

- Sevigny, E.L., & J.P. Caulkins (2006) "Kingpins or Mules: An Analysis of Drug Offenders Incarcerated in Federal and State Prisons," 3 *Criminology and Public Policy* 401–34.
- Useem, B., & J.A. Goldstone (2002) "Forging Social Order and Its Breakdown: Riot and Reform in US Prisons," 67 *American Sociological Rev.* 499–525.
- Western, B. (2006) *Punishment and Inequality in America*. New York: Russell Sage.
- Western, B., & K. Beckett (1999) "How Unregulated is the U.S. Labor Market? The Penal System as a Labor Market Institution," 104 *American J. of Sociology* 1030–160.
- Western, B., & B. Pettit (2005) "Black-White Wage Inequality, Employment Rates, and Incarceration," 111 *American J. of Sociology* 553–78.

* * *

The Beauty Bias: The Injustice of Appearance in Life and Law. By Deborah L. Rhode. New York: Oxford University Press, 2010. 252 pp. \$24.95 cloth.

Reviewed by Anna Kirkland, University of Michigan

Deborah Rhode's new book on appearance discrimination is a well-documented, thoughtful, and much-needed contribution to the discussion of potential injustice. *The Beauty Bias* addresses a broad audience, and Rhode clearly saw that the first challenge was to change the minds of those who think appearance is not a very important axis of injustice. The first three-quarters of the book present the empirical case for the injustice of judgment made on the basis of appearance, drawn from a broad range of sources from economics, history, psychology, evolutionary biology, and sociology. A significant strength of this book is its review of the empirical proof of appearance discrimination. Rhode argues persuasively that discrimination on the basis of appearance not only exists, but also that it organizes our life chances across nearly every sphere from the bedroom to the workplace, that it connects and supports more-recognized forms of prejudice on the basis of race, age, gender, and disability, and that it is produced and sustained by a wide range of institutional forms and personal practices. Appropriately given our historical moment, a significant focus is the relationship between body fatness and appearance discrimination, particularly for women. Rhode also includes both cross-national and historical contexts for the legal regulation and nonregulation of appearance, which are enriching for the primary argument although not themselves the focus.

The Beauty Bias consists of a normative legal argument backed by legal research and secondary sources. The final quarter of the book is the legal analysis, the most original and interesting contribution. Rhode explains why the rather limited array of

legal options we currently have against discrimination is not very effective generally or for appearance bias in particular. She has surveyed each of the laws that have attempted to regulate appearance bias in the United States and in Europe, Australia, and New Zealand. This book is the best source on these laws. Rhode's discussion traces each law, and many of the municipal codes, explains what's covered and how complaints are handled, and gives examples of how each one has worked in practice. Many of these laws turn out to be rarely invoked and even when workers make claims, there was not much evidence that the law really mattered. For example, in the section on Madison, Wisconsin's ban on discrimination based on physical appearance, a pregnant worker's belly is still deemed "inappropriate" and must be covered with a jacket and the American Association of Retired Persons could still require "appropriate accessories" and "stylish shoes" (p. 132). Santa Cruz's appearance ordinance, which got a lot of publicity when enacted, has not had one filing in 15 years. Rhode shares some suggestions about why appearance discrimination seems to be common, yet remedies are rarely invoked (this may be because of the difficulty of using law generally or perhaps because the communities that enact these ordinances are more tolerant to begin with and do not have much discrimination) but this question is intriguingly open for further research using different methods.

Rhode argues throughout that although law alone cannot do much to change attitudes, legal change is still helpful and has a good track record. Rhode's best suggestion is that already-existing discrimination laws should be made more sensitive to appearance bias manifested as distaste for racialized appearances (hair styles, dress, nails, for example) or sexist requirements (make-up, thinness, uncomfortable or embarrassing clothing). Her argument for greater consumer protection against false advertising for diets is a great example of looking outside discrimination law for helpful policy changes, although I would have liked to see the same interest in regulatory action applied to the EEOC, which could be empowered to do much more to survey, publicize, and take action against workplace discrimination. Rhode does not engage with the theoretical complexities of appearance and stereotyping as other works on appearance discrimination do (Post et al. 2001; Kirkland 2008). *The Beauty Bias* would work well in a syllabus paired with readings that press the theoretical puzzles or challenge the focus on law as important for legal change. (In an era of tight budgets for students buying books, I have to note that the substantive argument is available as a previously published law review article and that some of the added material in the book is quite repetitive.) The most important baseline assumption of the book worthy of critical

engagement is the too-easy turn to health as a proper focus of our attention in the place of appearance. Invoking health often works this way: “Health, not weight,” “Health, not beauty.” Such invocations make it seem as though health is not also a highly politicized, moralized concept that organizes inequalities and discrimination, giving it an undeserved patina of beneficence (Metzl & Kirkland 2010). Rhode acknowledges the possibility of just shifting the register of stigmatization in the turn to health, but leaves this debate for another day.

References

- Kirkland, Anna (2008) *Fat Rights: Dilemmas of Difference and Personhood*. New York: New York Univ. Press.
- Metzl, Jonathan, & Anna Kirkland (2010) *Against Health: How Health Became the New Morality*. New York: New York Univ. Press.
- Post, Robert, with K. Anthony Appiah, Judith Butler, Thomas C. Grey, & Reva B. Siegel (2001) *Prejudicial Appearances: The Logic of American Antidiscrimination Law*. Durham, NC: Duke Univ. Press.

* * *

Judicial Accountabilities in New Europe: From Rule of Law to Quality of Justice. By Daniela Piana. Barnham (UK) & Burlington (VT): Ashgate, 2010. 244 pp. \$124.95 cloth.

Reviewed by Cristina Parau, University of Oxford

Little research to date has been carried out on judicial reform in post-Communist Central and Eastern Europe (CEE). Daniela Piana is one of the pioneers in this field, having earlier written a number of articles on the topic of judicial governance. In this book Piana continues her exploration of the new judiciaries of the region of Eastern enlargement with a welcome and much needed study of the causes and effects of judicial reforms driven by the quest for the elusive goal of judicial independence (impartiality) and the rule of law. Assuming that accountability is fundamental to judicial impartiality, Piana undertakes to explain the institutional design of judiciary governance supposed to guarantee it. Piana formulates an original typology of five distinct modes of accountability: legal, institutional, managerial, societal, and professional. She then inquires into the ways and means by which these accountabilities have been potentiated by judicial reforms in five post-Communist CEE countries selected from among the “first”- and the “second”-wave candidates for EU membership: Poland, Hungary, the Czech Republic, Bulgaria, and Romania.