

binds—the artificial dichotomies—that confronted the shortlisted sisters, including the classic double binds of femininity/competence and motherhood/career and their discussion of whether the appointment of more women—or more diverse women—to the federal bench would affect case outcomes and the administration of justice.

Jefferson and Johnson end their book by offering a list of eight strategies designed to “surmount the shortlist” and ensure that more women are shortlisted *and* selected—for example, leveraging legal education, collaborating with other women to make all women, collectively, more competitive, and creating and actively pursuing opportunities for leadership and power. The authors acknowledge that implementation of these strategies, most of which reflect common-sense approaches to confronting the male-dominated status quo, will not eradicate gender discrimination in the judicial system. Rather, they present them as “ideas for moving forward drawn from the collected experiences of our shortlisted sisters.” (192).

*Shortlisted* is a well written, logically organized, and thoroughly researched exploration of the “Women in the Shadows of the Supreme Court.” Jefferson and Johnson tell the heretofore untold stories of the women who were shortlisted—and only a few of whom were selected—for vacancies on the U.S. Supreme Court. In doing so, they convincingly demonstrate how gendered typescripts and norms of sex-appropriate behavior shaped the Supreme Court selection process and ensured the preservation of the status quo. This timely book, which was published after President Trump’s nomination of Brent Kavanaugh but before his nomination of Amy Coney Barrett, makes a significant contribution to the sociolegal literature on the judicial selection process and to our understanding of why “despite multiple waves of feminism, misogyny remains pervasive in the twenty-first century.” (209).

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*American Gold Digger: Marriage, Money, and the Law from the Ziegfeld Follies to Anna Nicole Smith.* By Brian Donovan. Chapel Hill, NC: University of North Carolina Press, 2020. 290 pp. \$29.95 paperback

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At a time when we are witnessing the creation of a new derogatory term, “Karen,” *American Gold Digger* reminds us how language and labeling has power. In *American Gold Digger*, Brian Donovan explains how the popularity of the term “gold digger” arose as a result of anxiety regarding social and economic change and explores the negative consequences of the term’s power to simplify complex social phenomenon. The ability to negatively describe a group, in the case of gold diggers a subset of women, made it easier to adopt legal practices that disfavored them. Language has power, and stereotyping language uses that power for harm.

*American Gold Digger* serves many purposes, one being an illustration of the power of language. The choice of words matters as they convey imagery and a heuristic to those unfamiliar with the underlying concepts. This fact was not surprising; I have argued how the terms “marriage penalty” and “death tax” have permitted groups to frame legal and political debates and shape outcomes (McMahon, 2009). However, the key to the term “gold digger” is not only its longevity but its responsiveness to changing social circumstances. The term has been adapted to changing sources of anxiety.

Using the concepts of moral panics and tort tales, the author describes how people were able to use the term gold digger to exaggerate what were infrequent occurrences, such as large alimony or palimony awards, in order to reinforce opposition to a perceived threat to the male-dominated,

upper-class, white way of life. The power to play on fear through the exaggeration of legal outcomes shaped future legal outcomes. It is this power to shape the law that likely distinguishes the term gold digger from the derogatory, but less powerful, “trophy wife.”<sup>1</sup>

Donovan skillfully uses detailed descriptions of relationships in movies and in legal cases to illustrate how the term was used in different eras but always to minimize a wife’s claims to her husband’s property. For example, he described the story of Peggy Hopkins Joyce and, with it, illustrated the concerns of native-born whites during the 1910s and 1920s. Knowing that her beauty and the acceptance of that beauty was a social construct, Donovan points out that what eugenicists called her perfect whiteness is also what made her the archetypal gold digger. Similarly, when he looks at the story of 15-year-old Peaches Browning who married 51-year-old Edward Browning, the use of the stereotype shaped the public’s focus around anxiety about marriage, thus condemning her claim for alimony, and helped shield the public from the reality of child exploitation.

These stories show the term evolving in response to societal concerns even though it originated without that negative intent. Donovan explains that the term gold digger originated as a self-proclaimed term by women during the 1910s and 1920s. As a subset of women gained economic freedom and an ability to more easily exploit their sexual power for economic gain, they recognized and embraced this new power. It was not long, however, until the term was conscripted to be used negatively against that same group. That negative connotation then limited women’s legal power.

Although Donovan ably argues that the conception of gold diggers was forged along gender, class, and race lines, this reader would have appreciated greater development of the racial component. The only reference to the use of the gold digger trope in African-American communities was confined to the Epilogue, which may well be a noteworthy result of the inequities in African-American and other minority groups’ participation in the popular movies and other sources Donovan utilizes. Acknowledging that the classic gold digger was, in fact, a white woman, often with platinum blond hair, how the term has been expanded to potentially encompass all women remains something of a mystery.

Therefore, in this telling, the racial component of the term gold digger through the 1980s was not a conflict as between the races but was the power of dominant white men and women targeting other white women who were not seen as adequately supportive of the white cause. A fear of “race suicide” meant that certain white women had to be punished. Donovan quotes one white female legislator, as she proposed antiheart balm legislation using anti-gold digger language, “We don’t want to see inferior women pull down our sex” (p. 78). She could have added “our race” to the group she was trying to protect.

This evolving use of language was a product of the time. In the centuries before the twentieth century, when Donovan begins his chronicle, many people married for money, generally through strategic, arranged marriages. Donovan argues that “the full adoption of love as the primary justification for marriage...coincided with the rise of the gold digger” (p. 201); and it seems likely that the former drove the latter as the quest for money within marriage was seen as a less worthy motive than it had been before. With the changes within marriage and within the social expectations of marriage, people exercised their freedom to choose their partners and some learned that their love matches did not work. When marriage did not work out, the label gold digger could excuse the man from culpability, and often financial liability, on the claim that his wife had not entered the marriage for love, as one should expect, but for money.

## REFERENCES

McMahon, Stephanie Hunter. 2009. “A Law with a Life of Its Own.” *Pittsburgh Tax Review* 7(1): 1-42, 5.

<sup>1</sup>Special thanks to one of my students, Lucas Strakowski, for raising the comparison.