

# The Beauty Bias

...

THE INJUSTICE OF APPEARANCE  
IN LIFE AND LAW

Deborah L. Rhode

OXFORD  
UNIVERSITY PRESS

2010

# Contents

...

## PREFACE ix

## ACKNOWLEDGMENTS xvii

### CHAPTER 1: INTRODUCTION I

- The Personal Becomes Political: The Trouble with Shoes, 3
- The Costs and Consequences of Appearance, 5
- Surveying the Foundations: Social, Biological, Economic,  
        Technological, and Media Forces, 7
- Feminist Challenges and Responses, 9
- Appearance Discrimination: Social Wrongs and Legal Rights, 11
- Legal Frameworks, 14
- A Road Map for Reform, 19

### CHAPTER 2: THE IMPORTANCE OF APPEARANCE AND THE COSTS OF CONFORMITY 23

- Definitions of Attractiveness and Forms of Discrimination, 24
- Interpersonal Relationships and Economic Opportunities, 26
- Self-Esteem, Stigma, and Quality of Life, 28
- Gender Differences, 30
- The Price of Upkeep: Time and Money, 32
- Health Risks, 35
- Bias, 41

## CONTENTS

### CHAPTER 3: THE PURSUIT OF BEAUTY 45

Sociobiological Foundations, 45

Cultural Values, Status, and Identity, 48

Market Forces, 49

Technology, 53

The Media, 54

Advertising, 65

The Culture of Beauty, 68

### CHAPTER 4: CRITICS AND THEIR CRITICS 69

Nineteenth- and Early-Twentieth-Century Critics, 71

The Contemporary Women's Movement, 73

Critiques, 74

Responses, 77

Personal Interests and Political Commitments, 80

Beyond the Impasse, 86

### CHAPTER 5: THE INJUSTICE OF DISCRIMINATION 91

Ensuring Equal Opportunity: Challenging Stigma and Stereotypes, 93

Challenging Subordination Based on Class, Race, Ethnicity, Gender, Disability,  
and Sexual Orientation, 95

Protecting Self-Expression: Personal Liberty and Cultural Identity, 99

The Rationale for Discrimination and Resistance to Prohibitions, 101

The Parallel of Sexual Harassment, 114

The Contributions of Law, 115

### CHAPTER 6: LEGAL FRAMEWORKS 117

The Limitations of Prevailing Legal Frameworks, 118

Prohibitions on Appearance Discrimination, 125

A Comparative Approach: European Responses  
to Appearance Discrimination, 137

The Contributions and Limitations of Legal Prohibitions  
on Appearance Discrimination, 139

Consumer Protection: Prohibitions on False and Fraudulent  
Marketing Practices, 141

Directions for Reform, 142

CONTENTS

CHAPTER 7: STRATEGIES FOR CHANGE 145

Defining the Goal, 146

Individuals, 148

Business and the Media, 151

Law and Policy, 154

NOTES, 163

INDEX, 239