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inequality. The book argues that earnings differentials cannot be explained adequately by market forces or society-wide sexism and that the court's reliance upon these theories has tended to legitimate and to legalize a crucial dimension of gender inequality.

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courts during the 1970s
and 1980s and became
the object of attack by a
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conventional economic wisdom. Yet the issue persists, unsolved, and continues to attract scholarly and popular attention.

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The book argues that male-female earnings differentials cannot be explained adequately by market forces, principles

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of efficiency, or society-wide sexism. Rather
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market necessity or efficiency principles, the courts legalized gender inequality in pay. Our analysis does not, however, lead us to support comparable worth as the solution for gender inequality in pay. Our reasons are theoretical and practical.

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This means on the ground that between-job gender inequality is currently unregulated, because employers have convinced courts that 'the market made us' pay female-dominated jobs less than male-dominated jobs.

Legalizing Gender Inequality persuasively refutes this strong-form

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Legalizing Gender Inequality persuasively refutes this strong-form market-based defense.

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Legalizing Gender Inequality: Courts, Markets and Unequal ...

The book argues that the courts have, by uncritically accepting the market explanation for wage disparity, tended to legitimate and to legalize a crucial dimension of gender inequality. Excerpt The decisions of federal

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Courts in cases alleging

sex-based pay

discrimination reflect

the tension between the

law's normative

commitment to equality

and the courts'

reverence for markets

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