

short-handled hoe and the plight of Mexican American farm workers in California; the QWERTY keyboard, repetitive strain injury, and the position of female office workers; and mentholated cigarettes and the targeting of African Americans by tobacco companies.

Each of these three chapters details not only the litigation surrounding these objects, but also the subordinate positions of the main victims of the injuries involved. Each also emphasizes the limitations and outright failures of injury law in the face of the victims' positions. At best, Jain says in her conclusion, these three stories argue that "[t]ort law offers a tinkering mechanism" (p. 149). Her concluding remarks about the litigation that successfully led to the short-handled hoe being declared unsafe for farm workers in California are illustrative. Despite the immediate victory, it "necessarily circumscribed workers' ills within a narrow set of legal issues and away from the conditions of agricultural labor more generally" (p. 85).

Jain offers no immediate solutions—this is not her purpose. With the provocative use of real-world examples, *Injury* is a first-rate work of critique. It should be on the reading list of anyone interested in the civil justice system and the political debates surrounding it—regardless of their position on the issues.

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Bodies in Revolt: Gender, Disability, and a Workplace Ethic of Care. By Ruth O'Brien. New York: Routledge, 2005. Pp. 198. \$135.00 cloth; \$36.95 paper.

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What are the conditions under which workers' rights legislation can produce revolutionary change in the workplace? O'Brien proposes an answer to this question by marshaling an array of Western theories of bodies and human action, and considering the "radical potential" of the Americans with Disabilities Act (ADA). According to O'Brien, the ADA's open-ended definition of worker need and its (as yet unrealized) affinity with humanist values make it a potential agent of change in the logic of the capitalist workplace. The ADA can benefit all workers, not simply discrete factions of workers or those workers fitting a narrow definition of disability, by making employers and courts accommodate individuals' varied modes of activity at work.

O'Brien asserts that the ADA offers workplace accommodations on the basis of individual, and thus endlessly varying, *needs*. This

model of worker protection is substantively different from protections based on categorical *identities*, such as age, sex, or race. The ADA, O'Brien argues, provides a chance to view disability not as a fixed identity, but as a universal human condition that generates a range of unique needs. Disability so defined refers to variety in conditions of human activity (e.g., pregnancy, depression) and is not limited to those differences that tend to constitute the popular image of a "handicap" (e.g., developmental disability or physiological injury). O'Brien speculates that this inclusive interpretation of disability, if adopted energetically by political actors within certain ideal institutional arrangements, can generate a revolutionary collective consciousness among workers and perhaps even employers.

The heart of O'Brien's book presents (1) a conceptual framework for an "ethic of care" in the contemporary workplace, and (2) the social context in which this ethic might flourish. An ethic of care is an ideal orientation toward workers' needs that flows from emerging, inclusive definitions of disability. Drawing on feminist theories of difference and power, O'Brien outlines in Chapters Two and Three a "workers' cause" logic that eschews securing an equality of circumstances and rights among individuals, instead pursuing the benevolent accommodation of difference in the workplace. This represents a move away from using "normalcy" and "average capabilities" as measuring sticks for employer obligations toward employees; it also rejects the notion of disability as a static identity.

O'Brien arrives at this alternative workplace ethic of care after thoughtfully discussing competing theories of "bodies and being," including the work of Descartes, Deleuze, Guattari, Foucault, and Spinoza. Those readers engaged with social theory will find much to like in O'Brien's broad theoretical readings. Ultimately O'Brien links the ethic of care to those perspectives that understand humanity as defined by what people can do (i.e., by action). In O'Brien's own conceptual language, "animality" captures the essence of human action: mind and body as a fused process out of which myriad, unique needs are generated and, ideally, satisfied through law. (Dis)abilities exist for every individual along a continuum of different conditions of being.

O'Brien acknowledges that there is very little in the actual history of work in the United States that involves inclusive disability interpretations, much less a broad-based ethic of care and accommodation for workers. Chapters Four and Five review the evolution in the United States of an industrialized, hierarchical workplace that sought standardization and worker subjugation in the name of efficiency. O'Brien astutely points out that "mass industrial capitalism" pivoted on the assumption of "identical

human bodies . . . considered (to be) interchangeable parts on the factory line” (p. 73). Increasingly rationalized management had no time for considering workers as individuals with singular needs. O’Brien argues against standardized procedures of control in the workplace, advocating instead an “individualized workplace” in which each worker “fits into the workplace like a piece of a continually changing jigsaw puzzle” (p. 91). Recognizing and accommodating individual conditions of being need not generate fractious relations among employees. Rather, all workers (with the aid of union guidance) can share the fruits of individually tailored disability protection, so long as the ADA is used in its fullest breadth, politically and legally.

Social scientists working in several disciplines will appreciate the theoretical depth of O’Brien’s arguments and her historical account of the relations between labor and management under capitalism. Readers will struggle, however, with O’Brien’s limited detail of the ADA—the key legislative seed from which inclusive social understandings of disability might grow. While O’Brien refers on many occasions to the open-ended language of the ADA, the law is not once quoted directly. Indeed, much of the sociopolitical context of the law (e.g., its sponsors, its public discussion) is absent. O’Brien’s argument for the ADA’s transformative potential would have been strengthened by linking her innovative conceptual understanding of human action with a more specific discussion of the actual terms of the ADA. On balance, though, O’Brien has written a thought-provoking book about work, the cultural power of law, and the possibility of new collective consciousnesses.