Banning Extremely Thin Models from Fashion Shows Is Problematic

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"If a designer envisions her creations being worn on a certain shape of body, that's her prerogative."

Lindsay Beyerstein is a New York City-based writer. In the following viewpoint, Beyerstein presents a mixed view on Spain's 2006 ban on underweight models from fashion shows and its implications. She states that such regulation in the United States would censor a designer's right to free speech and present a creative aesthetic. Additionally, the author continues that weight minimums are arbitrary and do not evaluate models' health on an individual basis. Beyerstein, however, suggests that the fashion industry reject the emaciated look for the benefit of the modeling profession.

As you read, consider the following questions:

1. How does Lindsay Beyerstein define fashion?
2. Why may weight requirements in modeling not fit within occupational health and safety regulation, in the author's opinion?
3. According to the author, what is objectionable about banning a model with an eating disorder from working?

Lately, there's been a lot of discussion in the feminist blogosphere about a new Spanish ban on emaciated models at the Cibeles fashion show:

In accordance with the new regulations for this year's [2006] Cibeles fashion show 30% of models who appeared on its catwalk last year have been excluded for being too thin.

The models have been rejected because they do not comply with new rules put into place by Madrid's Regional Government demanding that models present a healthy image with a [body mass index (BMI) of at least 18], i.e. they must weigh at least 56 kilos if their height is 1.75[m2]. These figures are approximately what the World Health Organization (WHO) considers to be the minimum healthy weight.

The designer Jesus del Pozo made the announcement in a press conference during which Concha Guerra, Madrid's vice-director of Economy and Innovative Technology, laid out the new guidelines for the fashion show, which starts on 18th September [2007]. She said they had taken this unprecedented step because they were aware of the influence the popular Cibeles catwalk had on young girls' perception of fashion and ideal bodies. She explained that the Madrid government [was] aiming for healthier-looking models and getting away from the wasting-away appearance of many models, which was heavily criticised during the last Cibeles catwalk.

As a pro-labor feminist and a civil libertarian, I have mixed feelings about the Madrid rule.

The policy is clearly an infringement on the free speech of fashion designers. Design is a form of expression and a fashion show is an aesthetic undertaking. Designing clothes for aesthetic effect is a creative undertaking. If a designer envisions her creations being worn on a certain shape of body, that's her prerogative. Even if we think her aesthetics are indecent or her politics are blinkered and decadent, we should respect her right to realize her creative goal.
Putting on a fashion show is like staging a play or filming a movie. The whole production is engineered to create a particular aesthetic effect for the designer and the collection. A fashion show is also a live action ad, which makes it commercial speech.

The Madrid Regional Government’s rationale for the new law is very troubling. Their main argument is that fashion shows should be regulated because they present an unhealthy ideal of beauty to the public and therefore constitute a public health risk. I have no doubt this is true, but I don’t want the government to suppress ideas just because the larger society considers those ideas to be destructive. I certainly wouldn’t want the US government taking any greater liberties on the censorship front.

**An Occupational Health Risk**

However, Amanda [Marcotte] raises a compelling counterargument at Pandagon [blog]. As she notes, the industry standard in modeling is an occupational health risk. A designer’s right to design clothes for emaciated models doesn’t necessarily guarantee her right to hire actual people to wear these clothes under dangerous conditions.

The average fashion model has a BMI of 16, which is well below what most medical experts consider a normal weight for a well-nourished adult. Only a fraction of post-pubescent women have a BMI below 18 for any reason.

Even for 15-year-old girls, a BMI of 16 is at the 3rd percentile. (That is, only 3% of American 15-year-olds are at or below the average weight of a fashion model.)...

Of course, models are hired precisely because they are physically atypical. Still, it’s probably a myth that there are large numbers of people who are naturally thin enough to be catwalk models.

Of the women who currently have BMIs of 16 who are of modeling age, a large percentage are probably suffering from anorexia, substance abuse, and/or other health problems. It has been estimated that 1 percent of all American women suffer from full-blown anorexia nervosa. If less than 1 percent of 18-year-olds have a BMI of 16 for any reason, then 1 percent of 18-year-olds are anorexic. There must be considerable overlap because an extremely low weight is a necessary diagnostic criterion for anorexia nervosa. A person won’t be diagnosed as anorexic unless [he or she is] lighter than the vast majority of people [his or her] height.

The fact that the current modeling industry standard is unhealthy for most aspiring models also contributes to an unhealthy professional culture in which even the thinnest models can become obsessive and paranoid about their weight. After all, one of the hallmarks of anorexia is the conviction that one is too fat despite being extremely thin.

The evidence is overwhelming that the current industry standards for fashion models are unhealthy for the vast majority of models. Professional pressure can contribute to the development of anorexia, the psychiatric condition with the highest mortality rate. Simply staying thin enough to be employable as a model can pose health risks, even in people who don’t have anorexia. These include decreased bone density, infertility, slowed heartbeat, and in rare cases, death. I don’t know if anyone has quantified the risks of long-term professional starvation and compared them to other occupational risks that we regulate. Aggressively dieting to stay 30 pounds underweight for a year probably is at least as unhealthy as working in a bar with second-hand smoke for the same period of time.

**Not for the United States**

If the current industry standard is dangerous for a lot of the people who work in the industry, it makes sense to submit the industry to some kind of regulation. However, the Madrid model would not be appropriate for the United States.

Restricting the aesthetics of fashion shows is an infringement of First Amendment rights. Don’t tell me that fashion show free speech is trivial. I won’t argue too strenuously that fashion shows make an important contribution to public discourse, but censorship is censorship. The only question is whether the benefit to the workers is sufficient to offset this infringement.

It is also difficult to see how a BMI restriction could fit into the existing legal framework for occupational health and safety regulation. The BMI standard looks at workers’ bodies, not at their working conditions. So, the law affects people even if they are not putting themselves at risk in order to achieve a particular look. The health risks of having a
BMI isn’t the same for everyone. Some people can achieve the magic number with zero health risk, or minimal risk, while others can’t even get close with life-threatening measures.

The issue is not how many people there are who are naturally and safely thin enough to be fashion models today. The BMI standard is arbitrary and that arbitrariness is problematic. You can’t just deprive people of their livelihood because you want to send a larger message to an industry.

Furthermore, if anorexia is a work-induced disease, it seems perverse (and possibly illegal) to make women who suffer from the disease unemployable. It would set a very bad precedent to start making people unemployable because of medical/psychiatric conditions that don’t affect their ability to do their job.

**A Never-Ending Cycle**

The best argument for minimum BMI laws is to rid the modeling community of the ruinous pressure to be ultra-thin. It’s not that everyone who is that thin is at risk, it’s that the current industry standards require most would-be models to put themselves at risk in order to be competitive. A BMI of 18 is still very thin by “civilian” standards. (The difference between BMIs of 16 and 18 amounts to about 10 lbs on a 5’9” model.) So, it’s not as if the designers are being asked to sacrifice the slender aesthetic for the sake of public health.

The problem is that the current standards create a never-ending cycle of competition to be thinner. If we could somehow step back and say, okay, thin’s fine but we shouldn’t allow emaciated models to set the industry standard. All models would be better off if an outside force imposed a reasonable minimum weight for the whole profession. However, I don’t see how such a rule could be legally imposed.

**FURTHER READINGS**

**Books**


**Periodicals**

• Laura Bond "Ban on 'Skeletal' Models Does Not Fix Society's Obsession with Thinness," *The University Echo Online*, February 8, 2007.
• Kevin M. Burke "Design Piracy Prohibition Act—Finding the Middle Ground," *Apparel*, February 27, 2008.

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