

NOTE: Colorism

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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. ⁿ¹

TEXT:

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I. Introduction

Pop singer Michael Jackson's features changed and the color of his skin lightened dramatically during the final decades of his life. 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. 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, ⁿ⁴ chin and cheekbones? ⁿ⁵

In 2010, former Chicago Cubs baseball player Sammy Sosa was photographed at the Latin Grammy Awards in Las Vegas with noticeably whiter skin. ⁿ⁶ Sosa originally had a very brown complexion but appeared to be nearly White in photographs. ⁿ⁷ He told reporters that a cosmetic cream [*76] he used to soften his skin caused the lighter tone. 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. 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. ⁿ¹⁰ Color discrimination is often masked by a combination of subjective notions of attractiveness and unconscious stereotypes. 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. ⁿ¹² **Colorism**, in contrast, involves discrimination against dark- complexioned African-Americans on the basis of their color. 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. ⁿ¹⁴ Color distinctions among African-Americans have never been recognized in the formal ways they were in the Caribbean and South America. 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. 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. ⁿ¹⁷

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Although formal racial classifications were developed in the eighteenth and nineteenth centuries, 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. 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. ⁿ²⁰ Today, the European norm for beauty and attractiveness is ubiquitous and constantly reinforced in movies, magazines, television programs, online and elsewhere. ⁿ²¹ Young children assimilate these conceptions at an early age, and they remain embedded in their psyches as they mature into adults. 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

misunderstoodⁿ⁵⁰ 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 **[*81]** 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,ⁿ⁶¹ which influenced the decisionmaking process and caused the imposition of longer sentences when dark-skinned defendants were convicted.ⁿ⁶²

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.ⁿ⁶³ The authors collected data on 12,158 imprisoned Black women in North Carolina between 1995 and 2009.ⁿ⁶⁴ The study showed that women with light skin were sentenced to approximately 12% less prison time than their darker-skinned counterparts.ⁿ⁶⁵ 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.ⁿ⁶⁶ The authors concluded that **colorism** demonstrates the complexity of racism in our societyⁿ⁶⁷ 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."ⁿ⁶⁸

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.ⁿ⁶⁹ 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.ⁿ⁷⁰ Hill's analysis indicated that differences in social origins were responsible for only 10 to 20% of the color gap in adult attainment levels.ⁿ⁷¹ Hill's findings indicated **[*82]** that color bias, rather than family background, was responsible for most of the color differences in the socioeconomic status of African-American men.ⁿ⁷²

In *The Skin Color Paradox and the American Racial Order*,ⁿ⁷³ 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.ⁿ⁹⁶ 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.ⁿ⁹⁷ In Hong Kong, Malaysia, the Philippines, South Korea, and Taiwan, four of every ten women use a whitening cream.ⁿ⁹⁸ And, as is the case elsewhere, the cosmetics industry is reaping enormous profits.ⁿ⁹⁹ In Hong Kong, pale Asian models dominate the flat-screens and multimedia billboards of public transit.ⁿ¹⁰⁰ 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.ⁿ¹⁰¹ Skin lightening has a long history in Asia. In ancient [*85] China and Japan, a saying, "one white covers up three ugliness," has been passed down through the generations.ⁿ¹⁰² These attitudes are largely the same among many Asian Americans.ⁿ¹⁰³

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.ⁿ¹⁰⁴ Racial distinctions are based on phenotypes that focus more on physiognomy than ancestry.ⁿ¹⁰⁵ 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.ⁿ¹⁰⁶ 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.ⁿ¹⁰⁷ Spanish colonizers imposed a stratified status system in Mexico where Whites were the elites and Native Mexicans the slaves.ⁿ¹⁰⁸ These groups intermingled creating a large population of mixed-race mestizos that resulted in the creation of a color hierarchy.ⁿ¹⁰⁹ Light-complexioned persons occupied the upper rungs of the social strata.ⁿ¹¹⁰ The darkest persons were relegated to the lowest levels.ⁿ¹¹¹

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.ⁿ¹¹² 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 [*86] the light and dark-skinned individuals.ⁿ¹¹³ 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.ⁿ¹¹⁴

There is a conspicuous absence of dark-skinned Mexicans in telenovelas, commercials, and other forms of advertising, which are an inadequate representation of the country's inhabitants.ⁿ¹¹⁵ 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."ⁿ¹¹⁶ A promotion for Televisa'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.ⁿ¹¹⁷ As the fair-skinned woman speaks, a servant with dark, indigenous features stands silently in the background.ⁿ¹¹⁸

Colorism can be found elsewhere in Latin America. In Brazil, individuals are assigned to racial groups based on physical appearance rather than ancestry.ⁿ¹¹⁹ This criterion of racial self-identification has resulted in ambiguous and numerous color categories.ⁿ¹²⁰ 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.ⁿ¹²¹ 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:

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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.ⁿ¹³⁹ She found that, despite the apparent respect for social fluidity and flexible racial labeling, racial identity and identification are neither completely fluid nor neutral.ⁿ¹⁴⁰ 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.ⁿ¹⁴¹ Today, many Puerto Ricans of mixed ancestry (usually called "trigueros" and "morenos") prefer to classify [*89] themselves as White rather than Black on census forms.ⁿ¹⁴² This response, however, underestimates the long history of miscegenation and African ancestry of much of Puerto Rico's population.ⁿ¹⁴³ 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.ⁿ¹⁴⁴

Puerto Ricans perceive that having lighter skin and European features increases an individual's socioeconomic opportunities.ⁿ¹⁴⁵ Darker complexions and African features severely limit an individual's economic and social mobility.ⁿ¹⁴⁶ 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.ⁿ¹⁴⁷

Research suggests that being discriminated against on the basis of color produces feelings of shame and embarrassment.ⁿ¹⁴⁸ Many Latin American Blacks harbor internalized attitudes about color and phenotype.ⁿ¹⁴⁹ 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.ⁿ¹⁵⁰ 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.ⁿ¹⁵¹

Marrying someone with a lighter complexionⁿ¹⁵² is referred to as *adelantando la raza* (improving the race) under the theory of *blanqueamiento*.ⁿ¹⁵³ The concept of *blanqueamiento* refers to ethnic, cultural, and racial "whitening."ⁿ¹⁵⁴ It is an ideology and a social practice that places a higher value on White culture while implicitly devaluing non- [*90] White cultural norms.ⁿ¹⁵⁵ *Blanqueamiento* perpetuates a social hierarchy based on raceⁿ¹⁵⁶ by linking whiteness to status, wealth, power, modernity, and development,ⁿ¹⁵⁷ while implicitly associating blackness with a lack of cultural refinement, ambition, and civilization.ⁿ¹⁵⁸

Despite the national ideologies of racial democracy, *mestizaje*, and racial blindnessⁿ¹⁵⁹ in Latin America, skin tone is a major marker of status and a form of symbolic capital.ⁿ¹⁶⁰ 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.ⁿ¹⁶¹

IV. **Colorism** in America

In America, skin color is an important signifier of beauty and social status.ⁿ¹⁶² African-Americans' preference for light complexions and European featuresⁿ¹⁶³ dates back to the antebellum era when skin color determined an enslaved person's work assignments.ⁿ¹⁶⁴ Dark-skinned slaves worked in the fields, while light-complexioned slaves worked in the slave owner's home.ⁿ¹⁶⁵ James Stirling, a British writer who visited the American South in 1857, observed conditions on Southern plantations and wrote:

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, [*91] 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. ⁿ¹⁶⁶

The Hemingses of Monticello provides an example of how slaves with familial ties to their owners lived and worked during the antebellum period. ⁿ¹⁶⁷ Elizabeth Hemings was the daughter of an African woman and a White sea captain. ⁿ¹⁶⁸ She had 12 children, ⁿ¹⁶⁹ half of them by her owner, John Wayles ⁿ¹⁷⁰ whose legitimate daughter, Martha Wayles Skelton, married President Thomas Jefferson in 1772. ⁿ¹⁷¹ After her father's death, Martha inherited Elizabeth Hemings and her children ⁿ¹⁷² and brought them to serve at Monticello. ⁿ¹⁷³ The Hemings were treated differently than other slaves at Monticello plantation. None of them worked in the fields. ⁿ¹⁷⁴ The women were considered a relatively privileged caste ⁿ¹⁷⁵ compared to others, and worked as house servants performing chores like sewing, mending clothes, looking after children, and baking cakes. ⁿ¹⁷⁶ The men served as valets, coach drivers, and butlers. ⁿ¹⁷⁷ Jefferson paid some of the men wages and gratuities, ⁿ¹⁷⁸ and others were allowed to hire themselves out to other employers of their choice. ⁿ¹⁷⁹ Sally Hemings, the young daughter of Elizabeth Hemings and John Wayles, ⁿ¹⁸⁰ was Martha's half-sister and it was [*92] said that the two bore a physical resemblance. ⁿ¹⁸¹ Most historians ⁿ¹⁸² now agree that Sally Hemings became Jefferson's mistress and bore six of his children. ⁿ¹⁸³

Lalita Tademy's novel, *Cane River*, describes the intimate relationships among slave owners and female slaves that produced racially-mixed offspring. ⁿ¹⁸⁴ The characters are based on Tademy's ancestors who she discovered after years of researching her family's history. ⁿ¹⁸⁵ It is a narrative about four generations of women born into slavery along the Cane River in Louisiana. ⁿ¹⁸⁶ One character, Great-grandmother Elisabeth, had a daughter, granddaughter and great-granddaughter who bore the offspring of the French planters. ⁿ¹⁸⁷ In many cases, the children's paternity was widely known and acknowledged by their fathers; ⁿ¹⁸⁸ but, since Louisiana's laws did not allow slaves to be legally entitled to any property or money, ⁿ¹⁸⁹ these children were not allowed to inherit anything. ⁿ¹⁹⁰

Prior to the Civil War, mixed-race Creoles in Louisiana had a social status that set them above enslaved persons. ⁿ¹⁹¹ After the War, they were subjected to the "one-drop" rule, ⁿ¹⁹² but they maintained family and community ties that distanced them from darker-skinned African-Americans. ⁿ¹⁹³ They were, as a Creole documentary put it, "too white to be black and too black to be white." ⁿ¹⁹⁴

After emancipation, the dark/light division was perpetuated by African-Americans who constructed social classes based on skin color. ⁿ¹⁹⁵ 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. ⁿ¹⁹⁶ Color differences continued to [*93] play an important role in the Black community. Mixed race individuals attempted to maintain the privileged status they had acquired during slavery. ⁿ¹⁹⁷ Separate communities were established in which access was based on skin color. ⁿ¹⁹⁸ Examples include Chatham and East Hyde Park in Chicago, and the Striver's Row and Sugar Hill neighborhoods of New York. ⁿ¹⁹⁹

Charles Waddell Chesnut's 1899 short story, *The Wife of His Youth*, satirized the pretensions of light-skinned African-Americans at the end of the nineteenth century. ⁿ²⁰⁰ 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. ⁿ²⁰¹ Ryder claimed that he was free born and the product of a respected family, as this was a requirement for Blue Vein membership. ⁿ²⁰² He was confronted with a dilemma when a woman appeared in the community. ⁿ²⁰³ She was an illiterate, dark-complexioned former slave who had spent years looking for her husband. ⁿ²⁰⁴ Ryder initially denied knowing the woman. ⁿ²⁰⁵ Eventually, his guilty conscious forced him to admit that he had lied about his background. ⁿ²⁰⁶ Ryder acknowledged his marriage and reunited with the dark-skinned woman who was "the wife of his youth." ⁿ²⁰⁷

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.ⁿ²⁰⁸ Light-skinned students were selected as leads in plays and pageants, called on first in classroom discussions, and visibly favored by teachers.ⁿ²⁰⁹ 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 [*94] university.ⁿ²¹⁰ Redding was the product of an influential Black family in Wilmington, Delaware.ⁿ²¹¹ His brother, Louis L. Redding, was the attorney who represented the Delaware students in the consolidated cases remembered as Brown.ⁿ²¹² In *No Day of Triumph*, Saunders Redding describes his experiences with **colorism** during his childhood.ⁿ²¹³ Wilmington's Black population grew rapidly during and after the World War I years.ⁿ²¹⁴ 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.ⁿ²¹⁵ The recent arrivals were poorer, less educated and often darker-complexioned than Wilmington's Black middle class.ⁿ²¹⁶ To Saunders' mother and grandmother, the new neighbors were perceived as a threat.ⁿ²¹⁷

Redding recalled a public speaking contest in which he competed with a dark-skinned student.ⁿ²¹⁸ He was so nervous that he mumbled a few words before bursting into tears.ⁿ²¹⁹ In contrast, the dark-complexioned student's performance was outstanding.ⁿ²²⁰ Redding, who was lighter-complexioned and socially connected, was awarded first prize despite his dismal performance.ⁿ²²¹ 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.ⁿ²²²

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.ⁿ²²³ The novel's dark-skinned protagonist, Emma Lou Morgan, internalized biases against dark-complexioned people. She grew up in Boise, Idaho,ⁿ²²⁴ where she experienced discrimination by the lighter- [*95] complexioned African-Americans throughout her childhood.ⁿ²²⁵ She left Boise to attend to college in Los Angeles.ⁿ²²⁶ From there, Emma Lou moved to Harlemⁿ²²⁷ where she worked as a maidⁿ²²⁸ and later as a teacher.ⁿ²²⁹ Throughout the novel, Emma Lou is plagued by anxieties about her dark complexion.ⁿ²³⁰ 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,"ⁿ²³¹ 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.ⁿ²³² After some romantic disappointments with light-complexioned men,ⁿ²³³ Emma Lou finally accepted her appearance.ⁿ²³⁴ The book's title is derived from an old saying: "the blacker the berry, the sweeter the juice."ⁿ²³⁵

In the early decades of the twentieth century, **colorism** fueled conflicts among African-American leaders,ⁿ²³⁶ including Marcus Garvey, who was the head of the Universal Negro Improvement Organization.ⁿ²³⁷ The organization attracted at least a half-million members,ⁿ²³⁸ and it competed for a time with the NAACP for the position of the premier African-American advocacy group.ⁿ²³⁹ Many of the NAACP's members were educated and middle class.ⁿ²⁴⁰ Garvey's group appealed to the masses.ⁿ²⁴¹ Unlike the NAACP, which fought for integration,ⁿ²⁴² Garvey proposed [*96] migration to Africa as the answer to the "Negro problem."ⁿ²⁴³ 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. ⁿ²⁴⁴

Du Bois fervently denied Garvey's claim, ⁿ²⁴⁵ but there was some truth to it. Walter White was the head of the NAACP from the mid-1930s until his death in 1955. ⁿ²⁴⁶ White's light skin, blonde hair, and blue eyes did not display a hint of his African ancestry. ⁿ²⁴⁷ He took advantage of his appearance to pass for White while conducting undercover investigations of lynchings and other hate crimes in the South. ⁿ²⁴⁸ White's **colorism** was reflected in the image of African-American women he actively promoted in *Crisis*, a periodical published by the NAACP. ⁿ²⁴⁹ In the 1940s, *Crisis* was the most important magazine of opinion among African-Americans. ⁿ²⁵⁰ 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. ⁿ²⁵¹ 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 [*97] image of Black women. ⁿ²⁵² 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. ⁿ²⁵³

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. ⁿ²⁵⁴

Colorism lives on. Today, African-American entertainers and actors are far more likely to have light coloring than dark complexions. ⁿ²⁵⁵ 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. ⁿ²⁵⁶ African-American news anchors and reporters rarely have dark complexions. ⁿ²⁵⁷ Female entertainers, in particular, tend to have light skin and hair that is dyed blonde and made longer with hair extensions. ⁿ²⁵⁸ 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" ⁿ²⁵⁹ (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*. ⁿ²⁶⁰ She was the object of a barrage [*98] of negative publicity surrounding her affair with a married man and the lawsuit his wife filed against her. ⁿ²⁶¹ Barinno attempted suicide and later told reporters that the media criticism was based on her dark skin and ethnic features. ⁿ²⁶² 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." ⁿ²⁶³ "Barbied out" referred to the appearance represented by the Barbie doll, one of the most successful toys of the twentieth century. ⁿ²⁶⁴ Barbies are grown-up looking dolls that allow girls to reflect their personality and dreams in the roles imagined for them. ⁿ²⁶⁵ Their appearance is an icon of female beauty and the American dream. ⁿ²⁶⁶ 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. ⁿ²⁶⁷

V. Importing European Standards of Beauty

The modern definition of race did not appear until the middle of the eighteenth century. ⁿ²⁶⁸ During that century,

European publications shifted from identifying groups on the basis of their nationality to a preoccupation with race.ⁿ²⁶⁹ By the mid-nineteenth century the classification of individuals by race was ubiquitous.ⁿ²⁷⁰ However, the current standards for beauty, which reflect and perpetuate **colorism**, can be traced back into antiquity.

A pale complexion,ⁿ²⁷¹ fine facial features,ⁿ²⁷² and light-colored hairⁿ²⁷³ became the social construct of feminine beauty during the Classical period [***99**] of Ancient Greece (ca. 480-323 BC).ⁿ²⁷⁴ 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.ⁿ²⁷⁵ 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.ⁿ²⁷⁶ Their statues were detailed, and with anatomically accurate forms. Consider the nude Aphrodite of Cnidos, by the Athenian sculptor Praxiteles, as an example.ⁿ²⁷⁷ Expertly crafted presentations of the human anatomy and musculature were depicted in marble, stone, or bronze.ⁿ²⁷⁸

Africans, known as Ethiopians by the ancient Greeks, were present in the Hellenic world and were considered exotic.ⁿ²⁷⁹ African images of athletes and entertainers were displayed in pottery and vases by utilizing an attractive black glaze.ⁿ²⁸⁰ Noticeably, they were not shown in heroic roles or as aesthetic symbols, since the Classic ideal of beauty was entirely Eurocentric. Angela Harrisⁿ²⁸¹ 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."ⁿ²⁸²

The Romans adopted the Greek standard of beauty.ⁿ²⁸³ The goddess Venus represented love and beautyⁿ²⁸⁴ and was considered the quintessence of feminine beauty and harmony.ⁿ²⁸⁵ The famous statue, Venus de Milo, is exhibited in Paris at the Louvre.ⁿ²⁸⁶ Her naked torso has an elongated silhouette and a sensual nudity that contrasts with an impassive expression.ⁿ²⁸⁷ The nose is a continuation of the forehead forming the [***100**] classic "Greek profile."ⁿ²⁸⁸ Along with other interpretations of Venus, this image sets the standard by which feminine beauty is measured.ⁿ²⁸⁹

During the Renaissance (ca. 1300-1600), the aesthetics of the Classical period were revived.ⁿ²⁹⁰ Botticelli's Birth of Venus depicts the goddess emerging from the sea as a full-grown woman.ⁿ²⁹¹ Her cascading blonde hair accentuates her slender body and alabaster complexion.ⁿ²⁹² 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.ⁿ²⁹³ Her alertness, as the goddess of love, represents the triumph of love over war.ⁿ²⁹⁴ Although it is believed that Simonetta Vespucci inspired the work of Botticelli,ⁿ²⁹⁵ Venus was the expression of the artist's ideal perception of beauty. During the Renaissance, realistic interpretation was avoided and positive attributes were highlighted.ⁿ²⁹⁶ Venus has perfect skin, a high forehead, and a sharply defined chin.ⁿ²⁹⁷ Her hair is strawberry blonde,ⁿ²⁹⁸ she has delicate eyebrows, a strong nose, narrow mouth, and full lips.ⁿ²⁹⁹ This idealized depiction shows the conception of perfect beauty that prevailed during the Italian Renaissance.

Leonardo Da Vinci's Mona Lisa,ⁿ³⁰⁰ Titian's Venus with a Mirrorⁿ³⁰¹ and Tintoretto's Leda and the Swanⁿ³⁰² 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.ⁿ³⁰³

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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.ⁿ³⁰⁴ By the early nineteenth century, theories of scientific racism were developed and widely accepted.ⁿ³⁰⁵ Samuel Morton, a professor of medicine at the University of

Pennsylvania, published *Crania Americana* in 1839.ⁿ³⁰⁶ In general, Morton claimed that differences in head shapes could predict a racial group's intelligence and other personality traits.ⁿ³⁰⁷ An appendix written by George Combe expanded upon the relationship between the natural talents and dispositions of nations and the development of their brains.ⁿ³⁰⁸ 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.ⁿ³⁰⁹ 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.ⁿ³¹⁰

Morton's theory of Polygenesis hypothesized that racial groups did not share a common origin.ⁿ³¹¹ This provided a "scientific" basis for viewing African-descended people as a different and inferior species, thus requiring interbreeding to improve the race.ⁿ³¹² A lexicon emerged that equated "blackness" with negative traits. "Black," "dark," and "sinister" are considered adjectives stemming from the word "evil."ⁿ³¹³ Common examples include "black hearts," "black deeds," and "black magic," as well as referring to Satan as the "Prince of Darkness."ⁿ³¹⁴

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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.ⁿ³¹⁵ In the late nineteenth century, White performers darkened their faces with burnt cork, painted exaggerated White mouths, donned woolly wigs, and performed minstrel shows.ⁿ³¹⁶ 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 naive and clumsy slave, exemplify this stereotype.ⁿ³¹⁷ With the advent of motion pictures in the early twentieth century, negative depictions of African-Americans moved to the screen.ⁿ³¹⁸ Furthermore, the negative connotation against Blacks became available to children through cartoons. For instance, the 1941 animation, *Scrub Me Mamma with a Boogie Beat*,ⁿ³¹⁹ depicts the life of a Black river community called Lazytown.ⁿ³²⁰ With the exception of some Mammies, all men and animals appear sleeping or slacking during the day.ⁿ³²¹ 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.ⁿ³²² 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*,ⁿ³²³ Donald Bogle identified other stereotypes depicted in popular films. Toms were always loyal, never turning against their White masters or employers.ⁿ³²⁴ Coons, in contrast, were irresponsible, lazy, and dishonest.ⁿ³²⁵ The Mammy was depicted as outspoken, overweight, and cantankerous.ⁿ³²⁶ The Black Buck was a large, fearsome, dark-skinned, and hyper-sexualized male.ⁿ³²⁷ The [*103] Tragic Mulatto was a fair-skinned female attempting to pass for White.ⁿ³²⁸ She was a sympathetic character confused by a divided racial heritage. More recently, the "Jezebel" was depicted as seductive, promiscuous, and predatory.ⁿ³²⁹ Racial stereotypes were a staple of films, cartoons, comic books, and novels well into the 1960s.ⁿ³³⁰

In the 1960s, the Civil Rights movement altered the legal status of African-Americans.ⁿ³³¹ The official regime of state-sponsored discrimination was eliminated by Civil Rights legislation.ⁿ³³² For a brief period during the Black Power era, Blacks embraced their African heritage.ⁿ³³³ A rejection of Eurocentric standards of beauty and the establishment of the politics of representation were encouraged.ⁿ³³⁴ Women were urged to abandon hair strengthenersⁿ³³⁵ and skin-lightening creams.ⁿ³³⁶ The "Afro" hairstyle became fashionable, and African-inspired clothing communicated the wearer's racial consciousness.ⁿ³³⁷ The prevailing sentiment was captured in James Brown's popular song, "Say it Loud, I'm Black and I'm Proud."ⁿ³³⁸

The Black Arts movement introduced a "Black Aesthetic" to art, music, and literature.ⁿ³³⁹ A revolution took place,

which allowed Black artists to look at their social order from their own perspective.ⁿ³⁴⁰ The 1960s were a time of protests,ⁿ³⁴¹ demonstrations,ⁿ³⁴² and urban riots;ⁿ³⁴³ a [*104] turning point in the way African-Americans perceived themselves.ⁿ³⁴⁴ However, their hopes for a permanent transformation were too optimistic. By the late 1970s, the Black Power Movement declined.ⁿ³⁴⁵ 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.ⁿ³⁴⁶ Rap music is a multi-billion dollar industry.ⁿ³⁴⁷ In the 1990s, "gangster rap" glamorized a ghetto subculture.ⁿ³⁴⁸ This was reflected in behavior and attitudes that rejected mainstream values and glamorized dangerous and self-destructive behavior.ⁿ³⁴⁹ Conspicuous consumption, ostentatious displays of jewelry, fast cars, and scantily clad women are the images that still predominate in music videos and magazines.ⁿ³⁵⁰ *Complexion Obsession: A Hip Hop Documentary* is a two-part documentary created by Joy Daily.ⁿ³⁵¹ Using filmed interviews of several entertainers, the documentary shows how deeply **colorism** is embedded in the ethos of hip hop.ⁿ³⁵²

In a contemporary representation, the "Jezebel" character is the video vixen, a prominent character in gangster rap songs.ⁿ³⁵³ Lil' Kimⁿ³⁵⁴ and Nicki Minajⁿ³⁵⁵ 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 [*105] sexual deviance and lewdness.ⁿ³⁵⁶

Rap's product is an extravagant image of life in inner-city neighborhoods.ⁿ³⁵⁷ Tough ghetto youths are shown driving luxury cars and wearing oversized shirts and baggy pantsⁿ³⁵⁸ 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.ⁿ³⁵⁹ The old expression "I don't want nothing black but a Cadillac" conveyed African-American males' preference for light-skinned women.ⁿ³⁶⁰ This attitude persists in hip-hop culture.ⁿ³⁶¹ 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.ⁿ³⁶²

VI. Internalized Stereotypes

In the 1970 novel *The Bluest Eye*, the celebrated author, Toni Morrison, deconstructed Eurocentric standards of beauty.ⁿ³⁶³ 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.ⁿ³⁶⁴ The story portrays the tragic lives of an impoverished Black family in 1940s America.ⁿ³⁶⁵ The eleven-year-old protagonist, Pecola Breedlove, believes she is ugly because her conception of beauty is based on the Eurocentric standard.ⁿ³⁶⁶ The title, *The Bluest Eye*, is derived from Pecola's intense desire for blue eyes for which she prays every night.ⁿ³⁶⁷ Pecola's obsession and traumatic experiences eventually drive her insane.ⁿ³⁶⁸ Pecola's predicament was caused by internalized attitudes about what was considered attractive and desirable in her immediate reality.

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Since 1939, Kenneth and Mamie Clark developed research about self-identification in young children.ⁿ³⁶⁹ In the late 1940s and early 1950s, they conducted a series of studies that became known as the "doll tests."ⁿ³⁷⁰ Their studies found differences among children attending segregated schools in Washington D.C. compared to those in integrated schools in New York City.ⁿ³⁷¹ They found that Black children often preferred to play with White dolls over Black ones.ⁿ³⁷² When asked to fill in a human figure with the color of their own skin, they frequently chose a lighter shade

than was accurate. ⁿ³⁷³ The children gave the color "White" attributes such as good and pretty, but "Black" was seen bad and ugly. ⁿ³⁷⁴ The test was used to show the harm that segregation inflicted on young children, contributing to a sense of inferiority and self-hatred. ⁿ³⁷⁵ 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*. ⁿ³⁷⁶

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. ⁿ³⁷⁷ Discrimination is an interaction of social cognitions about race and behavioral outlets that bring congruence to a person's racial preferences and social settings. ⁿ³⁷⁸ 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. ⁿ³⁷⁹ Socialized beliefs can provoke negative sentiments when individuals make judgments about issues that activate stereotypes. ⁿ³⁸⁰

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Overt racism has diminished considerably in the years since the Civil Rights laws were enacted, ⁿ³⁸¹ but unconscious stereotypes about color persist, ⁿ³⁸² and they are triggered by the ways in which the brain processes information. "Categorization" allows the brain to quickly process large amounts of information. ⁿ³⁸³ It operates at a level independent of conscious attitudes, beliefs, and perceptions. ⁿ³⁸⁴ Categorization is an essential cognitive activity enabling individuals to reduce the enormous diversity in the world to a manageable level. ⁿ³⁸⁵ Categorization is the process of understanding something based on an individual's knowledge of that which is similar and that which is different. ⁿ³⁸⁶ 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. ⁿ³⁸⁷ The process is spontaneous and measured in milliseconds. ⁿ³⁸⁸

According to Frances Aboud, who conducted research on prejudice in young children, categorization develops at an early age. ⁿ³⁸⁹ 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." ⁿ³⁹⁰ They asked children to match each adjective to one of the two drawings. ⁿ³⁹¹ One drawing depicted a White person; the other showed a Black person. ⁿ³⁹² The **[*108]** 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. ⁿ³⁹³ A subsequent study, also conducted by Aboud, demonstrated that these attitudes were not taught by the children's parents or teachers. ⁿ³⁹⁴ 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. ⁿ³⁹⁵ Young children experience a world in which most people who live in nice houses are White. ⁿ³⁹⁶ Most people on television are White, especially the people who are shown in positions of authority, dignity, and power. ⁿ³⁹⁷ Most of the storybook characters they see are White, and it is the White children who perform heroic, clever, and generous things. ⁿ³⁹⁸ 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. ⁿ³⁹⁹ 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. ⁿ⁴⁰⁰ 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. ⁿ⁴⁰¹ 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. ⁿ⁴⁰² Attitudes about African-Americans are internalized at an early age and retained into adulthood. ⁿ⁴⁰³ This may explain why dark-

skinned Black defendants get longer prison sentences than their lighter-complexioned counterpartsⁿ⁴⁰⁴ and why most Americans prefer lighter to darker skin tones.ⁿ⁴⁰⁵

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Title VII of the Civil Rights Act of 1964 and other laws protect against discrimination based on color,ⁿ⁴⁰⁶ but courts have been less receptive to claims alleging intra-racial discrimination.ⁿ⁴⁰⁷ Legal scholars have argued that courts should be more receptive to cases alleging discrimination based on color.ⁿ⁴⁰⁸ 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 1929ⁿ⁴⁰⁹ and interpreted by Louis Armstrong,ⁿ⁴¹⁰ 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.ⁿ⁴¹¹

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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.ⁿ⁴¹² 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.ⁿ⁴¹³ 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.ⁿ⁴¹⁴ 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.ⁿ⁴¹⁵ As America becomes a more multi-racial society, old-fashioned racism is declining, but **colorism** and unconscious bias persist.ⁿ⁴¹⁶ 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:

Civil Rights Law Prisoner Rights Discrimination Criminal Law & Procedure Sentencing Guidelines Adjustments & Enhancements Criminal History General Overview Labor & Employment Law Affirmative Action General Overview

FOOTNOTES:

n1 Big Bill Broonzy, Get Back (Black, Brown, and White), on *The Mercury Blues Story (1945-1955)* (Midwest Blues, Universe, Vol. 2, 2010).

n2 Madison Park, In life of mysteries, Jackson's changed color baffled public, CNN Health (Jul. 8, 2009), <http://perma.cc/07Pnt3EbJ26>.

n3 See *id.*

n4 See Showbiz Tonight, Michael Jackson's transformation, CNN (Jul. 9, 2009), <http://www.cnn.com/video/#/video/showbiz/2009/07/09/hammer.michael.jackson.trans.cnn>.

n5 See Charlotte Triggs, Inside Story: Michael Jackson's Plastic Surgery, People (Jul. 10, 2009, 1:05 PM), <http://perma.cc/0BT9sANzUYk>.

n6 See Christian Red & Isaac Lopez, Former Cubs slugger Sammy Sosa denies suffering from skin condition that plagued Michael Jackson, NYDailyNews.Com (Nov. 11, 2009, 11:59 PM), <http://perma.cc/0LKaNwKtTsc>.

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.*

n10 See Zora N. Hurston et al., *Colorstruck*, in *Zora Neale Hurston: Collected Plays*, 33-34 (2008) (discussing Hurston's 1925 play, *Color Struck*).

n11 See discussion accompanying *infra* notes 17-25.

n12 See Evelyn Nakano Glenn *Countering Colorism*, in *Shades of Difference: Why Skin Color Matters* 211, 212 (Evelyn N. Glenn ed., 2009).

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).

n14 Angela P. Harris, *From Color Line to Color Chart?: Racism and Colorism in the New Century*, 10 *Berkeley J. Afr.-Am. L. & Pol'y* 52, 54 (2008).

n15 See generally Edward Telles, *The Significance of Skin Color*, in *Shades of Difference: Why Skin Color Matters* 7, 7-24 (Evelyn N. Glenn ed., 2009) (discussing racial and color distinctions in Brazil); Christina A. Sue, *The Dynamics of Color*, in *Shades of Difference: Why Skin Color Matters* 114, 114-28 (Evelyn N. Glenn ed., 2009) (discussing a system based on "a mark of color" rather than origin); Michelle Martin & Frances Robles, *Behind Closed Doors: 'Colorism' in the Caribbean*, NPR News (Jul. 16, 2007, 12:00 PM), <http://perma.cc/0j6v74cKPeq> (discussing **colorism** in the Dominican Republic).

n16 See Harris, *supra* note 14.

n17 Audrey Elisa Kerr, *The Paper Bag Principle: Class, Colorism, and Rumor and the Case of Black Washington, D.C.* xiv (2006).

n18 *The Story of Race Transcript*, Am. Anthropological Ass'n, <http://perma.cc/0yY3iz6VdUN> (last visited Nov. 15, 2013).

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

n20 Deborah Gabriel, *Layers of Blackness: Colourism in the African Diaspora* 71 (2007), available at <http://perma.cc/0WZJnybv7F>.

n21 See *infra* notes 73-74.

n22 See *infra* notes 369-79 and accompanying text.

n23 See *infra* Sec. III.

n24 See generally Evelyn Nakano Glenn, *Shades of Difference: Why Skin Color Matters* (2009) (consider Part III: Consuming Lightness: Modernity, Transnationalism, and Commodification).

n25 See survey findings *infra* notes 73-74.

n26 See **Leland Ware** & David C. Wilson, *Jim Crow on the "Down Low": Subtle Racial Appeals in Presidential Campaigns*, 24 *St. John's J. Legal Commentary* 299, 299-304 (2009), available at <http://perma.cc/C3AE-E76G>.

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.,

Skin Deep: How Race and Complexion Matter in the "Color-Blind" Era (2004); Kathy Russell et al., *The Color Complex: The Politics of Skin Color among African Americans* (1992).

n28 W.E.B. Du Bois, *The Philadelphia Negro: A Social Study* 316 (1899), available at <http://perma.cc/X52Q-S22J> (last visited Dec. 4, 2013).

n29 *Id.* at 318.

n30 *Id.*

n31 *Id.*

n32 Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* 697 (20th anniversary ed. 1962).

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).

n39 Taunya Lovell Banks, **Colorism**: A Darker Shade of Pale, 47 UCLA L. Rev. 1705, 1705-24 (2000).

n40 Id. at 1710-11

n41 Id. at 1724-36.

n42 See id. at 1710, 1741-42.

n43 Id. at 1741, 1743, 1746.

n44 See generally Trina Jones, Shades of Brown: The Law of Skin Color, 49 Duke L.J. 1487 (2000).

n45 See id. at 1493-99.

n46 Id. at 1555.

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

n48 Id. at 1490, 1544, 1555.

n49 D. Wendy Greene, Title VII: What's Hair (and Other Race Based Characteristics) Got to Do With It?, 79 U. Colo. L. Rev. 1355 (2008).

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).

n52 See Leonard M. Baynes, *If It's Not Black and White Anymore, Why Does Darkness Cast a Longer Discriminatory Shadow than Lightness? An Investigation and Analysis of the Color Hierarchy*, 75 *Denv. U. L. Rev.* 131 (1997).

n53 See *id.* at 185-86; see also, John M. Kang, *Deconstructing the Ideology of White Aesthetics*, 2 *Mich. J. Race & L.* 283, 283 (1997) (discussing the White beauty paradigm in America); Keith B. Maddox & Stephanie A. Gray, *Cognitive Representations of Black Americans: Reexploring the Role of Skin Tone*, 28 *Personality & Soc. Psychol. Bull.* 202 (2002) (reviewing anecdotal and empirical evidence for skin tone bias in stereotyping); Margaret L. Hunter, *"If You're Light You're Alright" Light Skin Color as Social Capital for Women of Color*, 16 *Gender & Soc.* 175 (2002) (exploring the role of light-skin as a stratifying agent for women on the dimensions of education, income and spousal status); Christopher A. D. Charles, *Skin Bleaching, Self-Hate, and Black Identity in Jamaica*, 33 *J. Black Stud.* 711 (2003) (exploring the interaction between low self-esteem and skin bleaching); Mark E. Hill, *Skin Color and the Perception of Attractiveness Among African Americans: Does Gender Make a Difference?*, 65 *Soc. Psychol. Q.* 77 (2002) (exploring the perception of fair skin tone as a feminine characteristic).

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

n55 E.g., Michael Tonry, *The Social, Psychological, and Political Causes of Racial Disparities in the American Criminal Justice System*, 39 *Crime & Just.* 273 (2010); William T. Pizzi et al., *Discrimination in Sentencing on the Basis of Afrocentric Features*, 10 *Mich. J. Race & L.* 327 (2005).

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.

n63 Jill Viglione et al., *The Impact of Light Skin on Prison Time for Black Female Offenders*, 48 Soc. Sci. J. 250, 250-58 (2011).

n64 Id. at 253.

n65 Id. at 255.

n66 See id. at 254-56.

n67 Id. at 257.

n68 Id.

n69 Mark E. Hill, *Color Differences in the Socioeconomic Status of African American Men: Results of a Longitudinal Study*, 78 Soc. Forces 1437, 1437-60 (2000).

n70 Id. at 1454.

n71 Id.

n72 Id.

n73 Jennifer L. Hochschild & Vesla Weaver, *The Skin Color Paradox and the American Racial Order*, 86 *Soc. Forces* 643 (2007).

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

n75 See generally Margaret L. Hunter, *Buying Racial Capital: Skin- Bleaching and Cosmetic Surgery in a Globalized World*, 4 *J. Pan Afr. Stud.* 142, 142-64 (2011) (examining competing discourses about skin bleaching and cosmetic surgery); Evelyn N. Glenn, *Yearning for Lightness: Transnational Circuits in the Marketing and Consumption of Skin Lighteners*, 22 *Gender & Soc'y* 281, 281-302 (2008) (discussing the marketing of skin lighteners around the world and the global multinational corporations involved in the global skin-lightening trade).

n76 See generally Glenn, *supra* note 24.

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

n78 Lavina Melwani, *The White Complex: What's Behind the Indian Prejudice for Fair Skin?*, *Little India* (Aug. 17, 2007, 11:03 PM), <http://perma.cc/CW7Q-Y2E3>.

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>.

n82 Shantanu Guha Ray, *India's Unbearable Lightness of Being*, BBC News (Mar. 23, 2010, 12:09 AM), <http://perma.cc/76BQ-X423>.

n83 See Perry, *supra* note 77, at 596.

n84 See Ivotsna Vaid, *Fair Enough? Color and the Commodification of Self in Indian Matrimonials*, in *Shades of Difference: Why Skin Color Matters* 150, 150 (Evelyn N. Glenn ed., 2009).

n85 See Rebecca Goldstein, *Time for a Reality Check on Skin Lightening Creams*, *The Conversation*. (Sep. 11, 2012, 2:29 PM), <http://perma.cc/6RM2-SB56>.

n86 *Id.*

n87 See Naresh Puri, *Beyond the Pale?*, BBC News (Sep. 25, 2007, 10:37 AM), <http://perma.cc/5UVH-27A4>.

n88 *Id.*

n89 *Id.*

n90 See Rhys Blakely, *Cosmetics Companies Form Queue to Cash in as India's Men Lighten up*, *The Times* (London) (Dec. 30, 2009, 12:01 AM), <http://perma.cc/VP3Y-23UW>.

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

n92 Internet application that digitally lightens the skin of profile pictures uploaded. See Hilary Whiteman, *Vaseline Skin-Lightening App Stirs Debate*, *CNN World* (Jul. 16, 2010, 9:24 AM), <http://perma.cc/5C9P-BAVF>.

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.

n97 See Eric P. H. Li et al., Skin Lightening and Beauty in Four Asian Cultures, in 35 *Advances In Consumer Research* 444, 444 (2008).

n98 Thomas Fuller, A Vision of Pale Beauty Carries Risks for Asia's Women, N.Y. Times (May 14, 2006), <http://perma.cc/RVR6-8DQ4>.

n99 See Sola Okenla, Skin Bleaching Creams Linked to Diabetes, theGrio (Oct. 4, 2012, 1:50 PM), <http://perma.cc/HA2P-97PA>.

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.

n104 See Tanya K. Hernandez, *Multiracial Matrix: The Role of Racial Ideology in the Enforcement of Antidiscrimination Laws, a United States-Latin America Comparison*, 87 *Cornell L. Rev.* 1093, 1101-10 (2002).

n105 *Id.* at 1102.

n106 *Id.* at 1106-07.

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

n108 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, 449 (2005).

n109 See *id.*

n110 *Id.*

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

n112 See Ruben Navarrette, Jr., *A Darker Shade of Crimson: Odyssey of a Harvard Chicano* xiii (1994).

n113 See Ruben Navarrette, Jr., *Opinion: En Mexico el Racismo se Esconde a Plena Vista*, *CNN Espanol* (Nov. 21, 2012, 9:53 AM), <http://perma.cc/43PY-GYJM>.

n114 *Id.*

n115 See John Hecht, *Mexico TV Favors Light-Skinned Actors*, *Reuters* (Aug. 13, 2007, 9:48 PM), <http://perma.cc/0yonXXf5JT>.

n116 Jack Glascock & Thomas E. Ruggiero, Representations of Class and Gender on Primetime Spanish-Language Television in the United States, 52 Comm. Q. 390, 390 (2004).

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).

n124 D. Wendy Greene, Determining the (In)Determinable: Race in Brazil and the United States, 14 Mich. J. Race & L. 143, 153 (2009) (citations omitted).

n125 See Telles, *supra* note 15, at 12.

n126 *Id.*

n127 Tom Phillips, Brazil Census Shows African-Brazilians in the Majority for the First Time, *theguardian*, Nov. 17, 2012, <http://perma.cc/9GBH-PV3C>.

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).

n130 See Elisa L. Nascimento, *The Sorcery of Color: Identity, Race, and Gender in Brazil* 17 (2007).

n131 Seth Racusen, Making the "Impossible" Determination: Flexible Identity and Targeted Opportunity in Contemporary Brazil, 36 *Conn. L. Rev.* 787, 788- 89 (2004).

n132 *Id.* at 793.

n133 See Greene, *supra* note 124, at 192.

n134 Patricia de Santana Pinho, White but Not Quite: Tones and Overtones of Whiteness in Brazil, 13 *Small Axe* 39, 53 (2009), available at <http://perma.cc/0ndag7LGHB> (last visited Feb. 15, 2013).

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

n136 See Racusen, *supra* note 131, at 787.

n137 Thomas E. Skidmore, *Black into White: Race and Nationality in Brazilian Thought* 39 (1974).

n138 Cf. Hernandez, supra note 104, at 1106-07.

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.

n143 Jorge Duany, Whiting (Blanqueamiento), P.R. & the Am. Dream (May 13, 2010, 5:37 AM), <http://perma.cc/083hRNgmE75>.

n144 Wendy D. Roth, "There Is No Racism Here" Understanding Latinos Perception of Color Discrimination Through Sending Receiving Society Comparisons, in *Racism in the 21st Century: An Empirical Analysis of Skin Color* 205, 224 (Ronald E. Hall ed., 2008).

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.

n149 See Samantha Prado Robledo, **Colorism**: The Relationship between Latino/a Self-Perceived Skin Color and Assimilation (Nov. 1, 2012) (unpublished M.A. thesis, California State University San Marcos) at 7, 14, 19, 41, available at <http://perma.cc/Y78W-AQYF>.

n150 See Tanya K. Hernandez, Latinos at Work, in *Shades of Difference: Why Skin Color Matters*, (Evelyn N. Glenn ed., 2009).

n151 Roth, *supra* note 144, at 226.

n152 See Hernandez, *supra* note 104, at 1106.

n153 *Id.* at 1126.

n154 The Oxford Encyclopedia Of Latinos And Latinas In The United States 194 (Suzanne Oboler & Deena J. Gonzalez, eds., University Press, vol. 1 2005).

n155 See Eduardo Bonilla-Silva & David Dietrich, The Latin Americanization of Racial Stratification in the U.S., in *Racism in the 21st Century: An Empirical Analysis of Skin Color*, 151, 151 (Ronald E. Hall ed., 2008).

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.

n160 See Evelyn Nakano Glenn, Consuming Lightness, in *Shades of Difference: Why Skin Color Matters* (Evelyn N. Glenn ed., 2009).

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.*

n166 James Stirling, Letter XXIII, in *Letters From the Slave States* 287- 88 (1857). See also, Joel Williamson, *New People: Miscegenation and Mulattoes in the United States* 14-24 (1980) (discussing tolerance towards mulattoes in the lower South before 1850).

n167 Annette Gordon-Reed, *The Hemingses of Monticello: An American Family* (2008).

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.

n181 See Sharon Monteith, Sally Hemings in *Visual Culture: A Radical Act of the Imagination?*, 29 *Slavery & Abolition* 233, 238 (2008).

n182 See Thomas Jefferson and Sally Hemings: A Brief Account, Thomas Jefferson Found., <http://perma.cc/QX43-3GKT> (last visited Dec. 6, 2013).

n183 Daniel P. Jordan, Statement on the TJMF Research Committee Report on Thomas Jefferson and Sally Hemings, Thomas Jefferson Found. (Jan. 26, 2000), <http://perma.cc/8QXQ-Z9LL>.

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).

n188 Gary B. Mills, *The Forgotten People: Cane River's Creoles of Color* 92 (1977).

n189 *Id.* at 44.

n190 *Id.* at 92.

n191 See Alice Moore Dunbar-Nelson, *People of Color in Louisiana*, in *Creole: The History and Legacy of Louisiana's Free People of Color* 3, 3 (Sybil Kein ed., 2000).

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=2tfVpHYyDcY>.

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.

n200 See Charles Waddell Chesnutt, *The Wife of His Youth and Other Stories of the Color-Line* (The Gregg Press Inc. 1967) (1899).

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.

n208 Vivian Gunn Morris & Curtis L. Morris, *The Price They Paid: Desegregation in an African American Community* 80-86 (2002).

n209 E.g., J. Saunders Redding, *No Day of Triumph*, in *Black Voices: An Anthology of Afro-American Literature* 300, 308 (Abraham Chapman ed., 1968) (discussing teacher's special treatments for mulatto children).

n210 Pancho Savery, Foreword to Jay Saunders Redding, *Stranger and alone: A novel* xiii (Boston: Northeastern University Press, 1989) (1950).

n211 Faith Berry, Introduction to J. Saunders Redding, *A scholar's conscience: selected writings of J. Saunders Redding, 1942-1977* 1 (Faith Berry ed. Univ. Press Ky. 1992).

n212 See Savery, *supra* note 210, at xiii.

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

n214 Id. at 304.

n215 See City History, City of Wilmington Del., <http://perma.cc/0tnw6TUwAKE> (last visited Nov. 15, 2013).

n216 Cf. Theodore J. Davis Jr., *Socioeconomic Change: A Community in Transition*, Univ. of Del., <http://perma.cc/0UcmXEQuHFQ> (last updated Jun. 27, 1997).

n217 Redding, *supra* note 209, at 307.

n218 Id. at 308.

n219 Id.

n220 Id.

n221 Id. at 309.

n222 Id. at 309-10.

n223 Wallace Thurman, *The Blacker the Berry* (Scribner Paperback Fiction 1996) (1929).

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.

n236 Mary G. Rolinson, *Grassroots Garveyism: the Universal Negro Improvement Association in the rural South, 1920-1927* 24 (2007).

n237 Brenda Haugen, *Marcus Garvey: Black nationalist crusader and entrepreneur* 36 (2008).

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).

n239 Cf. *Interference with the Universal Negro Improvement Association*, Library of Cong., <http://perma.cc/0JFkEX6Ks1> (last visited Nov. 15, 2013).

n240 E.g., Jack Greenberg, *Crusaders in the Courts: Legal Battles of the Civil Rights movement* 15 (2004).

n241 Haugen, *supra* note 237, at 39-41.

n242 Greenberg, *supra* note 240, at 15.

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

n244 Marcus Garvey, W. E. Burghardt Du Bois as Hater of Dark People, *The Negro World*, Feb. 13, 1923, reprinted in Marcus Garvey & Amy J. Garvey, *The Philosophy and Opinions of Marcus Garvey, or, Africa for the Africans* 311 (First Majority Press ed. 1986) (1923).

n245 Jacob S. Dorman, *Skin Bleach and Civilization: The Racial Formation of Blackness in 1920s Harlem*, 4 *J. Pan Afr. Stud.* 47, 66 (2011).

n246 Gloster B. Current, "Love You Madly"- Duke Ellington, 81 *Crisis* 197, 199 (1974).

n247 Greenberg, *supra* note 240, at 16.

n248 *Id.* at 15-16.

n249 Megan E. Williams, *The Crisis Cover Girl: Lena Horne, the NAACP, and Representations of African American Femininity, 1941-1945*, 16 *Am. Periodicals* 200, 200 (2006).

n250 *Id.* at 201.

n251 *Id.* at 203.

n252 *Id.* at 201.

n253 Id. at 204.

n254 See Stephen Birmingham, *Certain People: America's Black Elite* vi (1977) (quoting a cabdriver's words in Atlanta).

n255 See Jada F. Smith, *Does Hollywood Still Have a Brown Paper Bag Test?*, *The Root* (Nov. 12, 2009, 7:34 AM), <http://www.theroot.com/views/does-hollywood-still-have-brown-paper-bag-test>.

n256 See Siji Jabbar, *Who taught you to hate the colour of your [dark] skin?*, *This is Africa* (Aug. 15, 2012), <http://perma.cc/RR3G-DXT4>.

n257 See Nadra Kareem Nittle, *CNN's Don Lemon: "Anchors of Color on Television Are Light-Skinned"*, *About.com* (Jun. 30, 2011), <http://perma.cc/J8KJ-9ENZ>.

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

n259 Beyonce Knowles, *Creole*, (SONY BMG Music Entertainment 2006).

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

n261 See Luchina Fisher, *Fantasia's Future Could Include Million-Dollar 'Home Wrecker' Lawsuit*, *ABC NEWS* (Aug. 12, 2010), <http://perma.cc/8FUL-L484>.

n262 See Ronke Idowu Reeves, *Fantasia Speaks: How the "Shade Issue" Affected Her Press Coverage*, *Vibe* (Aug. 26, 2010), <http://perma.cc/4HVW-9ANP>.

n263 Id.

n264 Id.

n265 Robin Gerber, *Barbie and Ruth: The Story of the World's Most Famous Doll and the Woman Who Created Her* 6 (2009).

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.

n268 Nicholas Hudson, "Nation" to "Race": The Origin of Racial Classification in Eighteenth-Century Thought, 29 *Eighteenth-Century Stud.* 247, 247 (1996).

n269 See *id.*

n270 See *id.* at 247-48.

n271 See Sheila Dillon, *The Female Portrait Statue in the Greek World* 23 (2010).

n272 See *id.* at 117.

n273 See *id.* at 106.

n274 Colette Hemingway & Sean Hemingway, *The Art of Classical Greece (ca. 480-323 B.C.)*, Heilbrunn Timeline of Art History, <http://perma.cc/DM4S-S5E4>.

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.

n279 Collette Hemingway & Sean Hemingway, *Africans in Ancient Greek Art*, Heilbrunn Timeline of Art History, <http://perma.cc/NU2G-FAN9>.

n280 *Id.*

n281 Angela P. Harris, *Introduction: Economies of Color*, in *Shades of Difference: Why Skin Color Matters* 1, 1-5 (Evelyn Nakano Glenn ed., 2009).

n282 *Id.* at 5.

n283 See Neil Haughton, *Perceptions of Beauty in Renaissance Art*, 3 *J. Cosm. Dermatology* 229, 229 (2004).

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

n285 See Marie-Benedicte Astier, *Aphrodite, Known as the "Venus de Milo," Louvre*, <http://perma.cc/04fjwm9Gim1> (last visited Nov. 15, 2013).

n286 *Id.*

n287 See id.

n288 See id.

n289 See Haughton, *supra* note 283.

n290 See Andrew Graham-Dixon, *Renaissance* 12 (2000).

n291 See *The Birth of Venus* by Botticelli, The Uffizi Gallery, <http://perma.cc/05wquz1VEWg> (last visited Nov. 15, 2013).

n292 See id.

n293 See Haughton, *supra* note 283, at 230.

n294 See *Venus and Mars*, The Nat'l Gallery, <http://perma.cc/04fjwm9Gim1> (last visited Nov. 15, 2013).

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.

n300 See Cecile Scaillierez, *Mona Lisa - Portrait of Lisa Gherardini, Wife of Francesco del Giocondo, known as the Mona Lisa*, Louvre, <http://perma.cc/0UjFhWj49js> (last visited Nov. 15, 2013).

n301 See *From the Tour: Titian and the Late Renaissance in Venice*, Object 4 of 7, Nat'l Gallery of Art, <http://perma.cc/0yNQhyNjhnY> (last visited Nov. 15, 2013).

n302 See *Leda and the Swan*, Virtual Uffizi, <http://perma.cc/0rc7uxoxpjH> (last visited Nov. 15, 2013).

n303 Consider *Ginevra de'Benci* and *The Annunciation* by Leonardo Da Vinci; *Danae* and *Venus of Urbino* by Titian; *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.

n305 Consider the major proponents of polygenism: William F. Edwards, Victor Courtet de l'Isle, Paul Broca, Charles Caldwell, Samuel Horton, Josiah Nott, George Gliddon, Ephraim Squier, Louis Agassiz, Robert Knox and James Hunt. See John P. Jackson & Nadine M. Weidman, *Race, Racism, and Science: Social Impact and Interaction* 39 (2004).

n306 See Samuel G. Morton, *Crania Americana; or, A Comparative View of the Skulls of Various Aboriginal Nations of North and South America: To Which Is Prefixed an Essay on the Varieties of the Human Species* (1839), available at <http://perma.cc/0C8EWDYhVx5>.

n307 See id.

n308 George Combe, *Appendix to Samuel G. Morton, Crania Americana; or, A Comparative View of the Skulls of Various Aboriginal Nations of North and South America: To Which Is Prefixed an Essay on the Varieties of the Human Species* 269 (1839), available at <http://perma.cc/0C8EWDYhVx5>.

n309 *Id.* at 271.

n310 *Id.* at 272.

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

n312 *Id.*

n313 See Evil, WordNet Search, <http://perma.cc/0MSmWDkKdfi> (last visited Nov. 15, 2013).

n314 *Id.*

n315 See Susan Gubar, *Racechanges: White Skin, Black Face in American Culture* xiv (Oxford University Press 2000) (1997).

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).

n319 Jim Crow Museum, *Racist Cartoons*, Ferris State Univ., <http://perma.cc/7WN6-F9X8> (last visited Nov. 15, 2013).

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.

n329 David Pilgram, *Jezebel Stereotype*, Ferris State Univ., <http://perma.cc/08paSi4M3Se> (last visited Feb. 14, 2013).

n330 See generally *Jim Crow Museum*, Ferris State Univ., <http://perma.cc/0nnmuSiHyC> (last visited Feb. 14, 2013).

n331 See *Civil Rights Act of 1960 Signed*, African Am. Registry, <http://perma.cc/0Wk8A25npNd> (last visited Feb. 19, 2013).

n332 See Teaching with Documents: The Civil Rights Act of 1964 and the Equal Employment Opportunity Commission, Nat'l Archives & Records Admin., <http://perma.cc/0J2FxmTenp5> (last visited Jan. 28, 2013).

n333 See Jones, *supra* note 44, at 1518.

n334 See Bell Hooks, *Killing Rage: Ending Racism* 119 (1995).

n335 *Id.* at 122.

n336 See Glenn, *supra* note 160, at 173.

n337 Civil Rights and Fashion in the 60's, *Civil Rights*, <http://perma.cc/0zegTthM3TU> (last visited Nov. 15, 2013).

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).

n339 James E. Smethurst, *The Black Arts Movement: Literary Nationalism in the 1960s and 1970s* 3, 6 (2005).

n340 See James T. Stewart, *The Development of the Black Revolutionary Artist*, in *Black Fire: An Anthology of Afro-American Writing* 3, 8 (Leroi Jones & Larry Neal eds., 1968).

n341 See Civil Rights Movement, John Kennedy Presidential Library and Museum, <http://perma.cc/0rfQCwaJF9z> (last visited Nov. 15, 2013).

n342 See *id.*

n343 See David R. Francis, *How the 1960s' Riots Hurt African-Americans*, Nat'l Bureau of Econ. Res., <http://perma.cc/0eDV5MQpWtk>

(last visited Nov. 15, 2013).

n344 See Howard Schuman et al., *Racial Attitudes in America: Trends and Interpretations* 34 (rev. ed. 1997).

n345 See Jeffrey O. G. Ogbar, *Black Power: Radical Politics and African- American Identity* 157 (2004).

n346 See Glen Ford, *Hip Hop Profanity, Misogyny and Violence: Blame the Manufacturer*, *Alternet* (May 6, 2007), <http://perma.cc/0273Kk31BNj>.

n347 See Julie Watson, *Rapper's Delight: A Billion-Dollar Industry*, *NBC News* (Feb. 18, 2004, 4:14 PM), <http://perma.cc/0asAQx8D3Pe>.

n348 See Charis E. Kubrin, *Gangstas, Thugs, and Hustlas: Identity and the Code of the Street in Rap Music*, 52 *Soc. Probs.* 360, 360 (2005).

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

n350 See **Leland Ware** & Melva L. Ware, *Brown v. Board of Education, Black Culture, and the American Identity*, 2 *F. on Pub. Pol'y* 341, 353-54 (2006).

n351 Joy Daily, *Complexion Obsession: A Hip Hop Documentary*, YouTube, (Feb. 18, 2010), <http://www.youtube.com/watch?v=wWVtp-JzV4>.

n352 See *id.*

n353 See Stephanie Y. Stevenson, *Scholarship and Empowerment in the Age of the Video Vixen: Promoting Black Adolescent Females' Academic Success*, 2 *U. Md. McNair Scholars Undergraduate Res. J.* 269, 273 (2009).

n354 See Lil' Kim, MTV, <http://perma.cc/0WyMYdSpSo2> (last visited Nov. 15, 2013).

n355 See Nicki Minaj, MTV, <http://perma.cc/ODrP9W56rzc> (last visited Nov. 15, 2013).

n356 Maya K. Francis, Nicki Minaj, Lil' Kim and the Curse of the Alter Ego, *The Root* (Jun. 11, 2010, 6:25 PM), <http://www.theroot.com/views/nicki-minaj-lil-kim-and-curse-alter-ego>.

n357 See Ware & Ware, *supra* note 350, at 353.

n358 *Id.* at 353-54.

n359 See Bogle, *supra* note 323, at 13.

n360 See Eldridge Cleaver, *Soul on Ice* 9 (1968).

n361 See Daily, *supra* note 351.

n362 See Patricia Hill Collins, *From Black Power to Hip Hop: Racism, Nationalism, and Feminism* 5 (2006).

n363 Toni Morrison, *The Bluest Eye* (Alfred A. Knopf ed., 1998).

n364 See Rachel Blumenthal, Morrison's the Bluest Eye, 65 *Explicator* 117, 117-18 (2007).

n365 See James Mayo, Morrison's the Bluest Eye, 60 *Explicator* 231, 231-33 (2002).

n366 See Cat Moses, The Blues Aesthetic in Toni Morrison's The Bluest Eye, 33 Afr. Am. Rev. 623, 623-38 (1999).

n367 See Morrison, supra note 363, at 46.

n368 See Moses, supra note 366.

n369 See Marie Koesterer, Dr. Mamie Phipps Clark: Segregation & Self- Esteem, Webster Univ., <http://perma.cc/0npMFc2ii5b> (last visited Nov. 15, 2013).

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

n371 Stereotypes and the Clark Doll Test, Explorable.com (Nov. 6, 2011), <http://perma.cc/OXLjHEj76ui>.

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

n373 Id.

n374 Id.

n375 Brown v. Board at Fifty: "With an Even Hand", Libr. of Cong., <http://perma.cc/0mWAS1cbWB5> (last visited Nov. 15, 2013).

n376 See **Leland Ware**, The Story of Brown v. Board of Education: The Long Road Racial Equality, in Education Law Stories 37-38 (Michael A. Olivas & Ronna Greff Schneider eds., 2007).

n377 Robert L. Hayman Jr. & **Leland Ware**, The Geography of Discrimination: The Seattle and Luisiana Cases and the Legacy of Brown vs. Board of Education, in Choosing Equality: Essays and Narratives on the Desegregation Experience 326 (Robert L. Hayman Jr. & **Leland**

Ware eds., 2009).

n378 James M. Jones, *Prejudice and Racism* 10-11 (McGraw-Hill 2nd ed. 1997).

n379 See Jody Armour, *Stereotypes and Prejudice: Helping Legal Decisionmakers Break the Prejudice Habit*, 83 *Calif. L. Rev.* 733, 741-55 (1995).

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

n381 See Tristin K. Green, *Discrimination in Workplace Dynamics: Toward a Structural Account of Disparate Treatment Theory*, 38 *Harv. C.R.-C.L. L. Rev.* 91, 93 (2003).

n382 See Jones, *supra* note 378, at 198-202.

n383 See generally John L. Jackson Jr., *Racial Paranoia: The Unintended Consequences of Political Correctness* 81-110 (2008) (discussing the manifestations of racial distrust in American society); Linda Hamilton Krieger, *The Content of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity*, 47 *Stan. L. Rev.* 1161 (1995) (examining the assumptions about human inference embedded in current disparate treatment theory and questioning the premise that discrimination necessarily manifests intent or motive); Linda Hamilton Krieger & Susan T. Fiske, *Behavioral Realism in Employment Discrimination Law: Implicit Bias and Disparate Treatment*, 94 *Calif. L. Rev.* 997, 1034 (2006) (discussing behavioral theory change in law); Antony Page, *Batson's Blind Spot: Unconscious Stereotyping and the Peremptory Challenge*, 85 *B.U. L. REV.* 155, 161, 180-235 (2005) (discussing the processes of categorizing and stereotyping).

n384 See Page, *supra* note 383, at 190.

n385 Cf. Eleanor Rosch, *Human Categorization*, in *Studies in Cross Cultural Psychology* 1, 1-2 (Neil Warren ed., 1977).

n386 See Page, *supra* note 383, at 185-86.

n387 See Krieger, *supra* note 383, at 1189.

n388 Snap Judgments: Psychological Test Reveals Hidden Bias, *The Univ. of Va. Magazine*, <http://perma.cc/OTpjSuZUFF1> (last visited Nov. 15, 2013).

n389 See Frances E. Aboud & Maria Amato, Developmental and Socialization Influence on Intergroup Bias, in *Intergroup Processes* 65, 65-89 (Rupert Brown & Samuel Gaertner eds., 2003).

n390 See Shankar Vedantam, *The Hidden Brain: How Our Unconscious Minds Elect Presidents Control Markets, Wage Wars and Save Our Lives* 66-67 (2010).

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.

n401 See Susanne Quadflieg & C. Neil Macrae, Stereotypes and Stereotyping: What's the Brain Got to Do With it?, *Eur. Rev. Soc. Psychol.* 222, 225 (2011).

n402 *Id.* at 215, 225.

n403 See Rupert Brown, *Prejudice: It's Social Psychology* 136 (Wiley- Blackwell 2nd ed. 2010).

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.

n408 See Trina Jones, The Case for Legal Recognition of **Colorism** Claims, in *Shades of Difference: Why Skin Color Matters*, 223, 223 (Evelyn N. Glenn ed., 2009); see also Taunya L. Banks, Multilayered Racism, in *Shades of Difference: Why Skin Color Matters*, 213, 222 (Evelyn N. Glenn ed., 2009).

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.

n413 Cf. Trina Jones, *Intra-Group Preferencing: Proving Skin Color and Identity Performance Discrimination*, 34 *N.Y.U. REV. L. & SOC. CHANGE* 660 (forthcoming 2011), available at <http://perma.cc/0tujAadtgaH> (last visited Nov. 15, 2013).

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.