

CHRISTIAN VIERGO

Style

A Brief History of Black Hair, Politics, and Discrimination

New York and California just became the first states to pass laws declaring hair discrimination to be illegal.

BY JAMEELAH NASHEED
AUGUST 9, 2019

On July 3, 2019, California became the first state to legally protect the hair of black students and employees when Governor Gavin Newsom signed [Senate Bill 188](#), also referred to as the [CROWN Act \(Create a Respectful and Open Workplace for Natural Hair\)](#), a law that declares hair discrimination to be illegal. Nine days later, on July 12, New York followed suit and became the [second state](#) to criminalize hair discrimination. The new California law [reads](#), "The history of our nation is riddled with laws and societal norms that equated 'blackness,' and the associated physical traits, for example, dark skin, kinky and curly hair to a badge of inferiority, sometimes subject to separate and unequal treatment." The bill goes on to say, "Professionalism was, and still is, closely linked to Eurocentric norms must alter their appearances, sometimes drastically and permanently, in order to be deemed professional."

All of this comes after several high-profile cases of hair discrimination. In 2013, the Equal Employment Opportunity Commission (EEOC) filed a lawsuit on behalf of [Chastity Jones](#), which argued that the company that hired her before rescinding the job offer due to her locs had racially discriminated against her. With the help of the NAACP Legal Defense and Educational Fund, her [case](#) went to the Supreme Court — which declined to hear it and didn't provide an explanation. In August 2018, there was also a young girl at Christ the King Elementary School in Terrytown, Louisiana, who was [sent home from school](#) because of her braided hairstyle with extensions. In response, Archdiocese of New Orleans superintendent RacNell Houston issued a statement reiterating the school's policy of only permitting students to wear their "natural hair." More recently, in December of 2018, a black high school student was forced to choose between [cutting off his locs](#) or forfeiting a wrestling match. The video footage of his hair being cut went viral, resulting in the referee's suspension by the New Jersey State Interscholastic Athletic Association and an investigation by the New Jersey Division on Civil Rights. That was also when Governor Newsom became aware of the severity of this issue. "His dignity being exposed, his decision whether or not to lose an athletic competition or lose his identity came into, I think, stark terms for millions of Americans that never had that opportunity," [said](#) Newsom. "That is played out in workplaces, it's played out in schools — not just athletic competitions and settings — every single day all across America in ways subtle and overt."



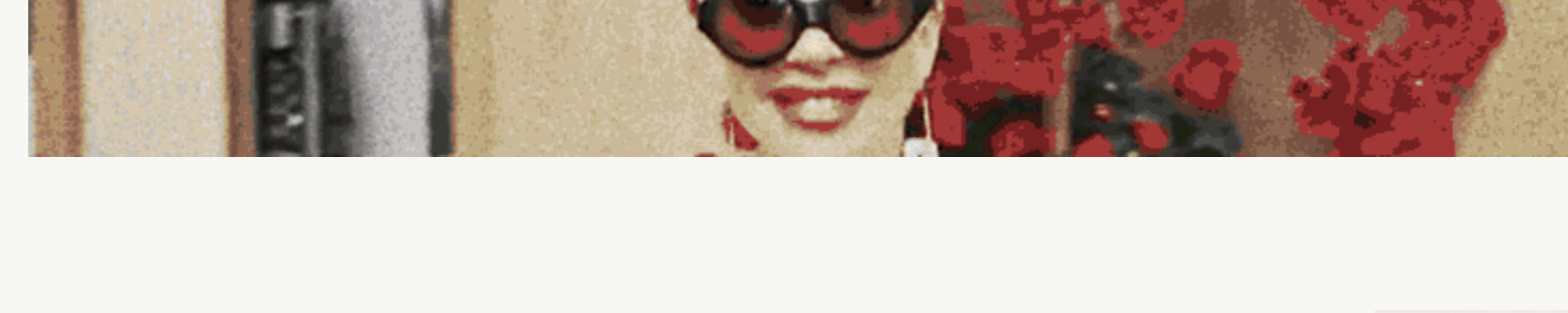
The subject of the treatment of black people based on the hairstyles they decide to wear in professional and academic settings has been dismissed as a nonissue for many, but these recent instances aren't isolated or new experiences. The policing of black hair has been happening for centuries.

In the 1700s, black women in Louisiana were [known to](#) wear their hair in elaborate styles, attracting the attention of white men. In order to diminish ["excessive attention to dress"](#) among women of color, Spanish colonial Governor Don Esteban Miró enacted the [Tignon Laws](#), which required Creole women of color to wear a tignon (scarf or handkerchief) to cover their hair as a way to indicate that they belonged to the slave class — despite the fact that some of these women were "free."

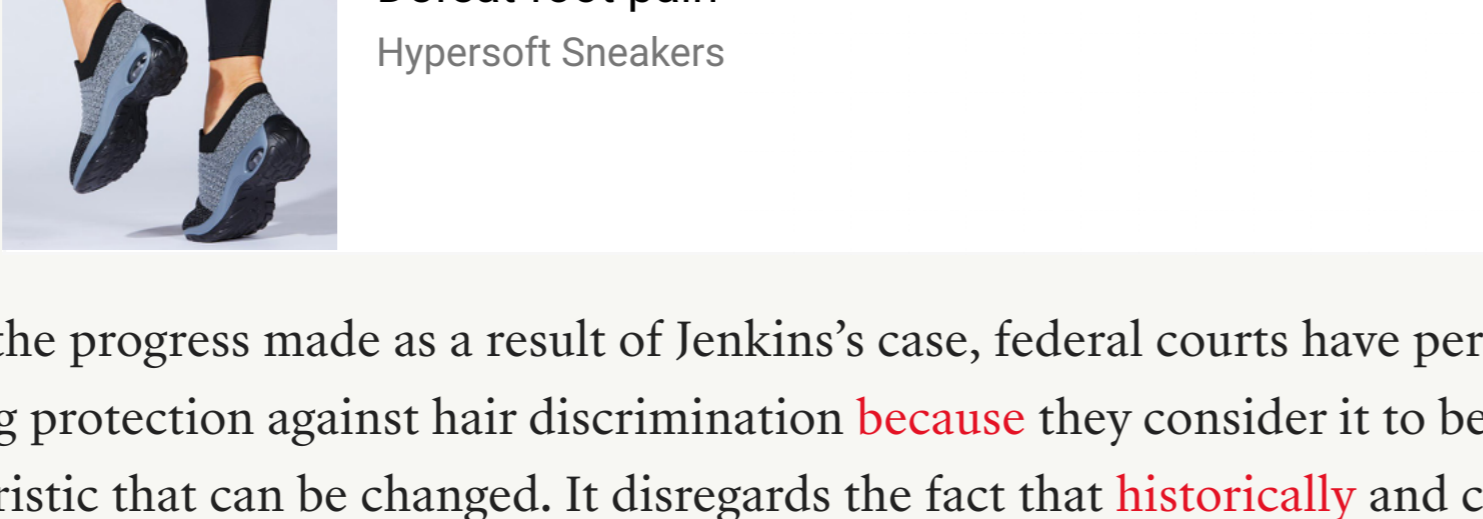
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Years later, the [Civil Rights Act of 1964](#) was a significant milestone in the fight for equality, as it banned employment discrimination on the basis of race, color, religion, sex, and national origin. But this law still left it up to the courts to decide what constitutes racial discrimination. So, when Beverly Jenkins was [told](#) by her employer, Blue Cross and Blue Shield, that she "could never represent Blue Cross" with her Afro, she filed a racial discrimination lawsuit. In her landmark 1976 case [Jenkins v. Blue Cross Mutual Hospital Insurance](#) it was determined that [Afras are protected](#) under Title VII of the Civil Rights Act.



Despite the progress made as a result of Jenkins's case, federal courts have persisted in excluding protection against hair discrimination [because](#) they consider it to be a characteristic that can be changed. It disregards the fact that [historically](#) and culturally, braids, twists, and locs have been closely aligned with black people — further reiterating the fact that Eurocentric features are the societal default, or what's considered to be "normal."

Now that we have high-profile public figures and politicians rocking natural hairstyles, they are paving the way for respect and acceptance in professional settings by simply existing in those spaces, but also by fighting for an issue that they identify with. There's Representative Ayanna Pressley (D-MA), one fourth of [the Squad](#). When she was first contemplating her run for Congress, she was advised against wearing her Senegalese twists. She was [told](#) by other women of color that the hairstyle "wasn't polished enough." When a young woman reached out to Pressley on Twitter, telling her that she had an upcoming interview for a political role and was worried about how her braids would impact her interview, Pressley [told](#) her, "You can rock your black girl magic in box braids and in twists, in locs, and extensions, in an Afro. The professionalism is all in how you carry yourself." [Stacey Abrams](#), who received national attention and endorsements from Barack Obama and [Oprah Winfrey](#) during her campaign for governor of Georgia, once [said](#), "We can win the highest office in Georgia without changing my hair, my gender, my race or my beliefs." There's also Los Angeles Senator Holly Mitchell, a black woman [with locs](#) who introduced the CROWN Act in California, and New York Assemblywoman Tremaine Wright, who worked to have the [CROWN Act passed in New York](#). Wright told [Teen Vogue](#), "The passage of the CROWN Act in New York State makes a clear statement that we value black people and will not tolerate policies that attack their dignity. I hope that young women see this and understand that their hair in its natural state is beautiful and should they choose to wear their hair naturally they should not be subjected to discrimination. I want young women to celebrate their autonomy, self-determination and natural beauty."

See value in every direction.

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The natural hair movement has shifted the views of many black women — where we used to break our backs, and quite often our strands, by trying to fit into a Eurocentric mold of beauty, many of us are now celebrating the very kinks and coils that we were taught to disown. I haven't straightened my hair in years, but growing up it was a requirement. I grew up under the impression that if your hair wasn't straightened, it wasn't "done," or you didn't take the time to groom and show that you value your appearance.

Now, because of an increase in diverse representation, things are finally starting to change. Senator Mitchell and Assemblywoman Wright are black women who can identify with the struggle that black women have faced for years, so their relationship to the policing of black hair is different. California's recent [declaration](#) that the definition of race would include "traits historically associated with race" such as hair texture, and "protective styles" like twists and braids happened because of Mitchell. To have black women in roles of power and influence empowers us to choose how we'd like to wear our hair. Whether that's kinky, curly, or straight — we should be able to make that decision freely and without judgement. It also ensures that conversations are had and, ideally, that policies — nationwide — will continue being implemented.

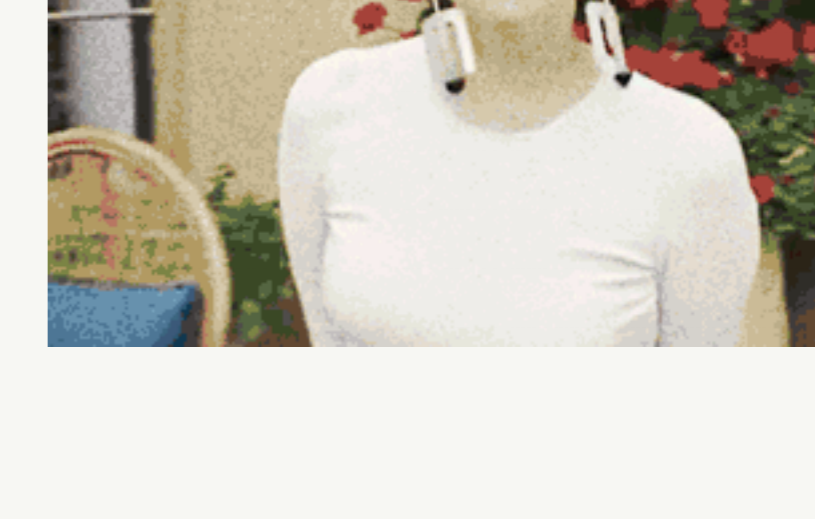
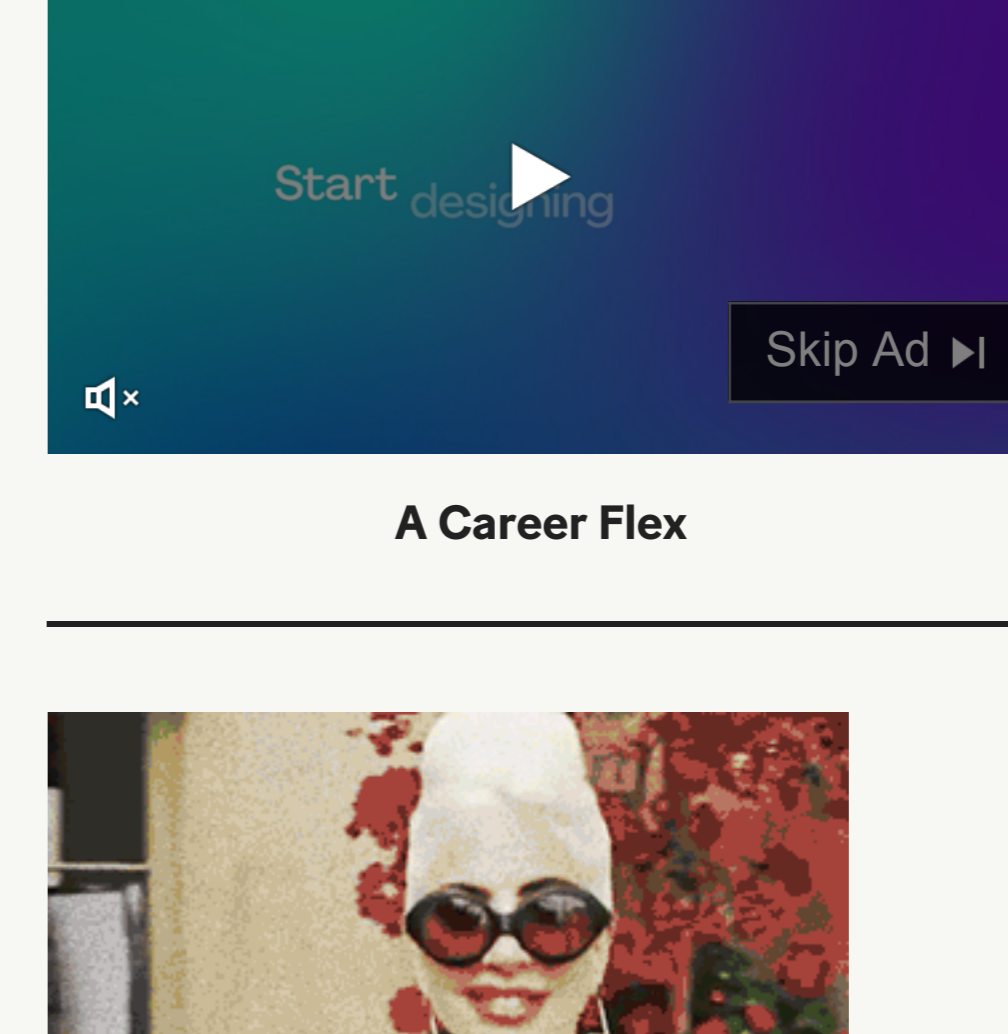
But why does [black hair](#), specifically, deserve to be a topic of political discussion and subject to legal protection? Because, for centuries, black hair [has](#) been a topic of political discussion and, at times, under attack by legal systems. Our gravity-defying hair is unique, oftentimes misunderstood, and when left in its natural state, it stands out — it stands up. Black hair [is](#) political.



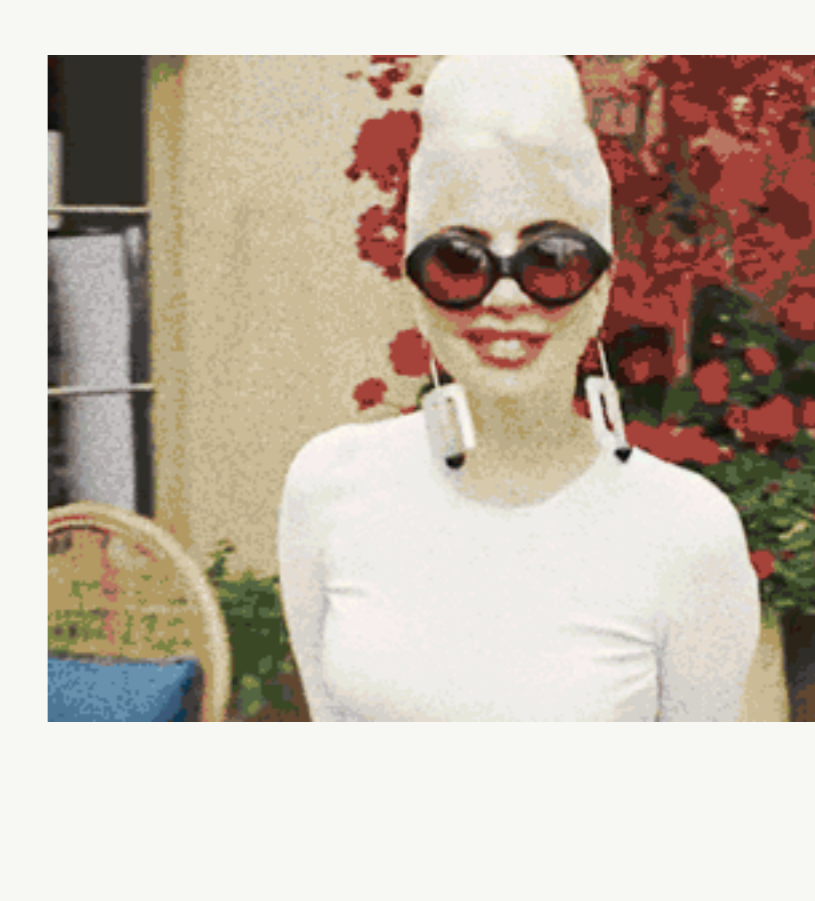
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