

## **A Historical And Theoretical Look At Ritual Abuse Laws Part III: Applying An Integrated Conflict Model Analysis To The California McMartin Case**

Jason S. Ulsperger, Arkansas Tech University  
Stan H. Hodges, Texas A&M University-Kingsville

### Abstract

*This article further examines the social construction of ritual abuse statutes within the Integrated Conflict Model perspective. With content analysis findings based on a qualitative, historical phenomenological interpretation, this piece examines the formation of ritual abuse laws in California. Examining circumstances surrounding the satanic panic that took place in the mid-1980s to early 1990s, the article reviews the McMartin Preschool case. It supports previous research indicating the formation of ritual abuse laws involves structural foundations, public perceptions of crime, triggering events, and counter-triggering events.*

On May 12, 1983, Judy Johnson dropped her son Billy off at McMartin Preschool. It was his first day at the Manhattan Beach, California, establishment. Three months later, Billy told his mother that his anus itched. She took Billy to the doctor and later contacted the local police department claiming someone at the school sexually assaulted him. Shortly after, police arrested McMartin employee Ray Buckey, the grandson of the preschool's founder Virginia McMartin and son of administrator Peggy McMartin Buckey. Judy claimed Ray sodomized Billy while pushing his head into a toilet bowl. Information from Billy also indicated Mr. Buckey sometimes dressed up like a satanic priest wearing capes and participating with other employees in ritualistic animal mutilation. The following year, the McMartin Preschool closed its doors after interviews of students indicated 360 cases of sexual abuse. The police raided multiple preschools in California over concerns about widespread satanic rituals taking place in daycare centers. By May 1984, prosecutors indicted owners and employees of McMartin Preschool on 208 counts of child victimization (Eberle & Eberle 1993). The drama related to the case lasted for

nearly a decade. It capped itself off with new ritual abuse legislation in 1995 (Noblitt & Noblitt 2008).

Often relating to satanic practices, ritual abuse is any symbolic, repeated illegal behavior that fulfills cultural, social, religious, sexual, or psychological needs. Laws associated with ritual abuse include acts of child torture, unlawful underage marriages, forced interaction with the deceased, and the explicit mutilation of the deceased (Hodges 2008). As indicated by California's ritual abuse law, which no longer is in effect, a person would receive a three-year extension to their sentence in certain child abuse cases. This included situations involving simulated torture, sacrifice of any mammal, or forced ingestion of human or animal urine or feces. It also involved circumstances where abusers externally applied flesh or blood to a child or placed a child into a coffin or similar structure containing the remains of dead animals or humans (1995).

This article uses the circumstances surrounding the McMartin case to examine the social construction of California's short-lived ritual abuse law. It starts by discussing theoretical ideas behind constructionist and Integrated

Conflict Model of law formation perspectives. The article then reviews the methodology used to research the McMartin case. Finally, it provides findings supporting the idea that ritual abuse law in California was the consequence of structural foundations, public perception of ritual abuse and demands for information and punishment, triggering events, and counter-triggering events.

### **CONSTRUCTIONISM AND THE INTEGRATED CONFLICT MODEL**

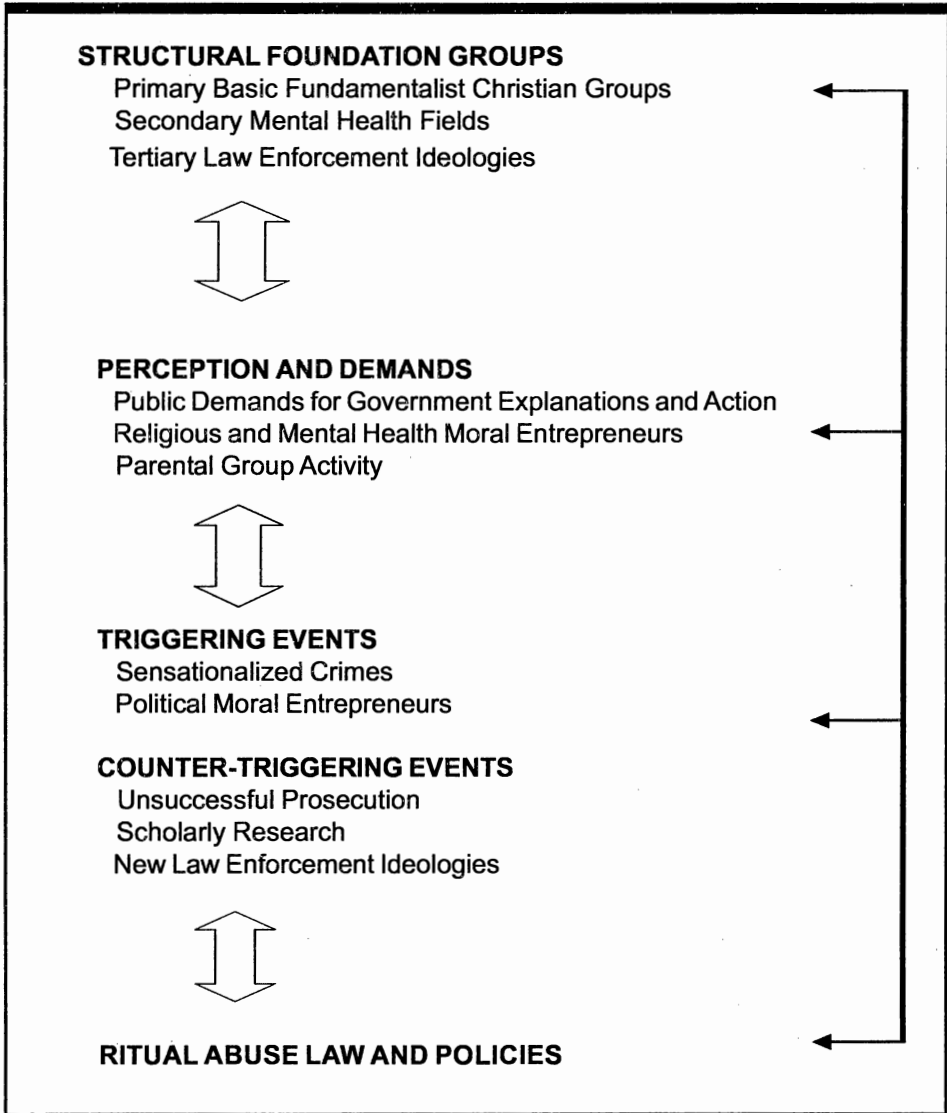
Part I and Part II of this series offer detailed discussions of constructionist thought and the Integrated Conflict Model of law formation (see Hodges 2008; Hodges & Ulsperger 2008). However, a brief review is important.

Constructionist views imply that humans create and maintain reality through interaction. Traditional sociology implies this is a three-stage process. First, humans interact and create something. Second, other people accept the thing created. Third, over time multiple people internalize the thing created into a concrete fact existing beyond human origins. The idea of socially constructed reality applies to everyday knowledge that orders our lives, whether it concerns time, money, or religion (Berger & Luckmann 1967).

The Integrative Conflict Model extends this idea, implying laws are socially constructed realities. However, it specifically argues that three factors facilitate the creation of law. They include structural foundations, perceptions of crime and demands for information and punishment, and triggering events. Structural foundations focus on issues such as levels of heterogeneity, inequality, and economic

conditions of society, as well as core values and ideological assumptions of people in power that influence views of criminal behavior. Perceptions of crime and demands for information and punishment involve media exposure about allegations surrounding an issue or event. The point is that media exposure has the potential to create an elevated sense of public awareness. Once the public is more attuned to a specific issue, they will demand that government officials do something about it. This involves enforcing laws that already exist or creating new ones if necessary. Triggering events produce an intense demand for action and public policy. They can occur simultaneously including aspects of election year politics, sensationalized crimes, and appellate court decisions. The aforementioned media exposure sets the stage for action, but the triggering events set the legislative process into motion. They create a critical mass between various social structures and their ideologies, prompting a reality construction battle between interest groups (for specific details and examples see Galliher & Cross 1983; Hodges & Ulsperger 2005; McGarrell & Castellano 1991; Ulsperger 2003). In this article, we apply the three core concepts of the integrated conflict perspective, but also focus on a fourth concept, counter-triggering events (see Figure 1). As discussed in earlier articles in this series, counter-triggering events involve law enforcement and academic reports that serve to neutralize conflict surrounding the issue of concern, in this case ritualistic abuse. They promote the repeal of legislation after structural conditions and perceptions of a particular crime change (Hodges 2008; Hodges & Ulsperger 2008).

Figure 1. The Integrative Conflict Model and the McMartin Case



*\*NOTE: Factors do not have to occur sequentially (see Hodges & Ulsperger 2008)*

**METHODS**

This research involves content analysis findings based on qualitative, historical phenomenological interpretation of events surrounding ritual abuse law in California.

We used a variety of sources to analyze the circumstances revolving around the McMartin case (for a timeline of events see Figure 2). These sources of data range between 1993 and 2004. Based on our

previous work concerning ritual abuse law in Idaho (Hodges & Ulsperger 2008), we were aware of several sources on the topic. These included newspaper and magazine articles from the time, peer-review journal articles, and legal documents. The limited number we were familiar with was not adequate. We subsequently carried out several

searches through library and Internet search engines such as WorldCat, LexisNexis, ProQuest Direct, and JSTOR using search terms such as "McMartin case" and "California ritual abuse."

For each source found, we then thoroughly examined references discovering even more sources. This

Figure 2. The McMartin Case Timeline

1983	In May, Judy Johnson files a police report alleging that actions related to satanic rituals led to her son Bill being sodomized at McMartin Preschool in Manhattan Beach, California. Ray Buckey and others are charged. By November, mental health professionals diagnose 360 students as sexually abused.
1984	Owners close the McMartin Preschool after 28 years in business. Television reports highlight the massive abuse scandal and raids take place at several Los Angeles daycare centers. The L.A. Times reports McMartin children were photographed nude. In June, police hold Ray Buckey without bail. Seven McMartin teachers face charges.
1985	Parents dig up the school grounds looking for secret rooms not finding any. Judy Johnson experiences a psychotic episode leading to hospitalization.
1986	Judy Johnson dies from alcohol poisoning before getting to testify. Prosecutors drop charges on all but two defendants. They begin to publicly express doubt.
1989	The courts release Ray Buckey on bail after he spent five years in jail.
1990	A jury acquits Peggy Buckey on all counts. The jury is hung in relation to Ray Buckey. Prosecutors retry him, but the jury is hung again. They decide not to have a third trial.
1991	McMartin Preschool is torn down.
1992	FBI reports problems with satanic abuse claims.
1995	With the support of Senator Newton Russell, California put new ritual abuse laws in place.
1997	The law falls into abeyance as the satanic panic dies down.

process continued until we had what we felt was an exhaustive list of newspaper and magazine articles, peer reviewed journal articles, books, and government documents directly related to the McMartin case.

With our sources, we looked for sentence, paragraph, and page sequences that related to each of our four aspects of the Integrated Conflict Model. As we found examples for each aspect, we held them to the side in order to interpret and formulate our findings. We should emphasize that both researchers read and reread large samples of documents separately in the early phases of the project. We then jointly discussed our perspectives on the categorization. Shared discussions produced a high level of agreement in our categorization process creating a valid level of intercoder reliability. We then applied a deep reading to all of the sources while coding content along the way.

Once we finished coding and classifying issues related to the McMartin case, we each once more reread samples of our literary sources looking for inconsistency in each other's coding. We concluded that our final ideas of structural foundations, public perceptions and demands for punishment, triggering events, and counter-triggering events corresponded with the original sources examined (for more on this process see Hodder 1994).

## **FINDINGS**

The circumstances surrounding the McMartin case provided an ideal blend of ingredients leading to the passage of ritual abuse law in California. The case clearly reveals the importance of structural foundation populations, public

perceptions and demands for punishment, triggering events, and counter-triggering events.

### *Structural Foundations*

Structural foundations leading to the passage of California's ritual abuse law involve three main groups, which we label primary, secondary, and tertiary. The primary group involves collectives with traditional Christian belief systems. They frame issues related to child abuse and satanic rituals based on fundamentalist ideas of good and evil. The secondary involves a relatively small body of mental health experts. They frame actions of ritual abuse in terms of psychological theories related to issues such as multiple personality disorder. The third concerns a shift in law enforcement values to occult concerns.

With primary structural groups, from the sources studied for this research, it appears that in the early 1980s, Christian groups across the country started producing a large amount of literature stirring up suspicions of child abuse links to satanic rituals. One group, the New York City Interfaith Coalition of Concern about Cults, copyrighted and distributed to believers a list on the "Ritualistic Cults Methods to Induce Children's Involvement." They encouraged followers to become familiar with the list implying that the use of children in satanic ceremonies was on the rise. In a related move, Reverend Earl Minton of the Christian Catholic Church of Zion issued a manuscript on the topic of *Occultism and Satanism*. It was widely circulated among Christian groups. It aided the growing frenzy linking cults and the abuse of kids (De Young 2004). Ironically, literature produced by a variety of secular outlets, including pornographic

magazines, supported the scare associated with ritual abuse claims produced by Christian publications. In 1986, while the McMartin trials were ongoing, a widely publicized article in *Penthouse* implied physical evidence existed to back up the claims of abused children from the preschool (Norris & Potter 1986). As other media reports on the McMartin case did, the graphic descriptions included in the *Penthouse* story fed off of the imagination and fears of the reading public.

With secondary structural groups, anxiety over ritual abuse elevated when mental health experts started providing their expertise through newspaper and television interviews. With the McMartin case, the mental health professional predisposition for some psychologists was to believe in survivor stories. However, at the same time they attribute the effects of ritual abuse experiences to personality disorders, often created by repressed memories discovered through hypnosis and diagnosed in the American Psychiatric Association's Diagnostic and Statistical Manual of mental disorders. Debates surrounding repressed memories are still current today. However, their use in the McMartin case indirectly supported the concerns of Christian fundamentalist populations, while providing scientific reasons and evidence fostering the perception of a true problem that policymakers needed to deal with legally (Eberle & Eberle 1993).

With tertiary groups, it is relevant to note that in the early 1980s, police departments began focusing on occult related crimes like never before. Police publications argued that the rise of occult activity had serious implications for the criminal justice system. Police training started to focus on occult subculture

music styles, dressing trends, and occult ideologies. It emphasized that the public was erroneously failing to perceive occult-based crime related to church desecration, rape, and murder as a serious problem, but it was. Moreover, increased arrests related to these crimes would be necessary (Olson-Raymer 1989).

#### *Public Perceptions and Demands for Information and Punishment*

With the previously discussed structural factors in place, the public started to take notice of ritual abuse issues wanting more information and perpetrators to face punishment. As the McMartin case played out, the public witnessed a series of interest group battles on the legitimacy of ritual abuse issues.

Legal scholars questioned the reality of the satanic scare and accounts of young witnesses under the influence of controlling adults. Key to their argument was the point that people were worked up into a satanic frenzy when no courts anywhere had found a satanic cult ritualistically responsible for killing children in the United States (Eberle & Eberle 1993). The public did not buy into legal arguments and the power of groups determined to establish the existence of widespread ritual abuse continued to grow.

Religious and mental health self proclaimed "experts" on Satanism and ritual abuse held seminars on the topic responding to public outcry for more information. Whether these experts were altruistically acting to inform the public, or acting as moral entrepreneurs looking out for their own self-interests, remains a debate.

With religion, consider Mike Warnke. In the wake of the McMartin trials, he was a self-styled ex-high priest of a satanic group who converted to Christianity. His church, Warnke Ministries, held seminars and encouraged participants to purchase tapes and publications that unraveled the dark secrets of Satanism (Warnke 1986). With mental health, people like Brentwood, California, clinical psychologist Catherine Gould elevated their status and made headlines for compiling reports with a checklist of factors the general public could use to establish the presence of satanic ritual abuse (1986). At the same time, reports on ritual abuse claims by mental health professionals created a "halo effect."

The halo effect implies that if a mental health profession produces information related to irrational claims, the public tends to believe the claims must be true (see Hodges & Ulsperger 2005). This is vital to the process of the social construction of ritual abuse law. Mental health experts were the first professional group to give anti-cult groups support from a respected social institution. Moreover, ritual abuse allegations from children fit well with popular multiple personality disorder and repressed memory ideas accepted by the mental health field and the lay public during the time of the Satanism scare (Fredrickson 1992).

Parents of ritually abused children were quick to form groups demanding the government do more about ritual abuse. Consider the group "Believe the Children." Leslie Floberg, who argued people at the McMartin Preschool ritually abused her three-year old son, helped to form the group. She was dissatisfied with the efforts by the local police department and became the president

of the 300-member group of parents calling for more government action. Our findings indicate Catherine Gould, the clinical psychologist mentioned earlier, helped Believe the Children create training materials for distribution (Kam 1987; Eberle & Eberle 1993).

### *Triggering Events*

The main triggering events that aided in the passage of California's ritual abuse laws were the existence of the McMartin case and the specific actions of key politicians. The idea of ritual abuse was not a hot topic for California citizens until the McMartin case worked them into delirium. However, we believe California ritual abuse legislation would have never existed without the efforts of Senator Newton Russell.

In 1993, two short years after the McMartin Preschool was demolished and the public still had major concerns on ritual abuse, Russell started crafting legislation to sharpen the punishments associated with child abuse if ritual abuse existed. Despite a lack of proof relating to ritual abuse cases, including the McMartin case, he garnered the support of the Attorney General's office, which created a report on the "realities" of ritual abuse in California. The report indicated the overwhelming support for the legislation by mental health professionals (Sauer 1994). Russell was privy to the public outrage related to the McMartin case and others like it. He capitalized on it and many citizens ended up viewing him as a true crime fighter for pushing through legislation others would not. His bill on ritual abuse made it through the legislature easier than expected. Even those who did not want to acknowledge any legitimacy of ritual abuse claims, such as those in the

McMartin case, seemed to believe that the new law could hurt (Hart 1995). In other words, they took the position of better safe than sorry.

### *Counter-triggering Events*

California's new ritual abuse law was only in place for two years. Lawmakers repealed it in 1997. It did not take long for the fever surrounding ritual abuse and the McMartin case to lose its shine. By 1997, juries acquitted all people accused in the McMartin trials. Court costs associated with the McMartin Preschool extravaganza sucked around \$15 million from the California taxpayers pockets. All that the public had was hyperbolic stories of child witnesses never proven. There was a bad taste in citizens' mouths, and trained professionals, who often supported the hype surrounding the satanic scare and McMartin case, were changing their tune (Eberle & Eberle 1993).

Scholars in the medical profession argued members of the mental health profession should have taken a more objective stance on ritual abuse claims. They pointed out that the mental health field wanted to support its ideas associated with repressed memories and personality disorder more than they wanted to discover the truth of what really happened behind the McMartin Preschool's doors. In addition, they argued that psychologists and psychiatrists associated with the case failed to realize the interview techniques used with children should not be the same as those used with adults. Simply put, children, maybe more so than adults, do sometimes make things up and exaggerate details of their everyday lives, especially when interviewers provide suggestive details (see Garven, Wood,

Malpass, & Shaw 1998). In other fields, a variety of scholarly pieces on ritual abuse emerged toward the end of the McMartin debacle. These included Richardson, Best, and Bromley's (1991) sociological analysis of the satanic scare and Goode and Ben-Yehuda's (1994) work on moral panics. Recent research includes Noblitt and Noblitt's (2008) work on the legal, psychological, social, and political dynamics of ritual abuse.

Even the criminal justice field scaled back on its firm stance that satanic ritual abuse was an undeniable reality. The most notable information related to this involves Kenneth Lanning's work. He initially bought into the hype of ritual abuse, but after being involved in several high profile cases, he changed his mind. While working for the Federal Bureau of Investigation's Behavioral Sciences Unit, he wrote an updated investigator's guide to satanic ritual killings (1992). In the report, he urged fellow law enforcement to realize that many ritual abuse claims are exaggerated. He argued many of them take away attention from circumstances involving real child abuse. It was a view adopted by many in law enforcement by the late 1990s (De Young 1997).

### **CONCLUSION**

Building on the Integrated Conflict Model of law formation, this analysis examined processes contributing to ritual abuse legislation in the state of California. Backing up our findings in Part I and Part II of this series (Hodges 2008; Hodges & Ulsperger 2008), we found that the social construction of legislation has ties to certain population structures that lay the foundation for new law. We also found that those structural



factors facilitated a public demand for information and punishment related to horrific events covered in the media and debated by interest groups. Moreover, this research indicates triggering events, such as the McMartin case and the actions of important political figures can be the tipping points in passage of ritual abuse laws. Our findings build on previous research (Taylor, Walton, & Young 1973; Galliher & Cross 1982, 1983; Cross 1991; McGarrell & Castellano 1991; Ulsperger 2003; Hodges and Ulsperger 2005; Hodges and Ulsperger 2008) because they are one of the first to discuss counter-triggering events. Other work using the Integrative Conflict Model fails to mention the ability of academic and governmental publications in neutralizing the panic associated with scenarios leading to new legislation and leading to the repeal of laws quickly after enactment.

In the future, we believe analysts should use other methods to study the development of ritual abuse law. In addition, they should extend the analysis of law formation and ritual abuse to include events and legislation in countries other than the United States. As De Young (1999) argues, it is possible that moral panics such as those involving perceived satanic abuse reach beyond our borders and influence global trends.

The ritual abuse debate in California is not over. A few years ago, Ellen Lacter, a psychologist and member of the California Association of Play Therapy, argued in a newsletter that the ritual abuse problem is a real issue that citizens still need to accept and do something about. In the newsletter, Lacter states (2002):

Over the past eight years, I have become increasingly involved in the problem of ritualistic abuse, as a treating psychologist researcher, and victim advocate. I have conducted in-depth interviews with numerous survivors and experts. Reluctantly and with much sadness, I have been forced to recognize this problem as widespread.... My clinical experience, and interviews with many other survivors and experts, indicate that Satanism and witchcraft are the two most common belief systems in North America associated with the perpetration of sexual and physical abuse of children (2002:1).

Will the public listen to the words of people like Lacter and demand that policy makers put new laws in place to deal with a once again overlooked social problem? We will probably have to have another McMartin case to find out.

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### **ABOUT THE FICS SOCIOLOGICAL PRACTICE**

*Like the FICS Teaching Sociology, the FICS Sociological Practice is another international journal published electronically in English, with an emphasis on sociological practice. Sociological practice refers to the wide range of roles, practices, functions, and activities in which sociologists are currently engaged. Therefore, the general editor is interested in manuscripts discussing sociologists' experiences at work and their applications of sociological knowledge and understandings. This electronic section will provide a forum in which to present and discuss sociological and interdisciplinary applications of social theories and practices. Contributors should use their full names and institutional affiliations when submitting manuscripts. The editors prefer texts of 10-15 double-spaced pages. Accepted manuscripts will be indexed and abstracted in the usual print journals and bibliographical searching tools, as well as in those specific to electronic media.*

## **“Encouraging Obesity: A Capitalist Pursuit”**

Bonnie Berry, PhD., Director,  
Social Problems Research Group

### Abstract

*This paper examines capitalism as it has influenced the obesity epidemic, largely by determining how fat and not-fat people respond to consumer choices offered by profit-seeking industries and service providers. After a brief address of the social meaning of size and the discrimination faced by fat people, I will describe the goods and services for purchase that both encourage and discourage fatness, all directed toward increased profits. A far more subtle social force encouraging size-related purchases is the normalization of large body size as advanced by the fat-acceptance movement and by a visible increase in the number of fat people in the US and other societies. A paradox is evident in the contradictory social messages brought on by the corporate provision of economically profitable goods and services that encourage obesity, making obesity seem socially acceptable, in contrast to the very real and enduring social barriers encountered by the people-of-size. The conclusion questions the normalization (acceptance) of fat and offers avenues by which the fat majority can influence the economic market.*

The study of social aesthetics is an alternative way to consider social inequality. Social aesthetics, as I use the term, refers to the public reaction to physical appearance. This reaction shares much with other forms of social inequality, as seen in classism, racism, and sexism. Indeed, physical appearance overlaps strongly with minority statuses such that women face more stringent expectations for bodily thinness, youth, and beauty than do men and are treated more harshly by the economic and dating-marriage market for failing to live up to socially imposed beauty standards (Wann 1998; Etcoff 1999; Wolf 2002). Likewise, non-whites are compared unfavorably with whites in terms of physical attractiveness and often undergo cosmetic changes to surgically widen Asian eyes and alter the shape of the ethnic nose, whiten dark skin, and straighten hair texture (Kaw 1994; Gilman 1999, 2005; Blum 2003; Edwards et al. 2004; Herring et al. 2004; Hunter 2004). The poor face financial hurdles such as inability to afford dental care and are thus

stigmatized for their physical appearance (Hudson, et al. 2007).

Much of the social penalty paid for not being socially-deemed attractive is economic, with those who are plain or unattractive being denied employment as well as access to social networks such as the dating and marriage markets but also educational opportunities, club memberships, and the like (Berry 2007; 2008). Nowhere is this inequality made more visible than in the social treatment of people-of-size (Millman 1980; Rothblum et al. 1990; Bordo 1995; Goodman 1995; Stearns 1997; Roehling 1999; Goldberg 2000; Solovay 2000; Braziel and LeBesco 2001; Freed 2003). The present analysis attends more specifically to the economic exploitation of fat people (the preferred term of the fat-acceptance movement) by corporate profit-seekers.

The purposes of this paper are to raise awareness about a topic that most members of the public may be unaware (size-ism) and to raise questions about the functionality of normalizing obesity. As to the former, there is a growing but

still scarce academic address of the social and physical barriers faced by people-of-size such as access to equal opportunities mentioned above as well as actual physical obstacles that disallow access to buildings and modes of transportation. As to the latter, we may question whether normalization (acceptance of obesity) is a good idea, socially and personally speaking, given health concerns and the continuing social barriers faced by fat people.

### **AMBIGUITY ABOUT SIZE**

There are two forms of ambiguity surrounding the social and economic encouragement of obesity. One form of ambiguity is public sentiment, with a large segment of the public, though fat themselves, being repulsed by fat people and fearful of becoming fat(ter). Many recognize that body size is, in large part, genetic and that weight loss is difficult. Yet, there remains the erroneous but strongly-held view that fat is not only aesthetically unappealing, but that fat represents moral weakness, poor character, sheer laziness, and gluttony (Stearns 1997).

A second form of ambiguity is that some profit-makers (such as makers of plus-size clothing) seem to be on the side of fat people while others (such as the pharmaceutical and medical industries) seem to want to reduce obesity through weight loss drugs and surgery (Grady 2000; Solovay 2000; Egan 2002; Erman 2002; Gimlin 2002; ; Kolata et al. 2002; Bellafonte 2003; Pressler 2003a, 2003b; Scheiber 2003; D'Amato 2005; Freudenheim 2005; Tommasini 2005; Revill 2006). On a superficial level, one might think that capitalism encourages size diversity or fills a market-driven need and a profit-

making desire since it provides for the sale of large-size items and services to accommodate fat people's needs. But capitalism also encourages size repression since it provides items and services that promise to reduce size and instill shame. Thus, confusingly, we are encouraged to buy fat-related products (plus-size clothing) and services (plus-size resorts), thus allowing us to feel okay about being fat, while, at the same time, we are encouraged to lose weight. Since profit is the motive, it does not matter to the industries and service providers whether weight gain is encouraged or discouraged, since money is made either way. To sum it up, capitalism profits from the sale of seatbelt extenders as well as diet pills. While this is a win-win situation for the profit-seekers (clothing and furniture manufacturers, pharmaceutical corporations, and other entities seeking profit from fat), and much of the public seems to accept such profit-seeking as a matter of economic fact, this win-win profit-seeking nonetheless reflects the ambiguity of the public's feeling about fat. As well summarized by the economist Paul Krugman (2005: 17), "fat is a fiscal issue" since the profit motive determines the size of our bodies and, simultaneously, the goods and services accommodating our increased size.

### **GLOBALIZED PROFITS**

Major influences in globalized obesity are seen in the profits made by food industries exporting their high-fat food to poor countries with populations that are not evolutionarily capable of metabolizing such food, endangering peoples (Micronesians, Mexicans, and others) whose cultural histories cannot accommodate the excess fat in their

diets (Shell 2000). An additional influence in globalized obesity is the increase in the sedentary lifestyle, decreased physical activity (by choice and by denial of exercise opportunities such as safe streets), the abundance of high-fat fast food, and restaurant servings of large proportions (Critser 2003; Goode 2003).

At the same time that this pattern of fattening is occurring globally, we find an increase in size-tolerance movements, particularly in the US and Europe, such as the National Association to Advance Fat Acceptance ([www.naafa.org](http://www.naafa.org)), the more localized organizations such as SeaFATtle ([www.seafattle.org](http://www.seafattle.org)), and the International Size Acceptance Association ([www.size-acceptance.org](http://www.size-acceptance.org)). In short, there are signs that we encourage increased body size at the same time that we profess alarm about it. At this juncture in time, it may serve the public to recognize the conflicting goals we emit about the growing acceptance and continuing rejection of fat.

### **THE SOCIAL MEANING OF SIZE AND SIZE-ISM**

The fat are a statistical majority, with approximately one-third of the US population being obese and an additional one-third being overweight (Nagourney 2006; [www.cdc.gov](http://www.cdc.gov)); yet they are a power minority. Numbers are less important than social power (as measured primarily by economic power and occupational prestige); witness the same phenomenon as applied to women who are a statistical majority while remaining a power minority with less earning power. Gaining social power requires a significant segment of the population, whether they are of the minority (women, fat, non-white, gay, disabled, and so on) category or not, adhering to the notion of equality for all;

that is, a major segment of a public must come to view the minority (statistical minority or power minority) as equal.

While the fat-acceptance movement is becoming broadly known as a grassroots force to be reckoned with, while laws are changing to prohibit discrimination against size, and while a growing awareness that fat is not as volitional as long-held, we are stuck with widespread if narrowing prejudice against the fat. The U.S. and other societies have a long history of fat prejudice, as well-documented by Bordo (1995), Stearns (1997), Wann (1998), Roehling (1999), Solovay (2000), Braziel and LeBesco (2001); and Huff (2001). And while it is true that public views on fat have run the gamut from reverence to revulsion, definitions of fat and not-fat have changed over time (per insurance charts, a growing sophistication of medical criteria, etc.) and cross-cultural views on fat vary widely, it is doubtful that the US and most of the world will revert to a time when fatness was seen in a positive light, for instance, as a sign of good health and prosperity.

### **THINGS TO BUY**

The products made available for purchase by fat people include plus-size clothing, plus-size furniture, diet supplements, seatbelt extenders, plus-size caskets, and so on. The services provided to fat people include multiple airline seats, size-friendly resorts, plastic surgery (gastric bypasses, liposuction, and removal of loose skin), and gym memberships (Berry 2005). Food producers deserve a place of their own in the pantheon of fat-marketed products to buy and will be awarded a separate section below.

Of the plus-size clothing offerings, it

would seem a good thing that ample-size clothing is now offered for purchase and that much of this clothing is as chic as smaller-size clothing (Fratr 2005). Recent larger-sized clothes offerings are deliberately not drab and not intended to hide the body, and are presently one of the fastest growing segments in apparel (Erman 2002). Plus-size apparel sales have risen about 14 percent compared to 5.6 percent for all women's clothing sales increases (Bellafante 2003).

Bear in mind, however, that plus-size clothing is often offered at a higher cost than smaller-size clothing. Check your mail-order clothing catalogs and you will find that "women's" sizes (sizes 1x-3x) are priced as much as \$10 more per item than the identical "misses" sizes. The explanation for the increased charge is that there are more materials involved in the manufacturing of bigger clothes. If that logic were valid, petite and small-sized clothing would cost less than medium-sized clothing. Another indicator of discrimination is the fact that a lot of large-size clothing is nearly always located in separate sections of department stores and often exiled to online shopping, indicating a continuing exclusion from the mainstream shopping experience and an instilled sense of shame for the wearers of such clothes (D'Amato 2005).

We also have available larger hangers upon which to hang our bigger clothes, bigger bedding, office chairs built with heavy-gauge steel and high-tension support, automobiles with extra inches of elbow room in the interiors, and extra-large coffins that can hold up to 700 pounds (Scheiber 2003; Pressler 2003). Another entrepreneurial venture is "size-friendly" resorts. Freedom Paradise, one

such resort in Mexico, offers plus-size armless chairs, wide steps with railings in swimming pools, walk-in showers rather than bathtubs, stronger hammocks, and a staff that has been trained to be sensitive to size issues (Chakravorty 2003).

These all seem to be good things, supportive of the reality that fat people exist and have the money to buy the things they need in the sizes they need. And if these products and services cost a bit more, so what? That's economic reality. Well, there is reality and then there is usury. Take the airline industry, for example. Most airlines accommodate fat passengers as well as they can, loaning them seatbelt extenders, moving them to a place on the airplane where there are two seats together to accommodate the larger body (see Frater 2005 for a guide of fat-friendly airlines). But one, Southwest Airlines, has been especially noted for its size-ist policies. Even if a fat person can fit between the armrests, can wrap the seatbelt around the waist, and not lap over into the neighboring seat, the fat passenger may be charged for an extra seat. The decision is arbitrarily made and highly discretionary, suggesting a profit motive (Dilley 2002; British Broadcasting Company 2002; Ellin 2005).

### **THE FOOD INDUSTRY**

A troubling global development refers to the profit motive of food industries as visited not just upon the U.S. but also other cultures. The food that we eat in the U.S. and the food that we export to other cultures is cheaply produced and high in fat content (such as Spam). Such food has caused looming health hazards on our own culture and on cultures that, physiologically, can not handle the

change in diet, notably people in transition, such as Micronesians, Native Americans, aboriginal Australians, and Polynesians. Such people are subject to dramatically altered and altering environments regarding food sources and availability, migration patterns, and economic instability (Shell 2001).

Clearly, there is a great deal of money to be made by selling fast food to Asians and importing high-sugar, high-fat food to Micronesians. Better yet, from the profit-motive point of view, we can manufacture food more cheaply by using ingredients (like high fructose corn syrup and palm oil) that are unhealthy to consume and that dangerously increase our body weight, forsaking the traditional and more-expensive-to-produce ingredients like cane sugar and vegetable oil. In the 1970s, food scientists developed a method by which to make a sweetener called high fructose corn syrup (HFCS), made from corn. Importantly, HFCS is six times sweeter than sugar and the cost of producing this HFCS is markedly less than that of ordinary sugar. Moreover, HFCS ensures a long shelf-life, allowing high-caloric junk foods (as found in vending machines) to be kept fresh-tasting for a long time with no need to replace them frequently (thus saving money). Soda companies went from a 50/50 blend of sugar and HFCS to 100 percent HFCS because it's cheaper, never mind that it is health-hazardous, skewing the metabolism toward fat storage (Critser 2003).

Likewise, palm oil, aka "tree lard," unlike vegetable oil, is chemically similar to beef tallow and is a highly saturated fat. It is also incredibly cheap to produce. Palm oil, transformed into a viable commercial fat in the 1970s, is widespread in usage today in the manufacture of

convenience and fast foods (French fries, margarine, pastries). As with HFCS, it has the added advantage of keeping products "fresh" for a long time thus ending the need to replenish supermarket shelves and junk food machines. Regardless of the disadvantage for health and size, price was the determinant in palm oil's use: the concern at the U.S. Department of Agriculture, which was thoroughly behind the development of HFCS and palm oil, was "pure farm economics" (Critser 2003: 10-11). The same goes for partially hydrogenated vegetable oils, used in fried food preparation (fried chicken, French fries) and food processing (tortilla chips, margarine, pies, microwave popcorn). Though aware of the health hazards, many restaurants continue to use partially hydrogenated oils (instead of vegetable, canola, and olive oils) as a money-saver: it doesn't spoil and it can be used repeatedly (Johnson 2006).

Another good way to make a buck in the food industry is to increase portion size, variously called "supersizing" or "value marketing." Value marketing became an effective tool to increase sales and profits at fast food and other restaurants and at movie theater which offers huge bags of popcorn at a small price (Critser 2003). Not surprisingly, it was found that if people were offered more food at a low price, they would buy it. So portion sizes increased, prices were lowered, food manufacturers made a lot of money, and people became fatter (Goode 2003).

Public schools rely on profit-oriented food corporations (Pizza Hut, Coca Cola, candy companies, etc.) to provide educational materials (for instance books) in exchange for the opportunity to sell high-fat food in the schools. Due



to budget cuts, schools can not afford basic needs, like books. Enter McDonalds and other purveyors of high-fat foods, risking school children's health in exchange for profit (Critser 2003).

### **SECONDARY SERVICES AND PRODUCTS**

By-products or products that are purchased for fat people include plus-size medical equipment (stretchers, blood pressure cuffs, and mobile toilets that do not collapse under the weight of large bodies). For example, medical equipment manufacturers have super-sized stretchers, with thick aluminum frames, bulkier connectors and extra spine supports to create stretchers with a capacity of 650 pounds (Associated Press 2003). These secondary fat-relevant products are manufactured for purchase by those who are involved with fat people in some service-provider way; thus, these goods and services are purchased by individuals and organizations targeting services toward fat people.

Residential diet programs are an excellent example of secondary services and products for sale to fat people. Durham, North Carolina is the diet capital of the world, the hometown of the Rice Diet, the Duke Diet, and Structure House. These diet programs themselves are quite expensive, as witnessed by Jean Renfro Anspaugh's intriguing ethnography of her experience at the Rice House (Anspaugh 2001). But the diet programs are just the starting point for the money to be made in local Durham. Dieters in Durham pump more than \$51 million per year into the local economy. The secondary spending, beyond the diet center fees, includes new sneakers (when the dieters' feet shrink), new eyeglasses (when their

diabetes and thus their vision improves), to plastic surgery (when their bodies shrink and the excess skin is removed). Plastic surgery alone can cost \$25,000 for skin removal. Plus, the dieters pay rent, set up temporary workplaces, and some purchase permanent housing (Saul 2005).

### **MEDICAL AND PHARMACEUTICAL PROFITS**

Some fat people are willing to undergo fat-reduction treatment in the form of diet pill prescriptions and fat-reducing surgeries (gastric bypasses, liposuction, plastic surgery to remove the abdominal "apron" and other loose skin after weight loss, etc.; see, for example, Kuczynski 2006). Another high-profit treatment is the inpatient weight reduction programs requiring long-term hospitalization for "drastic" weight loss, to reduce hundreds of pounds.

Pharmaceutical companies, never known for their altruism, develop diet "remedies" to presumably aid in weight loss as well as "treatments" for fat-related medical symptoms (diabetes, for instance). To wax draconian, if there is money to be made in the treatment of diabetes and other fat-related illnesses, it seems reasonable that the industry would not want to ruin a good thing and actually reduce the fat. Weight loss programs, pharmaceutical "remedies" for obesity, and weight-loss surgery in the name of health care, even if undertaken with the best health-care intentions, are profitable pursuits. Given that these regimens often are ineffective, perhaps because they are not accompanied by behavioral or lifestyle changes or because of genetic predisposition, one must question how different they are from obviously bogus treatments such

as diet supplements and fat-reducing belts as advertised on television.

### **CONCLUSION**

Fat is an aesthetics and moral issue, as well as a health issue, with fat still being seen as socially repellent, physically unattractive, and as a personal matter of self-discipline. If we come to see fat as merely a physical "difference," we can then come to better grips with capitalism's influence on body size.

#### *Normalization*

"Normalization" is a phenomenon relevant to, though not exactly the same as, equality. We are coming to view the fat, by virtue of their numbers, as average or normal. Fat people are, in fact, average and normal, numerically-speaking and as measured by national studies but not in the manner in which size plays out in everyday social life. Fat people are marginalized in real and subtle ways by virtue of physical barriers and social barriers.

Fat children are increasingly seen as common, and, while their size and accompanying illnesses are not accepted by the medical community, they are increasingly accepted as such by broader society as common if not admired (Weil 2005). As to public opinion about the preponderance of fat people in the population, the Pew Research Center reports that nine out of ten Americans believe that their fellow Americans are fat. Amusingly, only four of ten of these same respondents believe themselves to be fat, which defies logic since they view 90 percent of everybody else as fat. One might infer from these figures that those who do not count themselves as fat, assuming that they really are fat, realize that they are not supermodels but are

unconcerned with their weight (Nagourney 2006).

As judged by the capitalist market support for increased body size, as I have described herein, we may conclude that fat and not-fat members of society are coming to view fat as the norm; or that fat people view themselves as normal relative to others. We find that a greater number of fat people are not viewing themselves as unusual, as they look around and find themselves surrounded by other fat people. Moreover, they see no reason to alter their appearance because they are "normal" (Stenson 2005). All the better for marketers since they can profit from all these newly-normal people. If fat people see no need to buy gym equipment and low-fat food, they can easily convert their purchasing power to buying sedentary entertainment devices (like TVs), order in high-fat pizza, while wearing plus-size sweats. None of this is to say that being fat is "okay" or not okay. It is to say that being fat is common and thus catered to as a source of profit.

#### *Fat Consumers: A Grand New Market*

Given that fat people comprise a majority of the US population, they are not a niche market (Erman 2002; Chakravorty 2003; Pressler 2003b). Thus, in true market-forces tradition, recognizing that fat people need the same things as thin people do, a huge market has opened up. As a result, we have a demand for fat-relevant products and services and this demand has joyously been met by manufacturers, retailers, and service providers. Naturally, businesses supply plus-size items such as larger towels, larger beds, larger clothes, larger clothes hangers, larger jewelry, larger furniture, larger coffins, seatbelt extenders,

larger umbrellas, scales that can weigh up to 1000 pounds, and workout videotapes for fat people.

While some might say that we need a solution to fatness, we have instead entrepreneurs making money from fatness. And that is not necessarily inappropriate. Recognizing fat people's needs and desires as legitimate is evident in this economic movement to meet those needs. I would propose, however, that we extend this recognition beyond material needs.

The fat-acceptance movement has already begun to make clear to various industries, via grassroots activities, that people-of-size are in the majority and they do make consumer choices; the wise manufacturers, advertisers and service providers have responded to this important marketing fact. It would be helpful if we could clarify our stance on fat and rid ourselves, as a society, of our ambiguity about fat acceptability. In a way, the capitalist support for fatness supports the notion that fat is an acceptable or even a good thing, requiring size-friendly products and services. Yet, we as a society retain negative views of fat as a bad thing, a health hazard, an aesthetic stigmata, and a sign of personal weakness. The more tangible evidence, though, are the fat-relevant goods and services newly provided. Intentional or not, this profit-seeking activity may be working toward size acceptance.

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