NOTE: Colorism
ARTICLE: "Color Struck": Intragroup and Cross-Racial Color Discrimination

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LEXISNEXIS SUMMARY:
... Beginning with Greek sculptures of Aphrodite and Roman depictions of Venus, and into the European Renaissance, pale complexions, blue eyes, and flowing blonde hair have been the gold standard for feminine beauty. ... She distinguishes intra-group colorism from cross-racial colorism and traditional discrimination: the first involves lighter-skinned African-Americans and Whites disfavoring darker-skinned Blacks; the second involves Whites discriminating against all Blacks. ... For instance, a television ad for the cream Fair & Lovely reinforces the idea that girls seeking a prospective groom should utilize skin-lightening creams in order to become more marketable for marriage. ... Board of Education era were infected with the attitudes that preferred lighter-skinned children over darker-skinned students. ... White's light skin, blonde hair, and blue eyes did not display a hint of his African ancestry. ... By the mid-nineteenth century the classification of individuals by race was ubiquitous. ... Colorism is a combination of overt and unconscious discrimination that places a high value on light complexions and European features while devaluing dark skin and African phenotypes.

HIGHLIGHT:
If you is white,

You's alright,

If you's brown,

Stick around,

But if you's black, oh, brother,
Get back, get back, get back. \textsuperscript{n1}

**TEXT:**

\[\text{[*75]}\]

I. Introduction

Pop singer Michael Jackson's features changed and the color of his skin lightened dramatically during the final decades of his life. \textsuperscript{n2} Jackson denied changing his skin color to improve his appearance and claimed that he suffered from vitiligo, a condition in which the immune system attacks cells that produce melanin, which determines an individual's skin color. \textsuperscript{n3} Jackson said he was not trying to look "White," but observers wondered, if that were so, what was the motivation for his straightened hair and the many operations to change the shape of his nose, \textsuperscript{n4} chin and cheekbones? \textsuperscript{n5}

In 2010, former Chicago Cubs baseball player Sammy Sosa was photographed at the Latin Grammy Awards in Las Vegas with noticeably whiter skin. \textsuperscript{n6} Sosa originally had a very brown complexion but appeared to be nearly White in photographs. \textsuperscript{n7} He told reporters that a cosmetic cream \textsuperscript{[*76]} he used to soften his skin caused the lighter tone. \textsuperscript{n8} He said he had been using the cream for some time and it made his face look whiter than it actually was, but claimed he was not trying to look like Michael Jackson, nor was he suffering from any skin illness. \textsuperscript{n9}

"Color Struck" is an old saying among African-Americans that refers to individuals who believe that a lighter complexion and European features represent the epitome of beauty and desirability. \textsuperscript{n10} Color discrimination is often masked by a combination of subjective notions of attractiveness and unconscious stereotypes. \textsuperscript{n11} Michael Jackson and Sammy Sosa were probably not consciously attempting to look White; it is more likely they were simply color struck.

Racism involves discrimination against individuals based on their racial category. \textsuperscript{n12} Colorism, in contrast, involves discrimination against dark-complexioned African-Americans on the basis of their color. \textsuperscript{n13} The hierarchy employed in colorism is the same as the one that governs racism; a light complexion and European features are considered to be more valuable and attractive than dark skin and African features. \textsuperscript{n14} Color distinctions among African-Americans have never been recognized in the formal ways they were in the Caribbean and South America. \textsuperscript{n15} However, among African-Americans, the distinctions are usually unstated but well understood. Lighter complexions and European features are more desirable than darker complexions and African features. \textsuperscript{n16} A person is considered light-skinned by an application of the "paper bag test," which looks to whether the person's complexion is the color of a grocery bag or lighter. \textsuperscript{n17}

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Although formal racial classifications were developed in the eighteenth and nineteenth centuries, \textsuperscript{n18} the preference for white skin, blonde hair and European features is rooted in antiquity. Beginning with Greek sculptures of Aphrodite and Roman depictions of Venus, and into the European Renaissance, pale complexions, blue eyes, and flowing blonde hair have been the gold standard for feminine beauty. \textsuperscript{n19} When Europeans colonized Asia, Africa, and the Americas, they imposed their standards of beauty on the indigenous groups and on the Africans they imported and enslaved. \textsuperscript{n20} Today, the European norm for beauty and attractiveness is ubiquitous and constantly reinforced in movies, magazines, television programs, online and elsewhere. \textsuperscript{n21} Young children assimilate these conceptions at an early age, and they remain embedded in their psyches as they mature into adults. \textsuperscript{n22}
African-Americans, South Asians, Latin Americans, and other people of color have, for many generations, internalized this Eurocentric standard of attractiveness. n23 Using hair straighteners and skin-lightening creams, they attempt to look white without consciously realizing they are doing so. n24 The evidence indicates that in America, socioeconomic disparities resulting from colorism can be as severe as those traditionally attributed to racism. n25 As America becomes a more multi-racial society, old fashioned "Jim Crow" racism has slowly diminished, while color bias persists. n26

II. Color Discrimination

Discrimination on the basis of color, rather than race, has long been documented by researchers. n27 In The Philadelphia Negro, W.E.B. Du Bois [*78] described intra-racial colorism when he commented on that city's "Aristocracy of the Negro population" in the late 1890s. n28 Du Bois observed, "[t]hey are largely Philadelphia born, and being descended from the house servant class, contain many mulattoes." n29 Du Bois noted that Philadelphia's Black elites did not interact with their less affluent counterparts in ordinary assemblages or promenading places. n30 The insular and elitist nature of the group was reflected in Du Bois' observation that "[s]trangers secure entrance to this circle with difficulty and only by introduction." n31 Decades later in the landmark study, An American Dilemma, Gunnar Myrdal wrote: "without a doubt a Negro with light skin and other European features has in the North an advantage with white people." n32

In 1957, Sociologist E. Franklin Frazier made a similar observation in Black Bourgeoisie. n33 He wrote: "a light complexion resulting from racial mixture raised a mulatto above the level of an unmixed Negro." n34 Frazier explained that "[p]artly because of the differential treatment accorded to the mulattoes, but more especially because of the general degradation of the Negro as a human being, the Negro of mixed ancestry thought of himself as superior to the unmixed Negro. His light complexion became his most precious possession." n35

Over the last two decades, a large body of scholarship examining the detrimental effects of color discrimination has been produced by scholars representing a range of academic disciplines. n36 In general, the research shows that dark-skinned Blacks are treated differently and less favorably than their lighter-complexioned counterparts. n37 Legal scholars have complained about the courts' reluctance to acknowledge color discrimination. n38 In Colorism: A Darker Shade of Pale, Taunya Banks explored the history of color discrimination in America and analyzed the [*79] problems it has posed in employment discrimination cases. n39 Skin tone discrimination, she wrote, is an aspect of employment discrimination that courts have been hesitant to recognize. n40 She found that judges are more willing to acknowledge color discrimination in cases involving ethnic Whites and Latinos, but are hesitant to do so when Black claimants are involved. n41 Courts are skeptical of claims involving intra-racial discrimination as it does not fit the traditional paradigm of Whites discriminating against Blacks. n42 Banks concluded that courts possess the legal authority to redress claims under existing antidiscrimination laws and should be more willing to recognize claims of color discrimination when African-Americans assert them. n43

Other scholars have made similar observations. In Shades of Brown: the Law of Skin Color, Trina Jones examines the history of colorism in America and the discrimination against individuals based on skin color. n44 She distinguishes intra-group colorism from cross-racial colorism and traditional discrimination: the first involves lighter-skinned African-Americans and Whites disfavoring darker-skinned Blacks; the second involves Whites discriminating against all Blacks. n45 In both cases, darker-complexioned Blacks are the victims. n46 Jones complains that courts tend to minimize the significance of this distinction using a flawed interpretation of antidiscrimination laws. n47 Jones argues that a more nuanced understanding of discrimination is needed to recognize color discrimination. n48 In Title VII: What's Hair (and Other Race Based Characteristics) Got to Do With It, n49 D. Wendy Greene conducted a similar analysis and reached the same conclusion: color-based discrimination claims made by Black complainants are
misunderstood and should be recognized, given that Title VII of the Civil Rights Act prohibits discrimination on the basis of race and color. n51

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Leonard Baynes examined the “Dark-Light Paradigm” of African-American and Latino colorism. n52 He determined that an entrenched color hierarchy among non-White ethnic groups operates to the detriment of dark-complexioned Blacks and Latinos. n53 Baynes bolstered his analysis with data that showed darker-skinned Blacks and Latinos tend to have smaller incomes, lower levels of educational attainment, and less prestigious employment positions than lighter-skinned Blacks and Latinos. n54

Colorism has even infected the criminal justice system. Research has shown that dark-skinned Blacks receive longer prison sentences than their lighter-complexioned counterparts. n55 An article examining racial disparities in the criminal justice system cited a study of 67,000 male felons incarcerated in Georgia for a first offense from 1995 through 2002. n56 The data showed that dark-skinned Black defendants received longer sentences than light-skinned Blacks. n57

In another article, the authors examined discrimination on the basis of what they called "Afrocentric" features, which they defined as darker skin color, fuller lips and broader noses. n58 The authors collected and analyzed data that showed that Black defendants in Florida who had prominent African features tended to receive longer sentences than other Blacks whose racial physiognomy was less distinctive. n59 Using photographs and other information about inmates, including the offenses for which they were convicted and their criminal records, the authors found that among African-American inmates, those with prominent African features tended to receive longer sentences than others whose African features were not as prominent. n60 The researchers concluded that Afrocentric features activated an unconscious stereotype of Blacks as dangerous criminals, which influenced the decisionmaking process and caused the imposition of longer sentences when dark-skinned defendants were convicted. n61

The disparities are not limited to male defendants. A recent study found that Black female offenders who are light-skinned received shorter prison sentences than darker-complexioned offenders. n62 The authors collected data on 12,158 imprisoned Black women in North Carolina between 1995 and 2009. n63 The study showed that women with light skin were sentenced to approximately 12% less prison time than their darker-skinned counterparts. n64 The study examined factors such as prior records, conviction dates, misconduct while incarcerated, and having low body weight, as well as whether the women were convicted of homicide or robbery since these crimes carry heavier prison terms. n65 The authors concluded that colorism demonstrates the complexity of racism in our society and added that “it is no longer sufficient to understand racial discrimination solely in terms of the relative advantages of Whites compared to non-Whites. Among Blacks, characteristics associated with Whiteness appear to have a significant impact on important life outcomes.” n66

Color discrimination affects a wide range of activities. Using a longitudinal design method that linked a sample of African-American men raised in the South to their census records, Mark Hill examined the influence of skin color on the socioeconomic attainment of African-American men. n67 His findings showed the importance of skin color in directing the socioeconomic progress of African-American men. Individuals who identified as mulatto in the study had a higher adult socioeconomic status than Blacks with dark complexions. n68 Hill's analysis indicated that differences in social origins were responsible for only 10 to 20% of the color gap in adult attainment levels. n69 Hill's findings indicated that color bias, rather than family background, was responsible for most of the color differences in the socioeconomic status of African-American men. n70

In The Skin Color Paradox and the American Racial Order, the authors used surveys to develop an empirical
analysis that found:

[D]ark-skinned blacks have lower levels of education, income and job status. They are less likely to own homes or to marry; and dark-skinned blacks' prison sentences are longer. Dark-skin discrimination occurs within as well as across races. Some evidence suggests, in fact, that intra-racial disparities are as detrimental to a person's life chances as are disparities traditionally associated with racial divisions. . . . With some exceptions, most Americans prefer lighter to darker skin aesthetically, normatively and culturally. Film-makers, novelists, advertisers, modeling agencies, matchmaking websites—all demonstrate how much the power of a fair complexion, along with straight hair and Eurocentric facial features, appeals to Americans. n74

The discussion in this section shows that a large body of theoretical and empirical research demonstrates conclusively that color bias is real and has an adverse effect on the lives of dark-complexioned African-Americans.

III. The Geography of Colorism

Colorism operates on a global scale. n75 There is a worldwide market for chemicals that lighten skin tones. n76 Asia has the largest market for skin-whitening creams. n77 In India and Pakistan, women are socialized to believe that a fair complexion equates to beauty and is the key to success in life, marriage, and work. n78 During the colonial era, the idea that Indians [*83] with fair skin were superior was usually unstated but well understood. n79 The belief that a light complexion is superior to a darker one is embedded deeply within the Indian psyche, since skin color is an important consideration in marriage. n80 Research conducted by a matrimonial website in three northern Indian states confirmed that skin tone is the most important criteria when selecting a partner. n81

A journalist wrote: "it is being called 'Snow White syndrome' in India, a market where sales of whitening creams are far outstripping those of Coca-Cola and tea." n82 According to Imani Perry, this practice exemplifies the perverse objectification of the female body in sexual partnering. n83

Colorism is also evident in advertisements. For instance, a television ad for the cream Fair & Lovely reinforces the idea that girls seeking a prospective groom should utilize skin-lightening creams in order to become more marketable for marriage. n84 Beyond the simple advertisement for a flawless skin, it is implied that using this cream is also necessary to advance in all relevant aspects of life. n85 But the use of lightening creams is not restricted to women. The popularity of these products is increasing among men and the availability of products for male consumers is highly advertised. n86 A commercial shown on Indian satellite channels featured Bollywood star Shahrukh Khan promoting a skin cream called Fair and Handsome. n87 In it, a glum, dark-skinned Indian man used the skin-lightening cream to become many shades lighter. n88 At the end of the commercial he is shown smiling and walking confidently with a lovely woman at his side. n89 L'Oreal hired Bollywood actor John Abraham to pitch its Garnier for Men skin-whitening lotion in an effort to challenge the [*84] market leader, Fair and Handsome. n90 Another skin-lightening cream, Unilever's Vaseline Healthy White Body, is currently the most advertised cosmetic brand on Indian television. n91 Unilever's cream created great controversy with its Internet marketing strategy, which appeared to be racist, n92 because it showed a distinct preference for lighter skin. Recently, further concerns have been raised regarding the dissemination of other desirable physical characteristics for young Indians. The homogeneity of color is becoming a new social expectation in order to overcome self-consciousness. n93 Therefore, young Indians are being encouraged to start using deodorants and intimate wash products containing skin-lightening ingredients. n94

Skin-lightening creams increased $ 432 million in sales in South Asia during the first nine months of 2008, and the industry expects to continue growing as the levels of urbanization and affordability augment their target populations n95
by expanding the market for men in the following decade. However, this phenomenon is not limited to South Asia. An increasing number of East Asians are using their rising incomes to purchase skin-lightening products. In Hong Kong, Malaysia, the Philippines, South Korea, and Taiwan, four of every ten women use a whitening cream. And, as is the case elsewhere, the cosmetics industry is reaping enormous profits. In Hong Kong, pale Asian models dominate the flat-screens and multimedia billboards of public transit. They appear on the pages of glossy magazines and cinema advertisements promoting such products as Blanc Expert, White-Plus, White Light, Future White Day, Active White, and Snow UV. Skin lightening has a long history in Asia. In ancient China and Japan, a saying, "one white covers up three ugliness," has been passed down through the generations. These attitudes are largely the same among many Asian Americans.

**Colorism** is also pervasive in Latin America. Unlike America's "one-drop rule" in which any amount of African ancestry classifies an individual as Black, Latin America exhibits a more fluid classification system based on color gradations and appearance. Racial distinctions are based on phenotypes that focus more on physiognomy than ancestry. The flexibility in Latin America's racial designation system is limited to those whose lighter complexions and European phenotypes allow them to distinguish themselves from darker-complexioned Blacks, since Blackness is subjectively perceived as an offensive racial category in the social hierarchy. In Latin America, individuals are valued by how closely their appearances, status, and progeny approach whiteness.

Mexico's colonization illustrates how discrimination on the basis of color influenced the creation of a racialized hierarchy, which continues to affect the socioeconomic and political systems at present. Spanish colonizers imposed a stratified status system in Mexico where Whites were the elites and Native Mexicans the slaves. These groups intermingled creating a large population of mixed-race mestizos that resulted in the creation of a color hierarchy. Light-complexioned persons occupied the upper rungs of the social strata. The darkest persons were relegated to the lowest levels.

**Colorism** has concerned the Mexican-American columnist Ruben Navarrette since his childhood, when he realized his skin tone was different compared with the rest of the children in a United States kindergarten. Now, as an adult, Navarrette stresses that, a century after the Mexican Revolution, the division between urban and rural Mexico continues, along with the silent wars between the wealthy and poor, and the light and dark-skinned individuals. He remarked that it is very common to find light-colored people in television, politics and academia, but it is unlikely to find persons from this racial category working at construction sites or kitchens, where darker-colored people prevail.

There is a conspicuous absence of dark-skinned Mexicans in telenovelas, commercials, and other forms of advertising, which are an inaccurate representation of the country's inhabitants. A study that examined the content of six Spanish-language telenovelas and a drama on three Spanish-language television networks in the United States (Telemundo, Univision, and Azteca America) found that "lighter skin characters were more likely to play major roles, were more fit and younger, and more likely to be upper class than their darker skin counterparts." A promotion for Televiva's popular program, "Destilando Amor" (Distilling Love), presents an example of how color status is portrayed. In one scene, an upscale woman with blonde hair sits at a dinner table expressing her displeasure with a family member for falling in love with a working-class woman. As the fair-skinned woman speaks, a servant with dark, indigenous features stands silently in the background.

**Colorism** can be found elsewhere in Latin America. In Brazil, individuals are assigned to racial groups based on physical appearance rather than ancestry. This criterion of racial self-identification has resulted in ambiguous and numerous color categories. Many of the terms Brazilians use to describe racial mixtures are vague, and there is no consistent agreement on their meaning or to whom they should be applied. For instance, a 1976 census collected...
135 popular terms, including "purple, dark chocolate, or Pele colored." n122

Given the focus on phenotypical characteristics, some individuals may be identified in varying racial terms at various times by different people, and some parents and full siblings in the same family may be assigned to different racial groups. n123 One article explained:

[*87]

Brazilian racial classification schemes defining a person based on the slightest variation of physical characteristics presumably associated with Black ancestry and/or white ancestry could either elevate or demote an individual on the racial ladder. The implementation of such a highly stratified method of categorizing race evidences an extreme effort on behalf of the white minority to preserve their economic, social, and political dominance over masses of people of mixed and unmixed African descent. Additionally, because of its relatively relaxed approach to manumission, which contributed to the rapid growth of free people of color, it was imperative for Brazil to develop a racial taxonomy based on infinite physical distinctions that simultaneously maintained its racial hierarchy and recognized the country's widespread miscegenation. n124

The current official categories used by the Brazilian census are White (Branco), Brown (Pardo), Black (Preto), Asian/Yellow (Amarelo), and Indigenous (Indigena). n125 It is estimated that the first three categories account for 99% of Brazilians. n126 In 2010, a majority (50.7%) of the population identified themselves as Afro-Brazilians, a classification that includes both Black (7.6%) and mix-raced Brazilians (43.1%). n127 In a 2010 census, more individuals identified themselves as Black than in 2000, n128

Despite the Brazilian efforts to project a racially neutral structure through what is known as a racial democracy, n129 scholars have shown that a racial hierarchy composed of a graduated scale of color persists. n130 The data shows that Afro-Brazilians are more economically, socially, and politically disadvantaged than their lighter-skinned counterparts. n131 [*88] According to Seth Racusen, "all key socioeconomic variables demonstrate this wide gap between 'Whites' compared to 'Browns' and 'Blacks.'" n132

Brazilian media also reinforces the social preference for Whites by portraying them as symbols of "beauty, happiness, and middle-class success." n133 The concept portrayed in television seems consistent with the perception of reality. As indicated by Patricia de Santana Pinho, "the power of whiteness is lived by everyone in Brazil, and it is always operating either in opening or closing doors of opportunity and achievement." n134

Given the strong negative stereotypes against dark-colored people n135 and, on the other hand, the potential incentives that could be derived from affirmative action policies, individuals may have personal motivations to alter the designation of their race. n136

How individuals are classified does not depend solely on their physical appearance. The saying "money whitens" reminds Brazilians that the apparent wealth and status of a person, as well as the immediate social company, are important considerations for the observer who determines their race. n137 Therefore, as individuals accumulate wealth they also gain color status. The ambiguity of race categories along with the deficiencies of the self-identification system makes it feasible for individuals to change their racial identities by becoming better educated or more affluent. n138

These attitudes can be found in other Latin American countries. Tanya Hernandez examined racial attitudes in Puerto Rico and Cuba, given the acceptance of race fluidity in the former country and the formal rejection of the
concept of race in the latter. She found that, despite the apparent respect for social fluidity and flexible racial labeling, racial identity and identification are neither completely fluid nor neutral. For example, like in Mexico and Brazil, Cubans and Puerto Ricans also exercised the plasticity of race labeling in order to avoid Black designation in social status and self-identification. Today, many Puerto Ricans of mixed ancestry (usually called "triguenos" and "morenos") prefer to classify themselves as White rather than Black on census forms. This response, however, underestimates the long history of miscegenation and African ancestry of much of Puerto Rico's population. Prejudice and discrimination against people of African descent are the principal reasons for this preference, since African ancestry is associated with slavery and extreme poverty.

Puerto Ricans perceive that having lighter skin and European features increases an individual's socioeconomic opportunities. Darker complexions and African features severely limit an individual's economic and social mobility. According to Wendy D. Roth, medium skin tones confer upon people a certain amount of status compared to those further toward the dark end of the color spectrum.

Research suggests that being discriminated against on the basis of color produces feelings of shame and embarrassment. Many Latin American Blacks harbor internalized attitudes about color and phenotype. Skin color, nose width, lip thickness, and hair texture weigh heavily on the self-esteem of Afro-Latinos, since these are considered racial signifiers of denigrated African ancestry. The belief exists among some Latin Americans that color is something that can be controlled by utilizing whitening creams and to "improve the race" of their children.

Marrying someone with a lighter complexion is referred to as adelantando la raza (improving the race) under the theory of blanqueamiento. The concept of blanqueamiento refers to ethnic, cultural, and racial "whitening." It is an ideology and a social practice that places a higher value on White culture while implicitly devaluing non-White cultural norms. Blanqueamiento perpetuates a social hierarchy based on race by linking whiteness to status, wealth, power, modernity, and development, while implicitly associating blackness with a lack of cultural refinement, ambition, and civilization.

Despite the national ideologies of racial democracy, mestizaje, and racial blindness in Latin America, skin tone is a major marker of status and a form of symbolic capital. Light complexions and European features are highly valued; the darker, more African an individual appears, the lower that person is likely to be on the socioeconomic scale.

IV. Colorism in America

In America, skin color is an important signifier of beauty and social status. African-Americans' preference for light complexions and European features dates back to the antebellum era when skin color determined an enslaved person's work assignments. Dark-skinned slaves worked in the fields, while light-complexioned slaves worked in the slave owner's home. James Stirling, a British writer who visited the American South in 1857, observed:

In judging of the welfare of the slaves, it is necessary to distinguish the different conditions of slavery. The most important distinction, both as regards numbers and its influence on the wellbeing of the slave, is that between houseservants and farm or fieldhands. The houseservant is comparatively well off. He is frequently born and bred in the family he belongs to; and even when this is not the case, the constant association of the slave and his master, and master's family, naturally leads to such an attachment as ensures good treatment. There are not wanting instances of devoted attachment on both sides in such cases. The position of the fieldhands is very different; of those, especially,
who labour on large plantations. Here there are none of those humanizing influences at work which temper the rigour of
the system, nor is there the same check of public opinion to control abuse. The 'force' is worked en masse, as a great
human mechanism; or, if you will, as a drove of human cattle. \footnote{166}

The Hemingses of Monticello provides an example of how slaves with familial ties to their owners lived and
worked during the antebellum period. \footnote{167} Elizabeth Hemings was the daughter of an African woman and a White sea
captain. \footnote{168} She had 12 children, \footnote{169} half of them by her owner, John Wayles \footnote{170} whose legitimate daughter, Martha
Wayles Skelton, married President Thomas Jefferson in 1772. \footnote{171} After her father's death, Martha inherited Elizabeth
Hemings and her children \footnote{172} and brought them to serve at Monticello. \footnote{173} The Hemings were treated differently than
other slaves at Monticello plantation. None of them worked in the fields. \footnote{174} The women were considered a relatively
privileged caste \footnote{175} compared to others, and worked as house servants performing chores like sewing, mending clothes,
looking after children, and baking cakes. \footnote{176} The men served as valets, coach drivers, and butlers. \footnote{177} Jefferson paid
some of the men wages and gratuities, \footnote{178} and others were allowed to hire themselves out to other employers of their
choice. \footnote{179} Sally Hemings, the young daughter of Elizabeth Hemings and John Wayles, \footnote{180} was Martha's half-sister
and it was \footnote{[*92]} said that the two bore a physical resemblance. \footnote{181} Most historians \footnote{182} now agree that Sally Hemings
became Jefferson's mistress and bore six of his children. \footnote{183}

Lalita Tademy's novel, Cane River, describes the intimate relationships among slave owners and female slaves that
produced racially-mixed offspring. \footnote{184} The characters are based on Tademy's ancestors who she discovered after years
of researching her family's history. \footnote{185} It is a narrative about four generations of women born into slavery along the
Cane River in Louisiana. \footnote{186} One character, Great-grandmother Elisabeth, had a daughter, granddaughter and
great-granddaughter who bore the offspring of the French planters. \footnote{187} In many cases, the children's paternity was
widely known and acknowledged by their fathers; \footnote{188} but, since Louisiana's laws did not allow slaves to be legally
entitled to any property or money, \footnote{189} these children were not allowed to inherit anything. \footnote{190}

Prior to the Civil War, mixed-race Creoles in Louisiana had a social status that set them above enslaved persons. \footnote{191} After the War, they were subjected to the "one-drop" rule, \footnote{192} but they maintained family and community ties that
distanced them from darker-skinned African-Americans. \footnote{193} They were, as a Creole documentary put it, "too white to
be black and too black to be white." \footnote{194}

After emancipation, the dark/light division was perpetuated by African-Americans who constructed social classes
based on skin color. \footnote{195} Blacks created "blue vein societies," social clubs to which individuals were admitted only if
their skin tone was light enough to make their veins visible on the underside of their arms. \footnote{196} Color differences
continued to \footnote{[*93]} play an important role in the Black community. Mixed race individuals attempted to maintain the
privileged status they had acquired during slavery. \footnote{197} Separate communities were established in which access was
based on skin color. \footnote{198} Examples include Chatham and East Hyde Park in Chicago, and the Striver's Row and Sugar
Hill neighborhoods of New York. \footnote{199}

Charles Waddell Chesnutt's 1899 short story, The Wife of His Youth, satirized the pretensions of light-skinned
African-Americans at the end of the nineteenth century. \footnote{200} The protagonist of the story, Mr. Ryder, was the leader of
the local "Blue Vein Society" who was dating a fair-skinned female member of the organization. \footnote{201} Ryder claimed
that he was free born and the product of a respected family, as this was a requirement for Blue Vein membership. \footnote{202} He
was confronted with a dilemma when a woman appeared in the community. \footnote{203} She was an illiterate,
dark-complexioned former slave who had spent years looking for her husband. \footnote{204} Ryder initially denied knowing the
woman. \footnote{205} Eventually, his guilty conscious forced him to admit that he had lied about his background. \footnote{206} Ryder
acknowledged his marriage and reunited with the dark-skinned woman who was "the wife of his youth." \footnote{207}
Researchers have documented the ways in which many Black teachers in segregated schools during the pre-Brown v. Board of Education era were infected with the attitudes that preferred lighter-skinned children over darker-skinned students. Light-skinned students were selected as leads in plays and pageants, called on first in classroom discussions, and visibly favored by teachers. An example of this can be found in a recollection published by J. Saunders Redding, a writer and literary critic who was the first African-American to hold a faculty position at an Ivy League university. His brother, Louis L. Redding, was the attorney who represented the Delaware students in the consolidated cases remembered as Brown. In No Day of Triumph, Saunders Redding describes his experiences with colorism during his childhood. Wilmington's Black population grew rapidly during and after the World War I years. A large number of Black families were moving from the rural South to work in factory jobs that were available in rapidly industrializing northern communities. The recent arrivals were poorer, less educated and often darker-complexioned than Wilmington's Black middle class. To Saunders' mother and grandmother, the new neighbors were perceived as a threat.

Redding recalled a public speaking contest in which he competed with a dark-skinned student. He was so nervous that he mumbled a few words before bursting into tears. In contrast, the dark-complexioned student's performance was outstanding. Redding, who was lighter-complexioned and socially connected, was awarded first prize despite his dismal performance. A few years later, when Redding was in high school, the light-skinned, female principal discouraged him from maintaining a romantic relationship because the girl was poor and dark-skinned.

Wallace Thurman's Harlem Renaissance novel, The Blacker the Berry: A Novel of Negro Life, is a satire in which the theme is colorism in the 1920s New York. The novel's dark-skinned protagonist, Emma Lou Morgan, internalized biases against dark-complexioned people. She grew up in Boise, Idaho, where she experienced discrimination by the lighter- complexioned African-Americans throughout her childhood. She left Boise to attend college in Los Angeles. From there, Emma Lou moved to Harlem where she worked as a maid and later as a teacher. Throughout the novel, Emma Lou is plagued by anxieties about her dark complexion. Her obsession with color prevented her from enjoying Harlem's excitement. In New York, Emma Lou encountered discrimination from Blacks and Whites. At a Harlem party, a character explained intra-racial discrimination, stating, "people have to feel superior to something," and expounded that light-complexioned African-Americans who look down on darker-skinned African-Americans were perpetuating a hierarchy of discrimination imposed by the White majority. After some romantic disappointments with light-complexioned men, Emma Lou finally accepted her appearance. The book's title is derived from an old saying: "the blacker the berry, the sweeter the juice."

In the early decades of the twentieth century, colorism fueled conflicts among African-American leaders, including Marcus Garvey, who was the head of the Universal Negro Improvement Organization. The organization attracted at least a half-million members, and it competed for a time with the NAACP for the position of the premier African-American advocacy group. Many of the NAACP's members were educated and middle class. Garvey's group appealed to the masses. Unlike the NAACP, which fought for integration, Garvey proposed migration to Africa as the answer to the "Negro problem." In 1931, Garvey, who had a very dark complexion and African features, claimed that W.E.B. Du Bois and the NAACP practiced colorism:

It is no wonder that Du Bois seeks the company of white people, because he hates black as being ugly . . . Yet this professor, who sees ugliness in being black, essays to be a leader of the Negro people and has been trying for over fourteen years to deceive them through his connection with the National Association for the Advancement of Colored People. Now what does he mean by advancing colored people if he hates black so much? In what direction must we expect his advancement? We can conclude in no other way than that it is in the direction of losing our black identity and
becoming, as nearly as possible, the lowest whites by assimilation and miscegenation.  

Du Bois fervently denied Garvey’s claim, but there was some truth to it. Walter White was the head of the NAACP from the mid-1930s until his death in 1955. White’s light skin, blonde hair, and blue eyes did not display a hint of his African ancestry. He took advantage of his appearance to pass for White while conducting undercover investigations of lynchings and other hate crimes in the South. White’s colorism was reflected in the image of African-American women he actively promoted in Crisis, a periodical published by the NAACP. In the 1940s, Crisis was the most important magazine of opinion among African-Americans. The editors used photographs of predominantly light-skinned, college-educated women in an effort to displace entrenched notions of Black women as “Jezebels” or sexual victims. The editors wanted to refashion the image of Black women, but in doing so they promoted colorism. During the World War II years, the light-skinned, African-American actress Lena Horne was featured on two Crisis covers to promote a new image of Black women. As one scholar explained:

The magazine preferred headshots of well-dressed, light-skinned African American women who were college-educated ladies, beauty-contest winners, soldiers’ wives, or celebrated entertainers, over photographs of dark-skinned women engaged in war-production work. Jane Cooke Wright (August 1942), Barbara Gonzales (March 1944), and Katheryn M. Davenport (August 1944) represent the Crisis’s typical war era cover girl. All three women avert their eyes from the photographer; the photograph showcases their upper torsos, shoulders, and faces, highlighting their light skin and carefully coiffed hair.

Alluding to the organization’s perceived elitism, some Blacks joked that the letters ”NAACP” actually stood for the National Association for the Advancement of Certain People.

Colorism lives on. Today, African-American entertainers and actors are far more likely to have light coloring than dark complexions. With the exception of an occasional dark-skinned exotic, most Black models can easily pass the ”paper bag” test, and many have racially ambiguous coloring and features. African-American news anchors and reporters rarely have dark complexions. Female entertainers, in particular, tend to have light skin and hair that is dyed blonde and made longer with hair extensions. Consider Halle Berry, Rihanna, and Alicia Keys. In her hit song, ”Creole,” Beyonce Knowles sings about her Creole heritage and being an attractive combination of ”red bone” and ”yellow bone” (terms that refer to light-skinned Black women).

Pop singer Fantasia Barrino rose to fame as the 2004 winner on the popular television show, American Idol. She was the object of a barrage of negative publicity surrounding her affair with a married man and the lawsuit his wife filed against her. Barinno attempted suicide and later told reporters that the media criticism was based on her dark skin and ethnic features. She said: ”[w]hen I did [American] Idol, it seemed like everybody there was Barbied out. Slim, long hair, light eyes, light-skinned. And here I come with my dark skin, full nose, short hair and full lips—it was hard.” ”Barbied out” referred to the appearance represented by the Barbie doll, one of the most successful toys of the twentieth century. Barbies are grown-up looking dolls that allow girls to reflect their personality and dreams in the roles imagined for them. Their appearance is an icon of female beauty and the American dream. The classic thin figure, blonde hair, and blue eyes reflect the Eurocentric ideal, a look that a dark-skinned person with African features could never achieve. Interestingly, when Barbies were introduced at the 1959 Toy Fair, blonde dolls outnumbered brunettes two to one.

V. Importing European Standards of Beauty

The modern definition of race did not appear until the middle of the eighteenth century.  During that century,
European publications shifted from identifying groups on the basis of their nationality to a preoccupation with race. By the mid-nineteenth century the classification of individuals by race was ubiquitous. However, the current standards for beauty, which reflect and perpetuate colorism, can be traced back into antiquity.

A pale complexion, fine facial features, and light-colored hair became the social construct of feminine beauty during the Classical period of Ancient Greece (ca. 480-323 BC). For example, a female Greek portrait from the Museum of Fine Arts in Boston is described as possessing finely shaped features: large almond-shaped eyes, beautifully arching eyebrows, a full rounded mouth with a plump and bow-shaped upper lip. During this period, Greek artists made a dramatic advance in the execution of their craft. They learned to express the human body in a life-like and naturalistic manner, characterized by a system of proportions. Their statues were detailed, and with anatomically accurate forms. Consider the nude Aphrodite of Cnidos, by the Athenian sculptor Praxiteles, as an example. Expertly crafted presentations of the human anatomy and musculature were depicted in marble, stone, or bronze.

Africans, known as Ethiopians by the ancient Greeks, were present in the Hellenic world and were considered exotic. African images of athletes and entertainers were displayed in pottery and vases by utilizing an attractive black glaze. Noticeably, they were not shown in heroic roles or as aesthetic symbols, since the Classic ideal of beauty was entirely Eurocentric. Angela Harris articulated with conciseness the perceptions of whiteness and Eurocentrism that have informed both art and history: "more white is more European, and more European is more refined; less European is more primitive, and more primitive is more dark."

The Romans adopted the Greek standard of beauty. The goddess Venus represented love and beauty and was considered the quintessence of feminine beauty and harmony. The famous statue, Venus de Milo, is exhibited in Paris at the Louvre. Her naked torso has an elongated silhouette and a sensual nudity that contrasts with an impassive expression. The nose is a continuation of the forehead forming the classic "Greek profile." Along with other interpretations of Venus, this image sets the standard by which feminine beauty is measured.

During the Renaissance (ca. 1300-1600), the aesthetics of the Classical period were revived. Botticelli's Birth of Venus depicts the goddess emerging from the sea as a full-grown woman. Her cascading blonde hair accentuates her slender body and alabaster complexion. In another Botticelli, Venus and Mars, Venus lies opposite her lover Mars, god of war, who has fallen asleep apparently after making love to her. Her alertness, as the goddess of love, represents the triumph of love over war. Although it is believed that Simonetta Vespucci inspired the work of Botticelli, Venus was the expression of the artist's ideal perception of beauty. During the Renaissance, realistic interpretation was avoided and positive attributes were highlighted. Venus has perfect skin, a high forehead, and a sharply defined chin. Her hair is strawberry blonde, she has delicate eyebrows, a strong nose, narrow mouth, and full lips. This idealized depiction shows the conception of perfect beauty that prevailed during the Italian Renaissance.

Leonardo Da Vinci's Mona Lisa, Titian's Venus with a Mirror and Tintoretto's Leda and the Swan are examples of art that celebrate beauty in the "whiteness" of European women. Other Renaissance expressions of feminine beauty were along the same lines: Caucasian women with pale complexions and fine features.

With the advent of the Atlantic slave trade in the fifteenth century and the colonization of the Americas, Asia, and Africa, black skin became the personification of the undesirable. By the early nineteenth century, theories of scientific racism were developed and widely accepted. Samuel Morton, a professor of medicine at the University of
Pennsylvania, published Crania Americana in 1839. In general, Morton claimed that differences in head shapes could predict a racial group's intelligence and other personality traits. An appendix written by George Combe expanded upon the relationship between the natural talents and dispositions of nations and the development of their brains. Based on Morton's findings, Combe highlighted the tendency of the Caucasian race to exhibit moral and intellectual improvement, while referring to the African race situation as one unbroken scene of moral and intellectual desolation, with the exception of some tribes. Combe's opinion about the Native American race was even more critical: the author could not justify the miserable and savage conditions of these individuals, despite the long-term exposure of natives to European knowledge, enterprise, and energy.

Morton's theory of Polygenesis hypothesized that racial groups did not share a common origin. This provided a "scientific" basis for viewing African-descended people as a different and inferior species, thus requiring interbreeding to improve the race. A lexicon emerged that equated "blackness" with negative traits. "Black," "dark," and "sinister" are considered adjectives stemming from the word "evil." Common examples include "black hearts," "black deeds," and "black magic," as well as referring to Satan as the "Prince of Darkness.

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Whites expressed what it meant to be Black by portraying negative stereotypes of Blacks in entertainment and popular culture throughout the nineteenth and twentieth centuries. In the late nineteenth century, White performers darkened their faces with burnt cork, painted exaggerated White mouths, donned woolly wigs, and performed minstrel shows. The common themes in these performances were jokes highlighting laziness, ignorance, and other negative traits using crude versions of the Black dialect. Characters such as Jim Crow, a na ve and clumsy slave, exemplify this stereotype. With the advent of motion pictures in the early twentieth century, negative depictions of African-Americans moved to the screen. Furthermore, the negative connotation against Blacks became available to children through cartoons. For instance, the 1941 animation, Scrub Me Mamma with a Boogie Beat, depicts the life of a Black river community called Lazytown. With the exception of some Mammies, all men and animals appear sleeping or slacking during the day. The crude scenes of laziness and abandonment are suddenly changed when a modern riverboat arrives and the beautiful White ladies from the crew bring their energy and good manners to the town. This cartoon highlights the cultural preferences of Whites and displays many of the negative stereotypes of Blacks described so far.

In Toms, Coons, Mulattoes, Mammies, and Bucks, Donald Bogle identified other stereotypes depicted in popular films. Toms were always loyal, never turning against their White masters or employers. Coons, in contrast, were irresponsible, lazy, and dishonest. The Mammy was depicted as outspoken, overweight, and cantankerous. The Black Buck was a large, fearsome, dark-skinned, and hyper-sexualized male. The Tragic Mulatto was a fair-skinned female attempting to pass for White. She was a sympathetic character confused by a divided racial heritage. More recently, the "Jezebel" was depicted as seductive, promiscuous, and predatory. Racial stereotypes were a staple of films, cartoons, comic books, and novels well into the 1960s. In the 1960s, the Civil Rights movement altered the legal status of African-Americans. The official regime of state-sponsored discrimination was eliminated by Civil Rights legislation. For a brief period during the Black Power era, Blacks embraced their African heritage. A rejection of Eurocentric standards of beauty and the establishment of the politics of representation were encouraged. Women were urged to abandon hair strengtheners and skin-lightening creams. The "Afro" hairstyle became fashionable, and African-inspired clothing communicated the wearer's racial consciousness. The prevailing sentiment was captured in James Brown's popular song, "Say it Loud, I'm Black and I'm Proud."

The Black Arts movement introduced a "Black Aesthetic" to art, music, and literature. A revolution took place,
which allowed Black artists to look at their social order from their own perspective. The 1960s were a time of protests, demonstrations, and urban riots; a turning point in the way African-Americans perceived themselves. However, their hopes for a permanent transformation were too optimistic. By the late 1970s, the Black Power Movement declined. Opposition to Eurocentric standards survives today in the Black Studies Departments at Universities and in some "Afrocentric" organizations and charter schools, but it has largely disappeared from popular culture.

The commercialization of negative stereotypes has re-emerged and the entertainment industry is exploiting them for profit. Rap music is a multi-billion dollar industry. In the 1990s, "gangster rap" glamorized a ghetto subculture. This was reflected in behavior and attitudes that rejected mainstream values and glamorized dangerous and self-destructive behavior. Conspicuous consumption, ostentatious displays of jewelry, fast cars, and scantily clad women are the images that still predominate in music videos and magazines. Complexion Obsession: A Hip Hop Documentary is a two-part documentary created by Joy Daily. Using filmed interviews of several entertainers, the documentary shows how deeply colorism is embedded in the ethos of hip hop.

In a contemporary representation, the "Jezebel" character is the video vixen, a prominent character in gangster rap songs. Lil' Kim and Nicki Minaj are current manifestations of this stereotype: they employ exaggerated expressions of femininity and sexuality in their performances; they present images that commodify Black female sexuality; and they are bound by an old stereotype in which Black women are predisposed to sexual deviance and lewdness.

Rap's product is an extravagant image of life in inner-city neighborhoods. Tough ghetto youths are shown driving luxury cars and wearing oversized shirts and baggy pants while displaying a menacing visage. The "thug" image that many rappers project is merely an updated version of the "Buck" character: a large, threatening, and hyper-sexualized Black male. The old expression "I don't want nothing black but a Cadillac" conveyed African-American males' preference for light-skinned women. This attitude persists in hip-hop culture. According to Patricia Hill Collins, the values of individualism, personal expression, and material well-being have prevailed in the hip-hop culture, while issues of racial failure have been overlooked.

VI. Internalized Stereotypes

In the 1970 novel The Bluest Eye, the celebrated author, Toni Morrison, deconstructed Eurocentric standards of beauty. Morrison's novel conveyed the psychic damage that some Black women suffer as a result of the construction of beauty and desirability in a racially coded society. The story portrays the tragic lives of an impoverished Black family in 1940s America. The eleven-year-old protagonist, Pecola Breedlove, believes she is ugly because her conception of beauty is based on the Eurocentric standard. The title, The Bluest Eye, is derived from Pecola's intense desire for blue eyes for which she prays every night. Pecola's obsession and traumatic experiences eventually drive her insane. Pecola's predicament was caused by internalized attitudes about what was considered attractive and desirable in her immediate reality.

Since 1939, Kenneth and Mamie Clark developed research about self-identification in young children. In the late 1940s and early 1950s, they conducted a series of studies that became known as the "doll tests." Their studies found differences among children attending segregated schools in Washington D.C. compared to those in integrated schools in New York City. They found that Black children often preferred to play with White dolls over Black ones. When asked to fill in a human figure with the color of their own skin, they frequently chose a lighter shade
than was accurate. The children gave the color "White" attributes such as good and pretty, but "Black" was seen bad and ugly. The test was used to show the harm that segregation inflicted on young children, contributing to a sense of inferiority and self-hatred. The Clarks testified as expert witnesses in several of the NAACP's school desegregation cases and their studies were relied on by the Supreme Court in Brown v. Board of Education.

Over the last two decades, a substantial body of empirical and theoretical work in cognitive psychology has confirmed that the causes of discriminatory actions often operate at an unconscious level without the individual's awareness of the source. Discrimination is an interaction of social cognitions about race and behavioral outlets that bring congruence to a person's racial preferences and social settings. Many of these beliefs are formed during the early childhood years, and they serve as a basis for judgments about events, groups, and ideas during their adult years. Socialized beliefs can provoke negative sentiments when individuals make judgments about issues that activate stereotypes.

Overt racism has diminished considerably in the years since the Civil Rights laws were enacted, but unconscious stereotypes about color persist, and they are triggered by the ways in which the brain processes information. "Categorization" allows the brain to quickly process large amounts of information. It operates at a level independent of conscious attitudes, beliefs, and perceptions. Categorization is an essential cognitive activity enabling individuals to reduce the enormous diversity in the world to a manageable level. Categorization is the process of understanding something based on an individual's knowledge of that which is similar and that which is different. It allows individuals to relate new experiences to old experiences; the unfamiliar becomes familiar. Each object and event in the world is perceived, remembered, and utilized for predicting the future, inferring the existence of unobservable traits or properties, and attributing the causation of events. The process is spontaneous and measured in milliseconds.

According to Frances Aboud, who conducted research on prejudice in young children, categorization develops at an early age. In one of her studies with young children aged 3 to 5, volunteers were given a half-dozen positive adjectives such as "good," "kind," and "clean" and an equal number of negative adjectives such as "mean," "cruel" and "bad." They asked children to match each adjective to one of the two drawings. One drawing depicted a White person; the other showed a Black person. The results showed that 70% of the children assigned nearly every positive adjective to the White faces and nearly every negative adjective to the Black faces. A subsequent study, also conducted by Aboud, demonstrated that these attitudes were not taught by the children's parents or teachers. Commenting on Aboud's research, Shankar Vedantam explained that children's racial attitudes are the products of unspoken messages emanating from the environments in which they reside. Young children experience a world in which most people who live in nice houses are White. Most people on television are White, especially the people who are shown in positions of authority, dignity, and power. Most of the storybook characters they see are White, and it is the White children who perform heroic, clever, and generous things. Young children conclude that there must be an unspoken rule in society that forces Whites to marry Whites because everywhere they look White husbands are be married to White wives. Young children who are trying rapidly to orient themselves in their environments receive messages about race and color, not once or twice, but thousands of times. Everywhere a child looks, whether it is on television, in movies, in books, or online, their inferences are confirmed. As they grow older, these messages remain in their unconscious psyches and can be triggered by the categorization process.

Unconscious stereotyping is associated with the categorization process. According to Quadflieg and Macrae, upon the perception of a target, social categorization is expected to occur, which in turn activates stereotypical knowledge that is then used to evaluate, judge, or predict a person's personality or behavior. Attitudes about African-Americans are internalized at an early age and retained into adulthood. This may explain why dark-
skinned Black defendants get longer prison sentences than their lighter-complexioned counterparts and why most Americans prefer lighter to darker skin tones.

[*109]

Title VII of the Civil Rights Act of 1964 and other laws protect against discrimination based on color, but courts have been less receptive to claims alleging intra-racial discrimination. Legal scholars have argued that courts should be more receptive to cases alleging discrimination based on color. These are accurate conclusions and important recommendations, but the color problem is much larger. Successful employment claims will not stop individuals from straightening their hair, donning blonde wigs, or wearing blue contact lenses. Laws will not diminish the worldwide, multi-million dollar market for skin-lightening creams. Court cases will not end the preference for light-complexioned models and entertainers. Regulations will not change the images we see in television, movies, magazines, online, and elsewhere that reinforce colorism every day.

VII. Conclusion

In the classic jazz song What Did I Do To Be So Black and Blue, composed by Fats Waller in 1929 and interpreted by Louis Armstrong, a lonely, dark-skinned woman laments her inability to attract male attention:

Cold empty bed . . . springs hurt my head

Feels like ole ned . . . wished I was dead

What did I do . . . to be so black and blue

Even the mouse . . . ran from my house

They laugh at you . . . and all that you do

What did I do . . . to be so black and blue

I'm white . . . inside . . . but, that don't help my case

That's life . . . can't hide . . . what is in my face

How would it end . . . ain't got a friend

My only sin . . . is in my skin

What did I do . . . to be so black and blue.

[*110]
Colorism is a vestige of the colonial era when European countries invaded Africa, Asia, and the Americas and imposed their standards on the indigenous populations along with the Africans they imported and enslaved. Perhaps unconsciously, Michael Jackson and Sammy Sosa wanted to make themselves more physically attractive, which to them meant having a light complexion, European features, and straightened hair.

Colorism is well documented in academic research but largely ignored by policymakers. It is as alive today as it was a century ago. Dark-skinned African-Americans and other minorities do not have the same opportunities for advancement as those with light complexions. This form of discrimination is as injurious as invidious racism. Colorism is a combination of overt and unconscious discrimination that places a high value on light complexions and European features while devaluing dark skin and African phenotypes. As America becomes a more multi-racial society, old-fashioned racism is declining, but colorism and unconscious bias persist. If this trend does not change, it will mean that the darkest-complexioned, most African-looking people will continue to receive the worst treatment.

Legal Topics:

For related research and practice materials, see the following legal topics:

FOOTNOTES:


n3 See id.


n7 See id.; see also Kim LaCapria, Sammy Sosa's skin tone raising questions, The Inquisitr (Nov. 7, 2009), http://perma.cc/0rsTTGrEETK.

n8 Red & Lopez, supra note 7.

n9 Id.


n11 See discussion accompanying infra notes 17-25.


n13 The term "colorism" has been attributed to Alice Walker who defined it as "prejudicial or preferential treatment of same-race people." Alice Walker, If the Present Looks Like the Past, What Does the Future Look Like?, in Search of Our Mothers' Gardens: Womanist Prose 290 (1983).


n16 See Harris, supra note 14.


n19 See discussion infra Section "Importing European Standards of Beauty."


n21 See infra notes 73-74.

n22 See infra notes 369-79 and accompanying text.

n23 See infra Sec. III.


n25 See survey findings infra notes 73-74.


n27 See, e.g., Ronald E. Hall, An Historical Analysis of Skin Color Discrimination in America: Victimism among Victim Group Populations (2010); Ronald E. Hall, Racism in the 21st Century: An Empirical Analysis of Skin Color (2008); Joanne L. Rondilla & Paul Spickard, Is Lighter Better?: Skin-Tone Discrimination among Asian Americans (2007); Margaret L. Hunter, Race, Gender and the Politics of Skin Tone (2005); Edward E. Telles, Race in Another America: The Significance of Skin Color in Brazil (2004); Cedric Herring et al.,


n29 Id. at 318.

n30 Id.

n31 Id.


n33 See E. Franklin Frazier, Black Bourgeoisie: The Book that Brought the Shock of Self-Revelation to Middle-Class Blacks in America (1957).

n34 Id. at 135.

n35 Id.

n36 See Ware & Wilson, supra note 26.

n37 See infra notes 40-76 and accompanying text.

n38 See generally Glenn, supra note 24 (consider Part IV: Countering Colorism: Legal Approaches).

n40 Id. at 1710-11

n41 Id. at 1724-36.

n42 See id. at 1710, 1741-42.

n43 Id. at 1741, 1743, 1746.


n45 See id. at 1493-99.

n46 Id. at 1555.

n47 Id. at 1489-90, 1531-56.

n48 Id. at 1490, 1544, 1555.

n50 See id. at 1370-76.

n51 See id. at 1383-93; see also, Cynthia E. Nance, Colorable Claims: The Continuing Significance of Color Under Title VII Forty Years After Its Passage, 26 Berkeley J. Emp. & Lab. L. 435 (2005) (examining the history of colorism and cases alleging discrimination on the basis of color rather than race).


n54 See Baynes, supra note 52, at 159-62, 185.


n56 Tonry, supra note 55, at 284.

n57 Id.

n58 Pizzi et al., supra note 55, at 331.

n59 Id.
n60 Id.

n61 See id. at 350-52.

n62 See id. at 352.


n64 Id. at 253.

n65 Id. at 255.

n66 See id. at 254-56.

n67 Id. at 257.

n68 Id.


n70 Id. at 1454.
n71 Id.

n72 Id.


n74 Id. at 644 (alteration in original) (citations omitted).


n76 See generally Glenn, supra note 24.

n77 See Imani Perry, Buying White Beauty, 12 Cardozo J.L. & Gender 579, 582 (2006).


n79 See Anjana Gosai, India's Myth of Fair-Skinned Beauty, Guardian.co.uk (July 19, 2010, 4:00 PM), http://perma.cc/HQ3T-4B8S.

n80 See Glenn, supra note 75, at 289; see also Saikat Chatterjee, Fair-Skin Fashion Boosts Sales of Whitening Creams in India, Bloomberg (Nov. 12, 2009, 5:51 PM), http://perma.cc/7CT2-3EU2 (exemplifying a mother's motivation to purchase a skin-lightening cream for her 15-year-old daughter).

n81 See Ronda R. Penrice, Skin Lightening is Serious Business in India, theGrio (Jul. 19, 2010, 9:15 AM), http://perma.cc/B84F-L83B.

n83 See Perry, supra note 77, at 596.


n86 Id.


n88 Id.

n89 Id.


n91 Achal Mehra, Fair and Ugly - Indian Americans and Skin Color Politics, New Am. Media (Mar. 01, 2010), http://perma.cc/6V4A-Y42T.

n93 See Dan Morrison, Has India's Skin-Lightening Obsession Reached the Final Frontier?, Nat'l Geographic (Apr. 12, 2012), http://perma.cc/46UE-WPYX.

n94 Id.

n95 See Chatterjee, supra note 80.

n96 See Blakely, supra note 90.


n100 See Katherine Reedy, Ads Pressure Hong Kong Women to Whiten Up, Wenews (Feb. 12, 2009), http://perma.cc/BKJ6-9V8M.

n101 See Marianne Bray, SKIN DEEP: Dying to be White, CNN.com (May 15, 2002, 4:14 AM), http://perma.cc/7LY8-HFYQ.

n102 Id.

n103 See Rondilla & Spickard, supra note 27, at 1-9.

n105 Id. at 1102.

n106 Id. at 1106-07.

n107 Id. at 1108; see infra text accompanying notes 108-15.


n109 See id.

n110 Id.

n111 Id.; see generally Sue, supra note 15.


n114 Id.


n117 See Hecht, supra note 115.

n118 Id.

n119 See Telles, supra note 27, at 1.

n120 Id. at 13.

n121 Id.

n122 Id.

n123 See Marvin Harries et al., Who are the Whites?: Imposed Census Categories and the Racial Demography of Brazil, 72 Soc. Forces 451, 452 (1993).


n125 See Telles, supra note 15, at 12.

n126 Id.

n128 Id.

n129 A racial democracy presupposes that Brazilians live in a nation where racial prejudice, discrimination and preconceptions regarding race are obsolete in light of equal access for all. Antonio D. Tillis, Blackness and Cultural Tourism in Brazil: The Case of Salvador da Bahia in (Re)Considering Blackness in Contemporary Afro-Brazilian (Con)Texts 1, 4 (Antonio D. Tillis ed., 2011).


n132 Id. at 793.

n133 See Greene, supra note 124, at 192.


n135 See Harries et al., supra note 123, at 452.

n136 See Racusen, supra note 131, at 787.


n139 See id. at 1109-10.

n140 Id. at 1101.

n141 See id. at 1104-06 (discussing preference of Puerto Ricans to identify themselves as whites in the 2000 census and the racial category change of the first Cuba's pre-revolution dictator).

n142 See id. at 1105.


n145 See id. at 219-20, 222, 231 (discussing Puerto Ricans' perception of differential treatment for lighter-colored people).

n146 Hernandez, supra note 104, at 1121.

n147 Roth, supra note 144, at 206.

n148 See id. at 224.


n151 Roth, supra note 144, at 226.

n152 See Hernandez, supra note 104, at 1106.

n153 Id. at 1126.


n156 See id.

n157 See The Oxford Encyclopedia Of Latinos And Latinas In The United States, supra note 154.

n158 Id.

n159 See Sue, supra note 15, at 114.

n161 Roth, supra note 144, at 206-31; de Santana Pinho, supra note 134; Glascock & Ruggiero, supra note 116; Greene, supra note 124, at 153, 192; Hernandez, supra note 104, at 1121; Racusen, supra note 131, at 788, 793; Hecht, supra note 115; see Navarrette, supra note 113.

n162 See Jones, supra note 44, at 1543.

n163 See Harris, supra note 14.

n164 See Jones, supra note 44, at 1510.

n165 Id.


n168 Id. at 49.

n169 Id. at 101.

n170 Id. at 27, 59, 80.

n171 Id. at 101.
n172 Id. at 109-10.

n173 Gordon-Reed, supra note 167, at 54, 92, 110.

n174 Id. at 116.

n175 Id. at 122.

n176 Id. at 110, 114.

n177 Id. at 110.

n178 See id. at 115.

n179 See Gordon-Reed, supra note 168, at 115.

n180 Id. at 101.


n184 Lalita Tademy, Cane River passim (2001).

n185 Id. at vii-xii.

n186 Id. at xi-xii.

n187 See id. at vi (illustration of descendants).


n189 Id. at 44.

n190 Id. at 92.


n192 See generally Plessy v. Ferguson, 163 U.S. 537 (1896) (violation of the Louisiana 1890 Separate Car Act by a non-White man).

n193 See Mills, supra note 188, at 248 (discussing group solidarity in the cane River colony).

n194 Maurice Martinez, TOO WHITE TO BE BLACK, TOO BLACK TO BE WHITE: THE NEW ORLEANS CREOLE YouTube (Mar. 12, 2007), http://www.youtube.com/watch?v=2tVpHYyDeY.
n195 See Banks, supra note 39, at 1715.

n196 Jones, supra note 44, at 1515.

n197 Id.

n198 Id. at 1515-16.

n199 Id. at 1516.


n201 Id. at 1-8.

n202 Id. at 2.

n203 Id. at 9-17.

n204 Id.

n205 Id.

n206 Chesnutt, supra note 200, at 17-24.
n207 Id.


n212 See Savery, supra note 210, at xiii.

n213 Redding, supra note 209, at 300-11.

n214 Id. at 304.


n217 Redding, supra note 209, at 307.
n218 Id. at 308.

n219 Id.

n220 Id.

n221 Id. at 309.

n222 Id. at 309-10.


n224 Id. at 11.

n225 Id. at 25 (discussing rejection from her lighter-colored relatives).

n226 Id. at 34-35.

n227 Id. at 74-75.

n228 Id. at 104.

n229 Thurman, supra note 223, at 208.
n230 See id. at 11.

n231 Id. at 145.

n232 Id. at 143-45.

n233 Id. at 218.

n234 Id. at 216-17.

n235 Thurman, supra note 223, at 11-12.


n238 See Gary Peller, Toward a critical cultural pluralism: progressive alternatives to mainstream civil rights ideology, in Critical race theory: The key writings that formed the movement 127, 153 n.20 (Kimberle Crenshaw ed., 1995).


n241 Haugen, supra note 237, at 39-41.
n242 Greenberg, supra note 240, at 15.

n243 Peller, supra note 238, at 153 n.20.


n247 Greenberg, supra note 240, at 16.

n248 Id. at 15-16.


n250 Id. at 201.

n251 Id. at 203.

n252 Id. at 201.
n253 Id. at 204.


n258 E.g., Vanessa Walters, Mighty white, The Guardian (Aug. 8, 2008, 8:00 AM), http://perma.cc/9GBH-PV3C.


n260 Fantasia, Life is not a fairy tale xi (2005).


n263 Id.
n264  Id.


n266  See Genenda Milloy, Barbie Dolls: Barbie as a Role Model for Young Girls, Hobby Hub (Nov. 27, 2007), http://perma.cc/J2KL-Q6HK.

n267  See Gerber, supra note 265, at 5.


n269  See id.

n270  See id. at 247-48.


n272  See id. at 117.

n273  See id. at 106.


n275  Dillon, supra note 271, at 117.
n276 Hemingway & Hemingway, supra note 274.

n277 See Elaine Fantham et al., Women in the Classical World: Image and Text 175 (1994).

n278 Dillon, supra note 271, at 23-28.


n280 Id.


n282 Id. at 5.


n284 Fantham et al., supra note 277, at 370.


n286 Id.
n287 See id.

n288 See id.

n289 See Haughton, supra note 283.


n292 See id.

n293 See Haughton, supra note 283, at 230.


n295 See David Bellingham, Venus and Mars by Sandro Botticelli, my daily art display (Dec. 30, 2012), http://perma.cc/0Refs4pdSgD; See also Birth of Venus, Italian Renaissance Art, http://perma.cc/0SFiBc1wo3F (last visited Nov. 15, 2013).

n296 See Haughton, supra note 283.

n297 See The Nat'l Gallery, supra note 294.
n298 See id.

n299 See id.


n303 Consider Ginevra de'Benci and The Annunciation by Leonardo Da Vinci; Danae and Venus of Urbino by Tititian; Ideal Portrait of a Lady by Botticelli.

n304 See generally Gabriel, supra note 20, at 6; Roth, supra note 144; Hernandez, supra note 104, at 1106-07.


n307 See id.

n309 Id. at 271.

n310 Id. at 272.

n311 See Jackson & Weidman, supra note 305, at 44.

n312 Id.


n314 Id.


n316 See Jason D. Ivey, Blackface Minstrelsy, Univ. of N.C at Pembroke, http://perma.cc/0Q9TqyRPrHc (last updated Nov. 12, 2001).

n317 Id.

n318 Consider the American musical film Holiday Inn, in which Bing Crosby impersonated Abraham Lincoln in blackface. Holiday Inn (Paramount Pictures 1942).

n320 Scrub me Mamma with a Boogie Beat (Walter Lantz/Universal 1941), available at http://www.youtube.com/watch?v=UacUR7bPnMM.

n321 Id.

n322 Id.

n323 Donald Bogle, Toms, Coons, Mulattoes, Mammies, and Bucks: An Interpretive History of Blacks in American Films (3d ed. 1994).

n324 See id. at 4-5.

n325 See id. at 8.

n326 Id.

n327 See id. at 13.

n328 See id. at 9.


n333 See Jones, supra note 44, at 1518.


n335 Id. at 122.

n336 See Glenn, supra note 160, at 173.


n338 James Brown, Say It Loud - I'm Black and I'm Proud, on Say It Loud - I'm Black and I'm Proud (Vox Studios 1968).


n342 See id.


n349 See Michael E. Dyson, Between God and Gangsta Rap: Bearing Witness to Black Culture xiii (1996).


n352 See id.


See Ware & Ware, supra note 350, at 353.

Id. at 353-54.

See Bogle, supra note 323, at 13.

See Eldridge Cleaver, Soul on Ice 9 (1968).

See Daily, supra note 351.


See James Mayo, Morrison's the Bluest Eye, 60 Explicator 231, 231-33 (2002).

n367 See Morrison, supra note 363, at 46.

n368 See Moses, supra note 366.


n370 See Interview by Blackside, Inc. with Kenneth Clark (Nov. 4, 1985), available at http://perma.cc/0oNDmeh1Y7j.


n372 See Interview by Blackside, Inc. with Kenneth Clark, supra note 370.

n373 Id.

n374 Id.


n380 See Jones, supra note 378, at 169-70.


n384 See Page, supra note 383, at 190.


n386 See Page, supra note 383, at 185-86.
n387 See Krieger, supra note 383, at 1189.


n391 Id. at 67.

n392 Id.

n393 Id.

n394 Id. at 68.

n395 Id.

n396 Vedantam, supra note 390, at 72.

n397 Id.

n398 Id.
n399 Id.

n400 Id. at 72-73.


n402 Id. at 215, 225.


n404 See Baynes, supra note 52, at 159-62, 185; see also Pizzi et al., supra note 55, at 350-52.

n405 See Hochschild & Weaver, supra note 73, at 644.

n406 See Greene, supra note 49, at 1383-85, 1392-93.

n407 See Banks, supra note 39, at 1724-36.


n409 See Black and Blue (Fats Waller song), WIKIPEDIA, http://perma.cc/0Akfwy3nus3 (last modified Feb. 17, 2013).
n410 Louis Armstrong, Black and Blue, on Essential Louis Armstrong [Original Recording Remastered] (Columbia/Legacy 2004).

n411 Id.

n412 Cf. Gabriel, supra note 21, at 5-12.


n414 See generally Banks, supra note 39; Baynes, supra note 52; Greene, supra note 49; Hill, supra note 69; Hochschild & Weaver, supra note 73; Jones, supra note 44; Pizzi et al., supra note 55; Tonry, supra note 55; Viglione et al., supra note 63.

n415 See Harris, supra note 14; Jones, supra note 44, at 1489-90, 1531-56; Walker, supra note 13.

n416 See Ware & Wilson, supra note 26.