960s was a time of “Help Wanted—Male” and “Help Wanted—Female” advertising; of sporadic limits on the number of hours women could work; of rigid cultural perceptions about what women were physically and mentally capable of doing; and, maybe most important, the cultural belief that women (primarily white women) should be mothers first, workers second. Most of the women did not intend to be revolutionaries. They just wanted to work, receive fair wages, and be treated as any other worker. Given the sometimes three to six years between filing a lawsuit and the resolution by the Supreme Court, many did not individually benefit from court decisions in their cases. But they did realize the impact on sex equality for future generations of women. As Peggy Young, one of the women whose story is told, said at the conclusion of her case, speaking of her daughters, “I don’t want them to have to experience this kind of degradation of women. . . . It shouldn’t be like that” (228).

The book is impressive for three reasons. First, Thomas’s narrative is vivid and keeps the reader engaged. She explains in detail each step of the court cases. Thomas demystifies what is often a very abstract process by using easy-to-understand language and leading the reader through the complicated minutiae of the court system. She helps the reader understand the importance of each of the cases. Sometimes the decisions were “baby steps” in the move toward equality but, at other times, the decisions made more dramatic changes in the understanding of the law and/or its application. Regardless, all the decisions were important in changing how women experienced the labor force.

Second, Thomas relates first-person accounts of the women (and one male) defendants. We need to remember their names: Ida Phillips; Brenda Mieth and Dianne Rawlinson; Ruth Blanco; Mechelle Vinson; Lillian Garland; Ann Hopkins; Elsie Nason, Anna Mae Penney (and her husband Donald); Mary Craig, Mary Schmitt, Linda Burdick, Lois Sweetman, and Shirley Mackey; Teresa Harris; Sheila White; Peggy Young. The humiliation, and sometimes degradation, that most of the women faced is difficult to read. Their bravery, courage, and determination to change their circumstances are to be applauded. They also recognized that the struggles were not over. As Mechelle Vinson stated, “[W]e still have a lot to do, such as teaching our sons to respect women and teaching our daughters . . . let *no one* treat you that way” (105).

Third, and maybe most important, Thomas concludes the book with an epilogue reminding the reader that discrimination still exists. In this chapter, she relates what needs to be addressed. One thread that runs through many

of the cases discussed in the book is bias against women who are mothers or who want to be mothers. Thomas states that pregnancy discrimination is “one of the most pernicious barriers to working women’s equality” (231) and that the number of cases filed has grown tremendously in the last fifteen years or so. She also more explicitly discusses the differential experiences of white women and women of color with Title VII, as well as other intersectionalities such as social class.

Thomas discusses three other areas that are still problematic: first, women who don’t fit the cultural expectations of who women should be—women who display more socially defined “masculine” traits such as being assertive, asking for higher salaries upon job offers, or being less likable. Second, women who do not “look” the way that societal norms say a woman should look, specifically wearing “full” makeup, mascara, lipstick, nail polish, certain styles of hair, and so forth. “Appearance codes” implemented by many companies tend to assume women as a single identity, discounting the intersectionalities that form the basis of many biases. The specifics of hair styles, for example, “hair down at all times, either ‘teased,’ ‘curled,’ or ‘styled,’” seems to presume that the employees are white, and are problematic for some women of color who fear looking ‘too ethnic’ (237) if they wear braids, afros, or corn rows. And finally, LGBTQ women and men still face hurdles in the workforce as U.S. courts seek to expand the meaning of “sex” to include protections on gender identity and sexual orientation.

Thomas’s book should be required reading for management personnel of every company, as well as for every worker.