

A REBUTTAL TO “ARRÉGLATE ESE PAJÓN”: REFLECTIONS ON NATURAL HAIR MOVEMENTS, THE CROWN ACT, AND #BETRAYLATINIDAD

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INTRODUCTION

My mother tells me to fix my hair. And by “fix,” she means straighten. She means whiten. But how do you fix this ship-wrecked history of hair? The true meaning of stranded, when trusses held tight like African cousins in ship bellies, did they imagine that their great grandchildren would look like us, and would hate them how we do? Trying to find ways to erase them out of our skin, iron them out of our hair, this wild tangle of hair that strangles air. You call them wild curls. I call them breathing. Ancestors spiraling. Can’t you see them in this wet hair that waves like hello? They say Dominicans can do the best hair. I mean they wash, set, flatten the spring in any loc—but what they mean is we’re the best at swallowing amnesia, in a cup of morisoñando, die dreaming because we’d rather do that than live in this reality, caught between orange juice and milk, between reflections of the sun and whiteness. What they mean is, “Why would you date a black man? . . . What they mean is, “Why would two oppressed people come together? It’s two times the trouble.” What they really mean is, “Have you thought of your daughter’s hair?” And I don’t tell them that we love like sugar cane, brown skin, pale flesh, meshed in pure sweetness. The children of children of fields. Our bodies curve into one another like an echo, and I let my curtain of curls blanket us from the world, how our children will be beautiful. Of dust skin, and diamond eyes. Hair, a reclamation. How I will break pride down their back so from the moment they leave the womb they will be born in love with themselves. Momma that tells me to fix my hair, and so many words remain unspoken. Because all I can reply is, “You can’t fix what was never broken.”

—Elizabeth Acevedo¹

¹ Elizabeth Acevedo, *Hair*, YOUTUBE (Jul. 2, 2014), https://www.youtube.com/watch?v=0svS78Nw_yY&ab_channel=SlamFind.

The mass movement for Black lives has invigorated already-vivacious discourse amongst many Dominican Americans in the United States and their families in the Dominican Republic on what anti-Blackness looks like in our own respective localities. For us, this is a moment of beautiful, collective solidarity against transnational forms of white supremacy.

Having been raised as a first-generation Dominican American, I recall often hearing the mantra “I’m not Black, I’m Dominican” within the Dominican community both throughout my childhood and young adulthood.² In my own generation, the work of discussing Blackness has been fundamental to collective care and intergenerational healing.³ Discussions on Blackness not only require those of us in the diaspora to recognize the U.S.-imposed constructions that operate within our own dialogue, but to also recognize how *Latinidad*,⁴ as a monolith, disrupts our own understanding of Blackness.

² I place this cursory introduction to this mantra as a foreboding of the discussion to follow. However, I also find it important to mention, as will be discussed, that this distinction made by some Dominicans could be explained by different factors. One such factor could be that Dominicans may conflate “Black” to “African-American,” leading to a semantics-based distinction (this lends itself to the later discussion on US-influenced identity frameworks that create tensions with racial imaginaries). The other possible factor is the equivocation of “Dominican” as its own racial identity. This latter point will be discussed in depth.

³ A good portion of this piece will discuss various perspectives of Black Dominican identity, mostly engaging directly from the work of Black Dominican scholars. During a few points, I both engage with and bring forward common outside perspectives of Dominican identity, much of which discusses the existence of Black denial. To some extent, this denial is an absolutely prevalent mentality among many Dominicans who are indeed Black. However, such an emphasis on this denial does a disservice to the countless generations before my own, and within my own generation, that have always been cognizant of and attuned to Blackness. Furthermore, the question of outside perspectives on Dominican racial imaginaries also begs the question of what *lenses* are being operationalized. This will be fleshed out more in depth, particularly with Lorgia García Peña’s work. I present all of this now with the understanding that various descriptions of “denial” are simply bringing forward common assumptions and discourse that have been actively contested and challenged.

⁴ When I present *Latinidad*, it is not the notion of *Latinidad* as a racial identity. “Latine” is not a race nor ethnicity. I present *Latinidad* as the collective construction of lived experiences associated with supposed common traits of living in Latin America. *Latinidad*, however, leaves out certain traits in exchange for others—for instance, although Brazil and Haiti are part of Latin America, *Latinidad* commonly invokes Spanish-speaking as an identity-based commonality. Although there is the expanding understanding that Latine is not a race, the notion of *Latinidad* still remains a strong maker of identity, one that has contributed to a pervasive phenomenon where those celebrating *Latinidad* often do not understand that Blackness is part and parcel to the sense of self.

For Black Latines growing up within the duality of Blackness and Latinidad, the topic of hair is not just about style and appearance. It is about moving between ancestral roots, Eurocentric norms institutionalized into hierarchy, and “racial imaginaries.”⁵ While growing up, I was taught to equate straightening my hair as the *only* way to take care of my hair and that wetting my hair or leaving it “natural” would ruin it. Now that I have done a “big chop,”⁶ I either receive confused looks from loved ones or the comment “*arréglate ese pajón*” [“Fix that Afro”]. *Pajón*⁷ was often used as a pejorative or sardonic remark up until natural hair movements took wind and reappropriated the term as a tool of empowerment. *Pajón* can be translated to an “Afro,” or when Black hair⁸ is at its most natural, untouched by chemical relaxers. Spanish speakers, particularly Black Latines,⁹ recognize the distinction of *pelo bueno y pelo malo*¹⁰ as the effects of Eurocentric beauty standards.

⁵ I use the phrase “racial imaginary” in reference to the work of Milagros Ricourt. See MILAGROS RICOURT, *THE DOMINICAN RACIAL IMAGINARY: SURVEYING THE LANDSCAPE OF RACE AND NATION IN HISPANIOLA* (2016). In her text, Ricourt describes her own process of understanding existing formations of racial identity in the Dominican Republic, particularly through her desire to interrogate “African denial.” *Id.* at 5. Her use of the terminology around “racial imaginary” began with a realization: “I [Ricourt] now see the formation of the Dominican nation, not as a single historical trajectory of sociocultural dynamics and racial identity formation, but rather as a series of overlapping tendencies always in contradiction.” *Id.* Ricourt’s description of her own research behind the Dominican racial imaginary is the following: “[T]here are different national imaginaries within the same national space-time framework—first, the colonized imaginary, representing the continuity of the colonial framework of power, and second, a subversive imaginary, defined by those who see themselves as [B]lack and ready to fight against slavery—thus exposing shifting discontinuities in the colonial racial and cultural system.” *Id.* I will invoke the phrase “racial imaginary” as a reflection of this definition, and will present this definition again to re-contextualize the reader when discussing the racial landscape of the Dominican Republic.

⁶ A “big chop” for me in particular is cutting off all damaged hair to start caring for curls from scratch.

⁷ Throughout this discussion, I will alternate between *pajón* and “afro” depending on the context. This is to illuminate both the Dominican-specific terminology as it pertains to national/ethnic/racial configurations at odds with one another and the idea of Black liberation that transcends diaspora and borderlands. Essentially, both terms mean the same thing—as words pass through language and colloquialisms, the meaning remains embedded in larger systemic structures that this paper seeks to contest.

⁸ When I say “Black hair,” I do not mean “Black” in terms of pigment. I mean Black as in *Blackness*. Black hair means the hair textures, styles, and states of being that remain embedded in African ancestry and larger diasporic connections to and beyond the Continent.

⁹ Later in this paper, I will be discussing the use of “Afro” as a prefix and whether or not this resolves larger complex issues of what Latinidad fails to do in presenting Blackness.

¹⁰ *Pelo bueno* and *pelo malo* translate to “good hair” and “bad hair” respectively.

For Dominicans, dialogue on hair is especially affected by a traumatic history of anti-Blackness. The legacy of imperialism, both Spanish and American colonial projects, former dictator Rafael Leónidas Trujillo’s fascist regime, and anti-Haitian violence all represent an agenda of “*mejorando la raza*”—or “bettering the race”—to eradicate Blackness in the Dominican Republic.¹¹ Despite the clear movement of many Dominicans in asserting Blackness and reversing the effects of an anti-Black history, gaps still exist in discussions about hair, race, and Black solidarity. Dominican salons have become a site of social and community engagement while paradoxically perpetuating the *pele bueno* and *pele malo* binary.

Yet, conversations on fixing a *pajón* is not unique to Black Dominicans,¹² both on the island and in the States. This hyper-surveillance of hair texture and presentation is part of a larger history of policing that institutionalized into respectability politics. Such is the case in the United States where Black plaintiffs, particularly Black women, have challenged countless employer policies that convey the implicit messaging that certain Black hairstyles are deemed inappropriate or unprofessional.¹³ By challenging these policies, Black women have called upon courts to analyze hair discrimination through both a race and gender-based framework. Despite this call for an intersectional

¹¹ See RICOURT, *supra* note 6, at Chapter 2. See also MARIA ALEJANDRA CASALE-HARDIN, ‘Mejorar la Raza’: An Example of Racism in Latino Culture, HUFFINGTON POST (Dec. 6, 2017), https://www.huffpost.com/entry/mejorar-la-raza-an-exampl_b_7558892; CHRISTOPHER L. BUSEY & BÁRBARA C. CRUZ, *Who is Afro-Latin@? Examining the Social Construction of Race and Négritude in Latin America and the Caribbean*, Soc. EDUC. 81(1), 37–42 (2017), <https://www.socialstudies.org/social-education/81/1/who-afro-latin-examining-social-construction-race-and-negritude-latin-america>.

¹² I use the term “Dominicans” often without specifying “Black Dominicans.” In this paper, I focus specifically on Black Dominicans. Although many Dominicans are Black, not all Dominicans are Black. This is a necessary disclaimer, because often the conversation on Dominican identity becomes all too holistic, without acknowledging that there are Dominicans on the Island who are mainly of European descent. When the term “Dominican” is used with regard to the context of this paper, unless specified otherwise, I aim to reference Black Dominicans. A common point of tension in current discussions of “Afro-Latinidad” involves those claiming the Blackness of an ancestor from many generations past as proof of their own Blackness—when the individuals themselves are white. This is in part a large reason why many Black individuals from Latin America are hesitant about the surge of the word “Afro-Latine.”

¹³ See generally Renee Henson, *Are My Cornrows Unprofessional: Title VII’s Narrow Application of Grooming Policies, and Its Effect on Black Women’s Natural Hair in the Workplace*, 1 BUS. ENTREPRENEURSHIP & TAX L. REV. 521, 538 (2017).

analysis of antidiscrimination statutes, courts have failed to adapt competent jurisprudence around hair discrimination.

However, the most recent development in the United States that presents a huge legal shift in anti-discrimination is the passage of the Create a Respectful and Open World for Natural Hair Act (CROWN Act) which effectively banned hair discrimination in multiple jurisdictions.¹⁴ With the CROWN Act in motion, legal conversations on hair discrimination are more in tune with the necessary ties with race and gender.

The CROWN Act is a huge achievement for multiple jurisdictions in the United States. However, legal shifts alone cannot do the work of dismantling a systemic culture of anti-Blackness in public and private space. This Article argues that profound cultural shifts must accompany political and legal shifts around an anti-Black history of hair policing. One example of a cultural shift advanced by Black activists, creators, and artists is the creation of natural hair salons, a social space that performs the work of celebrating Black hair amid a harmful culture of respectability politics and Eurocentrism.

To advance this argument, this Article focuses on the happenstance of the passage of the CROWN Act at the same time as another significant development in the United States: the opening of Miss Rizos Salon in New York City.¹⁵ Miss Rizos Salon made its own name as one of the first natural hair salons in the Dominican Republic,¹⁶ an achievement

¹⁴ See Sen. Holly J. Mitchell, *Why I'm leading the charge against natural hair discrimination*, GOOD MORNING AMERICA (Aug. 9, 2019), <https://www.goodmorningamerica.com/style/story/sen-holly-mitchell-leading-charge-natural-hair-discrimination-64855557>. As of the last reference date of this Article, the following states have passed The CROWN Act or a variation of it: California, New York, New Jersey, Virginia, Colorado, Washington, Maryland, Connecticut, New Mexico, Delaware, Nebraska, Nevada, Illinois, and Oregon. See generally Angela Middleton, *Crown Day & Crown Laws Update*, JD SUPRA (Jul. 16, 2021), <https://www.jdsupra.com/legalnews/crown-day-crown-laws-update-7912936>; see also Olivia Hancock, *Everything You Need to Know About The CROWN Act*, BYRDIE (Jan. 5, 2022), <https://www.byrdie.com/the-crown-act-guide-5111864>.

¹⁵ See Janel Martinez, *This Woman Opened the First Natural-Only Hair Salon in the DR. Now, She's Coming to the U.S.*, BUSTLE (Jul. 9, 2019), <https://www.bustle.com/p/carolina-contreras-of-miss-rizos-is-opening-nyc-salon-to-help-combat-hair-texture-discrimination-17896367>.

¹⁶ See Jacqueline Lyon, *Pajón power: styling citizenship and Black politics in the Dominican natural hair movement*, 43:12 ETHNIC AND RACIAL STUDIES 2122, 2126 (2020). Go Natural Caribe was the first salon in the Dominican Republic specializing in natural hair. However, I focus on Miss Rizos Salon not only because it followed Go Natural Caribe, but because its movement to New York City represents a larger thread of diasporic Black solidarity/resistance that occurred at the same time as the passing of the CROWN Act.

borne of Black-centered organizing against structural and interpersonal anti-Blackness. Dominican salons in both the Dominican Republic and in the United States have served as common sites of *pelo bueno* versus *pelo malo* due to the Dominican salon’s established trait as the place clients go to straighten or relax hair. Today, the reclamation of this space into a reimagined site for the celebration of natural hair creates a promising venue for tackling anti-Black attitudes towards natural hair that cannot easily be addressed by legal regimes. It is this transnational movement of Black organizing that is the direct rebuttal to the command “*arréglate ese pajón*.” Rather than acquiesce to the command, the Black transnational natural hair movement responds by obliterating the white supremacist projects that created the command.

Part I sets a brief groundwork of hair discrimination towards Black people in the United States. The transatlantic slave trade and the violence of white supremacy led generations to pass down respectability politics¹⁷ as if it were a family heirloom. Rather than eliminate the source of respectability politics, the law has actively supported it. To illustrate this, I discuss two legal opinions that frame hair discrimination jurisprudence: *Rogers v. American Airlines* and *Pitts v. Wild Adventures*.¹⁸ In addition to the egregious shortcomings of each opinion and the failure of American courts to understand how hair discrimination is tied to racial and gender discrimination, these legal opinions reflect a Western society in which hair is seen as unimportant when confronting systemic oppression.

Part II presents the purpose and success behind the CROWN Act. The Act signifies a major step in combatting the omnipresence of policing Black hair. The CROWN Act not only describes the history of

¹⁷ Respectability politics can be defined as “a school of thought that utilizes respectability narratives as the basis for enacting social, political, and legal change.” See *Understanding Respectability Politics*, STUDIO ATAO (Jun. 30, 2020), <https://www.studioatao.org/post/understanding-respectability-politics>. Respectability narratives are “representations of marginalized individuals meant to construct an image of the marginalized group as people sharing similar traits, values, morals with the dominant group.” *Id.* Of course, respectability politics are used by those in positions of power to “control the actions of, and justify the harm of, marginalized groups . . . [b]ecause the rules of ‘respectability’—encompassing everything from speech patterns, dress code, and food choices to protesting ‘etiquette’ and media person—are constantly subject to change, the dominant group can consistently ensure marginalized groups never meet every facet of the rules.” *Id.*

¹⁸ *Rogers v. American Airlines*, 527 F. Supp. 229 (S.D.N.Y. 1981); *Pitts v. Wild Adventures, Inc.*, No. 7:06-CV-62-HL, 2008 WL 1899306 (M.D. Ga. Apr. 25, 2008).

hair discrimination based on Eurocentric standards, it also calls upon employers and institutions to reckon with their understanding of hair as more than a neutral extension of the physical body. Instead, hair is conceptualized as a site where racialized and gendered assumptions about the body have historically been made. Although the passage of the CROWN Act is not directly attributable to how Dominican natural hair salons are run in the United States, its passage reflects an opportunity to shift cultural norms that are quintessential to challenging existing narratives of hair and race.

Part III gives an introductory reflection on the role that race and hair play within and beyond the imagined borderlands of the Dominican Republic, particularly as Dominican hair salons and Dominican communities transfer or alter these roles through diaspora. Similar to the organizing behind the CROWN Act, Black Dominicans organizing in the Dominican Republic had to name a larger history of anti-Blackness to foster a model of social change. Rather than centering the mainstream critique of Dominican racial constructions as Black denial, I discuss the effects of *mestizaje*¹⁹ and other tools of Western regimes to enforce anti-Blackness and anti-Black racial hierarchies. This history traces to colonial projects, including the role of the U.S.-backed reign of Trujillo in sanctioning the mass genocide of Haitians.

In order to fully delve into Black Dominicanidad, Part III presents the views of several Black Dominican scholars who reject the unilateral imposition of U.S.-based norms of race in discussing Dominican consciousness. Specifically, this Article adopts the approach of Lorgia García Peña and Milagros Ricourt who advocate for an understanding of Dominican racial hierarchies that should stray away from “simple equations of domination and resistance, or with a binary black/white formula.”²⁰ The positions of both scholars, whether García Peña’s notion

¹⁹ *Mestizaje* references the historical “mixing” that occurred as a result of imperialism/colonialism. This traditionally includes the “mixing” of white European ancestry, indigenous ancestry, and African ancestry. *Mestizaje* is particularly problematic in Latine communities, because it attempts to center “mixed” identity as more desirable than Blackness. The nebulous idea of *mestizaje* has also led to white Latines using *mestizaje* and tracing long-passed generations of indigenous and African ancestors as a tool to claim identity as a person of color.

²⁰ See MILAGROS RICOURT, THE DOMINICAN RACIAL IMAGINARY: SURVEYING THE LANDSCAPE OF RACE AND NATION IN HISPANIOLA 5 (2016).

of the *vaivén*²¹ or Ricourt’s notion of race as a dialectical process,²² challenge those unfamiliar with Dominican Blackness to expand their perception to one of a “trans-local concept very much linked to historical, cultural, and political continuities.”²³ In other words, Blackness as a sense of being is in constant movement and its current positionality is one of immense promise for a radicalized moment in response to anti-Black racism in the United States.

Part IV describes the call amongst Black Dominicans to oppose hair respectability politics within the dynamics of the Dominican salon. The movement to obliterate the *pelo bueno* versus *pelo malo* distinction syncs with larger displays of activism that disrupt private and public anti-Blackness. By describing the local events in the Dominican Republic that led to uproar over the policing of Black Dominican women’s hair, Part IV describes the origin of Miss Rizos Salon as the second salon to follow an unprecedented project of natural hair salon businesses in the Dominican Republic. The significance of Miss Rizos includes its transition into diasporic entrepreneurship²⁴ in the United States. As the

²¹ See Lorgia García Peña, *Translating Blackness*, 45:2 THE BLACK SCHOLAR 10 (2015). This term has been coined by Lorgia García Peña as a way to argue that “Dominican [B] lackness must also be understood in terms of movement—as a *vaivén*—that is, as a trans-local concept very much linked to historical, cultural and political continuities.” *Id.* at 11. It could be described, with regard to movement, as a “coming and going,” which applies to the position of scholars like García Peña that Dominican Blackness is not a static construction.

²² Ricourt, *supra* note 19.

²³ *Id.*

²⁴ I intended to use the phrase “diasporic entrepreneurship” to reference the project of transferring a common commodity in a “motherland” through diaspora. The Dominican salon in the States is well-known as a site for hair relaxers, heat treatments, and other alterations. Most owners of Dominican salons come from generations of hair stylists from the Dominican Republic, where the skill of hair styling itself originated from these entrepreneurs. The traits shared by the Dominican salon in diaspora, even if presented differently depending on available resources, make the salon a “good” that attaches itself to Dominican identity. Miss Rizos Salon operates in a similar manner as diasporic entrepreneurship, except it disrupts the traditional role of the Dominican salon into a new site devoted to natural hair. Miss Rizos Salon began in the Dominican Republic and formed its reputation in response to being one of very few natural hair salons in the Dominican Republic. Thus, its transfer to the States made it equally unique in that it also reflects the same scarcity. The phrase “diasporic entrepreneurship” is a nod to Carla Freeman’s *Entrepreneurial Selves*. Freeman defines entrepreneurialism as “not simply a mechanism of self-employment . . . but a subtler, generalized way of being and way of feeling in the world” that “connects market practices with self-making.” See CARLA FREEMAN, *ENTREPRENEURIAL SELVES: NEOLIBERAL RESPECTABILITY AND THE MAKING OF A CARIBBEAN MIDDLE CLASS*, 1 (Duke University Press, 1 ed. 2014). Freeman’s work is a larger commentary on how businesses tied to identity is a form of neoliberalism, but to apply this analysis to the Dominican salon is its own work and conversation on creating

opening Miss Rizos Salon in New York City ran along the same time as the passage of the CROWN Act, the link between the larger struggle for Black liberation and “Yo Amo Mi Pajón”²⁵ advances beyond borders. At the same time, this movement for collective Black healing also pays due attention to the nuance of Blackness in the United States and Latin America.

Finally, Part V demonstrates how natural hair movements and the major wins secured for celebrating natural hair expression have led to other challenges to labels and semantics that have upheld the dilution or erasure of Blackness. This Article posits that Latinidad becomes a proxy for identity-based reasoning that rejects or outright denies the existence of Blackness. The movement to betray Latinidad claims that a larger moniker of Latinidad destroys the nuances of Blackness and its storied embodiment in Latin America. By contesting Latinidad, this Article then posits the lingering questions for Black Latine movements: How do shifts away from monolithic monikers of cultural unity allow for a larger solidarity-based movement in Black liberation?

This Article is an ambitious project to establish ties between pro-Black natural hair movements united in a cause against institutional forces that suppress Black expressions. With this in mind, this Article leaves out much needed complex discussion. To begin, this Article only presents a foundational understanding of Dominican racial constructions. To transition from the Dominican Republic to a diasporic framework is a risky one. Such work requires assessing the privileges of diaspora, including my access to privileged institutional spaces and my proximity to whiteness, that would allow us to approach this discussion with a framework of theorizing identity in a way that our families have not. Diasporic identity does not automatically endow one with a license to become an expert through a comparative lens. Such a lens of diasporic narrative will inevitably impose U.S.-constructed ideas of identity in an almost voyeuristic manner. With all of this to compartmentalize, I arrive at this work with the desire to create connections to movements that brought me to liberation ideology. To that end, this Article presents

anti-capitalist approaches to hair.

²⁵ See Mariana Dale, ‘Yo Amo Mi Pajón:’ *Loving Natural Hair in the Dominican Republic*, KJZZ (Apr. 11, 2017), <https://kjzz.org/content/458504/yo-am-mi-paj%C3%B3n-loving-natural-hair-dominican-republic>.

preliminary articulations of these tensions while keeping in mind that my positionality is not exempt.

In order to remedy and bridge these gaps, I offer the perspectives of various Black Dominican scholars as an introduction to the key issues at play. Even with the attempt to introduce perspectives on Dominican racial identity and Blackness, these preliminary perspectives provide enormous contextual references to how the hair salon and how natural hair movements are all central to understanding what it means to be Black in Latin America. Additionally, these perspectives include reflections on how this meaning of Blackness in Latin America shifts, adapts, and remains the same as being Black in the United States. Thus, this Article attempts to create greater capacity for more insight on sources of contention and meaning. Accordingly, I invite readers to not only reference the direct lived experience of Black Dominicans on the island as the default practice, but to continually “pass the mic”²⁶ to such actors.

Above all, in discussing these Black movements as the direct rebuttal to the command “*arréglate ese pajón*,” I aim to frame this rebuttal towards a fight for Black collective healing. It is a duty owed and necessary not only in creating this Article, but in respecting the work of my community and the ancestors who have brought me to this privileged point of consciousness. The powerful movement of Black individuals leading the frontlines on the celebration of Black hair has not only created a safer point of existence for Black Dominicans, it has also set a precedent where the innocuous topic of hair has been a politicized site of radical resistance.

²⁶ Lorraine Avila, a Dominican writer, perfectly captures this in her own social media post, available at https://twitter.com/lorraineavila_/status/1329805534728482820. I also would like to take a moment to reference the crucial thoughts of Alan Pelaez Lopez, an AfroIndigenous poet and artist, whose words are available at <https://twitter.com/MigrantScribble/status/1365800798043607042>. They ask: “Could I have gotten away with #LatinidadisCancelled if I were darker skinned? My immediate answer is ‘no.’” I write this article aware of the following: I am a biracial, light-skinned Black Dominican woman raised in the States. The opportunities endowed to me has been an extension of my access to capital and privilege, which has historically been denied by my Black brothers and sisters in Latin America. I place this awareness here not only to acknowledge my own limitations on writing about this topic, but to also state as a reminder that there is still a larger exclusionary project that afflicts Black Latines in academia.

I. LEGACIES OF HAIR DISCRIMINATION IN THE UNITED STATES

The history of hair, like many other histories, became a site of violence with the imposition of white supremacist projects. For Black women²⁷ brutalized by the transatlantic slave trade, the presentation of hair was no longer purely a matter of beauty-based presentation, cosmetic expression, or sacred celebration.²⁸ The beginning of America's violent history of chattel slavery and the larger project of imperialism destroyed the sanctity of the rich communal tradition of celebrating Black hair. Slave traders would shave the heads of Black women. It was the ultimate form of "taking away someone's identity."²⁹ The significance of this act became an intentional tool utilized by colonizers for "erasing the slave's culture and alter[ing] the relationship between the African and his or her hair."³⁰ Hair became a subsequent tool of survival. Braids were utilized as a secret messaging system for enslaved Black folks to communicate with one another.³¹ It was a map for freedom, where numbers of plaits could indicate the number of roads one needed to walk.³²

Now, white supremacy manifests in respectability politics—another project that attempts to infuse Eurocentric ideology into what is rendered professional and unprofessional in the American workplace. Respectability politics—especially when operationalized by non-Black individuals in power—are inherently antagonistic to Black flourishing. The notion

²⁷ Mainstream conversation and literature on hair discrimination has often been centered on Black women, particularly as it relates to the CROWN Act. Although I mention Black women, it is crucial to name and eradicate the dangerous assumption that Black women implies cis women. For this article, my reference to hair discrimination is with respect to any Black individual who has been subjected to the violence of patriarchy.

²⁸ See Siraad Dirshe, *Respect Our Roots: A Brief History Of Our Braids*, ESSENCE (Jun. 2018), <https://www.essence.com/hair/respect-our-roots-brief-history-our-braids-cultural-appropriation>.

²⁹ See Crystal Powell, *Bias, Employment Discrimination, and Black Women's Hair: Another Way Forward*, 2018 BYU L. REV. 933, 940 (2019).

³⁰ *Id.*

³¹ See Siraad Dirshe, *Respect Our Roots: A Brief History Of Our Braids*, ESSENCE (Jun. 2018), <https://www.essence.com/hair/respect-our-roots-brief-history-our-braids-cultural-appropriation> (Note that this was also a prevalent practice amongst the enslaved in what is now Latin America. In Colombia, enslaved Black folks had used curved braids to represent roads they would use to escape. Additionally, braids would keep gold and seeds hidden as a means of survival). See also DeNeen Brown, *Afro-Colombian women braid messages of freedom in hairstyles*, THE WASHINGTON POST (Jul. 2011), https://www.washingtonpost.com/lifestyle/style/afro-colombian-women-braid-messages-of-freedom-in-hairstyles/2011/07/08/gIQA6X9W4H_story.html.

³² *Id.*

of professionalism usually does not explicitly call itself Eurocentric, but creates a phenomenon where professionalism becomes a normative reflection of whiteness. Under racial capitalism,³³ Black individuals are welcomed into the workplace in ways that cater to the workplace’s own performatively branded model of diversity, typically for the workplace’s own benefit and profit. Yet, the same individuals are left vastly under-supported, underresourced, or heavily policed and surveilled.

No matter how palpable this issue may be within the workplace, the inability to fully address its material circumstances and effects is largely due to inadequate legal mechanisms that fail to protect Black women from workplace harassment and discrimination. As this next Section will demonstrate, existing jurisprudence presents a wholly inadequate approach to racial discrimination, particularly as it relates to Black women facing retaliation and harassment for how they present their hair. Consequently, the law fails to incorporate an intersectional³⁴ lens to discrimination to account for the nuances that Black women face when they enter the office and to help understand how hair is part of this unique form of discrimination.

A. *Winning Hearts, Minds, and Hair: The Legal Struggle for Combatting Hair Discrimination*

To understand the landscape that necessitated the passage of the CROWN Act³⁵, it is essential to examine previous jurisprudence that created systems of exclusion, exploitation, and harm because of a failure to establish effective antidiscrimination statutes.³⁶ The massive failure

³³ See CEDRIC ROBINSON, *Black Marxism: The Making of the Black Radical Tradition*, The University of North Carolina Press (1983); see also Nancy Leong, *Racial Capitalism*, 126 HARV. L. REV. (2013), 2151–2226. Cedric Robinson is attributed to the coining of racial capitalism as a concept combining race and class into a single analysis. Nancy Leong’s own exploration of racial capitalism specifically explores how neoliberal institutions, such as academic institutions, will champion diversity yet fail to implement institutional support for the diverse voices left in the margins. This connection can be drawn to the workplace, where Black women may be the faces of “diversity,” yet still vastly undersupported by workplace governance structures.

³⁴ See generally Crystal Powell, *Bias, Employment Discrimination, and Black Women’s Hair: Another Way Forward*, 2018 BYU L. REV. 933, 940 (2019); see also D. Wendy Greene, *A Multidimensional Analysis of What to Wear in the Workplace: Hijabs and Natural Hair*, 8 FIU L. REV. 333, 337 (2013); see generally D. Wendy Greene, “A Multidimensional Analysis of What to Wear in the Workplace: Hijabs and Natural Hair,” 8 FIU L. REV. 333, 337 (2013).

³⁵ See *The Official CROWN Act*, CROWN COALITION, <https://www.thecrownact.com>.

³⁶ See generally Ra’Mon Jones, “What the Hair: Employment Discrimination Against Black People Based on Hairstyles,” 36 Black Letter Law Journal (Jul. 22, 2020), https://harvardblackletter.org/wp-content/uploads/sites/8/2020/07/HBK106_crop.pdf (Jones provides a

of antidiscrimination law, as it relates to Black hair, has historically been due to the court's cultural incompetence and unwillingness to apply an intersectional lens so as to recognize that hair is both a race-based and a gender-based issue.³⁷ Due to the extensive number of cases involving the courts' refusal to recognize the racialization of hair, I focus on *Rogers v. American Airlines* and *Pitts v. Wild Adventures*.³⁸ Both cases exemplify how the courts have compartmentalized the concept of hair as an identity marker and how the creation of a dichotomy between natural hair and braided hairstyles is both wholly inadequate and wholly false. This approach on the part of the court system also reflects a larger refusal to understand and become more cognizant of what it means to be Black, and, particularly, what it means to be Black in an anti-Black workplace.

In *Rogers v. American Airlines*, the plaintiff, Renee Rodgers,³⁹ appeared at her place of employment, American Airlines, with cornrows. American Airlines had banned the hairstyle, leading Rodgers to contest this policy based on Title VII.⁴⁰ Rodgers' claim cited an "intersectional claim of discrimination"⁴¹ based on her status as a Black woman. Rodgers noted that cornrows were "historically, a fashion and style adopted by Black American women, reflective of the cultural, historical essence of Black women in American society."⁴² Despite Rodgers' explanation of cornrows' significance to the Black community and her characterization that American Airline's implicit messaging⁴³ of cornrows as unprofessional

fantastic history of hair discrimination, and provides a more in-depth analysis of longstanding jurisprudence).

³⁷ See Crystal Powell, *Bias, Employment Discrimination, and Black Women's Hair: Another Way Forward*, 2018 BYU L. REV. 933, 940 (2019); see also D. Wendy Greene, *A Multidimensional Analysis of What to Wear in the Workplace: Hijabs and Natural Hair*, 8 FIU L. REV. 333, 337 (2013).

³⁸ *Rogers v. American Airlines*, 527 F. Supp. 229 (S.D.N.Y. 1981); *Pitts v. Wild Adventures, Inc.*, No. 7:06-CV-62-HL, 2008 WL 1899306 (M.D. Ga. Apr. 25, 2008).

³⁹ Please note that the proper spelling of the Plaintiff's name is Renee Rodgers, even though the case itself spells it as Rogers. See Paulette M. Caldwell, *Intersectional Bias and the Courts: The Story of Rogers v. American Airlines*, in RACE LAW STORIES 571, 571 n.12 (Devon W. Carbado & Rachel F. Moran eds., 2008). See D. Wendy Greene, "A Multidimensional Analysis of What to Wear in the Workplace: Hijabs and Natural Hair," 8 FIU L. REV. 333, 337 (2013).

⁴⁰ See D. Wendy Greene, "A Multidimensional Analysis of What to Wear in the Workplace: Hijabs and Natural Hair," 8 FIU L. REV. 333, 337 (2013).

⁴¹ *Id.* at 347.

⁴² *Id.* at 348.

⁴³ Greene notes that American Airline's "grooming regulations conveyed the message (which the court reified) that cornrows . . . was an unprofessional and immodest hairstyle in

is anti-Black, the court found that the grooming policy utilized did not violate Title VII’s protections against race and gender discrimination.⁴⁴

Wendy Greene powerfully remarks that “more than three decades after *Rogers*, employers remain legally protected in meting out unsolicited counsel and limitless conditions on Black women’s hairstyle choices.”⁴⁵ Not only was the outcome in *Rogers* detrimental to the well-being of Black women, the outcome was also devastating for Rodgers. Rodgers was given an ultimatum to mask her hairstyle with a hairpiece, which caused severe headaches. The court simply commented that she should use a “larger hairpiece” to remedy the issue.⁴⁶ The result not only forced individuals like Rodgers to contest her own belonging and ability in the workplace, it also sanctioned interpersonal and systemic anti-Blackness that led to emotional trauma.

In *Pitts v. Wild Adventures*,⁴⁷ the plaintiff, Patricia Pitts, entered her workplace with cornrows. Her supervisor disapproved of her braids and told Pitts to “get her hair done in a ‘pretty’ style.”⁴⁸ Pitts later changed her hair to a two-strand twist style, which again elicited disapproval. Wild Adventures created an official company policy prohibiting “dreadlocks, cornrows, beads, and shells that are not covered by a hat or visor.”⁴⁹ The court stated that because Pitts did not file a report with the EEOC⁵⁰ and

need of covering and thus, an unacceptable and impermissible hairstyle for Black women” *Id.* at 349 (emphasis added). It is the policy itself and the messaging of the policy that creates the anti-Black perception of cornrows as inappropriate for the workplace.

⁴⁴ *Id.* at 348.

⁴⁵ *Id.* at 349–350.

⁴⁶ *Id.* at 349.

⁴⁷ See No. 7:06-CV-62-HL, 2008 WL 1899306 (M.D. Ga. Apr. 25, 2008).

⁴⁸ *Id.* at *1.

⁴⁹ *Id.* at *1 (M.D. Ga. Apr. 25, 2008).

⁵⁰ The official government website for the Equal Employment Opportunity Commission cites its role as the following:

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person’s race, color, religion, sex (including pregnancy, transgender status, and sexual orientation), national origin, age (40 or older), disability or genetic information. Most employers with at least 15 employees are covered by EEOC laws (20 employees in age discrimination cases). Most labor unions and employment agencies are also covered. The laws apply to all types of work situations, including hiring, firing, promotions, harassment, training, wages, and benefits.

Overview, U.S. EQUAL EMP. OPPORTUNITY COMM’N, <https://www.eeoc.gov/overview> (last visited on Feb. 5, 2022).

had not exhausted her administrative remedies, she had no claim under Title VII.⁵¹ The court also stated that “[g]rooming policies are typically outside the scope of federal employment discrimination statutes because they do not discriminate on the basis of immutable characteristics.”⁵²

The court’s legal analyses in response to both plaintiffs’ Title VII claims lacked any consideration of the role of intersectionality and multidimensionality⁵³ as theory and praxis. In *Rogers*, the court held “that a viable race-based challenge . . . necessitated that Rodgers put forth an essentialist claim that all, most, or only Black Americans wore braided hairstyles.”⁵⁴ To justify its reasoning, the court looked to an example of a white woman wearing cornrows “as its justification for holding that Rodgers and like plaintiffs could not challenge employer bans against braids on racial grounds, as they could not maintain that only Black women wore braids and that this hairstyle therefore held a particular cultural significance for Black women.”⁵⁵ Indeed, the court’s reasoning missed an opportunity for multidimensionality. The example of a white woman wearing cornrows demonstrated an instance where a non-Black person had the same hairstyle. The privilege of whiteness may allow a white woman to escape the anti-Black backlash a Black hairstyle brings in relation to a Black woman in a white workplace. The court exorbitantly missed the mark on the connection between race, hair, and gender. Specifically, the court missed how in the circumstance of a Black woman and a non-Black woman having the same hairstyle, one may be perceived as less professional over another due to the political, cultural, social project of anti-Blackness.

Legal analyses of immutability in relation to Black hair and discrimination have also been equally confusing. Crystal Powell captures the absurdity of these analyses, stating that “federal antidiscrimination

⁵¹ See Powell, *supra* note 27, at 934.

⁵² Wild Adventures, 2008 WL 1899306, at *5.

⁵³ See Greene, *supra* note 37, at 339 (citing Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1898 U. CHI. LEGAL F. 139 (1989)). Greene states that “courts have conceived discrimination on the basis of race and gender as mutually exclusive concepts rather than mutually reinforcing constructs. According to Crenshaw, in race and sex discrimination cases, courts ignore the ‘multidimensionality’ of Black women and have viewed discrimination and subordination that Black women contend experiencing along a ‘single categorical axis.’” *Id.*

⁵⁴ *Id.* at 348.

⁵⁵ *Id.*

statutes were not drafted on the basis of mutable (changeable) and immutable (unchangeable) characteristics of a group, but rather because of the historical oppression of certain groups based on characteristics unique to those groups.”⁵⁶ This statement captures exactly what was flawed in the court’s previous argument on the difference—or, as the court believed, lack of difference—between cornrows worn by a white woman and a Black woman. Antidiscrimination statutes, when applied to hair, are not solely based on the hair presentation itself but rather the complicated histories of oppression faced by the individual wearing the style.

Oddly enough, courts have ruled that employer practices against Black women’s use of braided hairstyles do not constitute discrimination on the basis of race, yet an employer’s ban against an Afro may violate antidiscrimination law.⁵⁷ Courts assume that since an Afro is in its most natural form and is therefore immutable, it is discriminatory to regulate its presentation in comparison to braids which can be seemingly altered with minimal adjustments or which is exclusively done through synthetic additions.⁵⁸ The paradox of this analysis is that Black women are only protected from one form of hair discrimination but are left vulnerable to other forms of hair discrimination.

For those of us who are Black and all too familiar with the very personal, targeted feelings that unsolicited opinions and comments on our hair presentation in public and private bring, *Pitts* and *Rogers* elicit a perplexing head-scratch as to how our court system could be so oblivious to the clear racialized and gendered constructions tied to hair. This head-scratch is more emblematic of living in a nation where those occupying high positions of power remain vastly unequipped to deal with systemic issues targeting Black and brown folks.

The shortcomings of discrimination law at large mean that it will be difficult to create a legal standard for workplace discrimination that adequately captures how hair-based discrimination necessitates a race and gender-based analysis. Because of the Herculean efforts it would take

⁵⁶ Powell, *supra* note 27, at 954.

⁵⁷ *Supra* note 37 at 347. See also *Jenkins v. Blue Cross Mut. Hosp. Ins., Inc.*, 538 F.2d 164 (7th Cir. 1976).

⁵⁸ *Id.* at 355. The immutability requirement itself, as Greene asserts, is “based upon a legal, political, and social fiction that race is a biological and fixed construct.” Because of this approach, Black women are faced with the burden of “demonstrating that all, most, or only individuals who identify as Black or as Black women wear natural hairstyles.” *Id.*

to get a predominantly white-occupied legal system to make such multifaceted analyses, the current era of the fight to end hair discrimination has turned its attention to grassroots organizing to ultimately present compelling forms of protections. This is precisely what breathed life into the CROWN Act.

II. THE CROWN ACT

The aforementioned lackluster jurisprudence led countless advocates to push for a more universal fight against anti-Black hair discrimination. This advocacy emerged into proposed legislation that would begin to fill in some of the gaps left uncritically examined by courts. On July 3, 2019, the California legislature passed and approved SB 188—otherwise known as the CROWN Act.⁵⁹ The CROWN Act, shorthand for “Create a Respectful and Open World for Natural Hair” Act, prohibits discrimination based on hairstyle or hair texture by extending protection under both the California Fair Employment and Housing Act of 1959 and the California Education Code.⁶⁰ The bill, sponsored by Senator Holly Mitchell, made California the first state to widely prohibit such discrimination.⁶¹

The move to end discrimination against natural hairstyles was not unique to California. In February 2019, the New York City Commission on Human Rights (NYCHR) published its Legal Enforcement Guidance on Race Discrimination on the Basis of Hair.⁶² This extension of the New York City Human Rights Law aimed to promote awareness of the ways anti-Black racism systemically permeates both private and public fields—particularly in systems of education and within the workplace. The text itself illustrates an emphasis on context, both historical and sociological. In its Legal Enforcement Guidance, NYCHR reiterates:

Black people with tightly-coiled or tightly-curved hair textures face significant socio-economic pressure to straighten or

⁵⁹ See Pamela Avila, *California Just Became the First State to Ban Discrimination Against Natural Hair*, LOS ANGELES MAGAZINE (Jul. 3, 2019), <https://www.lamag.com/citythinkblog/crown-act-signed-natural-hair>.

⁶⁰ See Fahizah Alim, *DFEH Settles Race-Based Hairstyle Discrimination Case Against Business Resource Group*, DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING (Dec. 23, 2019), https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2019/12/CROWNAct_PR.pdf.

⁶¹ *Supra* note 13.

⁶² See *Legal Enforcement Guidance on Race Discrimination on the Basis of Hair*, NYC COMM’N ON HUM. RIGHTS (Feb. 2019), <https://www1.nyc.gov/assets/cchr/downloads/pdf/Hair-Guidance.pdf>.

relax their hair to conform to white and European standards of beauty, which can cause emotional distress, including dignitary and stigmatic harms. Because of these expectations, in addition to the physical harms noted above, Black people are more likely than white people to spend more time on their hair, spend more money on professional styling appointments and products, and experience anxiety related to hair. These experiences highlight the unique and heavy burden and personal investment involved in decision-making around hair for Black communities, and the consequences of being compelled to style one’s hair according to white and European beauty standards or be stigmatized for wearing one’s hair in a natural style.⁶³

The guidance was unique and groundbreaking in that it identified and affirmed the unique historical circumstances that have placed Black people under a constant state of policing. By acknowledging how Eurocentric standards of beauty are embedded in societal frameworks, the guidance accurately identified hair discrimination as racial discrimination.

The CROWN Act is law in jurisdictions that include California, New York, New Jersey, Virginia, Colorado, Washington, Maryland, Connecticut, New Mexico, Delaware, Nebraska, Nevada, Illinois, and Oregon.⁶⁴ The momentum of antidiscrimination legislation in the spirit of the CROWN Act has paved the way for the possibility of federal protections. On December 5, 2019, Senator Cory Booker and former Congressman Cedric Richmond introduced the CROWN Act in both chambers of Congress.⁶⁵ The CROWN Act prohibits discrimination of hair texture

⁶³ *Id.*

⁶⁴ The CROWN Act as it relates to these states has either been adopted in its original form, or has been passed with variations nuanced for the particular state exercising it. *See generally* Angela Middleton, *Crown Day & Crown Laws Update*, *Jd Supra* (Jul. 16, 2021), <https://www.jdsupra.com/legalnews/crown-day-crown-laws-update-7912936>; *see also* Olivia Hancock, *Everything You Need to Know About The CROWN Act*, *BYRDIE* (Jan. 5, 2022), <https://www.byrdie.com/the-crown-act-guide-5111864>; *see* Brad Bennett, *CROWN Act movement seeks to protect Black people from racial discrimination based on hair*, *S. POVERTY L. CTR.* (Apr. 2020), <https://www.splcenter.org/news/2020/04/15/crown-act-movement-seeks-protect-black-people-racial-discrimination-based-hairstyles>.

⁶⁵ *See* Annie Herndon Reese, *The Roots of the CROWN Act: What Employers Need to Know About Hairstyle Discrimination Laws*, *FISHER PHILLIPS* (Apr. 2020), <https://www.fisherphillips.com/resources-newsletters-article-the-roots-of-the-crown-act-what>.

or hairstyle “if that hair texture or that hairstyle is commonly associated with a particular race or natural origin.”⁶⁶ The Act’s introduction at the national level would produce the outcome that court precedents have failed to bring: avoiding “facially neutral policies that disproportionately impact [Black] folks [and further] unconscious bias and overt racial discrimination.”⁶⁷ The CROWN Act was recently passed by the House of Representatives.⁶⁸ The move reflects a large shift in hearts and minds—and hair—as well as an acknowledgment of the extent to which hair discrimination affects Black folks.

The CROWN Act’s passage occurred at almost the same time as another huge milestone, the opening of Miss Rizos Salon in New York City.⁶⁹ The salon, originally founded in the Dominican Republic, is one of a few Dominican natural hair salons that exclusively focuses on natural hair care rather than blow-outs or straightening.⁷⁰ The salon’s genesis was in response to the impact of colonialist and imperialist projects that impose Eurocentric beauty standards in direct opposition to bodily autonomy.⁷¹ Miss Rizos Salon’s magnetic attraction to media outlets reflected that natural hair-centered salon practices remained largely unprecedented in both the Dominican Republic and within Dominican salons in the United States.⁷²

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ See Aimee Simeon, *The House Just Passed A Bill That Could End Natural Hair Discrimination Nationwide*, REFINERY29 (Sept. 2020), <https://www.refinery29.com/en-us/2020/09/10041077/the-crown-act-passes-house-of-representatives>.

⁶⁹ See Janel Martinez, *This Woman Opened the First Natural-Only Hair Salon in the DR. Now, She’s Coming to the U.S.*, BUSTLE (July 2019), <https://www.bustle.com/p/carolina-contreras-of-miss-rizos-is-opening-nyc-salon-to-help-combat-hair-texture-discrimination-17896367>; see also Isabel Cristina, *Carolina Contreras: The Woman Behind Miss Rizos*, LA GALERÍA, <https://lagaleriamag.com/carolina-contreras-the-woman-behind-miss-rizos>; Ghislaine Leon, *Meet Miss Rizos, the Woman Behind One of Santo Domingo’s Only Natural Hair Salons*, REMEZCLA (Dec. 2015), <https://remezcla.com/features/culture/meet-miss-rizos-the-woman-behind-santo-domingos-first-natural-hair-salon>; Celia Shatzman, *Miss Rizos On How to Wear Your Hair Natural and Changing the Way We Think About Curls*, Forbes (Dec. 2018), <https://www.forbes.com/sites/celiashatzman/2018/12/28/miss-rizos-on-how-to-wear-your-hair-natural-and-changing-the-way-we-think-about-curls/#38fc91787d26>.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

Although the CROWN Act did not precipitate the creation of Miss Rizos Salon and vice versa, both remain on the same continuum of fighting different layers of anti-Blackness through separate societal shifts—one legal, the other cultural and social. Moreover, the shift that Miss Rizos Salon presents in the United States is also reflective of a transnational shift. The Dominican salon is a site that also harbors tensions between *pelo bueno* versus *pelo malo*. As both a project in the Dominican Republic and in the United States, the unprecedented focus on natural hair nourishment, as opposed to hair straightening, allows cultural projects like Miss Rizos Salon to negate the norms of beauty standards that often accompany the reasoning behind the need to fix one’s *pajón*.

Similar to the history of jurisprudence leading to the CROWN Act, the topic of *pelo bueno y pelo malo* cannot be divorced from conversations on race and gender. To understand the Dominican salon, in both the Dominican Republic and the United States, and Dominican natural hair movements, one must first understand the Dominican racial consciousness and diasporic dialectics⁷³ that constitute *pelo*.

III. REFLECTIONS ON GENERATIONAL MEMORY—DOMINICAN RACIAL CONSCIOUSNESS AND DIASPORIC DIALECTICS

Countless Dominicans and Dominican Americans have galvanized a powerful transnational movement to name Blackness in Latin America and to atone for the erasure of Black narratives from the mainstream performance of Dominican identity and Latine identity at large. Diaspora as a concept invites individuals to understand identities that have been brought or left behind, while also ensuring that individuals partaking in such discourse are aware that diaspora “does not and cannot signify a single, linear trajectory, experience, or aesthetic.”⁷⁴

⁷³ See MILAGROS RICOURT, *THE DOMINICAN RACIAL IMAGINARY: SURVEYING THE LANDSCAPE OF RACE AND NATION IN HISPANIOLA* (2016). Ricourt utilizes “dialectics” when discussing race in the Dominican Republic. She states that her text understands race as a “dialectical process that throughout history incorporates and accommodates spaces of resistance. People and their movements redraw the boundaries of principal contradictions creating new zones of conflict and collective actions.” *Id.* at 6. My use of the term “dialectics” aligns with this definition. I have added “diasporic” to create the phrase “diasporic dialectics,” as this paper reflects on shifting narratives of race through diaspora.

⁷⁴ See DIXA RAMÍREZ, *COLONIAL PHANTOMS: BELONGING AND REFUSAL IN THE DOMINICAN AMERICAS, FROM THE 19TH CENTURY TO THE PRESENT* 155 (2018).

Dominican racial consciousness and diasporic dialectics entails paying attention to the history of colonialism, conversions of these colonialist and imperialist projects into nationalist identity, and conversions of nationalist identity into xenophobic anti-Blackness. Identity⁷⁵ itself has been a tool of political strategy and power. At the same time, identity remains confined to how individuals acknowledge the historical relics that their bodies carry. Often, this acknowledgment falls into the trap of excluding one historical relic in order to emphasize the presence of another.

I proceed with Part III of this Article with great caution. At the forefront of this caution is the understanding that the concept of the racial imaginary⁷⁶ in the Dominican Republic is far too nuanced and complex to be joined in a broad dialogue on transnational natural hair movements. Viewing these issues through a diasporic lens will inevitably impose U.S.-constructed ideas of identity in an almost voyeuristic manner. For this reason, I have presented various perspectives on the racial imaginary. All systems of identity and belonging operate in a larger societal framework of existing in the same violent space as white supremacy and, consequently, anti-Blackness. I pay special attention to how mainstream critiques of the Dominican racial imaginary zero in on the notion of “Black denial.” On the other hand, I also note the imperialist projects that allowed anti-Blackness to fester. This Article focuses on the latter position.

Additionally, this Section considers the differences in linguistic and sociological constructions that are implicated in “Blackness,” with particular focus on meaning of Black in Latin America and on the characterization of Black in the United States. Although this Article centers and celebrates natural hair movements and Blackness, it also operates under the notion that Blackness is not nor should ever be conceptualized as a monolith.

⁷⁵ See GINETTA E. B. CANDELARIO, BLACK BEHIND THE EARS: DOMINICAN RACIAL IDENTITY FROM MUSEUMS TO BEAUTY SHOPS 8 (2007). Candelario defines identity as a “process of both internationalization and externalization; it is at once structured through institutions and left open to interpretive practices of its subjects; and it relies on the expressive and perceptive practices and paradigms of both the self and the other who reflects back the existence of the identified self.” *Id.*

⁷⁶ RAMÍREZ, *supra* note 67.

A. A Brief Introduction to Racial Constructions in the Dominican Republic

Mainstream studies related to Dominican racial narratives often center Dominican racial identity as Black denial.⁷⁷ Indeed, there is a constant mainstream dialogue on internalized anti-Blackness that permeates Dominican racial hierarchies.⁷⁸ Framings of common racialized identities in the Dominican Republic recognize European ancestry, Taíno indigenous ancestry, or *mestizo* identity that become a synthesis of multiple colonized and colonizer identities. Dixia Ramírez D’Oleo⁷⁹ succinctly explains this application of identities:

To say one is *indio* instead of *negro* or even *mulatto* is an utterance more *complicated* [emphasis added] than mere black denial[. . .]To describe oneself as *indio* in the Dominican Republic is an acquiescence[. . .]to an official nationalist narrative of origin. But it also contains whispers of those centuries of “forgotten substitutions,” most notably the “substitution” of *taíno* labor with African labor in the sixteenth century and, starting in the late nineteenth century, the discursive substitution of nonwhite insurgency and black self-autonomy with the idea of Dominican whiteness *in relation to Haiti*.⁸⁰

With these fragmented categorizations in mind, it is important to mention that racial understanding in the Dominican Republic does not only mean racial in the sense we commonly acknowledge it in the United States. The phenomenon most identifiable with race in the Dominican

⁷⁷ See Lorgia García Peña, *Translating Blackness*, 45:2 THE BLACK SCHOLAR 10 (2015). García Peña discusses the rigid conception of academic understandings of Dominican identity and Blackness, stating: “US and European scholarship has focused largely on border relations, on anti-Haitian discourse, and on what some regard as Dominican ‘black denial,’ often juxtaposed with an assumed Haitian embrace of blackness . . . [o]n the other hand, contemporary Dominican and Dominican American scholarship has focused on the influence of diasporic intellectual, cultural, and political interventions on island ideologies of race and gender.” *Id.* at 17. García Peña concludes: “One could say that diasporic intellectuals and cultural producers have been seeking to deconstruct the colonial imagination that informed the division of Haiti and the Dominican Republic in the nineteenth century and that influenced the racist discourse dominating twentieth-century Dominican political ideology.” *Id.*

⁷⁸ *Id.*

⁷⁹ Dixia Ramírez D’Oleo, an astounding Caribbeanist scholar, fully opposes this mainstream analysis, and adds more nuance to understandings of race. I encourage readers to read *Colonial Phantoms*.

⁸⁰ RAMÍREZ, *supra* note 67 at 158.

Republic is the equivocation of race with nationality, and how the deeply rooted tension with Haiti transforms Blackness into Haitianism. A historical backdrop is necessary to carry this larger conversation aimed at Blackness in Latin America, in particular how Blackness is conceptualized as a depoliticized, socialized subject.

1. *ANTI-HAITIANISM AS A GENOCIDAL CAMPAIGN: ANTI-BLACKNESS IN AN ULTRANATIONALIST AGENDA*

Albeit multiple epochs in history exist where Dominican-Haitian relations sustained longstanding tension⁸¹ based on national identity, the most palpable moment of anti-Blackness as a tool of political power was the beginning of former dictator Trujillo's⁸² rule in 1930. Rafael Leónidas Trujillo was notoriously hellbent on whitening, or removing any trace of African ancestry from the Dominican racial imaginary.⁸³ Trujillo's mission was cultural and political. While Trujillo created an active agenda to expand European migration to the Dominican Republic, he also called for the "establishment of rigid national boundaries, the reinforcement of political control, and the elimination of bicultural Dominican-Haitian communities" as part of his agenda of "Dominicanization."⁸⁴

Although Trujillo himself was of African ancestry, he crafted his own Dominican imaginary that instituted a binary of Haiti as one of "[B]lackness and barbarism."⁸⁵ Trujillo followed Nazism and aligned himself with the German Nazi government.⁸⁶ White supremacy effectively influenced and supported Trujillo's own solidification of a nation-state Dominican imaginary.⁸⁷ The devastating result of this imaginary rooted

⁸¹ Many scholars only focus on such tensions when there have also been courageous means of solidarity that both countries have actively utilized when fighting for sovereignty against imperialist/colonialist forces. Haiti has also been the bastion of Black liberation movements, and has remained a true blueprint for Black liberation.

⁸² It is important to name, that in the midst of this commentary on Trujillo's regime of anti-Blackness, the United States sanctioned the imposition of Trujillo's power in the Dominican Republic. US occupation of the Dominican Republic also contributes to the transnational imperialist project that has sustained anti-Blackness.

⁸³ RICOURT, *supra* note 19 at 32. Ricourt notes that "although Trujillo embraced his African heritage while in Haiti, at home he also declared himself to be a pure European . . . [h]e continued his 'Dominicanization' of the border, which had begun immediately after he seized power in 1930." *Id.* In addition, Trujillo "announced a new law banning immigration of people of color, and he encouraged the immigration of white people." *Id.*

⁸⁴ RICOURT, *supra* note 19 at 32.

⁸⁵ *Id.*

⁸⁶ RICOURT, *supra* note 19 at 35.

⁸⁷ *Id.* at 35.

in white supremacist ideology was a mass slaughter of Haitians that started on September 28, 1937 and lasted four days.⁸⁸

Today, *anti-Haitianismo* has become a part of the domestic agenda in another form of extermination. For Dominicans of Haitian descent, the denial of citizenship and deportation is a constant threat.⁸⁹ The use of skin color in such expulsions is a fundamental example of skin color being equivocated with race, which is, in turn, equivocated with nationality. Haitians and Dominicans of Haitian descent⁹⁰ are disenfranchised by this Dominican imaginary, as are dark-skinned Dominicans who are not of Haitian descent. As Tavernier further explains, dark-skinned Dominicans are placed “in a vulnerable position because any actions they take against the status quo can be viewed as un-Dominican, and therefore a sign of [B]lackness or Haitian heritage.”⁹¹ The lasting legacy of anti-Haitianism becomes anti-Blackness as a national apparatus. This national apparatus has become a political relic and, by extension, a cultural one. To do away with this legacy means advancing a legal and policy-based shift and paying close attention to cultural shifts that challenge these relics. The shifted meaning of Blackness in the Dominican Republic is an ongoing movement that calls for reckoning with a traumatic past.

2. BLACK DENIAL OR SOMETHING MORE? MULTIPLE PERSPECTIVES ON BLACKNESS IN DOMINICAN RACIAL CONSTRUCTIONS

The historical violence imposed on Blackness through erasure and expulsion led to the common claim that Dominicans are collectively in a state of Black denial.⁹² Dominican Studies scholars and other scholars of Dominican racial identity have offered conflicting perspectives of this

⁸⁸ *Id.* at 36. Common names for this massacre range from El Corte, La Masacre, or Operación Perejil. The reference to *perejil*, or parsley, is in reference to methods that Trujillo’s regime utilized to determine who was of Haitian descent. According to Ricourt, Edwige Danticat recounted that “groups of Haitians were killed in the night because they could not manage to trill their ‘r’ and utter a throaty ‘j’ to ask for parsley, to say ‘perejil.’”

⁸⁹ See LaToya A. Tavernier, *The Stigma of Blackness: Anti-Haitianism in the Dominican Republic*, 22:3 SOCIALISM AND DEMOCRACY 96, 100 (2008).

⁹⁰ It is important to note that Dominicans of Haitian descent are *still Dominican*. Common nationalist rhetoric attempts to separate Dominicans of Haitian descent from what is a litmus test of “true Dominicanidad.” This is harmful. I use the phrase here and in other points specifically to note the rhetoric that the Dominican Republic in its policymaking agenda has used to create an Other.

⁹¹ *Supra* note 78 at 101.

⁹² *Supra* note 73.

common perception.⁹³ Ernesto Sagás, for instance, argues that Dominicans' refusal to acknowledge Blackness is based in anti-Haitianism and that "*anti-[H]aitianismo* ideology has prevented Dominicans from recognizing their true racial identity and has perpetuated their racial 'confusion' or denial."⁹⁴

Meanwhile, other scholars critique this predominant approach by claiming that "even when investigators find a recognizable (to them) embrace of African origins and [B]lack identity, there is nevertheless a strange inability to let go of narratives emphasizing Dominican self-hatred . . . and anti-Haitianism."⁹⁵ The critiques against individuals focusing on Dominican racial identity as merely Black denial without nuance warrant proper attention in the context of non-Dominican individuals scrutinizing complex postcolonial trauma.

Lorgia García Peña invites scholars and critics to expand their understandings of Dominican racial imaginaries in her piece, "Translating Blackness."⁹⁶ She describes the frequent misperceptions of Blackness in the Dominican Republic and offers her own argument. A performance of Blackness by Dominicans could derive from an awareness of Black as "a product of US cultural, political, and economic imposition in the world . . . [t]herefore, to be [B]lack in the world—that is, to have access to the discourse of social dissent that can result in one's positionality as an interlocutor of power and history—it is necessary to enter [B]lackness as theorized and mediated by the US empire."⁹⁷ She argues that Dominican Blackness must "also be understood in terms of movement—as a *vaivén*—that is, as a trans-local concept very much linked to historical, cultural, and political continuities."⁹⁸

⁹³ See generally Ernesto Sagás, *Race and Politics in the Dominican Republic*, UNIVERSITY PRESS OF FLORIDA (2000), 125; Jacqueline Lyon, "Pajón power: styling citizenship and Black politics in the Dominican natural hair movement," 43:12 *ETHNIC AND RACIAL STUDIES* 2122 (2020); Lorgia García Peña, *Translating Blackness*, 45:2 *THE BLACK SCHOLAR* 10 (2015).

⁹⁴ See Jacqueline Lyon, "Pajón power: styling citizenship and Black politics in the Dominican natural hair movement," 43:12 *ETHNIC AND RACIAL STUDIES* 2122 (2020).

⁹⁵ *Id.* This quote essentially means that, even when investigators clearly see evidence of Black Dominican identity, there is still nonetheless a hyper-focus on Black denial. Such a myopic lens thus not only dishonors the identities of those already aware of their own positionality, but it also creates a monolith that becomes severely complicated to disentangle.

⁹⁶ *Supra* note 20.

⁹⁷ *Id.* at 11.

⁹⁸ *Id.*

Part of this conception of movement is precisely why Dominicans encounter different understandings of Blackness in the United States. When “confronted with a U.S. racialization that is very much linked to the open wound of slavery and Jim Crow as foundational experiences of the nation, U.S. diasporic Dominicans find that [B]lackness provides new language for confronting their new place in their host nation while interpellating the historical oppression back home.”⁹⁹ At the core of these connections is the legacy of imperialist and colonialist projects on crafting identity and belonging. With the added language from Black liberation movements in the United States, Dominicans in the United States are able to “articulate their own experience of racialization, oppression, disenfranchisement, and silencing.”¹⁰⁰ The transition from *dominicanidad* to the adjective *negro* creates a “transnational value”¹⁰¹ that could foster cross-border dialogue on what Blackness signifies.

Milagros Ricourt’s perspective combines all the above critiques into a consolidation of Dominican racial imaginaries. Ricourt argues that there are different “national imaginaries within the same national space-time framework.”¹⁰² Ricourt discusses the first imaginary as a colonized imaginary, representing the continuity of the colonial framework of power.¹⁰³ The second imaginary is a subversive imaginary, defined by those who see themselves as [B]lack and ready to fight against slavery.¹⁰⁴ Similar to critiques of mainstream perspectives, Ricourt asserts that it is too complex to capture the reach of Dominican racial hierarchies in “simple equations of domination and resistance, or with a binary black or white formula.”¹⁰⁵ Race should be understood “within a dialectical process that throughout history incorporates and accommodates spaces of resistance. People and their movements redraw the boundaries of principal contradictions creating new zones of conflict and collective actions.”¹⁰⁶

The formation of Dominican racial identity is fluid. It is a constant movement that carries old and new actors in conversation with one another. A current generation of young Dominicans has taken to

⁹⁹ *Id.* at 17.

¹⁰⁰ *Id.*

¹⁰¹ *Id.* at 18.

¹⁰² RICOURT, *supra* note 69 at 5.

¹⁰³ *Id.*

¹⁰⁴ *Id.* at 6.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

the task of revitalizing the outcome of *vaivén* into one that incorporates a more transnational and honest conversation on Blackness. This includes young Dominicans in the Dominican Republic and Dominican Americans in diaspora. A cultural space that unites Dominicans from the island to those in diaspora is the Dominican hair salon. The site of the Dominican salon in localities like New York City preserves many of the same traits of community gathering as in the Dominican Republic. At the same time, it also preserves yet another trait that reinforces forms of hierarchy: the *pelo bueno* and *pelo malo* binary. To counter this historical narrative, generations of Dominicans have taken to natural hair movements and cultural shifts within the Dominican salon to create a coalition of Black collective healing and liberation.

IV. RECKONING WITH GENERATIONAL MEMORY – NATURAL HAIR MOVEMENTS FROM THE ISLAND TO THE STATES

The natural hair movement among many Black Latines has become popularized, like many contemporary consciousness-raising campaigns, as a slogan or hashtag. T-shirts with “Yo Amo Mi Pajón”¹⁰⁷ became a widespread phenomenon on social media applications like Instagram, where Black Dominicans posted pictures of their natural hair.¹⁰⁸ The campaign has been credited to the foundational work of Carolina Contreras, a Dominican woman who founded the famous Miss Rizos Salon.¹⁰⁹ The creation of Miss Rizos Salon follows the work of *Go Natural Caribe*, which was the first salon to specialize in natural hair care in the Dominican Republic.¹¹⁰

The mass following behind the “Yo Amo Mi Pajón” movement is indicative of a movement towards dismantling the negative connotation associated with *pajón*. As this movement has created waves among Dominican communities, the movement itself supplements the current movement to contest hair discrimination in public and private spaces. As workplaces are held accountable for surveilling how Black individuals present their hair, the natural hair movement among Dominican

¹⁰⁷ See Mariana Dale, “Yo Amo Mi Pajón: Loving Natural Hair in the Dominican Republic,” KJZZ (Apr. 2017), <https://kjzz.org/content/458504/yo-am-mi-paj%C3%B3n-loving-natural-hair-dominican-republic>.

¹⁰⁸ See Mariana Dale, “Yo Amo Mi Pajón”: *Loving Natural Hair in the Dominican Republic*, KJZZ (Apr. 11, 2017), <https://kjzz.org/content/458504/yo-am-mi-paj%C3%B3n-loving-natural-hair-dominican-republic>.

¹⁰⁹ *Supra* note 62.

¹¹⁰ Lyon, *supra* note 15, at 2126.

communities represents a larger movement to contest internalized and externalized anti-Black narratives of *pelo bueno* (good hair) versus *pelo malo* (bad hair) through a highly publicized, community-based *pajón* appreciation. In doing so, contesting norms of how one should look at social events or in professional settings allows Black folks to no longer feel both the interpersonal and institutional pressures of respectability.

Part IV of this Article traces the spaces and places that manifest the same ethos of the CROWN Act. Just as the CROWN Act has been the result of natural hair movements, the contemporary natural hair movement growing among Dominican communities on the island and the United States demonstrates the same shift in denying that natural hair must be regulated. In other words, the natural hair movement at a transnational level is the cultural shift in action: rather than rely on political and legal stakeholders, the people have taken to the love of community outreach, celebration, and engagement through shared Blackness. The result becomes a shift in Dominican discourse on Blackness which also represents a shift in the spaces that traditionally allow the anti-Black repression of natural hair.

A. *Confronting Perspectives of Pelo Bueno and Pelo Malo*

The word *pajón* is one slang word that is a subset of the larger *pelo bueno* versus *pelo malo* binary. *Pelo malo* is “hair that is perceived to be tightly curled, coarse, and kinky, while *pelo bueno* is “hair that is soft and silky, straight, wavy, or loosely curled.”¹¹¹ These descriptors have racial connotations: “*pelo malo* implies an outright denigration of African-origin hair textures, while *pelo bueno* exalts European, Asian, and indigenous-origin hair textures.”¹¹² Moreover, “those with good hair by definition are ‘not black,’ skin color notwithstanding.”¹¹³ The outcome of these distinctions is the “seeming possibility of racial transformation through hair care . . . [t]he goal is an approximation of idealized ‘Dominican’ looks as those are popularly understood: straight haired, tan skinned, ‘fine’ featured.”¹¹⁴

The beauty salon in the Dominican Republic becomes the site of such discourse at play, providing “the technology to sustain and create

¹¹¹ Candelario, *supra* note 68, at 182.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

‘good hair’ and to militate against the effects of having ‘bad hair.’”¹¹⁵ This technology reinforces what is a larger hypersurveillance¹¹⁶ and scrutiny of Black hair. Such hypersurveillance is not relegated to a particular age category. Rather, even young girls are policed for their subversion of beauty standards in public and private spaces.

In the Dominican Republic, conversations on the hypersurveillance of young Black girls have reemerged in contemporary news coverage. In 2019, mainstream media covered the story of Omara Mia Bell Marte, a young Dominican girl who was denied access to her classes at Ciudad Juan Bosch Elementary School.¹¹⁷ Weeks before being denied, Marte cut off 90 percent of her hair so that it could grow back healthy. In a translated interview, Marte’s mother, Delmis Hichez, stated that Marte’s school demanded that she cut her hair even more. To justify this demand, the school charged that Marte violated the “code of conduct,” which stated that students should refrain from “drawing attention” with their natural hair.¹¹⁸

Marte’s mother led a larger media campaign with other activists and the Ministry of Education to celebrate natural hair in educational spaces.¹¹⁹ In the video,¹²⁰ the director of Gender Equality and Development at the Ministry of Education, Marianela Pinales, spoke about the value of creating an educational space where students can freely celebrate their identity. The video featured children giving statements on their respective loving relationships with their hair texture. Pinales was dismissed from her position soon after the video was circulated to the public.¹²¹

¹¹⁵ *Id.*

¹¹⁶ Ramírez, *supra* note 67, at 171. Dixia Ramírez D’Oleo provides a brilliant summation of these mingling systems, stating: “Afro-descended women’s hair, when it is tightly curled, remains a site of hypersurveillance that requires women both to acquiesce to certain beauty standards and norms as well as to spend hours precisely on accomplishing this task.”

¹¹⁷ See Marjua Estevez, Mother-Daughter Duo Demand *Dominican Government Ban Hair Discrimination in Schools*, BET (Apr. 3, 2019), <https://www.bet.com/news/national/2019/04/03/dominican-hair-discrimination-Delmis-Hichiez-interview.html>.

¹¹⁸ *Id.*

¹¹⁹ See Janel Martinez, “This Woman Opened the First Natural-Only Hair Salon in the DR. Now, She’s Coming to the U.S.,” BUSTLE (Jul. 2019), <https://www.bustle.com/p/carolina-contreras-of-miss-rizos-is-opening-nyc-salon-to-help-combat-hair-texture-discrimination-17896367>.

¹²⁰ This video is available on Carolina Contreras’s Instagram page (@miss_rizos) at <https://www.instagram.com/p/BvcYAlfAu88>.

¹²¹ *Supra* note 105.

These encounters between individuals and institutions show the extent to which hair exists as a “politicized region of contestation.”¹²² The materiality of the body for Dominican Blackness, specifically with regard to hair, becomes directed at “racial hierarchies that determine not only what’s in style—but which bodies are acceptable.”¹²³ Even if individuals attempt to disrupt such hierarchies, natural hair movements nonetheless exist in the midst of a *pelocracia*.¹²⁴ The deep entrenchment of the *pelocracia* is tied to a larger notion of respectability directly dependent on anti-Blackness. Of course, this example does not remain only relegated to the Dominican Republic.

There is a complicated truism that the Dominican salon is a space where members can engage in discussion about the very personal, the very cultural aspects of their lives that may not be as easily divulged in any other space. The *chisme*¹²⁵ of the salon, the intimate conversation between hairdresser and customer, becomes a place of trust. Even though the salon itself might be established upon a trade of ensuring that ideology of *pelo bueno* is marketed as the norm and as a site to make profit, the salon also presents an opportunity for Black Dominican women to find belonging through unbelonging. Candelario aptly describes the Dominican salon as a space that “acts as a socializing agent.”¹²⁶ Salon staff operate as “gatekeepers to both Dominican and U.S. cultural norms,” where staff must negotiate “conflicting gender, race, and class codes and symbols.”¹²⁷

It is too myopic to suggest that the Dominican salon and the ritualistic practices of its entrepreneurs and its clientele are localities of Black denial. To suggest that the salon is simply a sight of anti-Blackness—a site where all of its communal members are merely caught into colonized memory—dilutes and undermines the complexity of expressions of self

¹²² *Supra* note 15 at 2124.

¹²³ *Id.*

¹²⁴ *Id.* The term “pelocracia” is a creative combination of “pelo” with “hierarchy.” There is a hierarchy, or perhaps an aristocracy/bureaucracy, attached to certain hair presentations. Straight hair is associated with class status. Yet, even though individuals may go to natural hair salons to subvert anti-Blackness, the high cost associated with natural hair salon treatment might fall into class status as well. Thus, no matter how much an individual may try to destroy racial hierarchies, deciding to pay high amounts for this hair presentation might reinforce existing class hierarchies.

¹²⁵ *Chisme* is a Spanish term meaning gossip.

¹²⁶ *Supra* note 68 at 217.

¹²⁷ *Id.* at 203.

and bodily autonomy. This problem is best captured by the limiting assumption that any individual who desires to straighten their hair are only doing so because of internalized Eurocentrism as opposed to other reasoning that may have little to no politicized or sociological underpinnings. Individuals on their own hair journey assert that the decision to leave hair natural or to straighten hair is not automatically a decision to deny Blackness. This purist perspective on “straightening as erasing”¹²⁸ also paradoxically erodes the sense of autonomous bodily choices that an individual can make to do as they desire with their hair, notwithstanding external pressures.

Dominicans embracing natural hair movements are contesting the purpose that *pelo malo* serves. The construction is the result of a history of Eurocentrism, but such a history does not mean that the salon must cease existing.¹²⁹ The movement to embrace *pajón* does not mean that the Dominican salon will fail to survive with the movement. In fact, the movement itself is presenting a promising opportunity for salons to shift their attitudes and entrepreneurial projects to encompass and embrace client demands for more natural hair-centered styling expertise.

B. *The Movement, Diasporic Entrepreneurship, and Collective Knowledge: A Case Study in Natural Hair Salons*

Natural hair movements in the Dominican Republic have been longstanding. For many, such movements were not necessarily conceptualized as a movement. Countless Black Dominicans already embraced and donned their *pajón*, notwithstanding the social constructions that aimed to criminalize and stigmatize natural hair. The embracing of

¹²⁸ By stating “straightening as erasing,” I am attempting to reflect the commonly-stated belief that a Black person straightening their hair means that they reject their Blackness. This rejection is often characterized as a desire to attain Eurocentric beauty standards. However, as discussed, such a one-dimensional perception refuses to give Black people agency to wear their hair as they wish—thus perpetuating an ongoing cycle of the body as a site of hypersurveillance.

¹²⁹ Because of the assumption that straightening one’s hair is an attempt to deny Blackness, the Dominican salon has often been centered as a site of anti-Blackness. While many facets of the social dynamics in the salon indeed demonstrate projections of anti-Blackness, an attitudinal shift in the salon itself could become a site of healing generational trauma. Specifically, Dominican natural hair salons demonstrate a phenomenon where the social cohesion and community of the salon is preserved, while the pressure to alter one’s natural hair to conform to Eurocentrism is removed. Through this case study, one can conclude that the “salon” as a physical and social construction does not have to be demolished in order to reach a point of Black love.

natural hair is passed down, but the longstanding social forces that stand between the normalization of natural hair and its destigmatization remain.

Although the source of natural hair movements in the Dominican Republic can be one’s *abuela*,¹³⁰ or a child who simply questions why they cannot leave their hair natural for class, recently, natural hair movements have unexpectedly originated within the Dominican salon. This shift toward the potential of the Dominican salon as a site for natural hair appreciation is undertaken by hair stylist Carolina Contreras. Contreras, a Dominican woman raised in Somerville, Massachusetts, had returned to her motherland.¹³¹ Contreras began providing hair tutorials and forms of digital empowerment on her blog. The blog, along with a Youtube channel, allowed for a large following with an eagerness to translate digital space to community empowerment.¹³²

Contreras did not approach this work without experiencing first-hand how natural hair is perceived by Dominican elites. In a *Remezcla* interview, Contreras recounted a moment when she was rejected from social spaces due to her natural hair.¹³³ While in La Zona Colonial of Santo Domingo, Contreras and her friends were prohibited from entering a bar.¹³⁴ Her request to speak to a manager was ignored.¹³⁵ Soon after, Contreras and others in solidarity worked to illuminate the bar’s treatment of natural hair, prompting an apology from the bar owner.¹³⁶ In a wonderful full-circle, La Zona Colonial became the site of her first natural hair salon project.¹³⁷

¹³⁰ “Abuela” means grandmother.

¹³¹ See Isabel Cristina, “Carolina Contreras: The Woman Behind Miss Rizos,” LA GALERÍA, <https://lagaleriamag.com/carolina-contreras-the-woman-behind-miss-rizos>.

¹³² See Ghislaine Leon, “Meet Miss Rizos, the Woman Behind One of Santo Domingo’s Only Natural Hair Salons,” REMEZCLA (Dec. 2015), <https://remezcla.com/features/culture/meet-miss-rizos-the-woman-behind-santo-domingos-first-natural-hair-salon>.

¹³³ *Id.*

¹³⁴ Contreras and her friends went to the venue with their hair natural, as opposed to having a blow-out/straightening done before going out.

¹³⁵ *Id.*

¹³⁶ *Id.* Contreras made it a purpose to note that the bouncer was also a Black Dominican. To explain this dynamic, she stated: “There’s this thing or idea where black Latinos have been taught to accept that they are less than, so they treat each other accordingly. We’ve been conditioned to believe that we are not deserving of occupying certain spaces. If I feel this way about myself, I’m going to treat people who look like me the same way.”

¹³⁷ *Supra* note 111.

The story of going natural was a familiar narrative for Contreras, along with many Black Dominicans. At about eight or nine years old, Contreras had her first relaxer.¹³⁸ In a *Forbes* interview, Contreras situated the conversation of what straight hair meant along with narratives of stigmatization of Blackness while living in the Dominican Republic:

I was lying in the sun and a professor came up to me and said, “why are you sunbathing? Get out of the sun.” Another group came up and said you are going to turn dark . . . I got up and I said what if I do turn dark? What is the problem with that? And the woman said, “I don’t know what you’re talking about defending dark skin when you relax your hair to look a certain way.” I was like, whoa, whoa, whoa, she’s right. I need to check how consistent I am with my messaging . . . I wasn’t straightening my hair because it was a choice or because I wanted to.¹³⁹

Contreras has provided a monumental source of empowerment for young folks. Contreras remarked that almost 18 percent of her clientele were little girls and describes the stunning image of each girl as they emerge from the leather chair after each styling: “Once girls leave the salon you can see them skipping . . . They’re standing a little taller, they’re swaying their hair side to side . . . seeing them own their hair and own their power as they’re walking out, and stepping out, it’s just a very beautiful sight to see.”¹⁴⁰

For those unfamiliar with the lived experience of having their natural hair policed, the image of young Black girls feeling empowered with new tools to take care of their hair is almost unprecedented for many Black Dominicans, who often equate hair management with relaxers and heat exposure. The challenging of social norms, as Contreras states, has always been there. It has just been timelier and “savvier . . . putting

¹³⁸ *Id.* A relaxer is a product used in salons that contains chemicals for altering one’s hair texture. Relaxers result in one’s hair becoming straight for long periods of time, and often alters one’s curls long-term, depending on frequency of application.

¹³⁹ Celia Shatzman, *Miss Rizos On How to Wear Your Hair Natural and Changing the Way We Think About Curls*, *FORBES* (Dec. 28, 2018), <https://www.forbes.com/sites/celeshatzman/2018/12/28/miss-rizos-on-how-to-wear-your-hair-natural-and-changing-the-way-we-think-about-curls/#38fc91787d26>.

¹⁴⁰ Janel Martinez, *This Woman Opened the First Natural-Only Hair Salon in The DR. Now, She’s Coming to the U.S.*, *BUSTLE* (Jul. 9, 2019), <https://www.bustle.com/p/carolina-contreras-of-miss-rizos-is-opening-nyc-salon-to-help-combat-hair-texture-discrimination-17896367>.

it on the Internet.”¹⁴¹ Contreras reiterates that she would not take credit for being the first to advocate for natural hair. Rather, she believes that her activism has simply “adjusted to how we spread information.”¹⁴²

The work that Contreras and countless others are committed to represents a larger step to dispel myths of Latinidad in order to center Blackness as uncompromised by legacies of colonialist and imperialist projects. Like the diaspora itself, the natural hair movement in the Dominican Republic has also made its way to natural hair salons for Dominicans in the United States. Such a translation of diasporic entrepreneurship also fosters a larger collective aligned with the natural hair movement in the States. Additionally, the banning of hair discrimination in New York City serendipitously aligned with the grand opening of Miss Rizos’ Salon. In response to the news, Contreras stated: “If that *just* passed, it shows us that there is still a problem . . . I’m hoping that with a space like Miss Rizos in New York City we can create more awareness surrounding curly hair.”¹⁴³

The expansion of the natural hair movement, particularly for Dominicans, is a move to resist decades of anti-Blackness that has materialized in the lucrative industry. The question then becomes: how can such a movement to affirm Blackness be situated outside of racial capitalism? This is particularly based on the exorbitant prices associated with maintaining Black hair. Natural hair products and services cost more than other traditional services. Even though natural hair salons offered a “place for women to access services and social spaces accepting of their hair, it did not challenge other factors . . . *tanto dinero* [so much money].”¹⁴⁴ Along with such critiques, scholars like Jacqueline Lyon point to the fact that the concept of beauty is “as capable of destabilizing rigid conventions and behavioral models as it is of reinforcing them.”¹⁴⁵ Even if beauty becomes decolonized, beauty can still become a tool of capitalism. This raises the concern that natural hair movements may still make Black liberation inaccessible and such an analysis demonstrates the necessity to jointly evaluate race and class.

¹⁴¹ See *supra* note 112.

¹⁴² *Id.*

¹⁴³ See Thatiana Diaz, *Miss Rizos Is Finally Bringing Her Curly Salon To The U.S.*, REFINERY29 (Apr. 4, 2019), <https://www.refinery29.com/en-us/2019/04/228827/miss-rizos-salon-new-york-city>.

¹⁴⁴ See *supra* note 15 at 2132.

¹⁴⁵ *Id.* at 2133.

V. SHIFTING TO A FRONTIER OF #BETRAYLATINIDAD?

At the root of confronting Blackness in Latin America is the impediment presented by the monolith of Latinidad as a falsely constructed racial identity. The contestation of Blackness in Latinidad demonstrates that the formation of Latinidad creates the muddled racial imaginaries sustaining both anti-Blackness and Black denial. Many Black Latine activists have called for the decentering of Latinidad. This call for shifting away from Latinidad shows a movement to embrace Black roots while not having to believe that Blackness is separate from what it means to be from Latin America.

Because anti-Blackness in Latin America is so distinctly fueled by a perception of *mestizaje* as a key marker of Latine identity, as opposed to acknowledging Blackness, Latinidad's genesis is built upon an exceptional lens of categorization. This categorization is exactly what fuels Eurocentric anti-Black beauty standards that present hurdles to the success of natural hair movements and allow for the *pele bueno* and *pele malo* binary to exist. The final part of this Article describes the ongoing movement to #BetrayLatinidad; that is, to uplift the notion that "Latinidad" as a monolith perpetuates anti-Blackness by erasing Blackness.

A. *Problematizing Latinidad*

On July 28, 2020, the *Los Angeles Times* posted an article titled: "Emmys 2020: Black nominees gain ground, Latino representation still abysmal."¹⁴⁶ In response to this Article, John Leguizamo¹⁴⁷ tweeted: "Why can't we Latinx have a piece of the pie? We are the largest ethnic group in America and missing as if we didn't exist!"¹⁴⁸ The tweet itself sparked enormous backlash from Black folks; with Black Latines reiterating how such a remark erases how Black Latines' milestones. Particularly, John Leguizamo's remark erased the achievements of Jharrel Jerome, a Black Dominican who won accolades that night for his performance as Corey Wise in Ava Duvernay's *When They See Us*—a series that John Leguizamo also starred in).

¹⁴⁶ See Michael Ordoña, "Emmys 2020 nominees are more diverse, but Latino representation still abysmal," *LOS ANGELES TIMES* (Jul. 28, 2020), <https://www.latimes.com/entertainment-arts/tv/story/2020-07-28/emmys-2020-nominations-diversity-analysis>.

¹⁴⁷ John Leguizamo is a popular Latine actor.

¹⁴⁸ John Leguizamo on Twitter: "Why can't we Latinx have a piece of the pie? We are the largest ethnic group in America and missing as if we didn't exist!" <https://t.co/8xV6dJnvSM> <https://t.co/ilDZqRLAEB> / Twitter.

Tweets like these illustrate that even if Black Latines score immense wins, their representation is not counted as Latine and are relegated as an Other. Black Latines have to negotiate their Blackness with their Latinidad, when such identity markers should not have to conflict. This phenomenon presents the core piece of this Section of the Article: the capacity for Latinidad to erase and marginalize Black experience and the ways in which Black Latines have had to encounter revitalized political education on Blackness outside of Latine spaces.

The concept of Latinidad is so strong that individuals are often shocked to learn that Latino/ Latina/ Latinx is not a race or ethnicity, nor is Hispanic. This complication explains partly why Dominicans who are *afrodescendiente*¹⁴⁹ might merely categorize themselves as Hispanic or Latinx and altogether avoid designating themselves as Black. Hispanicity, as it relates to both the United States and the Dominican Republic, “offers an alternative to [B]lackness” even if “Hispanic is a racialized non-white category in the United States, it is also a non-[B]lack one.”¹⁵⁰ Due to this constant push-and-pull within the Dominican community, the question of pro-Black movements somehow becomes a question of removal from Latinidad solidarity.¹⁵¹

B. What Remains of Latinidad?

This critique of Latinidad focuses on the ways non-Black Latines utilize semantics of Latinidad to leave out Black lived experiences. This is not to leave out the limitations of other attempts to move away from Latinidad as a monolith. Afro-Latine has often been cited as the alternative rhetoric to describe someone who is *afrodescendiente*¹⁵². The term is perhaps the most popular where it attempts to join the notion of Latine as a signifier of a community while specifying that it is a very specific demographic.

¹⁴⁹ The term *afrodescendiente* describes individuals of African descent in Latin America. See generally Economic Commission for Latin America and the Caribbean, *Children of African descent in Latin America*, UNITED NATIONS (Nov. 15, 2019), <https://www.cepal.org/en/notes/children-african-descent-latin-america>.

¹⁵⁰ Candelario, *supra* note 68 at 12.

¹⁵¹ Many of us Black Latines fully have no desire or intention to be in solidarity with the monolith of Latinidad. It is important to acknowledge this, as both many Black folks, including myself, have felt more and more removed from ties to “Latinidad” as its anti-Black projections are revealed.

¹⁵² *Supra* note 133.

Many advocates within the movement away from Latinidad have reiterated that Afro-Latine is still a lackluster approach. Silvio Torres-Saillant discusses Afro-Latinidad as a concept that “comes prepared to *respond* to rather than to *initiate* action.”¹⁵³ That is, Afro-Latinidad is “an offspring of racism . . . [that] may lack a self-sustaining purpose other than to engage positively or negatively with the historic vilification of [B]lackness . . . ”¹⁵⁴ In this analysis, Afro-Latinidad operates more as a homage to Black roots through a prefix, but not without a permanent action in response to what Latinidad means.

Those who have used the term Afro-Latinidad after acknowledging the erasure of Black narratives must do more than simply add a prefix. Torres-Saillant urges that Afro-Latinidad will “need to show its value beyond the mere act of self-affirmation.”¹⁵⁵ To end his own reflections on Afro-Latinidad, Torres-Saillant states:

To become a force of good, Afro-latinidad will need to pass the test of putting to productive use its potential to help dis-mantle the racist paradigms that continue to impoverish the caliber of human relations on both sides of the Rio Grande, whether those paradigms come from the Anglo or the Hispanic world[. . .]Afro-latinidad can prosper morally only to the extent that it can muster the humane solidarity required for attending to the needs of those who resemble us in ways unrelated to ancestry or phenotype but whose kinship we recognize in our shared plight, namely the advent of a state of affairs wherein our differences are annulled by the shared history of dispossession traceable to a genesis of newly defined humanity.¹⁵⁶

Even if semantics attempts to uproot one form of anti-Blackness, the concept of anti-Blackness itself is wildly present on topics of nationality, gender, socioeconomic status, and countless other markers of identity.¹⁵⁷ The shift away from Latinidad has been promulgated by the

¹⁵³ See Silvio Torres-Saillant, *AFRO-LATINIDAD* 301 (2018).

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.* at 302–303.

¹⁵⁷ Even if “Afro-Latinx” were deemed an acceptable term, the question remains: does Latin America reference, for instance, Haitians as “Afro-Latinx”? The answer is often no: Latin America’s constant relegation of Haiti as the “Other,” even when Haiti indeed occupies the *same island* as the Dominican Republic, is a larger portrayal of how the selectivity

work of critical organizers and coalitions motivated by a holistic effort to dismantle the monolith as it stands. InCultured¹⁵⁸ and Dominicans Love Haitians,¹⁵⁹ for instance, debunk the constant myths perpetuated by ultra-nationalist narratives by pointing to shared ancestral history between the Dominican Republic and Haiti. It is a tangible way to provoke thought and action towards Black solidarity and a united front. The work to continually challenge and dismantle forms of anti-Blackness is relentless, exhausting, and never-ending. Despite this perpetual battle, the power of collective Black healing through resistance presents the strength of Black joy in spaces that have historically attempted to silence it.

CONCLUSION

Whether it is the microaggression of touching a Black person’s hair without their consent or associating natural hair as unprofessional, the history of Black hair has always been met with surveillance, regulation, and policing. The insurmountable hurdles that Black folks face while simply existing as Black permeates into hair presentation a relentlessly cautionary self-awareness that folks in proximity to whiteness do not have to negotiate.

It is precisely these socialized, institutionalized forms of anti-Blackness that necessitate both a legal and cultural shift around hair discrimination. Without the cultural shift, the law remains to be the same shortcoming it has historically been for countless Black folks. That is, the law would simply remain as an empty policy change that does little to correct the underlying biases and attitudes that allow alternate forms of anti-Blackness to create new legal loopholes.

Although *arréglate ese pajón* is a command rooted in Dominican vernacular, its meaning has a shared commonality in the larger transnational struggle for Black liberation. For Black natural hair movements,

“Afro-Latinx” is a larger selectivity of cultural norms that aim to divide one form of Blackness from what is seen as an “acceptable” rubric of Blackness within Latine normative values. This is precisely why even “Afro-Dominicanidad” can produce the same harm. I do not intend to advance a certain rhetorical tool in this paper. Rather, I am simply critiquing a monolith and discussing ways that coalitions have attempted to move away from it. Although changes in semantics might be useful, the gaps left behind by words like “Afro-Latine” lends itself to other openings for anti-Blackness. Furthermore, semantics alone does not do liberation work, and a reliance on rebranding Latinidad is not the only way to disrupt its exclusionary projects.

¹⁵⁸ See generally, “What We Do,” INCULTURED.CO.ORG, <https://www.inculturedco.org/aboutus>.

¹⁵⁹ See generally, “About: Project Statement.” DOMINICANS LOVE HAITIANS, <https://dominicanslovehaitians.com/about>.

the rebuttal to fix that afro has solidified into multiple forms. As this Article has argued, one form is Black organizing that advocates in favor of legal accountability for hair discrimination. The CROWN Act emerged in response to the horridly inadequate approaches to discrimination law. The immutability distinctions of hair were founded upon a poor understanding of Blackness that resulted from courts being fundamentally white, dismissing the legitimate struggles of Black people, or both. Attempting to quantify what states of Black hair warrant legal protections creates a metric that prevents Black individuals from navigating the workplace without internal or external interference on presentation.

This Article argued that another form of the rebuttal to fix that afro is Black organizing that advocates for unique cultural projects that shift beyond the legal regime. The effects of natural hair movements have not been insular or purely episodic. Rather, the natural hair movements are a united transnational dialogue that preserve the nuance of Blackness in different regions while challenging common traits of colonial and imperial projects. In the Dominican Republic, the shift towards natural hair salons transferred to Dominican salons in New York City through which countless Black Dominicans have embraced the existence of a reimaged salon. The pure association of chemical relaxers and heat treatments that make Dominican salons so well-known has shifted to a space that cares for natural hair as it exists. Natural hair salons provide a promising venue for reaffirming that Black hair does not have to be altered in order to be perceived as professional or desirable, thereby preventing anxieties over how to present oneself at social events or in the workplace.

Although discussing diasporic movements of Black liberation is difficult given the unique experiences of Blackness, this Article attempts to illustrate how the ethos of the CROWN Act continues to be replicated in different spaces. For the Dominican Republic, the natural hair movement extends the already prevalent conversation on racial imaginaries. In a country built on Blackness as a foundational element of the country's history, conversations on hair policing inevitably delve into the meaning of Dominican Blackness as a *vaivén*. Movements in the Dominican Republic will hopefully lead to legal and cultural shifts that contest anti-Blackness at a macro level.

A massive shift in conceptions of self versus national identity is one but many hurdles facing Black Dominican organizing both in the

motherland and in diaspora. The other hurdle is larger than the island: it is a contestation of Latinidad itself. Rather than focus on bridging community through colonized memory and language, Latinidad must reckon with the legacy of the transatlantic slave trade by centering the nuance of Black identity in how we view race, ethnicity, and nationality. Without such nuance, we are left to the devices of white supremacy for defining it for us—a force we aim to challenge and disrupt at all costs. As it stands, the current ethos of a future of liberation is rooted in the following: an embrace of art as humanity, an acknowledgement of pain and history as ritual, and a movement of body and ancestry into generational progress. All of these hopeful iterations of liberation are rooted in the assumption that Blackness is not a monolith, nor is identity itself. Rather, the movement to liberation is centered on disrupting the norms that established violent rifts. To state that there is a clear answer to these cultural and attitudinal shifts would be a farce. However, there is deep truth in the acknowledgement that movements are working to get to such a point.

As we move forward in embracing Black hair, we must consider how to use this galvanized movement to counter other forms of anti-Blackness built upon racial capitalism. For those of us who have been taught to repress the natural standings of our hair in all its glory, the natural hair movement has enabled us to feel empowered and encouraged us to break apart aesthetics of exclusion in public and private spaces. It is a movement to honor and preserve Black lives, a movement to dismantle the systems that contest Black lives, and a movement to normalize and center Black love amidst a social landscape that has produced Black pain. Black self-love remains embedded in every follicle, braided style, and ancestral memory that makes hair unique to us all.

