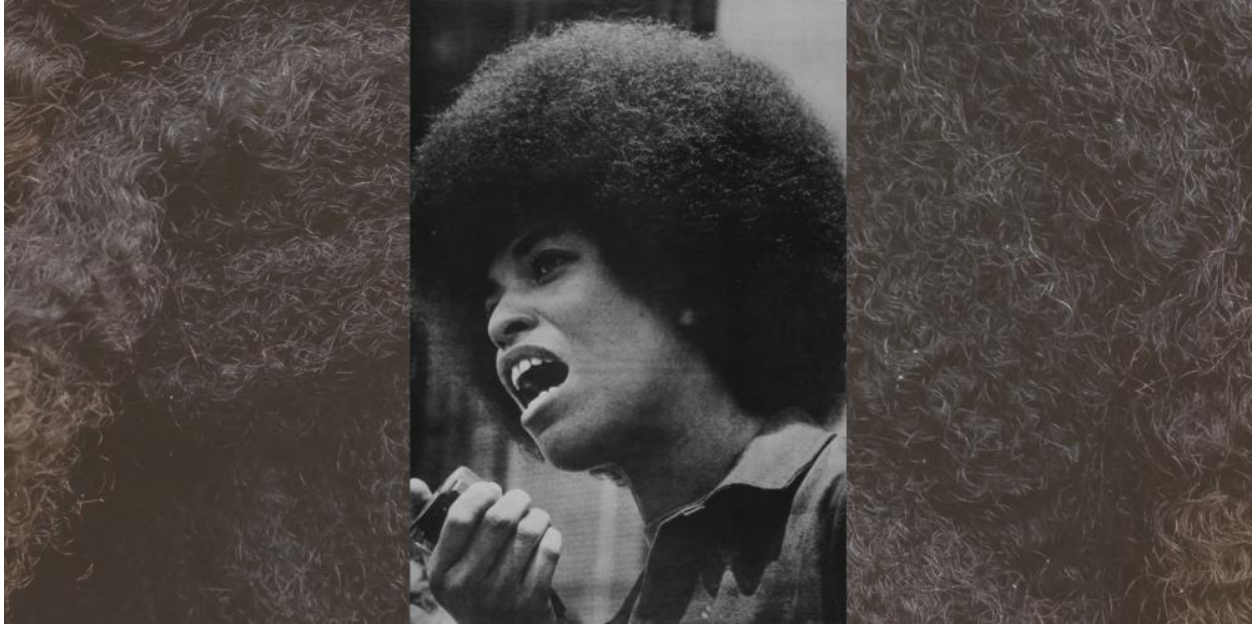


4-24-2023

Don't Touch My Hair: How Hair Discrimination Contributes to the Policing of Black and Brown Identities While Upholding White Supremacy

Deepali Gill



Don't Touch My Hair: How Hair Discrimination Contributes to the Policing of Black and Brown Identities While Upholding White Supremacy

[April 24, 2023](#) by [Deepali Gill](#) [comments \(0\)](#)

The History of Hair Discrimination Against Black Americans



Image by [Leighann Blackwood](#) on [Unsplash](#).

In order to engage in a meaningful conversation of the significance a person's hair holds, we must begin by understanding the root of hair discrimination. In the fifteenth century, the transatlantic slave trade took place that robbed individuals of their freedom, rich cultures, traditions, and values. With this came the emphasis around European characteristics, such as light skin and straight or wavy hair that took away from the beauty of darker skin and tightly coiled hair textures. [Slave masters](#) contributed to the assimilation of Eurocentric beauty standards by ridiculing Black features and imposing a hierarchy as slave masters only privileged those with lighter skin and straight hair. Black hair in particular was viewed as "[dirty](#)" and "[unkempt](#)," while white people during this era would degrade the texture of Black hair and describe it to be as "rough as wool."

The 1770s would go on to birth the term "[good hair](#)," which was associated with white hair and highlighted that Caucasian hair textures were softer, longer, and more "kept" whereas, Black hair textures were the antithesis of this. Later in 2016, this term would surface again reopening a centuries old conversation around hair, when Beyonce so eloquently vocalized in her 2016 album, *Lemonade*, "You better call Becky with the Good Hair." Well, who is Becky with the

good hair? [Becky](#) is a white woman with soft, long, sleek hair that is viewed as more “desirable.” Becky with the good hair contributes to the struggle that many Black women face: the damaging effects of colorism that places Eurocentric features on a pedestal.

Shifting into the 1800s when slavery was constitutionally coming to an “end” after the introduction of the [13th Amendment](#), the uproar of policing Black hair and determination towards making Black hair align with Eurocentric beauty standards was only increasing. The introduction of the first “[hot comb](#)” took place in 1872 that was invented by a French hair stylist, Francois Marcel Grateau. This “hot comb” gave Black women access to a device that would allow their hair to resemble that of a white woman: straight without any coarse hair texture, a texture that was keeping the idea of “good hair” alive, hair that elevates your social and economic status but takes away your identity.



Image by [Obi – @pixel7propix](#) on [Unsplash](#).

In the 1900s, Annie Malone, [an African American woman witnessed how the impact of slavery, the lack of Black hair care products, weather conditions, and the increasing pressure to condition hair to appear softer and straighter, was causing Black women to have unhealthy hair.](#) Malone experimented with different chemicals to create a formula that helped with scalp health and promoted hair growth, including her famous product, the “Hair Grower.” After the success of this product, Malone decided to open a cosmetic school that was centered around nurturing and styling Black hair. Additionally, Malone’s ventures provided hundreds of employment opportunities for Black Americans. In fact, one of Malone’s former students, or “Paro agents” (individuals that sold Malone’s product and taught methods of caring for the scalp) Madam C.J. Walker, became America’s first Black woman millionaire after she created her own company centered around nurturing Black hair and making Black hair straighter.

While this was a victory in itself in the early 1900s, it is to be noted that a lot of the hairstyles during this time period were influenced by Eurocentric standards of beauty: pompadours, sleek

tresses, and smooth waves that were only possible through pressing combs and relaxers. Consequently, the products for these hairstyles contributed to the damage of textures and traditions as extreme measures were taken to achieve hair alteration. Many of these products contained [sodium hydroxide-based chemicals](#) which changes one's hair texture forever. Additionally, the use of the "hot comb" paired with these chemicals caused further damage and even contributed to hair loss and lack of hair growth. Not only was Black hair being altered, but centuries-old hairstyles and traditions of nurturing Black hair were being erased due to the forced imposition of Eurocentric features.

It was not until the Civil Rights Movement in the mid 1950s that Black Americans finally decided to leave Eurocentric hairstyles behind and instead embrace their Blackness while trying to achieve equal rights under the law. The [Black Power Movement](#) was born in the 1960s, nearly a decade of tirelessly protesting and fighting for the rights of Black Americans. The Black Power Movement was influenced by the teachings of Malcolm X and rooted a new era that was focused on reclaiming erased heritage and celebrating Black identities and beauty. Malcolm X would later go on to describe his own hair journey in his autobiography where he reflected on his decision to change his hair to appear more like the hair of a white man. He mentions how fixated he became with achieving the perfect "conk," a hairstyle that was achieved through using multiple products that contained numerous damaging chemicals that would make one's hair appear more smooth, sleek, and would even change their hair color to red. Malcolm X states when reflecting on this decision to never be seen without a conk:

This was my first real big step toward [self-degradation](#): when I endured all of that pain, literally burning my flesh to have it look like a white man's hair. I had joined the multitude of Negro men and women in America who are brainwashed into believing that the Black people are "inferior"- and white people "superior" – they will even violate and mutilate their God-created bodies to try to look 'pretty' by white standards.

MALCOLM X ET AL., THE AUTOBIOGRAPHY OF MALCOLM X AS TOLD TO ALEX HALEY 46 (Ballantine 1999).

Stemming away from this ideology for the first time in centuries, many members of the Black Power Movement wore their natural hair and embraced their natural textures that symbolized racial pride and autonomy. Activists such as Angela Davis, Nina Simone, Nikki Giovanni, and others proudly wore their afros as a symbol of pride and Black power. Transitioning from the Black Power Movement to the 1970s through 1990s, the mainstream media and pop culture were beginning to create a positive image of Black hair and encouraged Black Americans to embrace their natural hair. This was the first time that Black hair was embraced rather than ridiculed. In the late 1970s, the jheri curl created a new hairstyle for both Black men and women that influenced many, including celebrities such as Michael Jackson who was pictured on the cover of *Thriller* proudly wearing his jheri curls. Progressing into the 1990s, popular sitcoms such as [Sister Sister, Girlfriends, Moesha, The Fresh Prince of Bel Air, and other iconic shows proudly displayed Black women wearing their hair in various styles such as braids, twists, cornrows, wigs, and even perms.](#) Most famously long box braids became the latest trend in hairstyles after Janet Jackson wore them in her 1993 film, *Poetic Justice*. The question then arises, if Black hair was being celebrated in mainstream media and influencing others to wear

their natural hair in the 1970s, why does hair discrimination against Black Americans still exist today?

How Grooming Policies and You (yes, you!) Have Contributed to Hair Discrimination

A [grooming policy](#) addresses proper grooming standards for employees in the workplace. It is important to keep in mind the use of the word “proper” throughout our conversation regarding Black and brown hair and to also remember *who* defined what is considered “proper” and what is not.

Courts are often divided on the issue of addressing discrimination against natural hair in the workplace. In 1976, [a decision by the Seventh Circuit Court of Appeals permitted a racial discrimination lawsuit to proceed against an employer that denied a promotion to an African American employee for wearing an afro to work](#). In 1981, an African American woman claimed that her employer discriminated against her by not permitting her to wear cornrows to work. A federal district court held that, “an all-braided hairstyle is an easily changed characteristic and, even if socioculturally associated with a particular race or nationality, it is *not* an impermissible basis for distinctions in the application of employment practices by an employer.” By referencing the immutability doctrine which states that a trait is found immutable if it is beyond the power of an individual to change or the trait is fundamental to personal identity, the court stripped away protective hairstyles from Black women’s identities and left the hair of people of color with little to no protection in the workplace.



Image by [Boston Public Library](#) on [Unsplash](#).

In 2011, the California Department of Corrections and Rehabilitation (CDCR) agreed to amend its grooming policies to allow inmates to maintain beards in accordance with their faith after a Sikh inmate, [Sukhjinder S. Basra](#), filed a lawsuit against the CDCR through the help of the ACLU after he was denied visitation rights and other privileges because he refused to trim his

beard in accordance with the CDCR’s grooming regulation. Whereas, in 2011, an Alabama woman sued her employer for racial discrimination after her job offer was rescinded because she refused to cut her dreadlocks. Unfortunately, in 2016, the Eleventh Circuit addressed the matter and held in favor of the employer, stating that “Title VII protects persons in covered categories with respect to their immutable characteristics, but not their cultural practice.” *EEOC v. Catastrophe Mgmt. Solutions*, 852 F.3d 1018, 1028-34 (11th Cir. 2016).



Image by [Dollar Gill](#) on [Unsplash](#).

Narrowly tailored grooming policies that now uphold racism and white supremacy at their core are not the only reason why hair discrimination exists, let’s take a moment to self-reflect. As a Punjabi woman myself with long, thick hair, I have been approached by many white women since as early as I could remember that were “infatuated” by the length of my hair and could not resist the urge to touch my hair before I could even give them permission. I am constantly questioned about my hair by strangers: “Have you ever thought about cutting your hair?” or “is cutting your hair against your religion?” Now let’s be honest, how many of you are these individuals that are touching and questioning hair that is not yours? Let’s take it a step further, how many of you are culturally appropriating Black hair by wearing box braids, bantu knots, Fulani braids, cornrows, or other African hairstyles that have been around for centuries that hold no cultural significance to you? How many of you are influenced by white celebrities such as the [Kardashians](#) that make you feel as if it is okay to appropriate Black culture because they are doing it? Finally, how many of you have friends that wear Black hairstyles that do not identify as Black, but you are too scared to speak up and tell them they are culturally appropriating? By engaging in these acts, you are appropriating and allowing Black hair to be appropriated. You are ignoring while engaging in centuries of cultural practices that are not yours, practices that your colonizer ancestors were determined to abolish. You are ignorant to the fact that when someone with your skin color wears these hairstyles they are not viewed as “ghetto” or “unprofessional” but rather fashionable and trendy. If you are not self-aware of your actions and how they uphold centuries old practices that are rooted in white supremacy, then how are we to move forward to a world that Black and brown individuals feel comfortable expressing themselves in?

Hands Off My CROWN!



Image by [Quantumn](#) on [Unsplash](#).

[The CROWN Act](#) was created in 2019, and stands for “Create a Respectful and Open World for Natural Hair,” which ensures to protect against discrimination based on racial hairstyles by reaching statutory protection for hair texture and protective styles in the workplace and public schools. As of July 2022, eighteen states have signed the CROWN Act into law or signed legislation that was inspired by it. At a federal level, the U.S. House of Representatives passed the bill, but it waits approval by the Senate.

The urge to have the CROWN Act passed at a federal level is much higher than before, as multiple stories continue to shed light on the importance of having power over one’s hair and the protection we need at a legal level. Most recently, [Dakota Jake](#), a young indigenous man who completed his commercial pilot training and began a job with an airline, was forced to cut his traditional Navajo bun as the airline refused to allow him to work with them unless he cut his hair, despite their knowledge of the cultural significance his hair holds. A 14-year-old Black student in South Dakota, [Braxton Schafer](#), was forced to decide between leaving his Catholic school or cutting his hair after they imposed a policy stating that “hair must be at the collar length or right above the collar. To be clean, neat, and well-cared for.” Schafer ultimately made the decision to leave the school and not cut his shoulder-length locs. These are just a few stories; however, many voices everyday go unheard as unjust policies regulating the hair of people of color go into place and continue to police how Black and brown individuals must align with standards that want us to appear “proper.”

Is the Work Done?

The CROWN Act is just a small step towards liberation but the lasting impacts on the Black and brown community with the early influence and forced assimilation to Eurocentric beauty standards has permanently shifted how we do and view our hair as well as how others treat our hair.

In addition to the CROWN Act, a study was commissioned to display the magnitude of discrimination Black women face due to their hair. The [study found that 80% of Black women are more likely to change their hair from its natural state to fit into the office setting](#). In the school setting, 100% of Black elementary school girls in majority white-schools who report experiencing hair discrimination state they experience it at the age of 10. Additionally, the study found that teenage Black girls are missing a week of school per year due to hair dissatisfaction. The statistics lay out how even with legislation that now protects hair in some states and in some settings, centuries worth of race discrimination rooted in white supremacy is prevalent till this day about how a Black or brown individual feels about their hair.



Image by [Glodi Miessi](#) on [Unsplash](#).

If you are someone that is committed to becoming an ally, then here is where you should start. Do not touch anyone's hair. It has never been and will ever be appropriate. Do not make assumptions about someone's hair, this can appear as asking questions such as "Oh my god, it must of took you hours to braid your hair huh?" or "Is that a wig? Your hair looked different yesterday," or even "Your hair is so long, it's probably a weave." Finally, if you are genuinely curious or want to appreciate someone's hair by giving them a compliment, then first ask yourself if the person you are asking is in a comfortable space to engage in this conversation

with you. A comfortable space can appear as a place where this individual is not the only Black or brown person there, do not single them out. Additionally, ask and compliment appropriately and remind yourself of how much one's hair must mean to them.

Lastly, I would like to address that as a Punjabi woman even though I have experienced hair discrimination, my experience does not equate to the experience of a Black individual who has fought relentlessly for women like me to wear my hair proudly. My hope is that for those individuals and my loved ones, who have been deeply impacted by hair discrimination to have their voices amplified and to wear their crowns with pride.



Written by [Deepali Gill](#)

A staff writer on Golden Gate University School of Law's Race, Gender, Sexuality and Social Justice Journal that is dedicated to writing pieces that are focused on amplifying the voices of those that go unheard.