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## Rhode, Deborah L.: The Beauty Bias: The injustice of appearance in life and law.

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**Rhode, Deborah L.: *The Beauty Bias: The injustice of appearance in life and law.***

New York, N.Y.: Oxford University Press, 2011 252 pp. hardcover ISBN: 0199794448

*Reviewed by Margaret duMais Svogun, Ph.D., Professor of English, Salve Regina University*

In this close and carefully detailed study of the apparently pervasive cultural (and perhaps biological) favoritism enjoyed by good-looking people, law professor Deborah L. Rhode acknowledges immediately, “I have always had issues with appearance, but seldom have I wanted to share them openly, let alone write a book about them” and soon adds “ ‘It hurts to be beautiful’ is a cliché I grew up with. ‘It hurts not to be beautiful’ is a truth I acquired on my own”. Rhode begins her narrative with an entertaining and self-deprecating anecdote about her own adventures in the worlds of grooming and fashion, which were thrust upon her when she stepped into high-profile positions at Stanford Law School and at the American Bar Association. Well-meaning colleagues made it clear to her that her casual approach to such matters as clothing choice and hair styling was not in keeping with her professional status and visibility, and subjected her to an extreme makeover with what she suggests was dubious success.

In the seven scrupulously researched chapters that make up the body of the book, Rhode first establishes her “threshold questions”—“What are the social consequences of physical appearance?” What accounts for “the premium” we place on looks? Her opening chapter serves as introduction and overview for the six that follow. She proceeds systematically, surveying in Chapter 2 the pervasive influence that appearance wields in our lives, both in practical matters such as employment and income levels, as well as its effect on our physical and psychological health. Her third chapter attempts to identify the ultimate source of this preoccupation and she finds both inner and outer forces at work on our attitudes and judgments. While Rhode acknowledges that “men are by no means exempt from appearance-based prejudice”, she does argue that women suffer the consequences of “lookism” more heavily and in Chapter 4 she focuses on the efforts of feminism to challenge prevailing biases. In Chapter 5 Rhode shifts to a more academic and legal perspective as she considers the potential for social and legislative change that might redress the perceived injustices of the beauty bias. Chapter 6 offers a survey of the “unbecoming history” of “the legal regulation of appearance”, and in her closing Chapter 7 Rhode discusses possible strategies, both legal and extra-legal, for effecting positive changes. She acknowledges discrimination based on appearance is long-standing, but that “racial, gender and disability biases are also deeply rooted”. (And while it may be that some dissenters opposed civil rights legislation on the grounds that one can’t control or change human feelings and prejudices with laws, nevertheless, over time such legislation has led to improved opportunity and tolerance.)

Rhode is consistently thorough and thoughtful in her discussion. She gives careful notice to the aspects of appearance that contribute to “attractiveness”, such as symmetrical features, smooth skin, and for women an hourglass figure, and admits that good looks are often an

indicator of good health and fertility, “key factors in reproductive success” . She cites to numerous cases that challenged discrimination by employers who imposed clear gender-based double standards on female workers, such as casinos and restaurants, and argues that such cases are not frivolous, and that demanding a particular standard of attractiveness from workers is reasonable only when directly related to the nature of the job, such as fashion modeling and sex services.

Rhode cites also to experiments which seem to demonstrate convincingly and dishearteningly that good-looking people consistently benefit from favoritism in virtually every circumstance—teachers reliably give higher grades to identical work when a pretty child’s photo is attached to the work, as opposed to one of a plainer child, and attractive defendants receive more favorable verdicts from juries and judges than unattractive people supported by identical evidence.

She also acknowledges that the pursuit of beauty can be a source of pleasure for those who choose to indulge in it, and her concerns extend to the bilking of consumers by businesses that play on our insecurities and desires with false and even outrageous claims for their products—the “magic” weight loss or wrinkle reduction potions that abound in the marketplace.

Rhode’s work is informative, worthwhile and often convincing, although some of what she tells us comes as no real news—most people find out, as she admits she did, early on, and through personal experience, that looks are as unfair as life. While Rhode argues that those who believe “that bias based on beauty is inconsequential, inevitable, or unobjectionable.... are wrong”, she is also obliged to report the sobering fact that “the significance of appearance begins early. Even infants stare longer at attractive faces” .