

The Cost of Curls: Discrimination, Social Stigma, and Identity Oppression of Black  
Women Through Their Hair

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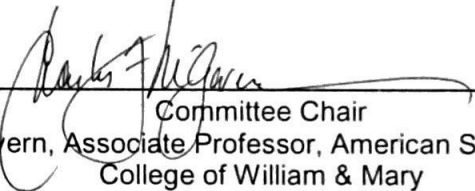
## APPROVAL PAGE

This Thesis is submitted in partial fulfillment of  
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## ABSTRACT

This thesis analyzes the discriminatory practices facing Black women in a multitude of arenas and spaces as a result of their hairstyles and texture. A marker of, as well as a way to express, identity, Black women's hair is more heavily policed than that of their White counterparts and manifests itself in the form of decreased job opportunities, public humiliation, and restricted stylistic choice. The highly visible nature of hair makes it a prime target for unfair targeting by authoritative bodies, working to further 'other' the Black female body along with skin-tone. Looking first at how Black women navigate the institutions of the United States military, education system, the workplace, and the entertainment industry, this analysis demonstrates that there is clear discriminatory treatment inflicted upon Black women directly resulting from how they choose to wear their hair. Further analysis shows that such treatment extends across various spaces, income brackets, and age groups, highlighting the racially transverse nature of hair discrimination.

Following this analysis, a more in-depth approach is taken to further dissect the United States military's policies regarding hair styling and maintenance. As a federally regulated institution, this paper highlights the ways in which these practices are not only the result of bigoted individuals but are rather entrenched in American systems of government and control. Specifically, the second section of this work looks at the effect of implicit language and connotation on Black bodies as outlined in military grooming policies. Taken together, these works suggest that there exists a social stigma surrounding the biological occurrence and identity expression of hair for Black women.

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This thesis is dedicated to my parents, sister, and one great friend who have helped me countless times along the way...

## Introduction

Hair: a biological characteristic of the human body that represents so much more than the accumulation of dead cells. Hair has been linked to gender, identity, and beauty in American society, as is demonstrated by the cutting, dying, and altering of texture to reflect one's personhood. Even more salient in the 21<sup>st</sup> century are discussions of hair and race, particularly its role in the continued oppression of Black female bodies. A highly visible part of the body, human hair represents a means through which society is able to identify, and 'other,' those they find inferior. I use this thesis to explore the ways in which institutions of power engage in the practice of discriminating against Black women based on their preferred hairstyles and hair texture, to better understand how the state engages in such harmful practices to keep Black bodies marginalized. It is important to define 'the state' as an ideologic representation, or entity, of governing and a continued construction of power and order, that fulfills its own existence and continues to work towards permanence (Foucault, 1978-79/2008, p. 4). When used in this context, it refers to the embodiment of government and exercising authority over others rather than a geographic place or physical location. The state is not a place, but an entity formed on ideals that dictate American life. In this work, the interest lies in diverging from the study of racism and discrimination on an overt, personal level, (i.e., hate-crimes, terrorist groups, and segregationist principles), but instead looks at how more covert means of engaging in similarly harmful practices through policy writing and implicit biases exist at a larger level.

My research centers on understanding the importance of hair to Black female identity through a history tied to enslavement and tradition, and how a *lack* of these

understandings by American institutions, including the workplace, U.S. military, education system, and entertainment industry, can lead to continued discrimination (Mbilishaka et. al, 2020, pp. 591-592). In the first chapter, I apply bio-political concepts set forth by philosophers Michel Foucault and Georges Canguilhem on notions of governmentality (Foucault, 1978-79/2008, p. 186) and normality versus pathology (Canguilhem, 1989), and then build on these concepts with Simon Browne's work on the idea of surveillance with her 2015 book *Dark Matters: On the Surveillance of Blackness*. These ideas are outlined in order to establish the context around which Afrocentric hair, discrimination, and the standardization of non-textured hair are discussed (Dawson et al., 2019, p. 390). I then look at how Black women's hairstyle choices in a variety of institutional settings are the site of discrimination and ridicule in various settings, demonstrating how their race imbues their hair with social meaning and importance, further marginalizing their bodies.

In the second chapter of my thesis, I was intrigued by the rigidity and structure with which the military grooming standards are written, which I came across while writing the first chapter of this thesis. I was curious to know if the fact that the military is a federally regulated institution I hear discussed in terms of respect and prestige allows it to maintain a 'pass' to rely on more harmful and discriminatory language within their guidelines. It is with this small curiosity that larger themes and questions of uniformity, its constitutions, and the effect of language and societal bias culminated in the formation of an analytical study on the presence of racist language within military grooming policies. Through a Critical Race Theory framework, I analyzed five of the six (including the Space Force as a recently separated branch) branches of the United States

military's grooming regulations to assess the language of each and see if, and in what form, discriminations against Black women existed. This chapter allowed me to build upon the previous chapter by studying a superficially discussed institution more in-depth and through a different methodological as well as theoretical approach.

The objective of my thesis is to inquire, and thus expose, the ways in which both implicit biases against and explicit distastes for Black women's natural hair (in an unprocessed state) manifest themselves across perceived spaces of importance in American culture and society (Dawson et al., 2019, p. 390). While parts of this thesis incorporate information I have personally observed, it allowed me to support as well as discover the error in claiming certain occurrences as facts. An additional objective of this research is to highlight the ways in which hair can be treated as a marker of racial identity, and while perhaps not biologically (Cloete et al., 2019, p. 4), it is, socially speaking, certainly such a marker. As such, developing ways to more officially include hair under the legal protections against punitive action and disparate treatment (the history and current lack of which is explained and cited in Chapter 2), is an additional contribution I hope this research could make.

It is my belief that this paper fits nicely into the broader discipline of American Studies through its reliance on a multitude of methodologies and theories crossing disciplinary boundaries to form a piece that combines race, biopolitics, Critical Race Theory, legal scholarship, and American beauty standards into one piece of literature. It calls into question aesthetic choice motivated by what I perceive to be racial biases, which are then masked under and protected by claims of 'uniformity' and 'professionalism.' It is my intention with this piece, in addition to expanding the literature

that exists on the presence of discrimination towards Black women and their hair, to expose and destabilize the ways in which these claims truly are the undeniable result of a society and political system with deeply entrenched implicit racial biases, and thus permeate our institutions under terms like 'professional' and 'uniform.' This literature fits at a crossroads of political, social, and gendered discussion of race and beauty that may be uniquely American and could be strengthened by further research into similar occurrences across gender, race, and of identify-formation boundaries.

My motivation for this thesis is personally motivated. As a mixed-race woman of Black and White heritage, with my impending entrance into the workforce, I found myself wondering how, and in what spaces, I would fit into American society professionally. With a complexion commonly considered 'light skinned,' I had not faced the treatment and disparities discussed by my peers or older family members, who had grown up during a generation of covert, albeit legal, racism. I felt that my skin-tone had allowed me some protection from the harmful words and pain inflicted by American society, but that my hair, which I understood to be a product of my Black heritage, had identified me as 'other,' though in a more exotic and fetishized manner than an inferior, marginalized one. Nonetheless, recently, I have worried about how my hair, which is curly, voluminous, and *highly* visible, would be allowed to exist more demure, discreet spaces that American professionals seem to favor. Such questions led me to further explore how women like me, and with even harder-to-manage hair have been able to navigate academic and professional careers, and if my fears were more of social perception than of a legitimate ability for authoritative bodies to control how my hair exists. Through this curiosity, *The Cost of Curls: Discrimination, Social Stigma, and*

*Identity Oppression of Black Women Through Their Hair* was born. This project has allowed me to discover my own dissatisfaction and disbelief with some of the ways in which American society conducts itself and fostered a greater appreciation for my ethnic and racial heritage, along with the uniqueness of my beautiful hair!

## Policing Black Bodies: Black Hair and Punishment

I have been told that I am blessed to have such beautiful, bouncy curls, but I've never felt that fortunate. My hair is frizzy and uncontrollable, which does not mirror traditional beauty standards. As I grew older, I learned that I am not alone in my reservations. The looseness of my curl pattern masks my bi-racial heritage; in Western culture, this phenomenon is known as 'passing.' While I do not try to hide my ethnicity or racial identity, I find that other women of color have been forced to. Black women have timelessly been ridiculed and discriminated against for their presentation, especially when it comes to their hair (Dawson et al., 2019, p. 391; Ford, 2015, pp. 70-73).

Criminalized for the size of their hair or the twists and coils they adopt, the Black body is disproportionately controlled by institutions more than their White counterparts (Ford, 2015, p. 101). This represents an extension of traditional biopolitical concepts made by Georges Canguilhem on ideas of the normal and the pathological, as well as work done by Michel Foucault on the notion of governmentality (Canguilhem, 1989, pp. 42, 47-48, 222; E. Losh, personal communications, September 28, 2022; Foucault, 1978-79/2008, p. 186). By discussing a series of Black 'figures' subject to hair discrimination, I hope to highlight the restrictions placed on Black women by political powers that hinder identity and expression in contemporary America.

### Of Note

I want to quickly mention a few important notes before continuing further. Due to the nature of studying stylistic choice and lived experience, much of the data in this essay is in the form of anecdotal evidence. This calls attention to an overlooked yet

harmful practice central to Black bodies. When discussing the discrimination Black women face in relation to their hairstyle, this essay is in no way an attempt to invalidate struggles that may stem from Eurocentricity. That is to say that racism does not target dark-skinned bodies exclusively, but it is the focus of this research. Finally, it is worth pointing out that this paper makes no attempt to speak for all Black women. As the literature suggests, there healthy amount of Black women do not identify strongly with their hair style nor view it as a marker of their personhood (Dawson et al., 2019, p. 391). Furthermore, some women have expressed that hair discrimination is a problem of intra-racial hostility or that the problem does not exist at all (Dawson et al., 2019, pp. 395, 397). Keeping these points in mind will allow for a meaningful discussion with the understanding that there are multiple perspectives from which to view hair and discrimination.

### A Word on Hair

Whether we are conscious of it or not, hair is imbued with meaning (Smith, 2018, p. 52). Historically, one's hairstyle could be used to denote class, relationship status, age, gender, etc.; hair has never truly been neutral (Smith, 2018, p. 52). But for Black women specifically, hair has been a means by which the dominant group has relegated them to 'others,' for example, by likening their hair to the wool of an animal (Smith, 2018, p. 59). Dating back to days of enslavement, preferential treatment was influenced by hair: women with longer, straighter hair were likely of mixed race and labeled as 'less Black;' they often labored in domestic spaces, while those who presented with more African features were kept in more brutal, physically taxing outdoor spaces (Dawson et

al., 2019, p. 391). While Black women may at times have coarser hair, drawing parallels between hair texture and animality works to maintain a level of what C. Chic Smith (2018) calls “social differentiation,” (p. 52). This term refers to the informal hierarchy of situating finer, lighter, longer locks as coveted, and coarser, frizzier hair as less desirable (Smith, 2018, p. 52). Social differentiation likely played a large role in the ways in which stigma and perception are woven into body and hair presentation. Black hair historically has been measured against the backdrop of European features of length and thinness in hair (Smith, 2018, p. 59). Understanding the biases and importance behind hair helps to frame why the policing of Black hair by institutions is so problematic.

It is also important to provide a bit of insight into hair terminology. Many Black women prefer to wear their hair natural, or what might also be termed “Afrocentric,” (Smith, 2018, p. 59). These refer to styles that are not altered in any way to mimic Eurocentric measures of beauty, and more generally, for aesthetic and/or personal desires (Smith, 2018, p. 59). Natural styles are things like Bantu knots, twist outs, cornrows, dread locks, and the Afro (Dawson et al., 2019, p. 390). These styles are the ones which are most frequently questioned and seen as ‘other.’ Pressed hair refers to efforts made either through heat or with chemicals to flatten the hair into straighter and longer strands (Smith, 2018, p. 59). As it replicates respected European-style hair that is smooth and sleek in texture, it is much less policed than natural hair (Smith, 2018, p. 59). Trying to obtain flatter hairstyles is no small expense; in 2017 alone, Black consumers are estimated to have spent \$473 million dollars on their hair (McDaniels, 2019). While we can be sure that all of it was not spent on chemical treatments and

relaxers, it is highly likely that a good amount went to conforming hair. Women blessed with type 4b or 4c hair (the most coarse and kinky hair type) will likely have to seek professional styling or use damaging tools and chemicals for the same effect (Simeon, 2021). The above categorization was derived from Andre Walker's hair typing system, a celebrity stylist who developed an alphabetic-numeric system in the 1990s to categorize hair texture (Mejia Chaves & Bacharach, 2021, p. 338; Simeon, 2021). As a result of having such coarse, dense, and extremely dry hair, certain Afrocentric hairstyles offer protection from the environment and the irritation of daily activity. The tightly braided plaits and twists prevent hair from breaking as easily and becoming unhealthy, a higher risk for Black hair caused by naturally low moisture levels. Understanding the fact that Black hair grows differently than other types, and thus has more needs in maintaining it, establishes why the policing of Black bodies is not only targeting an aesthetic choice, but arguably a health necessity as well.

### Canguilhem: What is Normal?

Philosopher Georges Canguilhem produced foundational work with his book *The Normal and the Pathological* (1989). Writing within the field of medicine on scientific phenomena, I want to extend his concepts of 'the normal' and 'the pathological' to the othering of Black women through their hair. Canguilhem (1989) suggests that from a scientific standpoint, 'the pathological' is defined by abnormally high or low levels of function occurring in the body (p. 42). He builds on this idea by referencing Broussais' notion that disease is simply too little or too much of an activity taking place within an organ; functioning above or below what is deemed normal (Canguilhem, 1989, pp. 47-

48). Arguably, dominant social groups have established Eurocentric features as the norm, thus situating too much deviation in hair pattern as pathological. With the standardization of Eurocentric, or straight, hair, the lack of curl 'activity' occurring in the hair is normalized (Dawson et al., 2019, p. 390). As a result, pathology becomes the abundance of curl 'activity,' or a lack of straightness, which is discussed with regards to people of color (Dawson et al., 2019, p. 390). In terms of hair texture, White bodies have situated themselves as the normal body, with almost no risk for 'disease.' Due to societal preference, straight hair is scarcely deemed too straight. Black and Brown bodies are pathological by default because they can never truly be normal by White standards. To combine Canguilhem's ideas on normal with Becker's ideas on labeling, bodies are only normal once they are defined as such (Canguilhem, 1989, p. 222; Dawson et al., 2019, p. 390). There is nothing intrinsically 'normal' or 'abnormal' about a condition or a hairstyle. It is only once we assign importance to these concepts that they take on connotative meanings of good or bad, normal or diseased (Canguilhem, 1989, p. 222; Dawson et al., 2019, p. 390). All of this is to say that Black hair is only 'othered' because of conscious efforts to view it as such. These biases have been woven into social spaces and institutions. People like to call attention to visible differences, and besides skin tone, the way one styles their hair represents a viable way to construct notions of us (normal) vs. them (pathological) (Smith, 2018, p. 53).

### Foucault: Institutionalizing Thought

A large part of policing bodies is a result of governmental efforts to maintain a homogenous community, what philosopher Michel Foucault calls a 'civil society,'

(Foucault, 1978-79/2008, p. 310). Foucault maintains that the governing powers of the state are not confined to one domain, but rather permeate other sectors of society (Foucault, 1978-79/2008, p. 186). Known as 'governmentality,' this idea simply refers to the degree to which we, as a society, have come to internalize the mechanisms of the state (E. Losh, personal communications, September 28, 2022). Such mechanisms have become so engrained in society that we fail to question the way in which the government maintains control over our bodies. This is not recognized as a result of an authoritative entity. The formation of school uniforms and dress codes, under the guise of maintaining a professional appearance, could be argued as an extension of the state (Foucault, 1978-79/2008, p. 7). Such institutional regulations are put in place to dictate how one presents themselves and to uphold an element of societal sameness/homogeneity. Understanding the idea of governmentality is central to discussing the policing of Black bodies in that it highlights the way that the state exercises a level of control over racial minorities without explicit actions. For example, when looking to purchase hair care products, from an observational standpoint, it is clear that non-straight hair is 'othered' through the existence of 'Textured Haircare' aisles at the store, but with no label or designation deemed necessary for all of the products that fall outside of these spaces; the standardization of non-textured hair is clear. Systematic oppression (Frye, 2000, as cited in Hudson Banks & Stevens, 2018, p. 92), or the ways in which institutions strategically restrict the mobility of people of color, has allowed the state to maintain a level of implicit control through coded language and mass indoctrination.

## Black Surveillance: It's Not New

While the monitoring of Black bodies has recently been brought to the forefront of discussions surrounding race, racialized surveillance has roots in the United States dating back centuries. Author Simone Browne provides a rich piece of literature highlighting the institutional surveillance of Black bodies in her book, *Dark Matters: On the Surveillance of Blackness*. Of particular importance is her interpretation of Jeremy Bentham's 1786 formation of the Panopticon, a structure modeled to portray the illusion of 24/7 surveillance to its occupants (Browne, 2015, p. 33). Philosopher Michel Foucault analyzes this 18<sup>th</sup> century structure in great lengths in his 1974 works *Discipline and Punish* (Browne, 2015, p. 41). Intended to maintain workplace supervision, the unique structure has been highly discussed regarding the United States prison system; many believe that the threat of constant surveillance that the building imposes functions as a means of instituting self-discipline (Browne, 2015, p. 34). The theory was that prisoners and delinquents would remain on their best behavior because they never knew when they were being watched. Such ideas gave way to 'social control,' which refers to the way in which populations are kept in order, likely under the threat of punishment. This idea is central to the discussion, as it situates 'the social' as a system of peers and public pressure policing "the few" rather than the state, working to disadvantage already marginalized Black body (Boyne, 2000, as cited in Browne, 2015, p. 39). Historically, the gruesome torture, death, and parading of a criminal's body functioned as a form of social control, making an example out of the 'other' who chose not to stay in line (Browne, 2015, pp. 36-37). While such demonstrations are no longer practiced in the United States, social control is instituted in other ways, such as through Didier Bigo's

concept of the banopticon (Bigo, 2006, as cited in Browne, 2015, p. 38). This adaptation of Bentham's panopticon maintains a level of surveillance and control by banning behavior associated with dangerous bodies in order to maintain homogeneity (Browne, 2015, p. 38). These are often times traits and identity markers of minority groups, such as Black hair, or in post 9/11 society, the heavy surveillance of Middle Eastern hijabs (Browne, 2015, p. 38). The idea of the banopticon works with Becker's labeling theory to portray Black bodies, specifically Black women, as a threat to the social whole and justifies the act of hyperfocus. In his book, *Discipline and Punish: The Birth of the Prison*, Michel Foucault (1974) discusses the power of "the gaze," and its ability to observe, judge, and correct bodies perceived as 'other,' (Marx, 2014 & Staples, 2014, as cited in Browne, 2015, pp. 41-42). "The gaze" functions in contemporary settings as a means of social control, but one that is much more covert than a looming structure or the exploitation of a tortured body; it allows for the normalization of judgement (Browne, 2015, pp. 37, 41). "The gaze" is often times most useful in spaces of hierarchical arrangement, such as institutions and businesses, where power is held by an authoritative entity and used to police subordinates (Browne, 2015, p. 41). Browne also identifies many factors that contribute to contemporary surveillance and why it is so problematic. She calls attention to the fact that surveillance no longer requires proximity and physical observation to be completed (p. 14). The reliance on digital tracking and monitoring has largely contributed to this, as has the ability to surveil people without their consent (Browne, 2015, p. 14-15). Such is the case with Black women and hair. With strict dress codes and extra attention paid to Afrocentric hair, Foucault's idea of "the gaze" has removed the freedom of Black bodies to express their identity (Browne,

2015, p. 41). It is worth pointing out here why I have chosen to discuss women rather than men. While discrimination undoubtedly befalls Black male bodies as well, I feel that identity, professional/public image, and presentation, especially of the hair, have been inextricably linked to Black women since at least the Civil Rights Movement of the mid-20<sup>th</sup> century (Ford, 2015, pp. 70-72). I am interested in looking at how such practices of discrimination affect both a gendered and racial minority group. In the following pages of this paper, I examine how four Black female figures are surveilled through their hair, and the implications this has on identity and race.

### The Servicewoman: Black Women in the Military

The United States Armed Forces have long been a symbol of dignity and discipline in American culture. Having been a part of every domestic war, it is only recently that women have been able to officially join the service and be recognized for their efforts (Smith, 2018, p. 51). While their eagerness to sacrifice is recognized, their appearance continues to be highly scrutinized by the institution. With the rigid expectations of the U.S. Armed Forces extending to dress, Black women are often restricted in how they are allowed to wear their hair on the job. Soldiers in the military are expected to give up their individuality to contribute to the collective success of their unit; this includes markers of identity such as religion, culture, and gender (Smith, 2018, p. 52). Language such as “neatly groomed appearance” and “cleanliness” suggests that non-White hair or hair that cannot readily be tamed to satisfaction are inherently unprofessional (Smith, 2018, p. 57). Regulations mandate that hair must fit neatly under one’s headgear and contain explicit instructions as to where hair can fall (i.e., not in the

face) (Smith, 2018, p. 57). Coded with ambiguous language that leaves interpretation up to officials, Black women are at an extreme disadvantage and face implicit discrimination when it comes to military dress. Who is left to decide what constitutes a “professional image” or “conservative” appearance (Smith, 2018, p. 57)? What defines an “eccentric” or “extreme” haircut, both of which are prohibited by the United States Army (Smith, 2018, p. 57)? Terms such as these act as loopholes to police Black bodies and discriminate against notions of ‘otherness’ within the confines of an institutional network (Smith, 2018, p. 59). Black hair physically cannot grow in the same textures and patterns that these requirements were built around (Dawson et al., 2019, p. 396). To continue to force women to amend their bodies to adhere to dominant notions of conservative and professional presentation allows for Black women to be unfairly targeted (Smith, 2018, p. 57).

### The Working Girl: Black Women and Office Space

Perhaps less strictly regulated than the military, offices and workspaces are other arenas where women endure discrimination because of their hair (Dawson et al., 2019, p. 390). In an anecdotal study, Dawson et al. (2019) scoured social media messages for discussions on Black experience in the workplace regarding hair (pp. 389-401). Their results showed that many women were forced to sacrifice their identity to ensure a livelihood; one woman was told that if she did not relax her hair in a certain amount of time, she would be fired (pp. 394, 397). This instruction was given under the guise of violating the dress code, but such claims seem to be a cover-up for covert discrimination practices (p. 394). It is important to note that conforming to institutional

notions of professionalism offers a way for Black women to avoid surveillance (Dawson et al., 2019, p. 391). Though they are made to erase their cultural identity, they can attempt to fight notions of 'otherness' by fitting in (Dawson et al., 2019, p. 391). These assimilationist ideas are not new, with enslaved bodies of mixed race having used their lighter skin tone and physical features to aid in their escape (Browne, 2015, pp. 21-22). Ellen Craft, a mixed-race woman of the 1840s, capitalized on her Eurocentric heritage in order to pass as the White owner of her enslaved husband and bring them both to freedom (Browne, 2015, p. 55). These institutions further exercise power over Black bodies in requiring them to relax their hair through processes that pose extreme health risks, such exposure to carcinogens, burning, blindness, and hair thinning as a result of the toxic chemicals used to flatten hair (Dawson et al., 2019, pp. 394, 397). I argue that threatening Black women with these ultimatums is a unique adaptation of Foucault's idea of governmentality. Such discriminations allow the state to control bodily presentation and maintain a homogenous working body through words like 'dress code' and 'professional attire.' They are able to dictate how women use their bodies at work, in schools, and on social media by rewarding conformity (Dawson et al., 2019, pp. 391-392). This is precisely what Foucault means by governmentality; Black women have been forced to comply with arbitrary regulations without question, believing dress and hairstyle to be a marker of competency when the two could not be more separate (Dawson et al., 2019, p. 390; Smith, 2018, p. 58). Normalizing these rules and accepting these rules as second nature demonstrates how entwined the state has become in matters of the body. The way a woman wears her hair has no effect on her ability to perform a job and is not a reflection of her intelligence. In combination with

societal labels of 'normal' and 'other,' historical standards of dress have managed to portray Black women as less feminine, professional, or educated if they do not adhere to White ideas of beauty (Dawson et al., 2019, p. 390; Ford, 2015, pp. 70-72). All of this occurs along with the creation of a hostile work environment for Black women, subjecting them to stares and cutting remarks about their decision to wear their hair natural (Dawson et al., 2019, p. 394). One woman recalls being laughed at and asked if she was "going back to the 70s," with many other victims saying they received dirty looks and were told their hair was "offensive," (Dawson et al., 2019, p. 393-394). Such isolation can create very serious self-esteem and mental health problems when encountered daily. While functioning as a form of identity erasure, hyper-policing of Black women also causes serious risks to mental well-being and confidence.

To make the implicit nature of governmentality more obvious, it is worth pointing out that there is legislative work being done to criminalize discrimination against hairstyle in the workplace (Los Angeles Times, 2019). California's legislative bill "The CROWN Act" has attempted to make it illegal to discriminate against employees for wearing their hair in natural hairstyles, or in styles associated with a certain race (Los Angeles Times, 2019). Until this point, forbidding an Afro-hairstyle was the only discriminatory act an employer could commit in policing Black hair; dread locks, cornrows, and twists were all able to be punished with no legal protection (Los Angeles Times, 2019). By discussing the legislation around hair in the workplace, it becomes apparent that it is more than just a matter of professional appearance; there is very clearly an element of governmentality/institutional control to be addressed. There would not need to be legal protection for Black women if the state did not have some level of

involvement. Even more important is that the methods of discrimination that are being discussed are dually public and private; that is to say that while the military may be a federally regulated entity, the marketplace is protected by the right to private decision-making, where legislation has little power to protect (Ruccio, 2014, p. 37). Black women adopting Afrocentric styles in the workplace is a direct threat to centuries-old ideas of homogeneity and Whiteness that society has built itself around. This explains why institutions of power are trying to eradicate these threats with punishment. While areas in Maryland and New York have adopted similar laws protecting Black women from workplace discrimination, these types of oppression and bodily control are still commonplace in 21<sup>st</sup> century American institutions (McDaniels, 2019).

#### The Student: Policing Black Hair in the Public School System

Appallingly, adults are not the only group of Black bodies facing unfair treatment for their hairstyles. In recent years, there has been increased documentation of instances where children of color are punished for wearing their hair in Afrocentric styles. One of the most prolific instances of discrimination, which borders on blatant racism, is the 2018 wrestling match of New Jersey high schooler, Andrew Johnson (Burney, 2018). Johnson was ready to compete in his conference match when referee Alan Maloney required that he either cut off his dreadlocks or forfeit his match (Burney, 2018). Maloney cited an “incompliance with regulations” as his reasoning for the ultimatum, though Johnson offered to push his hair back and cover it up (Burney, 2018; Davis, 2018). In front of a crowd of spectators, Johnson was forced to have his hair chopped off by an official (not licensed to cut hair) before he was allowed to compete

(Davis, 2018). Having wrestled in previous weeks with no issues, it is abundantly clear that this instance had little to do with safety regulations and all to do with race in the abuse of a White-on-Black power difference (Davis, 2018). Further, this incident was not the first time that Maloney had engaged in racist practices, having been accused of using a racial slur only two years before (Burney, 2018). Johnson was well within his rights to cover his hair, which is permitted within the sport's guidelines (Burney, 2018). The fact that these permissions were purposefully ignored with a teenager's humiliation displayed for the world to see demonstrates the way that officials with authority exercise power over minorities by manipulating their appearance. Sadly, Johnson is far from the only student facing punishment for wearing his hair naturally. Tiana Parker, Jalyn Broussard, and Vanessa VanDyke, ages seven, five, and twelve, all received academic chastising for wearing dread locks or styling their hair in a 'fade,' which were seen as "distracting" to others (Jackson, 2017). Even more shocking were the decisions to suspend students for not complying with racist dress codes rather than allowing Black students to exercise their right to hair care, as seen in the following case. Mystic Valley Regional Charter School, a public charter school based in Massachusetts, saw twin sisters Deanna and Mya Cook threatened with suspension for wearing hair extensions (Mystic Valley Regional Charter School, n.d., About Us section; Smith, 2018, p. 53). The fact that the state would rather interfere with Black students' education than amend their dress codes shows how flawed our system is. This begs the question of who natural hairstyles are distracting to and further proves the point that institutional language is used to discriminate, not to regulate. If anything, the over policing of Black student bodies is more harmful to the wearer than to the surrounding body. Having conducted

research into these harms, Jennifer Wyatt Bourgeois and Howard Henderson, found that Black students are “disciplined at a rate four times higher than that of any other racial or ethnic group,” (Henderson & Bourgeois, 2021, paragraph 6). Specifically, Black students are more likely to be reprimanded for violations of the dress code and hair regulations than their non-Black counterparts (Henderson & Bourgeois, 2021). These statistics show that such occurrences are more than just perceptions of over-policing; the act of hyper-surveillance is taking place in quantifiable amounts. Concerning matters of mental health in Black women, it is even more pressing that we recognized this issue among young children and work to stop discriminatory punishment. At such vulnerable ages, undeserved punishment and humiliation from authoritative figures creates the possibility for bullying, low-self-esteem, and other problems in later life. In Andrew Johnson’s case, the freedom of choice was taken from him by Maloney, representing the identity and cultural erasure facing Black students (Dawson et al., 2019, p. 394).

### The Celebrity: Black Women and Hollywood

Considering they make a living from promoting their visibility, one may think that celebrities should be one of the least discriminated groups discussed thus far. The women mentioned above are victims of dress codes and corporate racism, with no coverage or publicity given to their ordeals. That does not exist in Hollywood, right? With the support of many adoring fans and social media, it would be easy to speak up about mistreatment and combat discrimination. This could not be further from the truth. Many actresses of color have begun to speak out about the continued discrimination they face in the entertainment industry as a result of their hair. Perhaps most notably,

actress and television host Gabrielle Union is speculated to have been fired from her position on America's Got Talent because her hairstyles were "too Black" for the show (Isaac & Hawkins, 2021, paragraph 4; Sims, 2019). Having since filed a formal complaint against the show, Union exemplifies the legal action being taken to bring about change surrounding cultural hairstyles (Isaac & Hawkins, 2021). But not all discriminatory practices are as extreme as firing a person of color. Many Black celebrities frequently point to the lack of trained hairstylists as a prevalent form of exclusivity in the world of Hollywood. In another instance, Union recalls being forced to come to set with her hair styled herself because she did not trust anybody on set to touch her hair (Union, 2017). She maintains that they used high-alcohol products in her hair, causing it to fall out, and demonstrating that they did not know how to work with textured hair (Union, 2017). While not explicitly regulating Black women's hair through policies and handbooks, failing to recognize the diverse needs of employees is another form of racial ignorance contributing to the discussion of discrimination. Many actresses, such as *Community's* Yvette Nicole Brown, have shared that they are often expected to arrive on set with their hair already done, having either done it themselves or having brought fake extensions and pieces that the stylists can easily clip in (Yvette Nicole Brown, 2019). Arguably, Black women are working more than their White or non-Black counterparts by way of self-styling, which is typically somebody else's job entirely; they are being given extra work without the compensation simply because of their heritage (Drury & Weinberg, 2020). What's more, when the women try to speak up, as has been the case for *Revenge* actress Ashely Madekwe, they are met with hostility from stylists who "know what I'm talking about," having done hair for a living (Isaac & Hawkins, 2021,

'Ashley Madekwe' section). While celebrities of color undoubtedly mean no disrespect, clearly stylists are not familiar with ethnic hair, or the celebrities would not be left to style it themselves. Actress Candice Patton describes how her attempts to stand up for her hair needs have upheld the stereotype that Black women are "divas" or angry and aggressive, all for advocating that she be given equal treatment when it comes to hair care (Dawson et al., 2019, p. 390; Princess Weekes, 2019, paragraph, 5). If they were not blatantly harsh in their responses, many stylists were reported to have handled Black hair with fear and trepidation, leaving many actresses feeling like a foreign "problem to be solved," as actress Natasha Rothwell put it (Drury & Weinberg, 2020, paragraph 12-13). Working with stylists who simply do not know how to handle Black hair often leaves celebrities less than happy with their final look (Isaac & Hawkins, 2021). Actress Tia Mowry-Hardict recalls how her inexperienced stylist left her in tears over her hairstyle, demonstrating how a lack of accommodations for celebrities of color can have a very real effect on their self-image (Meyers & Carucci, 2019). While many people may assume that because of their fame, celebrities are immune to problems of racism and discrimination, the lack of care given to Black entertainers highlights the inequality prevalent in the entertainment industry.

It is worth pointing out that there have been efforts to combat the lack of available stylists and the inexperience working with Black hair. Celebrity hair stylist Deandra Metzger has been working to combat "hair mistreatment" within Hollywood by making herself available to as many Black celebrities as she can (M2 Presswire, 2022). With "no budgets" allotted to Black hairstylists, efforts such as Metzger's are significant, but they must be echoed by more professionals if the industry is truly looking to make a

change (though this has not been expressed) (M2 Presswire, 2022). After all, she is only one woman trying to right the wrongs of an entire business. Perhaps less impressive than Metzger's efforts are the behaviors of the Sharron Dorram Color at Sally Hershberger Salon in New York City. As a result of a legal requirement rather than the desire to make a change, the company had to undergo training on styling Black hair after employees were caught engaging in racist dialogue against Black workers (Shanahan, 2019). After text messages were uncovered ridiculing Black employees wearing Afrocentric hairstyles, the establishment was required to work alongside a salon specializing in Black hair in order to train employees to be more diverse and progressive in their skill set (Shanahan, 2019). Again, relying on a "violation of the dress code" narrative, it is said that Dorram instituted a dress code only after hiring three Black women, which points to purposeful discrimination in the workplace (Shanahan, 2019). And with former First Lady Michelle Obama being a respected client of the salon, such unwillingness to work with Black hair is surprising (Shanahan, 2019). Luckily the establishment was forced to confront their problematic practices in concurrence with city-wide investigations into businesses engaging in discriminatory behavior (Shanahan, 2019). While they are technically taking steps to become more inclusive, Sharron Dorram Color is clear proof that hair bias and discrimination are still prevalent among many business practices and contribute to the problem that many Black women face.

#### "Black Is Cool, Unless You're Black": Appropriating Hairstyles

A discussion about Black hair would be incomplete without bringing attention to the issue of cultural appropriation, which is a trend that is seeing increased participation

in the 21<sup>st</sup> century. Cultural appropriation refers to the engagement in a ritual or custom belonging to a certain cultural/ethnic group by members outside of that community. We see this a lot within the fashion industry and as a part of celebrity culture, with celebrities styling their hair in cornrows and braids reminiscent of Afrocentric styles. *Haute couture* fashions, like other areas of trend-formation and style development, tend to take from minority culture, though it by no means is based solely on the practice or borrowing and appropriation. Trends such as 'Black fishing' (darkening a naturally light skin tone to appear Black), dressing models in culturally sacred garb (White model Karlie Kloss being styled as a geisha on the cover of *Vogue*), and many other offensive practices involve inserting White bodies into the cultural narrative of marginalized groups. Celebrities like Kim Kardashian and Coco Austin, both mothers of mixed-race children, have been seen wearing their hair in Afrocentric styles, and may think it is okay to do so since their children have Black heritage. While there is no doubt that White bodies stealing the styles of Black bodies is offensive, there has been discussion surrounding the right of minority groups to engage in the cultural practices of other minority groups. In their article "Hair Oppression and Appropriation," from which the title of this section is borrowed, Andrea Mejia Chaves and Sondra Bacharach (2021) offer a rich piece of research on culture swapping, working to understand why hair is so guarded by the Black community (pp. 336, 343). Non-Black Person of Color (NBPoC) and NBA player, Jeremy Lin, likened his wearing of an Afrocentric hairstyle to that of Black players having Chinese tattoos (Mejia Chaves & Bacharach, 2021, p. 336). It is thought to be harmless if two groups of oppressed people engage in cultural practices aimed at celebrating each other (Mejia Chaves & Bacharach, 2021, p. 336). Members of

the Black community were not in agreement with this sentiment (Mejia Chaves & Bacharach, 2021, p. 336). Such disputes have fueled debates over whether or not Black communities have the right to claim cultural ownership over or gatekeep certain hairstyles (Mejia Chaves & Bacharach, 2021, pp. 338-339). Claims to hair styles date back to the 1960s and 1970s formation of the Natural Hair Movement (NHM), which saw a shift from Black women wearing pressed, Eurocentric hair styles to embracing their African roots in a more natural style (Mejia Chaves & Bacharach, 2021, pp. 337-338). Occurring in the post-Civil Rights era, Black women were coming out of a time when assimilationist ideals were still fresh, and the confidence of wearing a natural hairstyle did not come easy to most women. For example, activist Angela Davis was criminalized by the media for wearing her hair in an Afro style during the Black Power Movement of the early 1970s and was depicted as a radical Black woman in a large part due to her appearance (Ford, 2015, pp. 97, 106-107). As such, Black hairstyles symbolize the identity struggle that women have faced growing to love their hair and more broadly representing the fight against acts of exclusion and racism tied to Black bodies (Mejia Chaves and Bacharach, 2021, p. 340).

While non-Black communities may adopt these hairstyles out of appreciation and solidarity, is viewed as infringing upon the Black community because they lack the personal history and struggle tied to the style (Mejia Chaves & Bacharach, 2021, pp. 339, 344). Alliance can be formed through supporting movements, such as the NHM, by adopting progressive legislation and amending strict dress codes imbued with racist language; it is not necessary to try and join the community/cultural group in question to show appreciation (Mejia Chaves & Bacharach, 2021, p. 344). It is important to note, as

Chaves and Bacharach do, that while Black bodies can exercise a legitimate claim to hair styles, this is not the case with hair *texture*, which is not culture specific (Mejia Chaves & Bacharach, 2021, p. 339). While these discussions are less about policing and surveillance, it is still important to discuss appropriation as a way in which Black identity is threatened through the styling of hair. Whether it is someone from the dominant cultural group or a non-Black minority body, cultural appropriation still represents an attempt to detract from the identity tied to Black hairstyles and popularize a historical struggle for aesthetic value (Mejia Chaves & Bacharach, 2021, pp. 339, 340, 344). The theft is theorized to come from two places; the engagement of non-community members of sacred traditions and intimate spaces of performing race, as well as from the power imbalance that comes from a dominant group engaging in practices belonging to a group that they have already historically marginalized (Mathes, 2016, pp. 347 & Nguyen & Strohl, 2019, p. 989, as cited in Mejia Chaves & Bacharach, 2021, pp. 342-342). While Black women have been growing more confident in their displays of heritage, that is not to be misinterpreted as permission to commodify their culture, which only works to lessen its symbolism and significance (Mejia Chaves & Bacharach, 2021, p. 339).

#### Areas For Further Research

Exploring the policing of Black women and hair has not only provided insight into a relatively unrecognized discriminatory practice, but also produced even more questions. One of the most pressing questions inspired by Mejia Chaves and Bacharach's piece is looking at NBPOC and hair. While they discuss minority-to-minority

cultural appropriation and hair, this sparked a desire to explore what types of hair discrimination other ethnic or racial groups might face. This could be extended to hostility around cultural headwear in the workplace, tying these apprehensions back to Simone Brown's work on surveillance and the banopticon (Browne, 2015, p. 38). Namely, scholars may be able to identify connections between Black hair and social discrimination, as well as Middle Eastern women and the hostility they face through wearing hijabs. Would their religious demands bar them from enlisting in the U.S. Armed Services with their racially coded regulations, or subject them to workplace discrimination as it has Black women (Smith, 2018, p. 57)? Extending hair discrimination beyond Black bodies would allow for a more inclusive dialogue on presentation, identity, and oppression.

Taking Georges Canguilhem's work on normality and pathology into consideration, more research could be dedicated to seeing what other minority groups are over-policed as part of 'the pathological.' While sexuality/gender, race, and class are the most common groups, looking at children and those with disabilities to see how these groups are 'othered' could produce valuable scholarship on discrimination and identity. Rather than focusing on how minority bodies are policed, looking at what social and historical circumstances have led to this practice of oppression would help create comparisons between different groups of people. We could tie Foucault's ideas of governmentality and civil society into the ways that we think about dominant social groups and ideas of othering (E. Losh, personal communications, September 28, 2022; Foucault, 1978-79/2008, p. 310). By looking at the degree to which certain practices of

discrimination are normalized among other minority groups, one may see how this practice extends beyond Black women.

A third area of future research would be the drawing of parallels between the policing of Black hair and the lack of inclusion in the cosmetic industry facing Black and Brown bodies. When it comes to foundations, concealers, and face powders, many makeup brands have neglected to cater to darker skin tones by producing very limited shade ranges. By exploring these shortcomings, scholars could work to create a larger discussion of the exclusion of Black bodies in the beauty industry as a whole by connecting exclusivity in hair care and cosmetics. Further looking at race and the beauty industry, uncovering why there is such a profound lack of Black stylists in Hollywood may highlight larger themes of racism within entertainment. With the likelihood that the entertainment industry is a multi-million-dollar business, it is hard to believe that they do not have the funds to accommodate Black performers as they do White ones. Diving deeper into what could be contributing to this lack of inclusion may uncover problematic practices in the beauty and performance industries so that positive changes can be made.

A final interest that was brought about by this research is the intersectionality of gender, race, and policing. It is no secret that there is a pressing issue of mass-incarceration facing the U.S. prison system, with Black men making up most of the inmates as a result of suspected drug use and poverty. The discrimination against Black men and Black women has manifested in quite different ways. Civil society tends to surveil Black men through their involvement in violent activity and drug use, while Black women seem to be surveilled through their appearance. It would be interesting to

compare how gender plays a role in racially motivated surveillance, and the differences in treatment between men and women. While we have seen that one of the ways that women are over-policed is through their hair, it is worth exploring if men are policed the same way. If not, what does the policing of male Black bodies look like? What does this say about discrimination, race, and gender more broadly? Looking at the interactions between these different markers of identity and racism in America has the possibility to create interesting discussion centered around biopolitical thought.

### Conclusion

While Black bodies have been more highly surveilled than their White counterparts since times of enslavement, institutions today are forced to adapt their methods to be more implicit in their policing than they were when the abuse and regulation of Black bodies was legal (Browne, 2015, pp. 50-53). These covert adaptations manifest themselves in the form of hair discrimination for Black women, with many institutions of power dictating how people of color style their hair as a means of controlling what they view as 'othered' members of society. Through historic portrayals of Black bodies as 'pathological,' achieved by situating Whiteness as the norm, Black communities are viewed as societal anomalies (Canguilhem, 1989, pp. 125, 133, 136, 218, 222, 228). This is most visible in their skin color and their hairstyles (Smith, 2018, p. 53). As such, Black women are much more likely to be identified as 'other' and punished for attempting to exist within the confines of their culture. These punishments are seen in the form of job insecurity, unhealthy hair manipulation, and academic punishment, all of which constitute racial discrimination (Dawson et al., 2019,

pp. 394, 397, 398; Jackson, 2017). While these represent the visible inequalities resulting from hair bias, the interpersonal struggle Black women face with their identity and heritage is often overlooked (Dawson et al., 2019, p. 397). While there are minor steps being taken to combat the racially coded policies of institutional dress codes in schools and workplaces, as well as the arbitrary language of many military protocols, Black women still face extreme discrimination as a result of how they wear their hair (Dawson et al., 2019, p. 394; Jackson, 2017; Smith, 2018, pp. 57-58). It is important that we expose this known, yet ignored, practice in order to take the necessary steps towards inclusivity to create safe, equal opportunities for Black women in a society where they are often oppressed.

## Guns, Grit, and Grooming Standards: Hair Discrimination in the Military

The United States military works diligently to preserve the notion of a collective identity and conformity among its service members, as evidenced in many of the standards outlined in military doctrine (Cambridge Dictionary, n.d.; Enokenwa et al., 2022, p. 1), such as the emphasis on the “image” of a “disciplined and committed Airman,” (Department of the Air Force, 2022, p. 9). Of particular interest are the rigid policies surrounding acceptable hairstyles for service members, and how these guidelines affect people of color (MyNavy HR, n.d.; Department of the Air Force, 2022; Department of the Army, 2021; United States Coast Guard, n.d.; United States Marine Corp, 2018). In an institution based heavily upon superior/inferior-type power dynamics and chains of command, how are people of color further made inferior outside of the standard system of ranks?

As this paper intends to explore, one possibility of ‘othering’ may take place through the control of appearance, specifically that of hairstyle. Looking at five branches of military grooming standards using Richard Delgado, Angela Harris, and Jean Stefancic’s color-blind ideological framework (2017), this work will build upon previous studies aimed at exposing oppressive regulations by identifying standards that may appear neutral in their language but are not as easily followed by people with Afrocentric hair.

### Historical Context

In order to frame the importance of hairstyles to the Black community, a brief history of the cultural significance of hair may be helpful. Historically, hairstyle has been used by African communities to denote tribal and spiritual affiliations, with intricate

braids, elaborate patterns, and coiffed styles common among individuals (Mbilishaka et al., 2020, p. 591). With the formation of the trans-Atlantic slave trade, inadequate styling tools and access to proper hygiene interrupted these cultural practices for African men and women in a place where Eurocentric hair was dominant (Dawson et al., 2019, p. 390; Mbilishaka et al., 2020, p. 590). Since such binaries were established, with Afrocentric hair seen as unattractive and Eurocentric hair as the preferred texture, the Black community has faced many barriers in the struggle for cultural acceptance regarding their hair (C. Chic Smith, 2018, p. 52; Dawson et al., 2019, p. 389). Though efforts like the Natural Hair Movement of the 1960s and 70s embraced unaltered, textured hair, people of color continue to face unfair treatment as a result of how they choose to wear their hair (Mejia Chaves & Bacharach, 2021, p. 337). Second only to skin color, hair is one of the primary means used by society to racially 'other' individuals (Opie, 2018, p. 10). This type of oppression is referred to as 'hair discrimination,' which Mbilishaka et al. defines as: "A social injustice characterized by unfairly regulating and insulting people based on the appearance of their hair," (Mbilishaka et al., 2020, p. 591). Hair discrimination is common in the workplace among women of color, as their decisions to wear natural, unaltered hair styles is often viewed as an 'unprofessional' form of presentation in violation of business dress codes (Opie, 2018, p. 10). In a 2016 study conducted by the Perception Institute, a national sample of 3,475 men and women, Black and White, were recruited to test implicit attitudes toward hair bias (McGill Johnson et al., 2017). Of the subgroup testing Black men's implicit bias, they were most implicitly in-favor of what the institute referred to as 'slight pro-textured' hair, typically considered "black" hair, and White women were least implicitly biased towards

'slight pro-textured' hair, at a rate of 3% (McGill Johnson et al., 2017). Of the four subgroups tested (Black men, White men, Black women, White women), all four groups showed the most implicit bias in favor of 'strong pro-smooth' texture, which was aligned with "white" hair within the study, at rates of 28%, 36%, 34%, and 44% respectively (McGill Johnson et al., 2017). Using their "Good Hair" Survey, the Perception Institute found while testing for explicit bias among women that personally, Black women rated the afro hairstyle a 3.1 on a 5-point scale in terms of professionalism, to the White women's rating of a 2.1 out of 5 for the same style (McGill Johnson et al., 2017). Long curls, the designated 'smooth' hairstyle in the study, were rated 4.0 out of 5 by Black women for professionalism, and the same for White women (McGill Johnson et al., 2017). Professionalism, for the purposes of my discussion, is meant to refer to low-profile, muted, non-eccentric characteristics that draw little attention to the wearer. Interestingly, the numbers dropped significantly when looking at how each racial group of women thinks the broader United States would rate these hairstyles, with Black women rating the US's perception of the afro a 2.3 out of 5 in professionalism, and White women rating the US's perception of the same hairstyle a 2.1 out of 5 (McGill Johnson et al., 2017). For the 'smooth' hairstyle, Black women felt the US would rate this hairstyle a 4.2 out of 5 in professionalism, and White women rated the same categories a 4.1 out of 5 (McGill Johnson et al., 2017). Such figures demonstrate the implicit attitudes men and women both in the minority and the majority have towards textured and smooth hairstyles, and further how they might be perceived in the workplace (McGill Johnson et al., 2017). Further, these numbers work to highlight the awareness that Black women have in regard to both how they view textured hair in

comparison to how they feel the country views it, as well as the disparities between how they view textured hair explicitly and implicitly (McGill Johnson et al., 2017).

Legislation, such as the 2019 CROWN Act (an acronym for Creating a Respectful and Open World for Natural Hair), has been introduced in many states to allow people of color both legal protection and cultural recognition of their hairstyles in the workplace under the Fair Employment and Housing Act (Crown Coalition & Dove, n.d; Pitts, 2021, pp. 720-721). As a state-level policy, the military is not under any obligations to adopt this practice within their institution and it may not be influential enough even if federal backing is achieved (Enokenwa et al., 2022, p. 6). In March of 2022, the Act, legally known as H.R. 2116, was passed in the House of Representatives with a vote of 235 to 189 (Crown Coalition & Dove, n.d.).<sup>1</sup> As of 2023, the Bill awaits passing by the U.S. Senate, as it failed under Senator Cory Booker's move to have it passed (Crown Coalition & Dove, n.d.). The CROWN Act is not the first time legal action has attempted to have been taken to combat hair discrimination among people of color. A frequently referenced doctrine used to protest this treatment is the Title VII act under the Civil Rights Act of 1964, which states that:

It shall be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.<sup>2</sup>

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<sup>1</sup>See H.R. 2116, 117 Cong. (2022).

<sup>2</sup> See Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 (1991).

In a 2022 Cordozo law review, author Grayson Moronta maintained that the act intended to allow discrimination to be interpreted in the broadest possible sense, but historically, this has not necessarily been the case (Bayer, 1987, as cited in Moronta, 2022, p. 1723). Such shortcomings of this legislation are evident in two cases specific to hair discrimination: *Rogers vs. American Airlines Inc.* (1981) and *EEOC vs. Catastrophe Management Solutions* (2016). In the *Rogers* case, American Airlines agent Renee Rogers filed a Title VII violation against her employer on the basis of discrimination, as their grooming policy prohibited her from wearing her hair in a cornrow style (*Rogers et al. vs. American Airlines*, 1981, as cited in Moronta, 2022, p. 1726).<sup>3</sup> The court ruled in favor of the Airlines, as the hairstyle outlined by Rogers was a changeable choice, and not the direct result of natural hair growth (*Rogers et al. vs. American Airlines Inc.*, 1981). In 2016, the Equal Employment Opportunity Commission, an investigative committee formed to uphold and enforce the provisions outline in Title VII, filed suit on behalf of Chastity Jones, a Catastrophe Management Solutions applicant who had her job offer rescinded upon refusing to change her dreadlock hairstyle (*Civil Rights Act of 1964*, 1995, as cited in Moronta, 2022, p. 1723).<sup>4</sup> Siding again with the company rather than the employee, echoing the *Rogers* case, *EEOC vs. Catastrophe Management Solutions* relied on the distinction between what are known as ‘immutable’ and ‘mutable’ characteristics (*Frontiero vs. Richardson*, 1973, as cited in Roberson, 2022, p. 232).<sup>5</sup> Defined by the court as “accidents of birth,” immutable characteristics refer to elements of a person that are uncontrollable and not subject to change, while mutable

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<sup>3</sup> *Rogers et al. vs. American Airlines Inc.* 527 F. Supp 231 (S.D.N.Y. 1981).

<sup>4</sup> *EEOC vs. Catastrophe Management Solutions*, 852 F.3d 1018 (11th Cir. 2016)

<sup>5</sup> *EEOC vs. Catastrophe Management Solutions*, 852 F.3d 1018 (11th Cir. 2016), *Rogers et al. vs. American Airlines Inc.* 527 F. Supp 231 (S.D.N.Y. 1981)

characteristics are used to refer to sociocultural choice, able to be changed by the individual (Roberson, 2022, p. 236).<sup>6</sup> Expanding the interpretations of immutable characteristics to include customs, traditions, and manifestations of culture to fall under Title XII protections, in combination with the federal adoption of the CROWN Act, may help to reduce the presence of workplace discrimination against people of color as a result of hair (Crown Coalition & Dove, n.d.; *EEOC vs. Catastrophe Management Solutions*, 2016, as cited in Roberson, 2022, pp. 26-27; Roberson, 2022, p. 227).

### Defining Racial Oppression

In order to better frame the issue of racial oppression, it may be useful to define what this term refers to. Borrowing from Marilyn Frye, Associate Professor of Psychology Kira Hudson Banks and doctoral student Jadah Stevens define oppression as “a system that shapes individuals by restricting, restraining, or immobilizing those not in power” (Frye, 2000, as cited in Hudson Banks & Stevens, 2018, p. 92). Here, I would like to add that there exists a significant level of control with the idea of oppression; by “restraining and restricting” groups of people, authority groups and institutions can control minorities and maintain their dominance over those they view as inferior (Frye, 2000, as cited in Hudson Banks & Stevens, 2018, p. 92). Adding the element of control to Hudson Banks’ and Stevens’ definition of oppression is vital in the case of the military, as it is an institution that operates on strict levels of control and rigidity under top-down styles of command (Department of the Navy, 2019; United States Marine

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<sup>6</sup> *EEOC vs. Catastrophe Management Solutions*, 852 F.3d 1018 (11th Cir. 2016), *Garcia vs. Gloor*, 618 F.2d 264 (5th Cir. 1980), *Rogers et al. vs. American Airlines Inc.* 527 F. Supp 231 (S.D.N.Y. 1981)

Corp, 2018). In the case of hair styles, the military maintains control over its servicemembers by restricting the ways in which they are allowed to wear their hair, as outlined by each branch's grooming standards (Department of the Air Force, 2022; Department of the Army, 2021; MyNavy HR, n.d.; United States Coast Guard, n.d.; United States Marine Corp, 2018). It is this control, and its intersection with race, that creates the idea of racial oppression within the military.

### Methodology

In analyzing the aforementioned policies, it is essential to establish the framework with which this will be done. Tenets from Delgado, Harris, and Stefancic's book *Critical Race Theory: An Introduction* as well as tools from James Paul Gee's *How to Do Discourse Analysis: A Tool Kit* will be instrumental in this discussion. The specific theory used in this paper is the color-blind ideology outlined by Delgado, Harris, and Stefancic. In their work, the authors define this tenet as: "'formal' conceptions of equality, expressed in rules that insist only on treatment that is the same across the board," (Harris et al., 2017, p. 8). In the past, many military policies have been written with such color-blind language by not explicitly referring to people of color in their guidelines, but by prohibiting styles that are culturally significant to Black individuals (Enokenwa et al., 2022, p. 5). While Enokenwa et. al proved that significant changes have been made within the last five years to be more culturally inclusive, with the allowance of many Afrocentric styles such as braids, locs, twists, and cornrows, it is worth building upon this study to identify further areas for improvement outside of the explicit removal of negatively connotated terminology used to refer to Black hair

(Enokenwa et al., 2022, pp. 3, 5). In addition to looking at grooming standards through an ideologically color-blind lens, using two of James Paul Gee's discourse analysis tools, the Why This Way and Not That Way tool and the Fill In tool, will provide a means of discussing the purpose behind certain language (Gee, 2014, pp. 18, 63). By using a combination of these methodologies to analyze current military grooming standards, whether or not the institution continues to implicitly oppress people of color, and how they do so, will be better understood.

### Analysis

The analysis is organized based on two major themes that were present throughout the policies of the United States Marine Corp, Army, Navy, Air Force, and Coast Guard grooming standards. Standards were looked at for both male and female service members, and while women are given more options as to how they wear their hair (and thus require more regulation and control), male service members are under a comparable amount of scrutiny due to regulations on facial and sometimes chest hair (Department of the Air Force, 2022; Department of the Army, 2021; MyNavy HR, n.d.; United States Coast Guard, 2020; United States Marine Corp, 2018). The first theme resulting from a color-blind ideology is the strict adherence to spacing and size regulations of braided hairstyles (Department of the Air Force, 2022; Department of the Army, 2021; MyNavy HR, n.d.; United States Coast Guard, n.d.; United States Marine Corp, 2018). Specifically, regulations affecting the wear of *multiple* braids, cornrows, locs, etc., which are particular to Afrocentric styles (Enokenwa et al., 2022, p. 2). It is here that a health condition known as traction alopecia is brought into the discussion.

A condition brought on by the repeated stress placed on the scalp from tight, severe hair styles, traction alopecia is more common in people with ethnic hair, such as Black women, and can result from tight styles such as cornrows and braids (May Franklin et al., 2021, p. 34). Currently, all branches regulate how large locs, braids, and twists may be, with the Army and Coast Guard allowing for diameters of up to  $\frac{1}{2}$  an inch (Department of the Army, 2021; United States Coast Guard, n.d.), the Marine Corp allowing  $\frac{3}{8}$  of an inch (United States Marine Corp, 2018), and the Navy and Air Force only allowing up to  $\frac{1}{4}$  inch in diameter (Department of the Air Force, 2022; MyNavy HR, n.d.). In terms of the amount of space allowed between hair, the Air Force and Coast Guard allow for  $\frac{1}{4}$  of an inch between styles (Department of the Air Force, 2022; United States Coast Guard, n.d.), the Marine Corp allows for  $\frac{3}{8}$  of an inch in between (United States Marine Corp, 2018), and the Navy only allowing  $\frac{1}{8}$  of an inch between rows (MyNavy HR, n.d.). The Army has no regulations in terms of how far apart styles can be placed, such that they produce a uniform and professional appearance and accommodate the wearing of headgear (Department of the Army, 2021, p. 8). Research suggests that, in addition to being more culturally salient, styles that are larger in diameter may be safer, as they allow for less tension to be placed on the scalp (though the severity and tightness of the braid is thought to be more likely to produce hair loss than braid diameter) (Enokenwa et al., 2022, p. 3). Requiring a “tightly interlaced/interwoven” style (Department of the Air Force, 2022, p. 21; MyNavy HR, n.d., section Women 6a; United States Marine Corp, 2018, pp. 15-16), these institutions seem to display a lack of understanding surrounding issues of textured hair, though race clearly applies to these regulations (Enokenwa et al., 2022, p. 3). By allowing for

very little space between braids, in addition to restricting the size of the braids, the military avoids using any racial language, yet still limits stylistic choice for women of color for no discernable reason. To remedy this, branches could lessen their restrictions and experiment with different sizes and spacing to see if headgear can accommodate larger, more Afrocentric multi-styled hair (Department of the Army, 2021).

The second theme present across all the branches is the prohibition for male service members to wear Afrocentric hairstyles such as locs, twists, braids, and cornrows, save for the Navy's explicit authorization of afros (Department of the Air Force, 2022; Department of the Army, 2021; MyNavy HR, n.d.; United States Coast Guard, n.d.; United States Marine Corp, 2018). Many branches allow for male service members to maintain a level of 'hair bulk,' such as the Afro, which is defined by the U.S. Marine Corp (2018) as the "distance that the mass of the hair protrudes from the scalp when styled," (p. 11). While all of the branches allow for some variant of hair bulk, with the Army simply requiring that it be "neat and conservative" in appearance, to the Coast Guard's limited 1 ½ inch, (with the Marine Corp and the Air Force allowing 2 inches and 2 ½ inches, respectively), none explicitly allow for an afro hairstyle besides the Navy (Department of the Air Force, 2022; Department of the Army, 2021, p. 6; MyNavy HR, n.d.; United States Coast Guard, n.d.; United States Marine Corp, 2018). This is understandable, though, as extreme levels of bulk may interfere with proper headgear wear. The prohibition of other Afrocentric styles, however, is questionable. This theme introduces another tenet of Delgado, Harris, and Stefancic, which is their theory of intersectionality (Harris et al., 2017, p. 11). Focused on the convergence of identities, (i.e., maleness and Blackness) intersectionality highlights the ways in which overlapping

qualities of a person can work to oppress them (Harris et al., 2017, p. 11). Traditionally, long hair has been characteristic of femininity (Opie, 2018, p. 6), and the military seems to be upholding Anthony Synnott's theory of opposites, which posits that in symbolic practice, "opposite genders have opposite hair," (Synnott, 1987, p. 382). Though the hippie movement of the 20<sup>th</sup> century, Hairbands of the 1980s and 90s, and cultural groups such as indigenous tribes and Hawaiian communities offer reminders that hair and gender are not monolithic, the military may be operating under such stereotypical views with their prohibition of longer, braided styles for men (C. McGovern, personal communications, June 28, 2023) . While long hair is prohibited for all men, regardless of race, the barring of specifically Afrocentric hair styles further restricts expressions of identity among male service members by outlawing certain hairstyles central to people of a certain ethnic group (Department of the Air Force, 2022, p. 8; Department of the Army, 2021; MyNavy HR, n.d.; United States Coast Guard, n.d.; United States Marine Corp, 2018). More so than the color-blind tenet, such restrictions highlight the intersectionality between gender and race in the military, particularly that of Black, male service members (Department of the Air Force, 2022; Department of the Army, 2021; Harris et al., 2017, pp. 10-11; MyNavy HR, n.d.; United States Coast Guard, n.d.; United States Marine Corp, 2018).

#### Analysis of the Pseudofolliculitis Barbae (PFB) Navy Guideline

It is worth discussing separately a medical condition that is unique to male service members, particularly servicemen of color, that may benefit from analysis through a color-blind framework. Known as Pseudofolliculitis Barbae (PFB), this skin

condition affects African American servicemembers at a rate of 45%, compared to Caucasian servicemembers at a rate of 3% (Tshudy & Cho, 2020, p. 52). The condition occurs with frequent shaving of thick/curly facial hair, causing extreme cases of ingrown hairs, papules, pustules, and in some cases, scarring (Department of the Navy, 2019; Tshudy & Cho, 2020, p. 52). While all branches require a clean-shaven face (except for a mustache), many allow for a medical waiver to be submitted for exemption (Department of the Air Force, 2022; Department of the Army, 2021; MyNavy HR, n.d.; United States Coast Guard, 2020; United States Marine Corp, 2018). Of particular interest is the language of the Navy's BUPERS INSTRUCTION 1000.22C, a medical waiver outlining beard regulations for men who suffer from PFB (Department of the Navy, 2019). While shaving is required to ensure the proper wear and seal of breathing apparatuses, exceptions can be made for men who suffer from PFB, allowing for up to ¼ inch of growth rather than daily shaving (Department of the Navy, 2019).

It is with this waiver, specifically under the section titled "Verbiage for Use in NAVPERS 1070/613," that James Paul Gee's tools on discourse analysis should be applied (Department of the Navy, 2019). In particular, his work on what he calls the Fill In tool and the Why This Way and Not That Way tool help to better understand the harm that can come from the type of language used by the Navy in their discussion of PFB (Gee, 2014, pp. 18, 63). The Fill In tool refers to the production of meaning based on what is and what is not communicated by a speaker, based on what is known, inferred, and observed (Gee, 2014, p. 18). The Why This Way and Not That Way tool questions why the speaker structured their communication using a certain language and not another, and what the implications of such choices are (Gee, 2014, p. 63).

Both tools compliment the color-blind ideology well, as they expose and question the covert racism present in these policies, which is central to the implementation of the color-blind excuse. Looking at the waiver, its heavy usage of the word 'you' in combination with phrases such as "risk to the mission," and "the safety of others that depend on you," works to implicitly identify people of color as a risk to the Navy if they do not resolve their medical issue (Department of the Navy, 2019, p. 1). Here we can also briefly apply Gee's Subject tool, which looks at the importance of choosing certain subjects over others (Gee, 2014, p. 25). By making the subject "you," the waiver crafts a much more direct and personal statement than if they were to say, "one's facial hair" or "the sailor," (Department of the Navy, 2019, p. 1). While they do not use explicit racial terms, having established that the condition affects people with thick, curly facial hair (which can be inferred as "common" among people of color) creates parallels between people of color and negative risk (Department of the Navy, 2019; Gee, 2014, p. 18; Tshudy & Cho, 2020, p. 53). Drawing on the Why This Way Not That Way framework, using this specific language, rather than more neutral terms such as 'oneself' or 'the service member,' allows the military to criticize and control men of color without being explicitly racist (Gee, 2014, p. 63). They frame the mandate *this way* so that they can make people of color and their health problems inferior while avoiding any clear mentions of race and ethnicity (Gee, 2014, p. 63).

### Legal Action Combatting Oppression

While little evidence was found to suggest that people of color have taken legal action against the military specifically in regards to grooming standards, there exists a

significant number of reports on both religious and gender-based discrimination by the military. In 2016, United States Army Captain Simratpal Singh of the 394th Engineer Battalion took legal action following what was characterized as “extraordinary, targeted, repetitive testing,” to ensure he could safely perform military duties while wearing a helmet and breathing gear (Alexander, 2016, paragraph 1-2). Of note is the fact that Singh was required to maintain a beard and uncut hair as outlined by his religious practices, for which he was granted temporary abstinence from traditional male grooming standards of the Army (Department of the Army, 2021). Regardless of this exception, Singh was required to undergo significant testing following the standard evaluation of proper gear wear which he had already passed (Alexander, 2016). It is this further testing that raises the question of discrimination based on one's appearance; arguably, Singh would not have faced this treatment had he not visually stood out as ‘other’ under the gaze of the Army. Further, officials tied the extensive testing to Singh’s religion specifically, citing his wear of a turban and long hair as the reasons for which he was targeted (Alexander, 2016). Similarly to Captain Singh, sailor Jonathan Berts was denied reenlistment in 2012 upon requesting to keep his beard in alignment with religious practices (Perry, 2015). Berts had served for nine years previous before his request was denied, and according to his testimony, faced racial and religious slurs as well as an unofficial demotion from a teaching position in the Navy to guarding equipment in unfavorable work conditions (Perry, 2015). Interestingly, Berts is a Black Muslim in the United States Navy and has both racial and religious stigma functioning as detrimental barriers to his experience (Perry, 2015). Both Singh and Berts have taken legal action to combat presentation-based discrimination in the military, and while

there is more of a religious than purely racial context to their cases, these instances represent perhaps the closest society has come to legally fighting racial discrimination under military grooming standards. To offer another instance of legal action taken to combat presentation-based discrimination, the case of Sergeant Kristin Kingrey highlights the gendered battle against military grooming standards. A member of the West Virginia Air National Guard, Kingrey, who identifies as lesbian, maintained a shorter hairstyle and wore minimal makeup during her time in the service, a decision that she claimed made her the target of comments regarding her masculine appearance (Ring, 2022). Filing a lawsuit in November of 2021, Kingrey stated that she was told to adopt a more 'traditionally feminine' appearance at the risk of harming her career, which translated to growing out her hair and wearing more makeup and jewelry (Ring, 2022). However, Kingrey was not in any violation of National Guard grooming standards, a copy of which she carried on her person to reference in cases of reprimand and mistreatment (Teeman, 2022). In Kingrey's own words, the length of her hair has no legitimate bearing on her performance or completion of duties, which strengthens the claim that certain military regulations are an arbitrary means of controlling appearance and maintaining uniformity (Enokenwa et al., 2022, p. 1; Teeman, 2022, paragraph 7).

Though these cases diverge from the race-based focus of this paper by highlighting religious, gender, and sexuality-based contexts, they showcase the ways in which, despite protections under military grooming standards, service members still face discrimination as it pertains to their appearance (Department of the Army, 2021; Department of the Air Force, 2022; Department of the Navy, 2012; Department of the Navy, 2022; Teeman, 2022; United States Marine Corp, 2018). It is worth highlighting

the fact that there were limited, if any, cases to be found in which a person of color cited racial discrimination by the military in the form of grooming standards for which legal action was taken. Of note is the 2014 letter written by the 16 women of the Congressional Black Caucus to Defense Secretary Chuck Hagel to re-evaluate military grooming standards under the Department of Defense (Dumain, 2014). Enokenwa et al. (2022) maintains that this was the catalyst for grooming standard changes, though there was no mention of suing or a court case specifically (p. 2). Perhaps more work can be done to address race both on its own as well as its intersection with the issues of gender and religion.

### Discussion

Combining Delgado, Harris, and Stefancic's color-blind tenet of Critical Race Theory and James Paul Gee's discourse analysis tools allows for additional critiques to be made regarding military grooming standards. In regards to the dimensions of hair, the argument can be made that extreme hair bulk presents an obstacle to the proper wear of equipment (Department of the Air Force, 2022; Department of the Army, 2021; MyNavy HR, n.d.; United States Coast Guard, n.d.; United States Marine Corp, 2018). However, the regulation of braid spacing, and diameter, is of little importance besides its ability to maintain conformity, specifically regarding people of color. The strict regulation of a specifically Afrocentric hairstyle highlights the ways in which institutions of authority work to control people of color even when they find ways around explicit mentions of race. Policy makers in the military are able to rely on vague language as a way to disguise practices of discrimination. In all of the grooming standard documents, there

are few examples of the subject of the sentences being things other than 'hair,' such as "Hair will be neat and closely trimmed," or, "Hair will not be blocked across the back of the neck," (United States Coast Guard, n.d., p. 13; United States Marine Corp, 2018, p. 11). We can claim that by using an abstract noun as the subject (i.e., a term without human agency, such as 'hair') as opposed to a subject that implies ownership or action (i.e., "*your* hair,"), allows the military to cast regulations as impersonal and unbiased, as they are not referencing a specific person or wearer (Gee, 2014, p. 71). Language and connotation function such that one can remove the ownership from a phrase or set of regulations, but this does not guarantee objectivity, as is the point of this discussion.

By utilizing analytical tools like Gee's, the reasoning behind such terminological choices, as well as their hidden meaning, can be discussed. Using the aforementioned examples, it is clear that the military is strategic in the construction of their grooming standard policies: they prohibit/heavily regulate certain styles that are characteristic of textured, ethnic hair without mentioning race while allowing readers to interpret who these restrictions are aimed at based on what they know about hair (Gee, 2014, p. 18). If the military were truly cognizant of race and inclusivity, rather than formulating regulations to implicitly restrict minority identity and pose health concerns, they may support the wearing of different styles by recognizing different ethnic needs. Policy moves could be made to create more accommodating equipment (to a reasonable extent, as this may be a costly endeavor), or branches could avoid assigning men to positions where they would need to regularly wear breathing gear in the case of PFB, and instead allow them to maintain their beard in a position that does not require them to shave (Department of the Navy, 2019). As Gee maintains, language and word choice

are just that: a *choice* (Gee, 2014, p. 58). Certain structures are combined and reworked to convey a point, or as he articulates, to perform an action in addition to convey information, and in the case of the military, this action has been argued throughout the paper to be control (Gee, 2014, pp. 52, 58).

#### Areas for Further Research

There is another theme present throughout the grooming standards of the military, but it is discussed with speculation than with certainty. The standard-in-question is the regulation of hair width, which maintains that the width of service women's hair does not exceed the back of the head; in other words, hair should not be visible when viewed from the front (MyNavy HR, n.d.; United States Coast Guard, n.d.; United States Marine Corp, 2018). While the length of a soldier's hair may present a safety concern, especially when handling machinery and performing strenuous activities, the width of one's hair style seems to be more of an appearance-based regulation than safety-based one (U.S. Coast Guards, 2020, as cited in U.S Coast Guard Office of Diversity and Inclusion, 2022). While it is tempting to articulate that this regulation undoubtedly oppresses people of color, as they visually seem more likely to have thick, curly, dense hair, more work must be done to confirm whether this is true scientifically, or if this is more of a social perception/bias, and thus no true fault of the militaries. In an article published by Cloete et al. (2019), multiple contradictions were offered to common associations of African ancestry with curly hair. Citing studies from as far back as 1873, the authors highlight that historically, studies have indeed made the connection between race and follicle shape of the hair (Stuart, 1982, as cited in Cloete et al., 2019, p. 4). In more recent studies, this has been contradicted with data

suggesting the relationship is actually between the follicle shape and the phenotype, which the National Human Genome Research Institute (2023) defines as the observable traits of an individual determined by their genetics as well as environmental factors (Cloete et al., 2019, p. 4; National Human Genome Research Institute, 2023). This suggests that there may not necessarily be a racial component to hair curl, but further review of dermatological and scientific literature is needed to explore whether these findings have been confirmed elsewhere. However, multiple articles have cited the history of enslaved peoples in the Americas and the legacy of the trans-Atlantic slave trade when discussing Black hair, highlighting a clear social perception of Black people with 'tightly coiled' textures still present in language today (Mbilishaka et al., 2020, p. 591; McGill Johnson et al., 2017). Author C. Chic Smith (2018) maintains that harmful language and associations with Black hair, highlighting terms like "wool," that have been used to refer to it, are not relegated to historical circumstance, but persist today (Latrobe, 1797, Ingram, 1835, Olmstead, 1850s, & Martin, 2017, as cited in Smith, 2018, p. 53) outside of the military. This is to say that the intersection between association and scientific data may need to be further articulated before a definite claim can be made in regard to the military implicitly oppressing people of color based upon hair width.

A second area that may be worth exploring is the language present in other waivers across the military in relation to the grooming standards surrounding male beards. While the Navy was selected for no particular reason, the argument made throughout this paper may no doubt be strengthened by further exploring upon the previous articulation that harmful language exists in such documents, and it would be

beneficial to see if such practices are present elsewhere (Department of the Navy, 2019).

### Conclusion

While the United States military has made efforts over the past couple of years to their grooming standards, allowing for more racial inclusivity, looking into the cultural specificities of Afrocentric hair has revealed that there is a detectable amount of implicit racism being exercised through hair discrimination (Enokenwa et al., 2022, pp. 2-5; Mbilishaka et al., 2020, p. 590). By exposing the color-blind tendency of the military to treat all service members the same and remain racially neutral, the harmful practice of remaining ignorant of specific cultural needs is highlighted (Harris et al., 2017, p. 8). In combination with a color-blind framework, questioning the language with which policies are written works to address the 'othering' of people of color by using negatively connoted terminology (Department of the Navy, 2019). By drawing on Critical Race theorists and discourse analysts to address cultural concerns in the military, areas for improvement towards accepting people of color as equal service members can be more easily identified.

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