



CASE 11.5

Facial Discrimination

SCENE: A CONFERENCE ROOM OF A BRANCH OFFICE of Allied Products, Inc., where Tom, Frank, and Alice have been interviewing college students for summer internships.

Tom: Did you see that last candidate? Jeez, was he sorry looking.

Frank: Too ugly to work here, that's for sure. And those thick glasses didn't help. Still, he wasn't as ugly as that young woman you hired last summer. What was her name . . . Allison? Boy, she was enormous! And remember that hair of hers? It wasn't surprising we had to let her go.

Alice: Come on, Frank. Don't be so hung up on looks. That last guy seemed to know his stuff, and he certainly was enthusiastic about working for Allied.

Frank: Hey, don't get me wrong, Alice. I know you don't have to be beautiful to work for Allied—after all, look at Tom here. Still, with a face like that guy's, you got to wonder.

Tom: Wisecracks aside, Alice, Frank's got a point. Studies show that it's natural for people to discriminate on the basis of looks. I've read that even babies will look at a pretty face longer than an ugly face.

Alice: I know that. Studies also show that people attribute positive characteristics to people they find attractive and that they treat unattractive people worse than other people in lots of ways. For example, strangers are less likely to do small favors for unattractive people than they are for attractive people, and even parents and teachers have lower expectations for ugly, fat, or odd-looking children. Attractive people also earn more money than average-looking people. So what this really boils down to is implicit discrimination.

Tom: That's what I'm saying. It's natural. Besides, it's not illegal to discriminate on the basis of appearance.

Frank: That's right. You wouldn't want us to hire somebody with green hair and rings in his nose and put him out at the front desk, would you? This is a business, not a freak show.

Alice: Hey, slow down, guys. First, it may be natural and it may even be legal to favor good-looking people, but that doesn't make it right. And second, I'm not talking about grooming or dress. It's your choice to dye your hair and decorate your face, and if you don't fit in because of that, that's your fault. But the guy we talked to today didn't choose to be ugly, so why hold it against him?

Frank: I suppose next you'll be telling us that we should have kept Allison on last summer just because she was fat.

Alice: No, I'm not saying you have to give preferential treatment to overweight people. But I think that nobody in the office cut her any slack. If she'd been normal size, things would have worked out okay, but people took one look at her and prejudged her to be a loser. You know, Frank, some courts have held that discrimination against the obese violates the Americans with Disabilities Act.

Tom: That's only if it's a medical condition.

Frank: Yeah, Allison's only problem was that she liked to eat.

Alice: You don't know that. You don't know anything about her.

Frank: I suppose her hair was a medical condition, too.

Tom: Okay, you two, take it easy. Seriously, though, Alice, a number of our interns have to interact with the public, and people can be put off by having to deal with ugly people, fat people, or even very short people. So why aren't an employee's looks a job-relevant issue?

Alice: No, I think that as long as the person is clean and well groomed, then the public shouldn't be put off by having

to deal with someone who is unattractive or unusual looking. It's unreasonable.

Tom: That's what you say. But what if the public is "unreasonable"? What if they prefer companies with attractive or at least normal-looking employees?

Alice: It's still irrelevant. It's the same as if a company had customers who didn't like dealing with blacks. That's no reason for it not to hire blacks.

Tom: Yeah, I can see that.

Frank: Okay, but what about this ugly guy? Do we have to offer him an internship?

DISCUSSION QUESTIONS

1. How frequently are people discriminated against on the basis of their looks? Is it a serious problem in job situations? What about the fact that students give higher instructional rankings to attractive professors?⁷⁴
2. Assess the argument that there is nothing wrong with "facial discrimination"—that it simply reflects the fact that human beings are naturally attracted to, or repelled by, other human beings on the basis of their physical characteristics.
3. Under what circumstances is physical attractiveness a job-related employment criterion? Is it relevant to being a salesperson, a flight attendant, or a receptionist?
4. What arguments can be given for and against a law preventing job discrimination on the basis of immutable aspects of one's appearance?
5. Assess the argument that because fat, ugly, or strange-looking people have it tougher throughout their lives than do attractive people, we should give them preferential treatment whenever we can—for example, in job situations—to make up for the disadvantages they've suffered and to help level the playing field.
6. Are businesses morally obligated to try to prevent or reduce appearance discrimination in the workplace? What steps can they take?



READING 11.1

A Defense of Programs of Preferential Treatment

RICHARD WASSERSTROM

Many critics of programs of preferential treatment for women and minorities argue that, even if such programs are effective, they are unfair or unjust. One common objection to them is that if it was wrong to take race or sex into account in the past when African Americans and women were excluded, then it is wrong to take race or sex into account now. Another objection is that preferential treatment programs are wrong because they do not base hiring or other decisions on an individual's qualifications. In this classic essay, Professor Richard Wasserstrom responds to these two criticisms, arguing that preferential treatment programs are not unjust or objectionable in the way that the discrimination they seek to remedy is.

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