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INTO THE STACKS: BOOK LAUNCH: *QUEER CAREER: SEXUALITY AND WORK IN MODERN AMERICA*

Pioneers of Precarity

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Through oral histories read in tandem with previously untapped archival sources, Margot Canaday's *Queer Career* unearths an entirely new body of evidence that captures the workplace experiences of a generation of gay and lesbian Americans whose stories have never been told. Canaday does so while making crucial interventions in sociolegal history, the history of gender and sexuality, and the history of capitalism, intertwining those often-siloed genres in innovative and generative ways. My aim here is to highlight just a few of *Queer Career*'s many contributions to the legal history of sex, gender, and sexuality and to the history of social movements and antidiscrimination law.

Canaday's account of queer workers' mid- to late-twentieth-century trajectory offers both macro- and microlevel insights to the growing legal historiography of neoliberalism. She contends that queer workers' precarity, born of their tenuous position on the margins of visibility, enabled a subtle but powerful form of employer exploitation. Being gay at work in the mid-century U.S. did not always require the strict secrecy Canaday had anticipated when she embarked on her research. Rather, she describes a discreet negotiation of identity—a "bargain" in which bosses overlooked deviations from heteronormativity in exchange for workers' docility and loyalty (8).

Queer employees, who lacked even formal legal protections in most jurisdictions, retained jobs in the straight world of work at the expense of covering, but not fully concealing, identities. The lack of concealment itself enhanced workers' vulnerability and could make them, not unlike people with precarious immigration or citizenship status, more attractive employees. The perception that queer workers remained unencumbered by the need to support dependents enabled a more structural precarity that, by the 1970s, began to spread to many demographics and occupations. Gay workers held the short-term jobs lacking stability, a living wage, and robust benefits, which anticipated a post-industrial regime that deprived most workers, gay and straight, of the economic security provided by the old family wage model.

It was also in the mid-1970s that the tacit bargain, a civilian premonition of "Don't Ask, Don't Tell," began to disintegrate, as both employers and gay liberationists rejected its terms. Some liberationists actively campaigned against compulsory discretion at work, while others voted with their feet, refusing to compromise their identity and self-expression on the job. Gay advocates organized in professions such as teaching and nursing.

But whereas in the 1950s and 1960s, blue-collar employment sometimes provided a haven for gender and sexual nonconformity unavailable in white-collar workplaces, now the decline in manufacturing jobs combined with greater visibility and opportunity for racial minorities and women to spark a backlash. The 1980s scourge of AIDS therefore represented continuity as well as rupture with the liberationist era. AIDS deepened employers' distrust of gay workers, and their fear of stigma, contagion, and cost unleashed a second epidemic of discrimination and hostility in the workplace and beyond. Despite limited advances, mostly through disability law, meaningful workplace legal protections remained out of reach.

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Instead, in the late 1980s and 1990s, gay and lesbian workers quietly, carefully harnessed emerging electronic communication technology to organize within corporations. They formed employee groups to negotiate domestic partnership benefits and greater inclusion in the burgeoning diversity-industrial complex. Structural factors aided a convergence between gay employees' position and the broader trends toward flexible, contingent labor: as Canaday observes, the very same corporate sectors that moved away from the Fordist tradition of family benefits and long-term job security were, perhaps not coincidentally, among the first to embrace gay rights.

Canaday persuasively argues that economic exploitation, not merely cultural invisibility and suppression, characterized the queer work experience in twentieth-century America. Despite the persistent myth of gay affluence (deployed cannily by gay rights advocates and perniciously by antigay propagandists), queer employment implicates not only the politics of recognition but also, centrally, the politics of redistribution. By the end of *Queer Career*, winning antidiscrimination protections from the Supreme Court in *Bostock v. Clayton County* feels especially poignant: a landmark victory, to be sure, but one whose rationale ignores the historical and present-day harms and experiences of LGBTQ workers in favor of a dry, bloodless account of how the text of Title VII can be read to encompass discrimination based on sexual orientation and gender identity. Nor can any Court opinion obviate the precarious position faced by all marginalized—and even not-so-marginalized—workers in the neoliberal economy of the twenty-first century.

Queer Career does far more than fill the gap left by *Bostock*'s formalistic reasoning, but bringing to life the human toll of workplace injustice and stories of resistance that are alternately inspiring and excruciating are among the book's many contributions. Readers feel the anguish of the "liminal space in between untarnished possibility and a totally ruined life," and the nail-biting suspense of closeted employees inching toward workplace organizing through nascent channels of electronic communication (67). And whereas Justice Gorsuch's opinion describes the relationship between sex, gender, and sexual orientation discrimination in formalistic, almost mechanical terms, Canaday's book reveals the intricate, intertwined historical relationships between these phenomena.

Canaday captures myriad ways in which the subordination of women is intimately related to oppression of queer identities and persons, with sometimes multivalent impacts. For example, overlaps between stereotypes about "career women" and those about lesbians threatened all women perceived as ambitious but could also allow some lesbians to trade on a reputation for providing single-minded service to an employer unimpeded by the distractions of pregnancy, childbearing, and family care. Such backhanded benefits, of course, came at a steep price: carefully cultivating a feminine but not-too-feminine professional appearance; hiding or suppressing one's actual romantic and caregiving commitments; and enduring the constant threat of exposure, unemployment, and penury.

Conversely, the queer work world of the 1950s and 1960s offered lesbians and gay men respite from the gender conformity demanded by straight workplaces, but often at the price of stifled career ambition or at least of second-class status. Blue-collar employers, Canaday writes, "were happy to have butch women working men's jobs and earning women's wages" (85). She describes how in later years, butch lesbians excluded or ejected from traditionally masculine blue-collar jobs often depended upon their femme girlfriends for financial support, demonstrating the limits of gender role reversal amid growing hostility.

Queer Career offers rich illustrations of how race, gender, and class mediated and intersected with sexuality in the lives of queer workers. Because employment opportunities for women were concentrated in the public sector, lesbians shouldered a heavier burden of concealment. They also faced all the same hurdles and indignities as other women—the harassment, segregation, and discrimination, and also the difficulty of attaining economic independence in a world where marriage remained the primary route to economic stability. White, gay men

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could sometimes pass, taking advantage of their superior economic position, though at the expense of personal happiness and fulfillment. On the other hand, women's real and perceived economic disadvantages lent them an alibi for living with a same-sex "roommate," while gay men often had to marry women to gain full access to white, male, professional privilege. Gay or straight, race often determined career opportunities and trajectories at least as much as gender, sexuality, and class. Queer workers scrambled the usual patterns of race- and sex-based occupational segregation, with white, gay men often filling jobs associated with women and people of color.

Canaday's book also breaks new ground in scholarship on law and social movements. *Queer Career* offers tantalizing glimpses of how gay and lesbian workers' advocacy intertwined with feminist and disability rights movements, intersections ripe for further exploration. Her study inspires comparisons, too. The contrast to feminist legal advocacy is instructive: feminists won legal protection from sex discrimination when the modern movement for women's rights was in its infancy; enforcement failures helped to galvanize the founding of NOW, and advocates spent the following decades lobbying and litigating to expand Title VII's meaning. The trajectory for gay and lesbian workers was nearly the reverse: it was only after a half-century of advocacy and cultural transformation that the EEOC began to apply Title VII to gay and transgender workers and federal courts followed suit. During the period covered in *Queer Career*, legal protection remained patchy at best.

Canaday's account of a rare and partial legal victory—reform to civil service rules that automatically denied security clearances to gay employees—is telling. She describes how gayness propelled Frank Kameny out of his chosen field, astronomy, into life as an advocate and gadfly. Kameny turned prurient investigations of applicants' sex lives into an object lesson for would-be snoops: by embracing publicity, Kameny exposed the abuses of this system through "political theater," undermined the blackmail rationale for exclusion, and attacked the covering imperative through openness and affirmation of gay life. A "rational nexus" standard emerged from this advocacy—(some) public sector employers could not exclude employees based solely on sexual conduct per se, but rather had to demonstrate a connection to their ability to perform the job in question.

Riveting on its own terms, this excavation of the origins of the rational nexus standard in employment lays important groundwork for historians of antidiscrimination law. My own research, for example, has found that the gay plaintiffs Kameny supported in the late 1960s set precedents that proved useful to nongay workers in the coming years, including unmarried pregnant schoolteachers and other public employees who deviated from heterosexual marital norms and negotiated variations on the paradox of (in)visibility. Gay workers thus were not only canaries in capitalism's coal mine but—ironically—were pioneers in employment discrimination law, despite their very belated success.

Queer Career invites us to look beyond courts, professional attorneys, and even discrimination-focused administrative agencies (such as the EEOC) to uncover pathbreaking legal advocacy. As an unofficial non-attorney advocate, Kameny represented clients in administrative proceedings, organized publicity campaigns, and became a powerful thorn in the side of legal decision makers, all while living hand-to-mouth. Canaday's account of the rise of gay and lesbian law offices in the 1970s and 1980s, too, reminds us that high-profile appellate cases are not always where the action is—rather, these pioneering lawyers handled matters heretofore relegated to obscurity in "lower courts, administrative tribunals, and lawyers' files" (206). Ultimately—in true neoliberal fashion—the corporation became a crucial site for gay rights advocacy by the 1990s.

Queer Career dovetails with recent histories of feminist legal advocacy, including my own, that attribute the limitations of activists' achievements less to a poverty of imagination and more to the constraints of late-twentieth-century law and politics. Contra accounts that implicitly or explicitly blame a neoliberal *approach to activism* for the corporate context of gay rights'

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greatest successes, Canaday observes that gay employees' "special dependence on the corporation was born out of the particular vulnerabilities created by state abandonment" (261). Indeed, the corporate embrace of gay rights, she suggests, may have undercut antidiscrimination legislation, enabling opponents to reject broader equality measures as unnecessary.

Right-wing diatribes about "woke corporate capitalism" notwithstanding, it is difficult to argue with a straight face today that legal protections for queer workers—and LGBTQ Americans generally—are redundant or superfluous. *Queer Career*, which focuses on gay and lesbian workers, closes with the story of Aimee Stephens, the funeral home director whose victory in *Bostock* affirmed the application of Title VII to transgender employees. Ms. Stephens's posthumous triumph feels even more important, if more bittersweet, in light of recent assaults on the humanity of trans and other queer people, the reversal of a half-century of judicial precedent on reproductive freedom, and the likely impending end of affirmative action. But the tale of how we reached the present moment is a story for another day, and there is no better model than *Queer Career* of how to tell it.

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