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THE SKIN, THE LAW, AND WOMEN IN THE UNITED STATES FROM THE 1600S TO THE 1960S

Hannah Knight

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THE SKIN, THE LAW, AND WOMEN IN THE UNITED STATES
FROM THE 1600S TO THE 1960S

A Thesis
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
in
History

by
Hannah Knight
May 2022

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Approved by:

Dr. Diana Johnson, Committee Chair, History

Dr. Tiffany Jones, Committee Member

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ABSTRACT

For a country that has been built on the legacy of freedom and the idea of individual rights, the United States has a history of legalizing oppressive policies and denying rights and freedom based on the color of one's skin. As scholars take on the issue of colorism within the American society, this thesis works to examine the origins of white supremacy and its legalization through the institutions of American enslavement and the era of Jim Crow. First examining the portrayal of those of African descent and its connection to white supremacy during the period of enslavement, this thesis relies on the records of travel logs, slave codes, federal laws such as the Fugitive Slave Act of 1850, wills, advertisements, and photographs. Next this thesis analyzes the preservation of white supremacy following the end of enslavement through the analysis of individual state Jim Crow laws surrounding voting, marriage, public institutions, and more in addition to the Supreme Court cases *Plessy v. Ferguson (1896)*.

Finally, this thesis looks at the connection between the beauty industry and the legal frameworks surrounding skin. Advertisements of popular soaps such as Procter and Gamble and Pears' Soap, during the era of enslavement and Jim Crow, exhibit the beauty industry's capitalization of skin color and its connection to civilization. It will also rely on the advertisements of skin lighteners and face powders from popular brands of the different respective eras to examine the pressures to appear lighter considering the current legal

frameworks. The thesis will also rely on popular magazines such as *Jet* and *Ebony* as well as the literary works of Nella Larson and Toni Morrison to analyze to legacy of white supremacy in the United States.

ACKNOWLEDGEMENTS

The inspiration for this thesis really began in 2019 with a conversation regarding hair. In a trip that takes members in the field of education along different parts of the Underground Railroad, called *Footsteps to Freedom*, we were given the chance to have an open dialogue surrounding hair and its significance to different racial groups, particularly those of the African American community. This conception, of stepping away from Eurocentric conception when looking at the definition of beauty, started this path of reexamining other areas of beauty. The connection between the skin, beauty, and legal structures came from a conversation of the use of skin lighteners in South Africa, during the years of the apartheid and the modern era. Looking at the legal frameworks surrounding skin in South Africa only inspired the examination of the frameworks that have existed in the United States.

Throughout every pivotal moment in this endeavor, I have been guided by exceptional experts in their field. My academic advisors, Dr. Diane Johnson and Dr. Tiffany Jones have continuously provided me with feedback that has provided clarity and focus in the direction of the thesis. Mr. Hardy Brown II of the Black Voice Foundation provided many of the legal and cultural resources but more importantly, was a part of the team that began the conversation on the bus nearly three years ago.

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CHAPTER ONE

INTRODUCTION

Skin Today

In 2020, the 116th Congress authorized the Coronavirus Aid, Relief, and Economic Security (most referred to as the CARES Act) to provide funds for the economic downturn due to the world pandemic.¹ However, it is not the relief provided by the bill that has several global companies talking; the CARES Act also halted the beauty industry's use of over-the-counter (OTC) hydroquinone. Because the FDA (Food and Drug Administration) has called into attention the effects of OTC hydroquinone, the bill banned products containing a 2% concentration of hydroquinone, generally found within skin lighteners. While this ban has shocked many in the dermatology world, who were still using the product to lighten dark spots, it has again highlighted the impact of colorism within the United States.²

Colorism, the elevation of those with lighter skin color and discrimination of those of darker skin complexion, has become a more popular topic in the news. Even as recently as this year, actress Thandiwe Newton publicly apologized for getting jobs over actresses of a darker complexion.³ Academy

¹ "H.R.748- CARES Act" U.S.C. Division A Title Three Part 4 Subtitle F Part 1, 2019-2020 <https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf>

² Bido, Tatiana. "Why Was OTC Hydroquinone Banned as Part of the CARES Act." *NewBeauty.com* 09 April 2021 <https://www.newbeauty.com/cares-act-bans-hydroquinone/>

³ Murphy, Chris. "Thandiwe Newton Tearfully Apologizes for Benefitting From Colorism." *VanityFair.com* 04 February 2022 <https://www.vanityfair.com/hollywood/2022/02/thandiwe-newton-tearfully-apologizes-for-benefitting-from-colorism>

Award winner Lupita Nyong'o's 2014 speech before the *Essence Black Women in Hollywood Honors* spoke of the bullying she faced growing up for her skin, stating, "I remember a time when I too felt unbeautiful. I put on the TV and only saw pale skin, I got teased and taunted about my night-shaded skin. And my one prayer to God, the miracle worker, was that I would wake up lighter-skinned."⁴ In the last few years, large beauty corporations such as Unilever and L'Oréal have announced steps in removing terms such as "fair," "lightening," and "whitening," terms that would emphasize the preference for a lighter skin complexion, from their products.⁵ The Black Lives Matter Movement is an exposé to the more significant issue of colorism and the history of the role of skin color in the United States. Since its first entry into the world, legal proceedings involving skin color have long shaped the political and legal frameworks of North America, especially the regions that would become the United States. For women, beauty is often the battlefield they have fought over racial oppression.

The primary goal of this thesis is to contribute to a discussion of the racial and gendered history of beauty that still plagues the United States today. This study will look at ideas surrounding the importance of beauty in the United States

⁴ Rothman., Lily. "Give all the Awards to Lupita Nyong'o for Her Inspirational Speech About Beauty." *Time.com* 28 February 2014 <https://time.com/11692/lupita-nyongo-essence-black-beauty>

⁵ "Unilever evolves skin care portfolio to embrace a more inclusive vision of beauty." *Unilever.com* 24 June 2020 <https://www.unilever.com/news/press-and-media/press-releases/2020/unilever-evolves-skin-care-portfolio-to-embrace-a-more-inclusive-vision-of-beauty/>
France-Presse, Agence. "L'Oréal to remove words like 'whitening' from skincare products." *TheGuardian.com* 27 June 2020 <https://www.theguardian.com/world/2020/jun/27/loreal-to-remove-words-like-whitening-from-skincare-products>

from its time as a colony to the mid-twentieth century. Through this study, part of the thesis deals with the emphasis on "white" skin as power, both in the beauty world and the political one. Though globalization after World War II can be credited for the increased spread of skin lighteners, old ideals in the United States were motivations behind their use. This thesis aims to investigate the early evidence of the appeal of white skin prior to globalization in the United States. It also looks at the legal frameworks that have enforced these ideals. Shaped by the legal frameworks of the age, the preference for "white" skin has led to the development and emphasis of skin lightening methods. Another goal of this paper is to examine popular media sources, such as popular magazines *Ebony* and *Essence*, in their inclusion of products and ads geared towards emphasizing "ideal" skin. The analysis of these sources will be conducted in the face of rising movements such as "Black is Beautiful" and Black Consciousness.

The Expectations of Beauty

Standard media formats, i.e., television, social media, and magazines serve as a constant reminder that the question "what is beauty" is a powerful force in American society. The American beauty industry has grown to a forty-billion-dollar industry as companies such as *Cover Girl* and *L'Oréal* remain popular.⁶ For many, the definition of beauty changes with perspective. Beauty, as found by authors Andrea Sisti, Negaar Aryan, and Payam Sadeghi, transforms

⁶ Statistical knowledge courtesy of "Cosmetic & Beauty Products Manufacturing in the US - Market Size 2002-202. IBISWorld.com 27 May 2021, <https://www.ibisworld.com/industry-statistics/market-size/cosmetic-beauty-products-manufacturing-united-states/> Accessed 21 November 2021

from a philosophical approach, where beauty is connected to creativity and love by famous philosophers Socrates and Plato, to bio-psychological, where neurological factors determine beauty.⁷ While it is true that beauty has been a fluid state since the first conception of “beauty,” the purpose of this study is not to delve into the role of philosophical or bio-psychological construction of beauty. One factor remains as relevant today as it did in the early rise of the beauty industry in the United States: “beauty is power.”⁸

According to Wolf's study, at the end of the twentieth century, beauty was "a currency system."⁹ Current societal structures and male-dominated political systems influenced the construction of beauty's "currency system." The "beauty myth" developed only after the rise of an industry devoted to the very subject. Although taking place nearly thirty years prior, one observation that Wolf remarks upon is again emphasized by Dr. Andrea Sisti and his colleagues: beauty determines success. A woman's marketability, or rather her success in terms of career, is defined by their weight, age, and looks, giving way to what Wolf calls "Professional Beauty Qualifications."¹⁰ They are a reason for a woman's success in terms of career as they are for downfall, as in loss of job. Citing such cases as *Miller v. Bank of America (1976)*, *Barnes v. Costle (1977)*, and *Margarita St. Cross vs. Playboy Club of New York (1974)*, Wolf argues that beauty is less defined by personal choice and more driven by social and political need.

⁷ Sisti, A., Aryan, N. & Sadeghi, P. “What is Beauty?” *Aesth Plast Surg* 45 (2021) Pgs. 2164-2167

⁸ Sisti, A., Aryan, N. & Sadeghi, P. “What is Beauty?” *Aesth Plast Surg* 45 (2021) Pg. 2165

⁹ Naomi Wolf *The Beauty Myth*. (London: Chatto & Windus 1990), 3.

¹⁰ Naomi Wolf *The Beauty Myth*. (London: Chatto & Windus 1990) 16

The connection between beauty and power has led humans to alter their appearance and give shape to an entire industry. As observed by Sander L. Gilman in his text *Making the Body Beautiful: A Cultural History of Aesthetic Surgery*, the body has been manipulated in many ways to achieve the status of “beautiful” in greater society: “Whether we do it with ornaments such as jewelry or through the wide range of physical alterations from hairdressing to tattoos to body piercing, we respond to the demand of seeing and being seen.”¹¹ While Gilman's analysis behind the motivation to permanently change one's appearance applies to humans in general, it opens a more significant discussion for women. History has recognized the patriarchal footprint in societies from every corner of the earth. Women remained exceptionally powerless, in the political and social setting, with a few exceptions. Nevertheless, Gilman argues that beauty has given women power. Influenced by Enlightenment ideals, women have a sense of autonomy in altering their image.

The tradition of advocating for the ideal, beautiful woman in the public sphere has existed long before the modern age of magazines and influencers. Drawing on connections to recent tales such as *The Wizard of Oz*, Shakespeare, and even the older story of Leah and Rachel in the Bible, Wolf argues that women have long been held to a higher standard regarding beauty. In the tradition of such stories, women have only been allowed either a “mind” or a

¹¹Sander L. Gilman *Making the Body Beautiful: A Cultural History of Aesthetic Surgery* (Princeton: Princeton University Press 1999) 3

"body, but never both in a male-dominated society."¹² In addition to Sisti's and his colleagues' analysis, Wolf's study focuses on how women are affected by beauty ideals. Though insightful, what the authors fail to see, what Gilman begins to hint at, is that beauty, though at times used against all women, has made a graver impact on women of color.

Wolf has only vaguely referred to the factor of race with the inclusion of the court case *Miller v. Bank of America*.¹³ Choosing not to focus on one specific ethnicity or race, Wolf focused on how beauty standards have impacted women. Gilman argues that the aspect of permanently changing one's body (in terms of cosmetic or aesthetic surgery) is self-autonomy. However, for women of color, Gilman argues that it is the desire to "disguis[e] one's "real" (racial) self that drives the act of permanent alteration."¹⁴ Strictly focusing on the nose, prior to the twentieth century, "beautiful" was absent from descriptions of non-white racial groups and the nose of Africans (and Jews); its identifiable traits, width, and shape were used by the greater (whiter) society as markers of inferiority.¹⁵

Though the power of beauty is briefly discussed by Wolf and Sisti, Aryan, and Sadegh (more so by Wolf), Gilman's analysis of the development of the cosmetic industry opens the discussion of the connection between the early beauty industry, race, and influence of societal expectations. In mentioning the

¹² Naomi Wolf *The Beauty Myth*. 43

¹³ *Miller v. Bank of America* (1976) was filed by Margaret Miller, who once worked for Bank of America. After refusing the sexual advances of a white male supervisor, Miller was fired from her position.

¹⁴ Sander L. Gilman. 20

¹⁵ Sander L. Gilman 85, 111

desire to hide one's "true race," Gilman has opened the discussion to future scholars of how (and why) women of color will feel the pressures of the beauty industry more than white women. While Gilman chooses to avoid the topic, the issue of skin alterations is challenging to avoid and deserves a more thorough examination.

Body Modifications and Beauty around the World: Skin. For Gilman, the nose is the catalyst for many women of color, and its alteration meant removing oneself from these negative connotations. For Wolf, beauty was and still is a source of power. While Wolf explores the power of beauty and Gilman indirectly hints at it, neither fully develops the connection between body modification and the beauty industry. Body modification has always gone hand in hand with the American and global beauty industry development. Dominating Eurocentric, male ideals of beauty shaped the industry, giving way to the creation of standards for hair, the body, lips and more. Each has been the topic of several studies, yet over time, the definition of beauty and the different parts of the body have constantly changed. The one constant has been the desire for lighter skin.

The significance of lighter skin has transformed across the different regions of the world, and so have the methods used to achieve a "fairer" complexion. Skin lightener use aided the development of racial ideologies as scientific racism, impacting non-white people across the globe. Formulating a "white vs. black" ideology, scientific racism was joined by commodity racism, with the idea that "whiteness can be possessed potentially by everybody with the right

exchange value," as argued by Dr. Amina Mira of Carleton University Ontario.¹⁶ Once reliant on home remedies such as lye, Mire argues that the desire for lighter skin fed the development of more vital commodities made of mercury, hydroquinone, and corticosteroids as early as the 1920s. In her article "Skin-bleaching: Poison, beauty, power and the politics of the colour line" Amina Mire goes into detail about the effects of the top three chemicals used in skin lightening products as well as the global medical and political fields' response to the ongoing use of such products.

In the last twenty years, more research has devoted analysis to the presence of skin lightening measures throughout the world, with great interest focused on the African Continent. During the nineteenth century, as the age of colonization and imperialism led to the installment of European powers over the greater parts of Africa, Asia, and South America, white skin began to gain greater value. As darker skin continued to be equivalent to inferiority, the skin lightening industry grew as many turned to artificial means to escape the oppressive racial regimes that grew during the twentieth century. In examining South Africa's industry, though in existence long before, Meagan Jacobs, Susan Levine, Kate Abney, and Lester state that the desire for perfect skin became prevalent in South Africa until the 1950s.¹⁷ Based on older colonial beliefs, apartheid policies

¹⁶ Mire, Amina. "Skin-Bleaching: Poison, Beauty, Power and the Politics of the Colour Line." *Resources for Feminist Research* 28, no. 3 (Winter, 2001) 3

¹⁷ Jacobs, M., Levine, S., Abney, K., & Davids, L. (2016). *Fifty Shades of African Lightness: A Bio-psychosocial Review of the Global Phenomenon of Skin Lightening Practices*. *Journal of public health in Africa*, 7(2), 67

based on skin color beginning in the 1950s gave rise to the use of skin lighteners in South Africa. Despite the dangers presented by the number of case studies, the use of skin lighteners is still present in the region due to the influence of the media and the negative, false stigma associated with a darker complexion.¹⁸

Lynn Thomas argues South Africa to be a true example of the complex history of skin lighteners in *Beneath the Surface: A Transnational History of Skin Lighteners*. Thomas delves into the relationship between politics, society, the economy, and beauty in South Africa. "People's everyday experiences of skin color have been produced through institutions of slavery, colonialism and segregation as well as the collateral development of consumer capitalism, visual media, techno-medical innovations and protest policies."¹⁹ According to Lynn Thomas, the apartheid policies were partly to credit for this rise in popularity. The apartheid policies made it abundantly clear to the black communities in South Africa their inferior place in society, with laws such as the Separate Amenities Act of 1953 and the Population Registration Act of 1950. These policies also clarified the advantages of lighter skin in South African society. To "pass" for a different racial group to be reclassified under the Population Registration Act, women turned to skin whiteners.²⁰ "By purchasing and applying skin lighteners, black

¹⁸ Jacobs, M., Levine, S., Abney, K., & Davids, L. (2016). *Fifty Shades of African Lightness: A Bio-psychosocial Review of the Global Phenomenon of Skin Lightening Practices*. *Journal of public health in Africa*, 7(2), 68-69

¹⁹ Thomas, L. M. (2020). *Beneath the surface: a transnational history of skin lighteners*. Duke University Press Pg. 2

²⁰ Thomas, L. M. (2020). *Beneath the surface: a transnational history of skin lighteners* Pgs. 103-104

women participated in the social fantasy of modern consumer citizenship and sought recognition within the bounds of apartheid's racial order."²¹

The quest for lighter skin moved beyond the European and African regions. Chinese and Japanese art forms such as Chinese silk paintings and literary genres such as *Tales of Genji*, broken down by Kyo Cho, professor at Meiji University, in his text *The Search for the Beautiful Woman: A Cultural History of Japanese and Chinese Beauty* serves as proof of that fact. Kyo Cho argues that although the concept of beauty was far more elastic prior to the age of colonialism, the one constant is the perpetual draw of white skin. This desire was already influencing market endeavors with the production of face powder as a commodity, centuries before the major global industries.²² Even before the age of colonialism, white skin represented status and purity in societies, even in the world of antiquity.²³

In Southeast Asia, looking into the older traditions of tattooing and footbinding and the most recent developments in cosmetic surgery, David Henley of Leiden University and Nathan Porath of Southampton University argue that the motivation behind body modification is not always Eurocentric. Though finding their analysis to be in opposition with scholars such as J. Elfving-Hwang, who state body modifications violated the belief of filial piety, Henley and Porath

²¹ Thomas, L. M. (2020). *Beneath the surface: a transnational history of skin lighteners* Pg. 109

²² Kyo, C. (2012). *The search for the beautiful woman: A cultural history of Japanese and Chinese beauty* 117

²³ Kyo, C. (2012). *The search for the beautiful woman: A cultural history of Japanese and Chinese beauty* 34

believe body modification to be more in line with the concept of "self-discipline" and "self-cultivation" of Confucian and Neo-Confucian ideals.²⁴ Again, while the motivations behind body modification differ, the preference for lighter skin does not.

Henley and Porath, like Kyo Cho, argue for a pre-existing role of "white" skin in Asia, one that is in connection with social status and cultural values. Japanese literature expresses women's appearance as pale as the moon, while Hindu cultural beliefs see whiteness as a sign of social status and purity.²⁵ Though the reason for skin lightening remains a source of debate as movements against skin lightening arise in the face of continued use, the long-standing history associated with skin lighteners is not. The reasons for skin alterations remain numerous (even this thesis will take a different approach), each with its sound argument. However, what remains evident is the persistent desire for "lighter" skin.

Beyond Politics

Though studies in the African continent, specifically South Africa, argue for the greater influence of the political sphere, more so than studies conducted in Asia, all studies recognize the sway of the popular media of the era, even before the rise of skin lightening products. Advertisements for soap were signs of the

²⁴ David Henley & Nathan Porath (2021) "Body Modification in East Asia: History and Debates," *Asian Studies Review*, 45:2, 198-216, DOI: 10.1080/10357823.2020.1849026 Pg. 205

²⁵ David Henley & Nathan Porath (2021) "Body Modification in East Asia: History and Debates", *Asian Studies Review* Pg. 209

world's racial views and beauty. Often associating "cleanliness" with "whiteness," colonization was consumed by such mentalities. The affiliation between Pears Soap and Rudyard Kipling's "White Man's Burden" and Marseilles and Greek soap's declaration "they were capable of 'turning even a negro white'" were the most prominent examples.²⁶ Ads that focused on skin lightening would appear in the 1930s, long before their popularity during the apartheid from the 1940s to the 1970s.

Though the policies of the apartheid era alone may have been convincing enough of the advantages of lighter skin, there was no greater messenger of this idea of white beauty/power than the media. *Drum Magazine*, first called *The African Drum*, while boasting articles focusing on the injustice of apartheid policies, also featured well-known celebrities such as Lena Horne on the cover that included a reference to a skin whitener.²⁷ The pictures themselves might be at risk for false representation. In the first form of "photo shopping," photographers would manipulate lighting, even the photo itself, to create the illusion of lighter skin.²⁸

²⁶ Jones, Geoffrey. *Beauty Imagined: A History of the Global Beauty Industry*. Pg. 85
For Anne McClintock, soap was a multifaceted object in the nineteenth century. It not only served as Great Britain's access to a worldwide market but in doing so, widened the reach of its Victorian ideals. Advertising for soap monopolies such as Pears Soap, served to sell the commodity and the racial ideology of its parent country. It stood for purification but it also served as a symbol of Europe's success and the lack of progress of others i.e. Africa. Advertisements of such ideology spread across the world, increasing its economic and cultural influence. For further discussion see McClintock, Anne. "Chapter 5: Soft-Soaping Empire: Commodity Racism and Imperial Advertising." *Imperial Leather: Race, Gender and Sexuality In the Colonial Contest*. E-book, New York: Routledge, 1995, <https://hdl.handle.net/2027/heb.02146>

²⁷ Thomas, L. M. (2020). *Beneath the surface: a transnational history of skin lighteners* Pg. 111, 121

²⁸ Thomas, L. M. (2020). *Beneath the surface: a transnational history of skin lighteners* Pg. 135

From 1950 until 1970, Miss South Africa had only ever been white. Beyond the pages of the magazine and the images that captured the "ideal beauty," beauty pageants served as a living example and were often funded by skin lightening companies. Bu-Tone, a skin whitening cream, was one of many companies to fund beauty pageants.²⁹ Though beauty pageants in South Africa (and other locations in the world) would invoke beauty standards involving lighter skin, others have argued in defense of beauty pageants. Often looked upon in a negative light, others argue that beauty pageants were a source of empowerment for African women in the face of oppressive racial policies of the apartheid. Using the example of the Spring Queen pageant, Peter Alegi argues it defied usual standards of beauty by welcoming women of all racial backgrounds. Providing a brief account of oppressive apartheid policies affecting work in South Africa, such as the Coloured Labor Preference Area, Alegi argued that female garment workers suffered the "triple oppression" of their race, their gender, and their working status. However, beauty pageants were a source of empowerment.³⁰

Skin, Race, and Beauty in the United States

The appeal of lighter skin has long existed in the world. Still, following the age of exploration and imperialism, white skin became seen as the superior complexion related to racially oppressive policy. Authors such as Lynn Thomas

²⁹ Thomas, L. M. (2020). *Beneath the surface: a transnational history of skin lighteners* Pg. 129

³⁰ Alegi, Peter. "Rewriting Patriarchal Scripts: Women, Labor, and Popular Culture in South African Clothing Industry Beauty Contests, 1970s-2005." *Journal of Social History*, (Fall 2008) 34

have accurately depicted skin complexity within countries such as South Africa. However, while there was an evident connection between the rise of skin lightening use and the apartheid policy, South Africa does not serve as the first or only example. The United States has had its complex relationship with skin as skin color dominates American ideology and policy, many adopted from European countries such as England that founded colonies within North America. According to Winthrop D. Jordan, in its earliest interactions with the continent of Africa, England did not set out to enslave its people. Still, it was quick to distinguish between themselves and those of African descent. "Englishmen found the natives of Africa very different from themselves."³¹ Distinguishing themselves and other racial groups was a part of American society. David Roediger's *Working Towards Whiteness* argues that as much current social beliefs as it was the legal structures of the late nineteenth to the mid-twentieth century that restricted the "whiteness" of Southern and Eastern European immigrants.³² Race, according to Roediger, was as much based on biology as it was on culture. In light of this ideology, society saw the "new immigrants" as sitting "in-between" the scale of white and nonwhite. Though having greater access to employment and eventually acquiring the right to vote, terms such as "guineas"

³¹ Jordan, Winthrop D. *White over Black: American Attitudes Toward the Negro, 1550-1812*. (Williamsburg, University of North Carolina Press, 1968) Pg. 4

³² Roediger, David R. *Working Toward Whiteness: How America's Immigrants Became White: The Strange Journey from Ellis Island to the Suburbs*. New York: Basic Books, 2006. Accessed March 29, 2021. ProQuest Ebook Central Pgs. 9-10

or “hunkies” reflect the persistent discriminatory practices faced by the new immigrants, which initially became a unifying factor with people of color.³³

The history of the American beauty industry itself is just as complicated. It has been the site of oppressive ideologies and advancement for women, such as Madam CJ Walker and Elizabeth Arden. Author Kathy Peiss, in her book *Hope in a Jar: The Making of America's Beauty Culture*, notes the significant transmissions in the industry. Women acquired the classification of "prostitute" for wearing dark lipstick and "paint" (rogue).³⁴ Yet as skincare remedies moved from the kitchen sink to the industrial floor, with entrepreneurs such as Theron T. Pond and Robert Chesbrough, advertising, first seen in the U.S., aided the rise of the beauty industry, in addition to the preference for white skin, as noted by Historian Geoffrey Jones.³⁵ Home remedies were the foundation of the beauty industry in the United States. White skin was also present at the beginning as a concoction of white vinegar, wheat bran, eggs, and ambergris was to create a "polished whiteness of the complexion."³⁶ Within early nineteenth-century American society, powders, soaps, and paints, Jones and Peiss expertly connect the beauty industry's role in developing a preference for the white face beauty.

³³ Roediger, David R. *Working Toward Whiteness* Pg. 39

³⁴ Peiss, Kathy. *Hope in a Jar: The Making of America's Beauty Culture*. (Philadelphia: University of Pennsylvania Press, 2011) 4

³⁵ Jones, Geoffrey. *Beauty Imagined: A History of the Global Beauty Industry*. Oxford: Oxford University Press, Incorporated, 2010 Pgs. 53-54

³⁶ Peiss, Kathy. *Hope in a Jar: The Making of America's Beauty Culture*. (Philadelphia: University of Pennsylvania Press, 2011) 9

Authors such as Roediger and Jones have looked at the issues of race, legal structures, and beauty as separate entities, while Kathy Peiss conducts a minor investigation of the topic. "In the black community, beauty culture was explicitly a political issue, long before the contemporary feminist movement made it so."³⁷ Yet minimal scholarship has connected the topics, despite the connection of race and beauty standards in the U.S. beauty industry. Tracy Owens Patton argues that oppressive Eurocentric beauty standards have not only continued in the United States, but their persistence has made minority beauty standards insignificant in the greater society.³⁸

Modifying the body to appeal to society's standards has long existed, but African American women's bodies have always been held under the microscope. Since the period of enslavement (even longer), black women have manipulated their bodies to fit the cultural standards. Enslavers used skin color and hair as sources of oppression against those of African descent, at times shaving the heads of enslaved women, symbolizing the removal of status. Women of color were constant pressure sufferers, even in moments of empowerment and within their communities. Critics of successful entrepreneur Madam C.J. Walker stated her hair straightening products "emulat[ed] whiteness" during the Black is Beautiful movement.³⁹ According to Patton, no woman, due to oppressive beauty

³⁷ Peiss, Kathy. *Hope in a Jar: The Making of America's Beauty Culture*. (Philadelphia: University of Pennsylvania Press, 2011) 6

³⁸ Tracy Owens Patton "Hey Girl, Am I More Than My Hair?" Garcia, Alma M., ed. *Contested Images: Women of Color in Popular Culture*. California: AltaMira Press, 2012 116

³⁹ Tracy Owens Patton "Hey Girl, Am I More Than My Hair?" 120-121

ideals and current social expectations, could achieve the status of ideal beauty. As she recounts the transitions in preferred body shape (from slim to curves to waif, etc.) Patton argues that unless they are "beautiful, blond hair, slim, tall, virginal, and upper class," no woman would match up.⁴⁰ Patton's assessment of beauty standards' impact on African Americans is insightful and incomplete. She does not elaborate on this by mentioning "Afrocentricity" to battle hegemonic norms.

Beauty has always come at a cost for most Americans. With lotions and paints laden with lead, women were victims of perceived "hysteria" or reproductive disorders after the Civil War.⁴¹ However, Kathy Peiss's inclusion of powders and paints allowed her to open a door that forces the reader to realize that the price of beauty was high or that advertisements were also a core contributor, but the influence of work prospects.

The beauty industry gave many women the opportunity to access the field of business long denied to them based on their gender. In the U.S, famous beauty icons, such as Elizabeth Arden, rose to prominence from the late 1800s to the early 1900s. The beauty industry also opened doors to those that had long suffered years of oppression and enslavement, such as Sarah Breedlove, more commonly known as Madam CJ Walker.⁴² Yet the growth of the African American

⁴⁰ Tracy Owens Patton "Hey Girl, Am I More Than My Hair?" Garcia, Alma M., ed. *Contested Images: Women of Color in Popular Culture*. California: AltaMira Press, 2012 123

⁴¹ Peiss, Kathy. *Hope in a Jar: The Making of America's Beauty Culture*. (Philadelphia: University of Pennsylvania Press, 2011) 40-41

⁴² Peiss, Kathy. *Hope in a Jar: The Making of America's Beauty Culture*. (Philadelphia: University of Pennsylvania Press, 2011) 67

beauty industry remained distinct from that of its white counterpart, a fact articulated by Kathy Peiss. White beauty industries, in many cases, had national resources such as magazines to advertise their products. In contrast, African Americans did not have the same access, often relying on their community institutions to sell their products, as Walker relied on churches as markets.⁴³ As much as women drove it, men dominated the beauty industry in several ways. As the beauty industry offered many opportunities for women within the African American community, it was also the source of debate within the same community. The source of this inner conflict dealt with the production and sale of hair straighteners and skin lighteners. Including well-known names such as Marcus Garvey, Peiss draws out the complicated history of skin lighteners in the U.S.⁴⁴

Skin Today/ Presentation of Ideal Beauty Standards

This study will focus on the period of enslavement, from the 1620s to the 1860s, in addition to the era of Jim Crow, from the 1870s to the 1950s, because the legal frameworks of both periods solidified the quintessence of beauty and were capitalized upon by the beauty industry. Advertising of each respective era only fed into white-dominated beauty ideals, shaping societal discourse on the subject. The end of World War II brought independence to nations worldwide, and countries like the United States fought internal struggles for the equality of all

⁴³ Peiss, Kathy. *Hope in a Jar: The Making of America's Beauty Culture*. (Philadelphia: University of Pennsylvania Press, 2011) 92, 108

⁴⁴ Peiss, Kathy. *Hope in a Jar: The Making of America's Beauty Culture*. (Philadelphia: University of Pennsylvania Press, 2011) 206

its citizens. As much progress was made, many old ideals persisted in the beauty industry due to the popular media. Beauty pageants, music, and film have become major influences in the modern era's definition of beauty. In addition, the importance of advertising in the question of beauty and the role of skin complexion remains. Advertising, specifically magazine advertising, "shape images and definitions of femininity" for the reader and society.⁴⁵ Far from being "homogenous," advertising, through a series of strategies, such as expectancy, social comparison, and Feminist theory, has created different "models" for women to base their perception of themselves and society.⁴⁶ For women of different races, this has not always been positive. Before the 1950s, African Americans, nor any woman of color, did not achieve a significant presence in the United States mass media formats. Even when this changed, mass media formats still featured African and Asian American women in old stereotypical positions.⁴⁷

The problem with the analysis of modern advertising is the tendency to examine it from a western point of view without considering different global perspectives, as argued by Katherine T. Frith, Ping Shaw, and Hong Cheng.⁴⁸

Ads of women in the United States often focus on body image, whereas in other

⁴⁵ Sengupta, Rhea. 2006. "Reading Representations of Black, East Asian, and White Women in Magazines for Adolescent Girls." *Sex Roles* 54 (11-12) Pg. 799

⁴⁶ Sengupta, Rhea. 2006. "Reading Representations of Black, East Asian, and White Women in Magazines for Adolescent Girls." Pgs. 801, 806

⁴⁷ Sengupta, Rhea. 2006. "Reading Representations of Black, East Asian, and White Women in Magazines for Adolescent Girls." Pg. 806

⁴⁸ Toland Frith, K., Cheng, H., & Shaw, P. (2004). "Race and beauty: A comparison of Asian and Western models in women's magazine advertisements." *Sex Roles*, 50(1-2) Pg. 57

countries, such as Singapore, they focus on the face. Yet one trait that does remain dominant in modern advertising and magazines is that in many cases, advertisements, though meant to adhere to a specific audience, often do not have members from the same society.⁴⁹ While an argument could be made that this is mainly due to the current era of globalization, this does not account for earlier examples with the same tendencies. Globalization, using Hollywood, has only spread racial stereotypes and beauty standards faster than before the 1950s.

Peter Alegi argues that the beauty pageants of the second half of the twentieth century, through the analysis of the Spring Beauty Pageant, both aided in the advancement of women while still pushing patriarchal beauty standards. The Beauty Pageants of the twenty-first century are not without the same complexities. The Miss America 2014 win by Nina Davuluri was not without its complexities. As crucial as Davuluri's win is, being the first South Asian woman to hold the title and one of only nine women of color, Meeta Rani Jha argues beauty pageants are only one field in which "[w]omen's bodies are a battleground fought over by religious ideologies and national and political institutions as well as by media, beauty, and health corporations."⁵⁰ Jha argues that though Davuluri's win marks an integral gain in the modern movement to create a more equitable society in the United States, old ideologies, such as the preference for lighter

⁴⁹ Toland Frith, K., Cheng, H., & Shaw, P. (2004). "Race and beauty: A comparison of Asian and Western models in women's magazine advertisements" Pg. 59

⁵⁰ Jha, Meeta Rani. *The Global Beauty Industry: Colorism, Racism, and the National Body*. New York: Routledge 2016 Pg. 2

skin, remain. Yet the fact that this battle has continued into the recent decade only proves the lack of actual change as popular media remains highly influential.

Since the rise of celebrity culture, famous individuals have become the leaders of society worldwide. They have often become icons of current beauty standards. Yet, these standards are often complex and not as straightforward as they appear. Here, Jha breaks down the most influential fields in this aspect: music and beauty pageants. Beyoncé, analyzed by many scholars such as Jha, lives in the realm of duality. Scholars regard Beyoncé as a strong black businesswoman and a cultural icon. However, her lighter complexion and occasional blonde hair have been seen by some scholars, such as Margaret Hunter, to fall along "racial capital," where lighter complexions bring about more advantages, in what is also known as "gendered colorism."⁵¹

As exhibited by Jha, Beauty Queens have, within their rights, developed a celebrity status since the conception of the first pageant. They also have been influential in the skin lightening industry as beauty pageants, and the beauty industry has "normaliz[ed] lighter skin as a sign of beauty status."⁵² As beauty queens' influence grows due to their presence in Hollywood and Bollywood, in the case of media, Jha argues that the world looks to these queens for conceptions of beauty. While the 1994 Miss World win of Aishwarya Rai has served as a step away from Eurocentric ideals, the efforts have not been many.⁵³

⁵¹ Jha, Meeta Rani. *The Global Beauty Industry: Colorism, Racism, and the National Body*. Pgs. 45-48

⁵² Jha, Meeta Rani. *The Global Beauty Industry: Colorism, Racism, and the National Body*. Pg. 53

⁵³ Jha, Meeta Rani. *The Global Beauty Industry: Colorism, Racism, and the National Body*. Pg. 64

Meeta Rani Jha's exposé of the Global Beauty Industry and its role in the modern age of Colorism and racism and their influences on the current era's beauty standards is only the tip of the iceberg. Drawing attention to critical regions, such as India, China, and the United States, Jha has only begun to tease out the full extent of the influence of lighter skin and the more extraordinary powers involved. However, a more significant point made throughout her study (one that deserves a more extensive look) is how topics of Colorism, cosmetic surgery, and the draw of lighter skins were not introduced to her chosen regions, only transformed. In ancient China, the skin has also been used to distinguish between the elite Han ethnicity and the "barbarian" class.⁵⁴

Each piece of literature has offered the world another point of view concerning the appeal of lighter skin. Though the starting points and regions differ, it is evident in all texts concerning skin and beauty that the topic is complex. As instrumental as each of these texts plays in constructing the history of power behind white skin, the methods of appearing lighter, and the influence of popular media, many do not look deeper into the connection between the legal frameworks of the region in question. Colorism has become an essential topic of discussion within the United States. Popular movements such as *Black Lives Matter* and *Stop Asian Hate* force many to reexamine the treatment and portrayal of those of color in the United States. A mistake for many is to assume this to be

⁵⁴ Jha, Meeta Rani. *The Global Beauty Industry: Colorism, Racism, and the National Body*. Pg. 86

a modern, social, and cultural movement, ignoring the long legal history set in motion by enslavement.

When it comes to the industry itself, many look to the era of globalization following the end of World War II for the rise of skin lightening, with only a few texts mentioned above keeping in mind the other products tied to the appeal of white skin. Beyond the chemical devices, soap and powders have aided in the ongoing ideology tied to white skin. In a continuous history of body manipulation, skin is only another addition to ways the female body has been controlled or used to communicate larger ideals. It is also evident that due to widespread media's ongoing preference for lighter skin, more research is required to discover the roots of such desire.

Statement of Research and Analytical Methodology. With a topic as far-reaching, chronologically and topically, as matters of race, slavery, Jim Crow, beauty, political frameworks, and more, this study is far from including every major survey of the related topics, nor is that the goal. Several sources have been used throughout the thesis, considering the multidimensional approach to this topic. As laws have been greatly responsible for shaping standards within the societal structure, examining the policies and legalities surrounding this topic is essential. A selection of influential laws from the eras of enslavement and Jim Crow have been included and analyzed in their connection to the rise of the beauty industry and ideas of skin. In analyzing the beauty industry home remedies, newspaper articles, images, and advertisements have been given

great attention. Images have long been the greatest communicators of beauty in every era. Though advertisements will serve as the most significant resource in the influence of skin lighteners worldwide, all forms of popular media such as poems, paintings, and photographs will also be considered to direct attention to the longevity and reach of the allure of skin lightness. Magazines from the United States such as *Ebony* and *Essence* will be used to mark the persistence of skin lightening during movements designed to empower African Americans. Popular literature was also used to communicate ideas; texts such as "Passing" and "The Bluest Eye" will be examined to ascertain the influence of white skin.

Language is an integral part of the analysis of this study, providing insight into the ideology of the era. To present a clearer picture of the era's language in question, the original language, with only minor modifications for clarity, is used in the primary sources. None of the original phrasings is used to disrespect different groups but to provide a complete picture of the environment facing those of African descent, which is vital. Through the discourse analysis of the primary sources, one can understand the level of oppression that existed in the United States for those of color status, having to face realities in every form of the text of the age.

Chapter Breakdown

When it comes to ideas centered on the skin, much of these early views were formed in the depths of the era of enslavement. Therefore, chapter two gives a brief overview of the development of slavery in the United States and the

overall treatment of those who suffered at the institution's hands. It also confronts the laws and ideologies that emphasize the superiority of those with white skin. Looking at state slave codes such as the Hereditary slave code to federal laws involving citizenship and Fugitive Slave Acts, it became clear that the color of one's skin either afforded one a sense of power and security or a sense of inferiority. Although the beauty industry in the United States was only beginning to take shape during the early beginning of the country, the ideology tied to its first significant beauty product, soap. Soap created the foundations for the beauty industry and helped shape ideas about race and beauty in the years following the end of enslavement.

The end of enslavement was meant to usher in a new period of equality for those once trapped by the institution of slavery. Yet the end of the period of Reconstruction at the end of the 1870s only witnessed the advancement of new oppressive policies in the form of Jim Crow Laws. Chapter Three gives a brief account of the Jim Crow Era from 1870 to the 1950s and identifies specific laws from across the nation that created a division based on color, which emphasized the supremacy of whiteness in the United States. Chapter Three also looks at the rise of the use of permanent skin lighteners and the use of popular media of the time to reinforce the preference for lighter skin. Advertisements, beauty pageants, literature, and more have been the most prominent components to spread the significance of lighter skin. At times these reinforced the power that came with lighter skin.

The conclusion briefly examines the lessening of political influence over the skin and touches upon the reasons for the ongoing persistence of the preference for lighter skin today. In the last two years, the beauty industry has seen popular brands such as L'Oréal and Johnson & Johnson halt the production of skin lightening products. Yet discriminatory practices against those of a darker complexion, known as colorism, persist.

CHAPTER TWO

SLAVERY, SKIN, AND GENDER

Success and Oppression during Enslavement

In November 1978 *Ebony* magazine published an article by former editor Clotye Murdock (Larsson) covering the relatively unknown life of an African American woman, Mary Ellen Pleasant. Pleasant, arriving in San Francisco in the 1850s, would attempt “to beat a town into submission through her cookery, her spy-system and her bawdy houses.”⁵⁵ Earning her riches through various businesses, in her most notorious position, Pleasant as a madam in a brothel service geared towards the elite, enriched herself further by blackmailing her clientele. She actively pursued the rights of African Americans, supporting the endeavors of well-known abolitionist John Brown. To scholars such as Sarah Papazoglakis, Pleasant remains an example of female brilliance, arguing for the recognition of her capitalist skills and her philanthropy. However, some scholars have focused more on the supposed crimes of her past while for others she remains a mystery.⁵⁶

Relatively unknown, Mary Ellen Pleasant broke gender and most significantly, racial barriers in a time when her race was predominantly enslaved. Her laundry and boarding house endeavors elevated her name in the same halls

⁵⁵ Murdock, Clotye. “Fabulous Black Madam,” *Ebony*, November 1978, 53

⁵⁶ Bennett, Lerone Jr. “The Mystery of Mary Ellen Pleasant.” *Ebony*, June 1993, 56, 58-60, 62, 64
Hudson, Lynn M. “Lies, Secrets, and Silence: Writings African American Women’s Biography.” *Journal of Women’s History*, Volume 21, Number 4, Winter 2009, pp. 138-140

of men such as Andrew Carnegie or John D. Rockefeller. As a woman, this alone was a major feat for Pleasant; however, her achievements hold a higher significance as her African heritage remained unknown in greater society. Securing her freedom at a younger age due to a sympathetic abolitionist, Mary Ellen Pleasant's skin complexion was of such lightness that it allowed her to "pass" for a white woman, a factor which she used to elevate her social and capital status. She kept her racial status from the public and even from her own husband, James. W. Smith. "Until his death, Smith believed Mary Ellen was White."⁵⁷ It was not simply that Pleasant's skin complexion was light to the point it might be classified as "white." When age began to darken her complexion, Pleasant turned to powder to create the illusion of lighter skin.

Mary Ellen Pleasant was a free African American woman and yet felt the need to hide her race using powder. The emphasis on white skin in the United States, as in many regions of the world, moved beyond the realm of class. "Whiteness" became tied to ideas of civilization, citizenship and beauty. The beauty industry capitalized upon this racial image. Yet the basis for these ideas about "whiteness" and the later rise of skin lightening measures were the oppressive policies and regime of American slavery. This chapter will examine the laws, legal cases and wills from the 1600s to the 1860s that, in addition to

⁵⁷ Murdock, Clotye. "Fabulous Black Madam," *Ebony*, November 1978, 54

advertisements praising the beauty of paler complexions, created an oppressive institution that focused on the complexion of the skin.⁵⁸

Slavery in the United States: The Formation of Racial Ideology

The form of slavery that entered the New World was distinctly different from the slavery of the world of antiquity. Once an institution that knew no color, skin color became central to the enslavement of those of African descent.⁵⁹ Prior to the sixteenth century, Africa was held in esteem in the eyes of Europe, and skin color was not a factor. The history of territorial disputes, religion, and cultural differences, as evident by the Crusades between the Christian and Muslim Empires during the Middle Ages, caused greater tension between different regions than skin color. Artistic and literary renderings often portrayed those of

⁵⁸ An arising problem in 2019, according to Tom Lindsay of Forbes, is many students look to the United States as the inventors of slavery#. Michael Grant, British scholar of the classics, observes the involvement of slavery in the early class struggle of ancient Rome as Senate positions were open to sons of previous slaves during the tenure of Appius Claudius as censor. References to slavery exist in many religious texts, such as the Quran and the Bible, from its reference of the enslaved woman Hagar, the mother of Ishmael (Genesis 21:10) to its well-known story of the Israelites enslaved in Egypt (Exodus 1-12). The institution can trace its roots to one of the first civilizations to appear in the world, Mesopotamia.

⁵⁹ Slavery would come to North America with the Spanish and the Portuguese, with the enslavement of the indigenous population, beginning in the sixteenth century. However, enslavement, extensively recognized as the enslavement of African people, would increase significantly during the eighteenth century under the direction of England. David Eltis and David Richardson's *Atlas of the Transatlantic Slave Trade* offers a description of the rise of the Atlantic Slave Trade under England. Ira Berlin's *Many Thousands Gone: The First Two Centuries of Slavery in North America* describes the regional differences that developed between labor and the different societies, such as "society with slaves" and "slave societies." By the Civil War, the Second Middle Passage, the domestic slave trade in the United States, had encouraged both the growth and spread of the institution of slavery from coast to coast. Nevertheless, no matter the location, life for those trapped within the institution was oppressive; marriage choices and more did not belong to those enslaved. The *Federal Writers' Project: Slave Narratives* offer a minor glimpse into life during enslavement from a first-hand account. In contrast, Ira Berlin's *Generations of Captivity: a History of African American Slaves* offers a sound analysis of the topic.

African descent positively, as seen by depictions of Queen of Sheba and Saint Maurice.⁶⁰ Once signifying fertility, the connection between the color black and devilish imagery only began following the rise of Christianity in Rome. However, skin color was not at all a part of this perception.⁶¹ During the age of exploration, beginning in the late fifteenth century, as profits arose with cash crops and the appeal of slave labor grew, explorers analyzed barbarism, savagery, civilization, and their connection with skin color outside of the European continent.⁶²

For early explorers and scholars, the supposed differences in African appearance were genuine defining features of the division between the white and black body, especially the female form. During the English Civil War (1642-51), English author Richard Ligon (1585-1662) set out for the New World, landing in Barbados, part of the modern-day Caribbean Islands (formally referenced as the West Indies), in search of wealth. Not only met by new aquatic and land plants and animals, but Ligon first encountered the African form. In a recount of the sugar plantation system in Barbados in his popularized text *A True and Exact History of the Island of Barbadoes*, published later in London in the year 1657, Ligon presents two very distinct portrayals of African women. In one instance,

⁶⁰ Queen of Sheba is mentioned in Jewish culture, referenced in 1 Kings Chapter 10 of the Old Testament due to her interaction with King Solomon. Saint Maurice was said to be the patron saint of the Crusades of the 13th century and based on a Legendary Theban officer of Rome. Both renderings are of darker complexions, in contrast to the European depictions of legendary figures.

⁶¹ Pieterse, Jan Nederveen. *White on Black: Images of Africa and Blacks in Western Popular Culture*. English Translation (New Haven: Yale University Press, 1992) Pg. 24

⁶² Jordan, Winthrop D. *White over Black: American Attitudes Toward the Negro, 1550-1812*. (Williamsburg, University of North Carolina Press, 1968)

Ligon remarks on seeing a woman of the "greatest beauty and majesty," whose grace rivaled Queen Anne's and whose smile captivated Ligon.⁶³ Although highly praising the beauty of this woman, Ligon's view of the African figure, specifically women, in Barbados distinguishes European and African women. Commenting on the shape of the females he observed, Ligon observed that as the women age, "their breasts hang down below their navels, so that when they stoop at their common work of weeding, they hang almost down to the ground, that at a distance, you would think they had six legs."⁶⁴ As remarked by Jennifer Morgan, women of African descent were not entirely women based on the later descriptions.⁶⁵ The exaggeration of their features and the insinuation of being less than human by explorers such as Richard Ligon created the racially driven biases that would shape the institution of enslavement in the United States.

Those of African heritage were kept from ever reaching classification as full citizens; they also were not protected by laws and endured punishments in the form of whippings, starvation, sexual abuse, and death. For enslavers, it became necessary to justify a system that would see such harsh treatment placed upon one racial group. Thus, scholars often dehumanized and decivilized

⁶³ Ligon, Richard. *A True and Exact History of the Island of Barbadoes*. (London: printed for Humphrey Mosely, 1657) reprinted in 1673

<https://www.biodiversitylibrary.org/item/113913#page/35/mode/1up> Pgs. 12-13

⁶⁴ Ligon, Richard. *A True and Exact History of the Island of Barbadoes*. (London: printed for Humphrey Mosely, 1657) reprinted in 1673

<https://www.biodiversitylibrary.org/item/113913#page/35/mode/1up> Pg. 51 See also Richard Hakluyt's *The Principal Navigations* for English observation on the African body

⁶⁵ Morgan, Jennifer L. "Male Travelers, Female Bodies, and the Gendering of Racial Ideology, 1500-1770" *Bodies in Contact: Rethinking Colonial Encounters in World History*. Ed. Tony Ballantyne and Antoinette Burton Pg. 55

those of African descent. The publication of European travel logs from authors such as Ligon, Richard Eden (1520-76), and Girolamo Benzoni (1519-70) canonized the ideology of the "otherness" of those of African descent. Reproduced images portraying the difference between white and black reinforced these publications.

Sarah Baartman, a much-examined figure in the subject of African iconography, is the epitome of the influence of European-created versions of the African body and its connection to racial ideology. Sarah Baartman was said to be a Khoekhoe woman who became the subject of the fascination of English and French Audiences beginning in 1810. To the European world, Sarah Baartman, also referred to as Saartjie or Hottentot Venus, represented the apparent differences between white and non-white populations, with exaggerated printed images of her round features, with great attention played to her backside and reproduction organs.⁶⁶ Baartman, like many non-white individuals across the world, was used to showcase everything different between the white and non-white world.⁶⁷ However, the physical characteristics of non-white races were

⁶⁶ Schmahmann, Brenda (2021) "Senzeni Marasela's Reworking of Women's Histories in Beyond Booty: Covering Sarah Baartman and Other Tales," *TEXTILE*, 19:1, 49-75, DOI:10.1080/14759756.2020.1773612 Pg. 53

⁶⁷ Sander Gilman, in his 1985 article "White Bodies: Toward an Iconography of Female Sexuality in the Late Nineteenth-Century Art, Medicine, and Literature," argues that nineteenth-century writers used Baartman as evidence of African women's supposed "increased sexuality" in comparison to white women as her body parts became the sole focus of exhibitions in England and France. The focus on Baartman's body was part of a more extensive study on female sexuality and women's identity. Zine Magubane, in a 2001 article, "Which Bodies Matter? Feminism, Poststructuralism, Race, and the Curious Theoretical Odyssey of the "Hottentot Venus" argue that too much focus has focused on Baartman's figure and, in a great deal, due to Gilman's argument, does not consider the social element in racial ideologies of the era.

used to prove the superiority of the white race and the justification for their power. Europe was not alone in their contemplation of the differences between the white and black bodies nor in the superiority held by one group. A great deal due to their past colonial connections, such ideas were soon transplanted into American Society.



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Figure 2.1 Image of Artist's rendering of Sarah Baartman

The American colonies turned nation had adopted many ideologies from their English forefathers, including the connection between skin, superiority, and civility. American Historian, Professor Winthrop D. Jordan, observed that “[t]he condition of savagery - the failure to be civilized - set Negroes apart from

⁶⁸ Figure 2.1 *Love and beauty--Sartjee the Hottentot Venus.*, 1811. [England: Pubd. October by Christopher Crupper Rumford] Photograph. <https://www.loc.gov/item/2007680266/>. Exaggerated image of Khoekhoe woman Sarah Baartman otherwise known as Hottentot Venus

Englishmen in an ill-defined but crucial fashion.”⁶⁹ In the eyes of greater American society, the enslavement of those of African heritage was justified. Those of African heritage were seen to lack all signs of civility and viewed as nothing more than objects to own or a source of labor. Advertisements of the eighteenth century to the nineteenth century proved the mentality in portraying the selling of human beings into enslavement, as seen in Figure 2.2. Advertised in South Carolina in 1760, the description of newly arrived enslaved Africans from the "Windward and Rice Coast," or rather the West Coast Region of Africa, treated them as no more than mere objects. Using terms such as "cargo" and their overall health, the advertisement could have been regarding mere cattle for the lack of recognition paid to the people sold into slavery.

The lasting imprint and its effect on the institution's growth were evident, even after the end of the international slave trade in 1807.⁷⁰ As depicted in Figure 2.3, public sales were only one piece of evidence that this ideology persisted. With a flag bearing the sign for the auction, the crowd looks at the group of enslaved persons not as people but as objects. With members of the crowd "inspecting " different people in the group, it is reminiscent of animal auctions today. Even a century after the advertisement featured in Figure 2.2, advertisements continued to use language denoting the perception of inferiority

⁶⁹ Jordan, Winthrop D. *White over Black: American Attitudes Toward the Negro, 1550-1812*. (Williamsburg, University of North Carolina Press, 1968) Pg. 24

⁷⁰ The law's title was "An Act to prohibit the importation of slaves in any port or place within the jurisdiction of the United States, from and after the first day of January in the year of our Lord, one thousand with hundred and eight [1808]." The international slave trade did not end as illegal trading still occurred, and slavery existed worldwide.

of the African race. In Thomas Griggs's advertisement in 1835, the phrase "All persons that have slaves to dispose of..." particularly "dispose of," provides evidence of the persistence of American's society ideas surrounding superiority and skin color (Figure 2.4).



Figure 2.2 1760 Sale of Enslaved persons advertisement

⁷¹ Figure 2.2 "To be sold, on board the ship Bance Island, ... negroes, just arrived from the Windward & Rice Coast". South Carolina, None. [26 April 1760, printed later between 1940 and 1960] Photograph. <https://www.loc.gov/item/98503865/>.



Figure 2.3 1856 Charleston Slave Auction

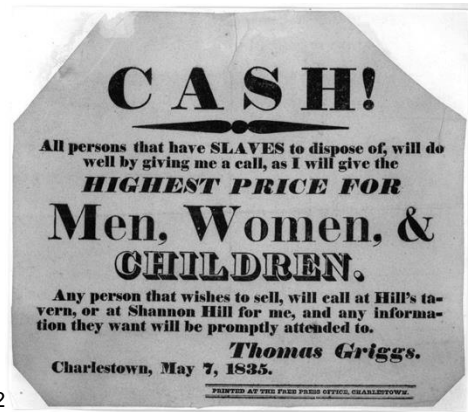


Figure 2.4 Thomas Griggs' 1835 Slave Advertisement

Although well known for his sole contribution to the Declaration of Independence, the infamous racial writings of Thomas Jefferson also cemented and furthered the perceived biological differences between those of white and African descent. In 1781, though a lifelong enslaver, Jefferson understood the irony of the institution's existence while pursuing individual freedoms for the American colonies. He stated, "And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of god? That they are not to be violated but with his wrath?"⁷⁴ Though troubled by the institution, Jefferson's

⁷² Figure 2.3 "Slave sale," Charleston, S.C., 1856. Photograph. <https://www.loc.gov/item/2006687271/>.

⁷³ Figure 2.4 Griggs, Thomas. "Cash! All persons that have slaves to dispose of, will do well by giving me a call, as I will give the highest price for men, women, & children. Any person that wishes to sell, will call at Hill's tavern, or at Shannon Hill for me, and any infor". Charlestown, 1835. Pdf. <https://www.loc.gov/item/rbpe.18602700/>.

⁷⁴ Jefferson, Thomas. "Slavery: Notes on the State of Virginia, Query 18." *Selections from the Personal, Political, Philosophical, and Epistolary Writings of Thomas Jefferson* edited by Saul K. Padover (New York: The Heritage Press) 1967 Pg. 306

participation in the institution of enslavement did not stop nor change his mind regarding the differences between the white and non-white races. Jefferson's *Notes on the State of Virginia*, first printed in 1781, argues that there is a supposed clear difference between white people and those of African descent. This difference would place whites in a superior position. Stating quite bluntly, "I advance it therefore as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind."⁷⁵ Though admitting to basing on pure conjecture, Jefferson's beliefs are shared by many of the eras.

The connections made by Jefferson between race, biology, and superiority grew in support as scientific racism increased. Nineteenth biologist and geologist Louis Agassiz believed in the theory of Polygenism, where the different races are, in actuality, different species of humans descended from different ancestors.⁷⁶ Upon the inquiry about the fate of African Americans, Agassiz argued for the supposed differences between those of African descent and other racial groups. Agassiz saw African Americans be different from Native Americans, deemed them "more pliable," having an easier time altering themselves to their situation.⁷⁷ For Agassiz, character traits proved to be defining

⁷⁵ Jefferson, Thomas. "Laws." *Notes on the State of Virginia*, edited by William Peden. (University of North Carolina Press) 1982. http://www.jstor.org/stable/10.5149/9780807899809_jefferson.19 Pg. 143

⁷⁶ Won, Michael J. and Phelan Yu. "Evolutionary Biologist Puts Agassiz's Views on Race Under Microscope." *The Harvard Crimson*. 28 September 2016

<https://www.thecrimson.com/article/2016/9/28/agassiz-theories-race-debated/>

⁷⁷ Holder, Charles Frederick. *Louis Agassiz: His Life and Work*. (New York: G.P. Putnam's Sons, 1893) <https://www.biodiversitylibrary.org/item/159256#page/162/mode/1up> Pg. 114

factors of each race. For others, skull size was a marker for the difference between races. Frequently, these defining differences were designed to prove the inferiority of the non-white race and reassurance of the superiority of the white race.

Such defining differences played a vital role in establishing slavery in North America. The institution of slavery in North America greatly influenced the economies of both north and south, no matter their current legal relationship with the institution. The cotton picked by enslaved labor would supply northern factories. However, those who would be instrumental in building North America's economy before and after its formation as an independent nation were not seen as fully fledged individuals within American society. As later commented on by author George M. Stroud in his text *A Sketch of the Laws relating to Slavery in Several States of the United States of America*, "[t]he cardinal principle of slavery, that the slave is not to be ranked among sentient beings, but among things - is an article of property - a chattel personal, obtains as undoubted law in all the Slave States."⁷⁸ Evidence in advertisements such as the one included in Figure 2.2 as well as the one featured in Figure 2.4 reveal enslaved individuals were not looked at beyond the supposed capital they might bring their "owner."

Women within the chains of enslavement were often more confined than their male counterparts. Reintroducing the narrative of the enslaved women into

⁷⁸ Stroud, George M. *A Sketch of the Laws relating to Slavery in Several States of the United States of America 2nd ed.* (Philadelphia: Henry Longstreth, 1856)
<https://digital.library.pitt.edu/islandora/object/pitt%3A31735054856723/viewer#page/6/mode/2up>

the early history of the Americas in *Laboring Women: Reproduction and Gender in New World Slavery*, Jennifer Morgan observes African women were valued as a labor source and their reproductive abilities.⁷⁹ In the same treatment as cattle or horse and their offspring, enslaved women had little to no control over their marriages, children, or anything. Just as a calf might be sold to another farmer, as evident in the advertisement in 1835 (seen in Figure 2.4), enslavers sold children.

The form of enslavement that first appeared on the shores of North America drastically transformed, shaped by ideologies of race. Before and following independence, American society saw the white race to be superior to all others, specifically those of African descent. Explaining the creation of the institution of slavery, this white supremacy ideology was quickly legalized, through the form of laws and wills, creating a political framework that would become ingrained into American culture and society. White supremacy would shape the early foundations of the American beauty industry in the form of soap.

Slave Codes, Laws, and Wills. Later in her life, Mary Ellen Pleasant became an influential entrepreneur in California, amassing an extraordinary wealth for someone of her race and gender in the mid-nineteenth century. Yet, in her origins, Pleasant had little control of her life. Pleasant, of whom little is known, was said to have been born in 1814 to mixed parents at the height of

⁷⁹ Morgan, Jennifer L. *Laboring Women: Reproduction and Gender in New World Slavery*. Philadelphia: University of Pennsylvania Press, 2004. Pg. 107

slavery. Though her exact birthplace is unknown, she spent a good part of her early years in Georgia in the Deep South.⁸⁰ Pleasant was purchased in Georgia and sent to Boston, with little power in the decision.

Although Pleasant would go on to run her own businesses later in life, her origins reveal the situation of those enslaved in North America. As slavery took shape in the North American colonies, skin color quickly intertwined itself with the developing laws and legal proceedings surrounding the system. The sole purpose of these legalities was to draw a clear distinction between those classified as white, reinforcing the power that came with classification and distinguishing those who were not. Though long ingrained within the cultural and social norms of the region and era, it was during the legal establishment of such ideals that established power for some but the dehumanization and entrapment of others within an oppressive system based on skin color.

For many states, laws known as "slave codes" first developed in the North American British colonies to control enslaved peoples of African descent. Slave codes touched all aspects of life for those enslaved in the institution. Among the first to do so, Virginia established slave codes at the beginning of the seventeenth century that controlled and ostracized Africans from the rest of society, from restrictions on marriage to even gun ownership. As declared by the Virginia state legislature, "All persons except negroes to be provided with arms

⁸⁰ Chambers, Veronica. "The Many Chapters of Mary Ellen Pleasant." *New York Times*. Accessed 16 March 2022 <https://www.nytimes.com/interactive/2019/obituaries/mary-ellen-pleasant-overlooked.html>

and ammunition or be fined at pleasure of the Governor and Council."⁸¹ Although varying in restrictions, other states soon followed suit and created their own version of slave codes, all with the sole intent of controlling those of African descent. Louisiana state slave code of 1806 proclaims, "No slave can possess anything in his own right or dispose of the produce of his own industry, without the consent of his master."⁸² Delaware declared if men met in a number greater than six from different "masters," they could face the consequences of whipping.⁸³

The legal control of masters over enslaved peoples did not cease upon death; for many, wills and court cases served as a form of continued oppression under the legal system. Found within *Reports of Cases in Equity, Argued and Determined in the Court of Appeals of South Carolina Vol. III*, is the case of the estate of one John Pawley.⁸⁴ "P.W. Frazier and Wife, v. Percival E. Vaux, Executor of John Pawley" was a case concerning whether an executor of an estate is entitled to the portion of the profits yielded by the labor of those enslaved under Pawley's daughter in 1822. Although the matter in question regarded the work they contributed, those enslaved were never included in the

⁸¹ Hening, William Waller *The Statutes at Large: Being a Collection of all the Laws of Virginia From the First Session of the Legislature, in the year 1619 vol. I.* (Richmond: Samuel Pleasants, 1809) Pg. 226

⁸² "Extracts from the American Slave Code." ed. Philadelphia Female Anti-slavery Society (Philadelphia, 1820) <https://archive.org/details/extractsfromamer00phil/page/n6/mode/1up> Pg. 1

⁸³ Ibid Pg. 4

⁸⁴ Richardson, J.S.G. *Reports of Cases in Equity, Argued and Determined in the Court of Appeals of South vol. III* (Charleston, McCarther & Co., 1856) Pgs. 140-142

*It was 1833 at the time of the report of this case, but Pawley first established his will in 1810, with the original report being filed in 1822

discussion. Furthermore, references to the enslaved people in the accounts of the case go no further than "slaves" or "negroes."⁸⁵ Far from being the exception, in a case that preceded the previous one, "Elijah Hinson, and Wife, as tenants in remainder under the will of James Perry, dec'd., v. James Pickett. John J. Myers, Adm'r. of Baldy H. Starke, deceased, v. James Pickett" centers on the question of enslaved persons and ownership. Although the case references the names of said enslaved persons, they are more often referred to as "slaves," "negroes" or "property."⁸⁶ The slave codes legalized the white supremacy ideology that gave rise to a racially based institution in which those of African descent were not entirely recognized as humans. It was a system that was not only enforced at the state level but, upon its establishment as an independent country, within the federal government of the United States.

The Federal Legalization of White Supremacy

From its early establishment, the federal government did not address the institution of slavery or color within societal structures, fearing a division within an unstable, newly founded country. However, two legal frameworks remained in place and continued to be evidence of the superiority of color within the federal government. The fugitive slave laws and racialized naturalization laws

⁸⁵ Richardson, J.S.G. "P.W. Frazier and Wife, v. Percival E. Vaux, Executor of John Pawley," *Reports of Cases in Equity, Argued and Determined in the Court of Appeals of South vol. III* (Charleston, McCarther & Co., 1856) Pg. 140-141

⁸⁶ Richardson, J.S.G. "Elijah Hinson, and Wife, as tenants in remainder under the will of James Perry, dec'd., v. James Pickett. John J. Myers, Adm'r. of Baldy H. Starke, deceased, v. James Pickett." *Reports of Cases in Equity, Argued and Determined in the Court of Appeals of South vol. III* (Charleston, McCarther & Co., 1856) Pgs. 28-37

demonstrated the act of oppression associated with skin color at the national level.

The U.S. Citizenship and Immigration Service defines the act of naturalization simply as “the process to become a U.S. citizen if you were born outside of the United States.”⁸⁷ Though a topic still heavily under debate to this day, the idea of naturalization falls under the protection of the laws of the United States and is afforded certain rights, no matter the choice of residence. However, there was a matter of skin color. In 1790, three years following the establishment of the U.S. Constitution, Congress passed a bill setting the perimeters of naturalization. "Be it enacted by the Senate and House of America in Congress assembled that any alien, other than an alien enemy, being a free white person... may be admitted to become a citizen..."⁸⁸ The naturalization laws that would follow the original 1790, the Naturalization Act of 1795, 1802, until the fourteenth amendment in 1868, would fail to see those of African descent as citizens, despite their long history living in the country.

Those classified as "free" enjoyed some semblance of "freedom" (although still restricted). Yet, those found within the institution of slavery were seen as property, evident by their treatment in wills and estates. The only consideration of those enslaved was in terms of numbers regarding the U.S.

⁸⁷ "Application for Naturalization." USCIS.gov 2022 <https://www.uscis.gov/n-400> Accessed 17 January 2022

⁸⁸ U. S. Laws, Statutes, Etc. *A bill to establish an uniform rule of naturalization, and to enable aliens to hold lands under certain restrictions.* New York, Printed by Thomas Greenleaf. New York, 1790. Pdf. <https://www.loc.gov/item/rbpe.21301100/>.

constitution. During the debate on the formation of the legislative branches, one James Wilson, representing Pennsylvania, offered a solution. Determining whether numbers within the new legislative body would be based on total population, including those enslaved, or a set number, it was Wilson who first proposed the Three-Fifths Compromise. The compromise stated:

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, **three fifths of all other Persons.**⁸⁹

Though possibly connected with political and financial reasons, Paul Schor argues that creating and accepting such a ruling established a clear distinction based on color.⁹⁰ One the few times color is referenced within the lines of the Constitution, the three-fifths compromise further divided the nation based on color. People of African descent were denied full personhood. The National Census, beginning in 1790, was responsible for counting the entire population, a task it continues to do until this date. Yet unlike today's census, the options for race were limited to white or black. Though the 1850 census would expand its perimeters to include the categorization of mulatto, color was not the only mechanism of oppression in the census for those of African descent. Names were almost wholly admitted. According to Schor, the U.S. census considered

⁸⁹ "Three-Fifths Compromise." Article I Section II US Constitution 1787
<https://www.archives.gov/founding-docs/constitution-transcript>

⁹⁰ Schor, Paul *Counting Americans: How the U.S. Census Classified the Nation*. Translated by Lys Ann Weiss (New York, Oxford University Press 2017) Pg. 17

every other description, "deaf," "blind," and even "idiotic," before the name of the individual.⁹¹ In the eye of the law, color was often considered more important than the individual's background.

Though once enslaved, Mary Ellen Pleasant was soon freed and traveled to California, where she would amass and lose millions. Mary Ellen Pleasant would hide her identity as an African American woman, choosing to pass as a white woman. Lerone Bennett Jr., in an *Ebony* profile of the self-made entrepreneur, would proclaim her “a great magician who had the rare ability to make people see what she wanted them to see or, better, what they wanted to see.”⁹² Whether referring to her race or her business tactics, the fact is that despite securing her freedom and her wealth, Pleasant was not freed from the oppressive system of slavery in significant part due to the Fugitive Slave laws. The first appearance of a fugitive slave act was found within Article 4 Section 2 of the U.S. Constitution. The article stated:

“No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.”⁹³

Though no connection to color exists, it laid the foundation that would be pivotal for later versions of the fugitive slave acts. Although the act gave the

⁹¹ Schor, Paul *Counting Americans: How the U.S. Census Classified the Nation*. Translated by Lys Ann Weiss (New York, Oxford University Press 2017) Pg. 51

⁹² Bennett Jr., Lerone. “A Historical Detective Story: Part 1 The Mystery of Ellen Pleasant.” *Ebony* June 1993, original publication April 1979 Pg. 58

⁹³ “Article 4 Section 2: Fugitive Slave Act.” *U.S. Constitution* 1793
<https://www.archives.gov/founding-docs/constitution-transcript#toc-section-2--2>

appearance of the slaveholder's power over enslaved people, slave states held little sway over free states/governments to enforce such an act or act of their own volition. Residents of Georgia faced the criticism of Spanish representatives for entering the territory of Florida "without any application to the Government, seized and carried into Georgia, certain persons, whom they claim to be their slaves."⁹⁴ It is for these reasons, according to Scott Basinger, that this clause was followed by The Fugitive Slave act of 1793.⁹⁵ Originally titled "An Act respecting fugitives from justice and persons escaping from the service of their Masters," the fundamental changes under the Fugitive Slave Act of 1793 required proof of status as an enslaved person and gave the power to northern judges in these proceedings. However, the law gave the ability to "transport him or her to the state or territory from which he or she shall have fled" to any charged with finding freedom seekers in addition to fining those who would interfere five hundred dollars.⁹⁶ The 1793 act was far from being regularly enforced, and northern states attempted to maintain power by passing "anti-kidnapping laws" and refusing to hear cases to avoid being held to the 1793

⁹⁴ Jefferson, Thomas "Opinions on Fugitive Slaves." *The Writings of Thomas Jefferson* vol. 6 1792-1794 ed. Paul Leicester Ford (New York, G. P. Putnam's Sons, 1895) Pg. 141

*Florida would not join the Union until 1845 and was previously under the jurisdiction of Spain as a colony.

⁹⁵ Basinger, Scott J. "Regulating Slavery: Deck-Stacking and Credible Commitment in the Fugitive Slave Act of 1850." *Journal of Law, Economics, & Organization* 19, no. 2 (2003) Pg. 308 <http://www.jstor.org/stable/3555107>.

⁹⁶ *U. S. Laws, Statutes, Etc. Second Congress of the United States: at the second session, begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday, 5 November, one thousand seven hundred and ninety-two.* An act respecting fugitives from. Philadelphia, 1793. Pdf. <https://www.loc.gov/item/rbpe.21900800/>.

proceedings, seen in states such as Pennsylvania, Indiana, and more.⁹⁷ Though lacking in power, the significance of the 1793 act was the foundation it formed for a later policy set about targeting people by the color of their skin.

The issue of slavery had long been a dividing factor within the country. Following the ending of the international slave trade, the domestic slave trade became a more significant priority for large Southern plantation owners and politicians. Southern plantation owners criticized the lackadaisical pursuit of upholding the fugitive slave laws. Governor William Seward, twenty years before becoming the Secretary of State under Abraham Lincoln, denied Virginia Governor David Campbell's request for the return of three supposedly fugitive slaves, arguing "the state is still at liberty to protect her citizens in procuring slaves to escape into the State, and stealing them from their masters."⁹⁸ Due to pressures from the southern states, Congress, as it welcomed two more states in the form of California and Texas, created a stronger fugitive slave law that would know nothing more than the color of skin.

Credited to Kentucky Senator Henry Clay, the Compromise of 1850 became instrumental in impeding an armed conflict between the North and South over the issue of enslavement. Composed of several points, one being the entrance of California as a free state, Texas as a slave state, and banning the

⁹⁷ Basinger, Scott J. "Regulating Slavery: Deck-Stacking and Credible Commitment in the Fugitive Slave Act of 1850." *Journal of Law, Economics, & Organization* 19, no. 2 (2003) Pgs. 316-317 <http://www.jstor.org/stable/3555107>.

⁹⁸ *Farmers' gazette, and Cheraw advertiser*. (Cheraw, SC), 24 January 1840. <https://www.loc.gov/item/sn85042795/1840-01-24/ed-1/>.

slave trade in Washington D.C., it is the establishment of the Fugitive Slave Act of 1850 that had a resounding effect on a portion of the population. As stated in the Fugitive Slave bill of 1850, "be it further enacted, that when a person held to service or labor in any state or territory of the United States, has heretofore or shall hereafter escape into another state or territory of the United States, the person or persons to whom such services or labor may be due...may pursue and reclaim such fugitive person...."⁹⁹ The act of 1850 was not the first of its kind, only a continuation of its 1793 version; however, it increasingly pressured both the South and North to capture those of African descent. The law not only required law officials to carry out the act, but "all good citizens are hereby commanded to aid and assist..." in the capture of any fugitive slaves.¹⁰⁰ The fear of capture was significant as, according to Henry Watson, a former enslaved person in Mississippi who sought freedom, there were "men who do nothing else but hunt fugitive slaves with hounds...."¹⁰¹ If the story of Solomon Northup is to be given any credit, the creation of the Fugitive Act of 1850 further oppresses those of African descent simply for the color of their skin.

Solomon Northup, the subject of the autobiography turned Hollywood film, *Twelve Years a Slave* was only one of the many captured freed persons forced

⁹⁹ "Section 6." *United States, and Printed Ephemera Collection. Fugitive slave bill ...: Approved. [1850]* Pdf. <https://www.loc.gov/item/rbpe.09302300/>.

¹⁰⁰ "Section 5" *United States, and Printed Ephemera Collection. Fugitive slave bill ...: Approved. [1850]* Pdf. <https://www.loc.gov/item/rbpe.09302300/>.

¹⁰¹ Watson, Henry, 1813, and African American Pamphlet Collection. *Narrative of Henry Watson, a fugitive slave*. Boston: Published by Bela Marsh, 1849. Pdf. <https://www.loc.gov/item/92838849/>. Pg. 31

into enslavement under the eyes of the Fugitive Slave Act. Before his capture, Solomon Northup was married, had children, and worked in the business of navigation and farming; overall, Northup "in the possession of abundance, and, and in fact, leading a happy and prosperous life."¹⁰² Under the guise of employment, Solomon Northup was led into chains and into a life of enslavement. Solomon Northup was simply called a "black liar" and beaten by his capturers despite his assertion of his freedom.¹⁰³ The stricter guidelines of the Fugitive Slave Act of 1850 led to many more that found themselves in a similar situation as Northup. Although the exact numbers of such cases can never indeed be known, testaments of Solomon Northup's experiences only live on to speak of the power of the government's policies based on skin color. As Solomon Northup would remark in the beginning, "[t]he voices of patriotic representatives boasting of freedom and equality, and the rattling of the poor slave's chains, almost commingled. A slave pen within the very shadow of the Capital!"¹⁰⁴

Legal frameworks designed to enforce the idea of the inferiority of those of African descent in contrast to their assertion of the supremacy of white skin did not only exist at the state level. These ideas were spread nationwide through the

¹⁰² Northup, Solomon. *Twelve years a slave. Narrative of Solomon Northup, a citizen of New-York, kidnapped in Washington City in 1841, and rescued in 1853, from a cotton plantation near the Red River, in Louisiana.* (Auburn, Derby and Miller; Buffalo, Derby, Orton and Mulligan; etc. 1853) Pg. 24
<https://catalog.hathitrust.org/Record/012189109>

¹⁰³ Northup, Solomon. *Twelve years a slave.* Pgs. 43-44

¹⁰⁴ Northup, Solomon. *Twelve years a slave.* Pg. 42-43

federal frameworks of Naturalization and the Fugitive Slave Acts. All African descent were targeted for their complexion and forced to live in a system that did not recognize their rights or status as human beings. Overall, in an oppressive regime, women of African descent faced even greater restrictions in the face of enslavement.

Women and the Law

Women faced the same oppressive policies enforced on the men and sometimes children of their community. However, women became subject to stricter policies and societal rules, rules concerning miscegenation in the fight to preserve white supremacy. Though, as stated earlier, women of African descent were valued for their reproductive abilities, they were judged for their complexion. The earliest slave codes emphasized the supposed superiority of the white race while emphasizing the necessity of "racial purity." Miscegenation, relations between two different races, was at the heart of the earliest laws and court cases and a critical basis for the future of segregation, which will be discussed later in Chapter Three. Those of African descent, especially women, were often painted as corrupted individuals, often receiving more severe punishments than their white counterparts.

In 1630, over ten years after the first group of Africans arrived on the North American continent, Jamestown, Virginia, was one of the early sites over the issue of miscegenation. Hugh Davis was convicted and punished for "defiling

his body in lying with a Negro."¹⁰⁵ Ten years later, Virginia courts required penance from Robert Sweat for being with a woman of African descent who was whipped for her part in the supposed crime.¹⁰⁶ Though the ambiguity of Davis's race provides little evidence, Sweatt's apparent status as a white man and his relationship with a woman of African descent provide a definitive examination of the perception of interracial relationships. The phrase "defiling his body" exhibits the lack of power and status of enslaved persons. It also reveals the inferior status linked with those of African heritage. Women of African descent were continuously linked to sexual impropriety, drawing a distinct contrast with descriptions of white women.

The cases of Hugh Davis (1630) and Robert Sweat (1640) were the earliest cases where the courts addressed the topic of miscegenation. The 1662 Act XII of the Virginia Law, otherwise known as the Hereditary Slave Law, became one of the first laws in the New World that reinforced the distinction between white and nonwhite populations. Laying the foundation for the future Grandfather Clause of the Reconstruction era (discussed in chapter three), the Hereditary Slave Law reified the power of a woman's skin color.¹⁰⁷ Act XII of 1662 states:

¹⁰⁵ Hening, William Waller *The Statutes at Large: Being a Collection of all the Laws of Virginia From the First Session of the Legislature, in the year 1619 vol. I.* (Richmond: Samuel Pleasants, 1809) Pg. 146 <https://archive.org/details/statutesatlargeb01invirg/page/146/mode/1up>

¹⁰⁶ Mumford, Kevin. "After Hugh: Statutory Race Segregation in Colonial America, 1630-1725." *The American Journal of Legal History* 43, no. 3 (1999): Pg. 283

¹⁰⁷ Hugh Davis and Robert Sweet were white men punished for having relations with a woman of African descent, first Davis in 1630 and then Sweet in 1640

Whereas some doubts have arisen whether children got by any Englishman upon a negro woman should be slave or free, Be it therefore enacted and declared by this present grand assembly, that all children borne in this country shall be held bond or free only according to the condition of the mother, And that if any Christian shall commit fornication with a negro man or woman, he or she so offending shall pay double the fines imposed by the former act.¹⁰⁸

The supposed inheritance of enslavement did not extend only to the British colonies but to other European colonies. The *Code Noir* (also referred to as the "Black Code"), established in 1685 for the French colonies in America, modeled the slave codes passed in Virginia and other British colonies. Also determining the status of the child based on the lineage of the mother, the *Code Noir* "...the children, both male and female, follow the condition of their mother..." if the mother were white, so would her children, but the same argument would stand if the mother were enslaved.¹⁰⁹ Women of color lacked control over their bodies and children within the current legal frameworks.

Enslaved women were often powerless against physical abuse within the institution of slavery. In North Carolina, in 1829, at the lower court, John Mann was found guilty of assaulting an enslaved woman named Lydia, who worked for Elizabeth Jones. However, upon his appeal to the state's Supreme Court, his verdict was reversed. The state's supreme court would argue, "[o]ne who has a

¹⁰⁸ "Hereditary Slavery Law Virginia 1662-ACT XII" William Waller Hening *the Statutes at Large: Being a Collection of all the Laws of Virginia From the First Session of the Legislature, in the year 1619 vol. II.* (Richmond: Samuel Pleasants, 1809)

<https://archive.org/details/statutesatlarge02virg/page/n6/mode/1up> Pg. 179

¹⁰⁹ "The Code Noir, March 1685." Lewis, Catherine M. *Women and Slavery in America: A Documentary History*, edited by J. Richard Lewis, University of Arkansas Press, 2011. ProQuest Ebook Central, <http://ebookcentral.proquest.com/lib/csusb/detail.action?docID=2007646>. Pg. 42

right to the labor of a slave, has also a right to all the means of controlling his conduct which the owner has. Hence one who has hired a slave is not liable to an indictment for a battery on him, committed during the hiring."¹¹⁰ In a normal circumstance, a woman had little power in the eyes of the court, often requiring a male authority to speak on her behalf. Women of African descent, freed or enslaved, had significantly less power. Unable to testify in court, the Supreme Court case ruling reveals they held little power over their own body.

The slave codes, wills, equity cases, federal frameworks, and more legal stated that power rested in the color of skin, and those whose skin color was deemed not *white enough* were labeled as inferior. Facing hard labor and abuse, those within the institution faced the reality that they were seen as less in the eyes of the law. Facing the same laws as men, women were further restricted by additional laws and policies based on gender. Valued only for their reproductive abilities, women not only faced the ideology surrounding the supremacy of the white race, but the beauty industry capitalized off such ideals. It was no longer that white equaled power but beauty as well.

The Law, Beauty, and Skin

Through establishing its legal frameworks, the North American colonies, and eventually the United States, cemented the connection between skin color and societal power. Beauty standards throughout history have long emphasized the desire and importance of white skin. Paintings of the Italian Renaissance,

¹¹⁰ *State v. Mann* - 13 N.C. 263 (1829)

early Chinese literature, and the Japanese ukiyo-e included depictions of fair-skinned beauties. In his commentary on Virginia Laws in 1781, Thomas Jefferson also spoke of the importance of beauty. Jefferson states, "The circumstance of superior beauty is thought worthy of attention in the propagation of our horses, dogs, and other domestic animals; why not in that of man?"¹¹¹ During the nineteenth century, America's beauty industry was only beginning to form; products once made in the family kitchen for the individual slowly transitioned to factories for the masses. Though slow and limited in its early stages, the American beauty industry, formed during the last era of enslavement, capitalized on the legal and social ideals surrounding skin color and race. It was also responsible for establishing a foundation surrounding the idea of beauty and the skin that persisted long after the end of the institution of slavery.

Soap, a product long-standing within the world, served as a conduit for the United States into the beauty industry. Bathing arose with the rise of civilizations around the world, as seen in the imperial baths of Rome, beginning under the reigns of emperors Titus and Trajan, and turning into sites of trading.¹¹² Where Rome used oils and fats, China's soap industry was composed of vegetables and creams. Centuries later, the demand in places like the United States would rise

¹¹¹ Jefferson, Thomas. "Laws." *Notes on the State of Virginia*, edited by William Peden. (University of North Carolina Press) 1982.

http://www.jstor.org/stable/10.5149/9780807899809_jefferson.19 Pg. 138

¹¹² Boatwright, Mary T., Daniel J. Gargola and Richard J.A. Talbert. *A Brief History of the Romans*. (Oxford: Oxford University Press, 2006) Pg. 244

during the 1860s.¹¹³ Originally thought of as nothing more than a preventive measure against the diseases of the Middle Ages, such as the Black Death, the significance of soap took on new meaning as the influence of ideas surrounding enslavement and skin color spread following the age of exploration during the sixteenth century. The use of soap was no longer simply a measure of cleanliness but a measure of civilization and racial superiority.

More than a simple element of order, cleanliness was equated with civilized behavior as it was with moral and pure behavior. Valerie Curtis of the Hygiene Center in London argues that the importance of cleanliness became instrumental in early cultures such as Mesopotamia and was cemented in religious texts such as the Manusmriti, the Bible, and the Qur'an.¹¹⁴ Well-known British surgeon of Victorian England, Sir Erasmus Wilson evoked the “value of cleanliness” not simply for its value in the prevention of disease; cleanliness, according to Wilson, “pour forth a stream of health, of happiness, of loyalty, of thoughtfulness...elevate the moral position of those whom they succor..” benefits which are seen by society as much as the individual.¹¹⁵ From Europe to North America, the connection between soap and ideas of morality and superiority

¹¹³ Jones, Geoffrey. *Beauty Imagined: A History of the Global Beauty Industry*, Oxford University Press, Incorporated, 2010. ProQuest Ebook Central, Pg. 71

¹¹⁴ Curtis, Valerie A. “Dirt, Disgust and Disease: A Natural History of Hygiene.” *Journal of Epidemiology and Community Health* (1979-) 61, no. 8 (2007): 660–64. <http://www.jstor.org/stable/40666131>. Pg. 662

The religious verse cited is Law of Manu 135, Psalms 51:2, Qur'an 2:223

¹¹⁵ Wilson, Erasmus. *Healthy Skin: A Popular Treatise on the Skin and Hair, Their Preservation and Management*. 2nd American (Philadelphia, Blanchard and Lea, 1854) pg. viii
This text has several editions, both from English and American publishers

influenced society, where soap was a sign of “civilization in European eyes.”¹¹⁶ Impactful on American society, the connection between cleanliness and civilization and inadvertently beauty and race led to the development of America's oldest brands.

Long-time business Procter and Gamble established their roots with candle making and soap in the 1830s.¹¹⁷ Lisa Lebduska, in examining the famous soap brand, Procter and Gamble, tracks the popularity of their white soap to protect purity against “the perils of illness, poverty, race, and social unrest.”¹¹⁸ Nineteenth-century Thomas Ewell's guide to women, *Letters to Ladies*, speaks of lessons regarding child-rearing and childbirth but first addresses the importance of “purifying the person.”¹¹⁹ The importance of cleanliness dealt with a great deal more than simple smell, as pressing as Ewell observed odor to be. According to Ewell, “men of sense really consider your virtue as intimately connected with the cleanliness of your person and habits.”¹²⁰ Though spending a great deal of time arguing for the value of warm water, the use of soap was not without its merits, according to Ewell. Though Ewell's text does not address a specific race, it is evident that his advice focused on white women in the United States. On healthy

¹¹⁶ Van Dijk, Kees “Soap is the Onset of Civilization.” *In Cleanliness and Civilization Indonesian Histories*, ed. Kees Van Dijk and Jean Gelman Taylor (Lediden: KITLV Press, 2011) Pg. 4

¹¹⁷“P&G History.” *PG.COM* accessed 18 January 2022 <https://us.pg.com/pg-history/>

¹¹⁸ Lebduska, Lisa. (2015). “Ivory Soap and American Popular Consciousness: Salvation through Consumption.” *Journal of Popular Culture*, 48(2), 385–398.

¹¹⁹ Ewell, Thomas *Letters to Ladies Detailing Important Information Concerning Themselves and Infants*. (Philadelphia, W. Brown, 1817)

¹²⁰ Ewell, Thomas *Letters to Ladies Detailing Important Information Concerning Themselves and Infants* Pg. 34

skin, one of his recommendations is to "guard against exposure to a hot sun" in the face and arms to "prevent them from being *discoloured* by light."¹²¹ Many women of African descent, especially those enslaved in the south, would not have the ability to shield themselves against the sun, being forced to work long hours in the sun with no protection.

Even in the first few years of re-uniting American society following the Civil War, soap advertisements preserved the connection between race, beauty, and status. Four women gather around the product in an advertisement for "Dobbins' Medicated Toilet Soap," featured in Figure 2.5. Women of elevated status, as evident by their appearance and even their setting. Seen pictured in a parlor, a room not often found in the houses of lower-class citizens, the women's attire evokes wealth and status. The scarves, gloves, hats, jewelry, and even the dresses' design serve as evidence of all the women's social status in the United States in the 1860s. The four women featured are also white. The product itself has no connections with the skin other than being possibly used as an antiseptic. However, the choice of racial and class status of the women featured draws clear connections between race, status, and civilization, as previous advertisements and recipes had.

¹²¹ Ewell, Thomas *Letters to Ladies Detailing Important Information Concerning Themselves and Infants* Pg. 54-55

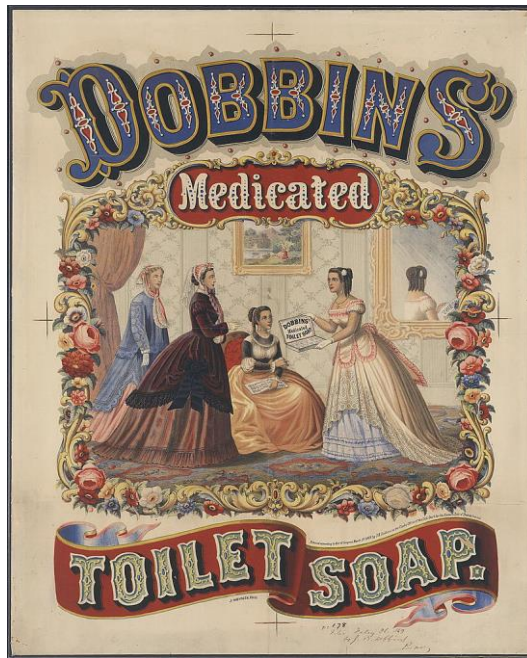


Figure 2.5 1869 Advertisement for Dobbins' Medicated Toilet Soap

With connections to both morality and ideas of civilization, the preference of white skin was modeled in the beauty industry products. Within a society seen as no more than second-class citizens, beauty for women became their avenue for power, skin being a particularly important fount of status. In connection with notions of race that developed during the nineteenth century, Mary Cathryn Cain shows how the scientific classification of race served as an "advantage of white women."¹²³ For the white woman in the United States, the complexion of her skin is what sets her above all others. Although soap would drastically change

¹²² Figure 2.5 Haehnlén, Jacob. *Dobbins' medicated toilet soap* ca. 1869 lithograph <https://www.loc.gov/resource/ppmsca.08126/>

Not much is known about Dobbins' medicated soap or the company itself during this era.

¹²³ Cain, Mary Cathryn Cain. "The Art and Politics of Looking White: Beauty Practice among White Women in Antebellum America." *Winterthur Portfolio*. Vol. 42. No. 1 (Chicago, University of Chicago Press 2008) Pg. 29

following the years after the Civil War, its role as an essential cosmetic "for smoothing the hair and brightening the complexion," did not.¹²⁴

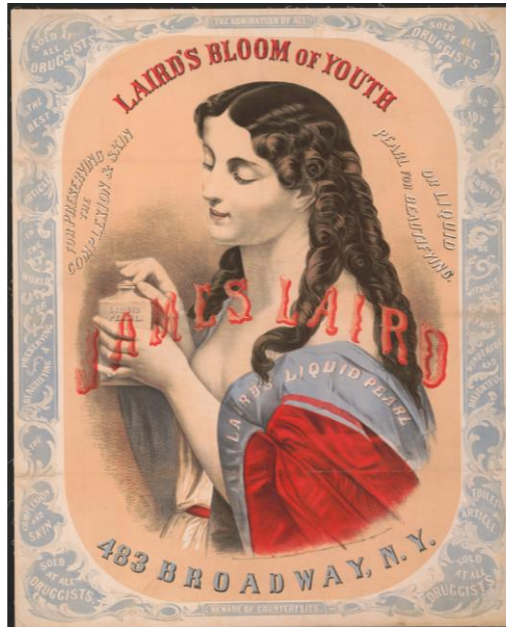


Figure 2.6 1860 Advertisement for Laird's Bloom of Youth Skin Cream

The desire for white skin in American society was so intense that dangerous products of the beauty industry were deemed acceptable. In 1870, Dr. Lewis A Sayre gave a pamphlet to Dr. Harris that contained supposed evidence of lead palsy, or paralysis caused by lead poisoning.¹²⁶ The cause of such a condition is "Laird's Bloom of Youth," a cream that promises to "beautify" the skin by creating a complexion of brighter or rather whiter skin, as featured in figure 2.6 above. The advertisement for "Laird's Bloom of Youth" featured in the figure of 2.6 personifies the ideal beauty within American society during enslavement. The

¹²⁴ "Origin of Soap." *Scientific American* Vol 13. (2 September 1865) pg. 143

¹²⁵ Figure 2.6 *Laird's Bloom of Youth, for Preserving the Complexion & Skin or Liquid Pearl for Beautifying*. ca. 1860. [United States: publisher not transcribed] Photograph. <https://www.loc.gov/item/2018694752/>.

¹²⁶ "Poisonous Cosmetics." *Scientific American* vol. 22 No. 24 (June 1870) Pg. 385

woman in the image reveals more skin than what is socially acceptable for the age with soft, delicate features. Not done for seductive purposes, the woman's skin is bare to show the degree of her white skin. Seemingly following the advice of Thomas Ewell, the woman's skin is far from being labeled as "discoloured."

Presented in front of the Board of Health, in addition to other cosmetic products, the phrase "beauty is pain" takes an entirely new meaning in the case of Laird's Bloom of Youth.¹²⁷ Mayo Clinic, presently a highly ranked hospital in the United States, states that lead poisoning can lead to severe conditions involving but not limited to memory problems, fertility issues as well as problems with joints and muscles.¹²⁸ Although knowledge of lead poisoning was limited, there was enough to recognize the medical concerns associated with lead products to warrant a committee on the topic in 1870, ten years after the advertisement above would appear in magazines across the United States. Laird's "Bloom of Youth" was not the only product to use questionable products in the name of "whiter" skin.

Powders sometimes fared no better. Brands such as Phalon Snow Enamel included traces of chemicals.¹²⁹ As Geoffrey Jones would state, "A pale and clear skin, blushing cheeks, and a natural appearance became the norms of female beauty in the West."¹³⁰ Mercury, lead, and even arsenic were ingredients

¹²⁷ "Poisonous Cosmetics." *Scientific American* vol. 22 No. 24 (June 1870) Pg. 385

¹²⁸ Mayo Clinic Staff. "Lead Poisoning." *Diseases & Conditions: Mayo Clinic.org* 21 January 2022 <https://www.mayoclinic.org/diseases-conditions/lead-poisoning/symptoms-causes/syc-20354717>

¹²⁹ "The Pharmacists and Chemical Record. (Chicago, College of Pharmacy, 1870) vol. III

¹³⁰ Jones, Geoffrey. *Beauty Imagined: A History of the Global Beauty Industry*, Pg. 62

found in the early skin-lightening recipes. According to A. Petit, women of the ancient world would lighten their skin as "a sign of femininity,"; yet beginning as early as the seventeenth century, it had a greater deal to do with the current racial hierarchy that was created within North America, first by social rules and then by legal ones.¹³¹

Conclusion

Mary Ellen Pleasant, an enslaved turned free woman, rose higher in American society than many women and men at the time. Shrouded in mystery, Pleasant is not only notable for her millions but her role in helping fugitive slaves. Admired for her work, W.E.B. Du Bois remarked "... she held her memories, her hatreds, her deep designs and throughout a life that was perhaps more than unconventional, she treasured a bitter hatred for slavery and a certain contempt for white people."¹³² Said to have provided funding for John Brown's mission to free all who were enslaved, Pleasant was not only an entrepreneur but a noted abolitionist. Despite everything she had gained and contributed, her race and gender found her trapped within the limiting racial lines of American society. However, Pleasant would often rely on her ability to pass for a white woman, using powders when needed.

¹³¹ Petit, A. "Skin Lightening and its motives: A historical overview." *Annales de Dermatologie et de Vénérologie* Vol. 146 Issue 5 May 2019 399-409 Pgs. 400 <https://www-sciencedirect-com.libproxy.lib.csusb.edu/science/article/pii/S0151963819301577>

¹³² Du Bois, W.E.B. *The Gift of Black Folk: The Negroes in the Making of America*. (Boston: The Stratford Co., 1924) Chapter 6 g. 271 https://www.gutenberg.org/files/66398/66398-h/66398-h.htm#Page_271

The establishment of the institution of slavery that occurred in the seventeenth century, and the slave codes, wills, and federal laws that soon followed, cemented the idea within society at large that white was superior to nonwhite. Although this ideology would apply to several racial groups, those of African descent were severely restricted under such ideology. Though current records still limit the total exposure of personal experience suffered under such ideology, the capitalization by the beauty industry and the legal frameworks provide great insight into the oppressive regime that developed through beauty techniques. North America, from the early 1600s to the mid-1800s, first as colonies then as an independent nation, was responsible for creating a social order that would dominate well into the twentieth century, some might argue even today. A social order that would place white above all others, it continued to be reinforced by the legal institutions of Jim Crow and the expanding beauty industry.

CHAPTER THREE

JIM CROW, THE SKIN, AND NOTIONS OF BEAUTY

On a warm sweltering day, Irene Redfield made her way to the Drayton Hotel in Chicago, where she encountered Clare Kendry. As Irene rekindles her friendship with childhood friend Clare Kendry, her fascination with Clare is partially due to her ability to "Pass." "She wished to find out about this hazardous business of 'passing,' this breaking away from all that was familiar and friendly to take one's chance in another environment, not entirely strange, perhaps, but certainly not entirely friendly."¹³³ In 1929, during the Harlem Renaissance, Nella Larsen published a book that provided insight into a concept called "Passing." Bearing the same title, *Passing* tracks the lives of two women through the eyes of one of the characters, Irene Redfield. As the other titular character, Clare Kendry reinserts herself into African American culture after years of "passing" in the "white world," the reader briefly glimpses into why someone might want, or instead need, to pass for white in the United States during the 1920s.

Nella Larsen does not fully address the national events of the age but hints at why lighter skin seemed ideal in 1920s America. Many chose several means to circumvent the oppressive policies that followed the Civil War, including the permanent alteration of one's skin. This chapter will examine the period from

¹³³ Larsen, Nella *Passing* (United States of America: Start Publishing LLC) ebook 2012 original publication 1929 Chapter 2 Pg. 16

1866 to the 1960s, analyzing the impact of the oppressive policies and societal rules that occurred during the era of Jim Crow. The analysis of such policies provides clarity for the increasing demand for skin lighteners, even at the end of Jim Crow.

An Era of Reconstruction

The period of enslavement and its accompanying legal frameworks sought to establish a clear social hierarchy, one in which those of white classification was at the top. The brief Reconstruction period in the United States sought to recognize those previously enslaved legally.

Article XIII Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.¹³⁴

As important as the Emancipation Proclamation is, the passage of the 13th Amendment signified a significant social, political and economic shift within the United States. Its ratification and addition to the United States Constitution meant the end of an institution designed to oppress a racial group and take advantage of their labor to benefit the larger white plantation owners. Coming at the end of the Civil War and the beginning of the Reconstruction Era (1865-1877), the thirteenth Amendment was only one of three amendments added

¹³⁴ Lincoln, Abraham. *Abraham Lincoln papers: Series 3. General Correspondence. 1837 to 1897: Congress, Wednesday, Joint Resolution Submitting 13th Amendment to the States; signed by Abraham Lincoln and Congress.* 1 February 1865. Manuscript/Mixed Material. <https://www.loc.gov/item/mal4361100/>

during this time (nicknamed the Reconstruction Amendments) meant to define the legal standings in the United States.

The Fourteenth Amendment declared that:

“all persons born or naturalized in the United States...are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”¹³⁵

Theoretically, the same rights, such as the freedom of speech or a trial by a jury of one's peers, which were exclusively held by those of the white race, now knew no "color," just as the vote no longer recognized color. Under the Fifteenth Amendment, the right to vote could not be impeded because of one's "race, color or previous servitude" (gender would have to wait).¹³⁶ After a fierce battle by one Charles Sumner, the banning of racial discrimination and the recognition of the equal status of African Americans was declared with the passing of the Civil Rights Act of 1875. Sumner believed "[e]quality is where all are alike. A substitute can never take the place of equality...."¹³⁷

¹³⁵ “The Fourteenth Amendment, 1868.” Lewis, Catherine M., and J. Richard Lewis, eds. “Inventing Jim Crow.” In *Jim Crow America: A Documentary History*, University of Arkansas Press, 2009. <https://doi.org/10.2307/j.ctt1ffjm30.5>. Pg. 23

¹³⁶ “The Fifteenth Amendment, 1870.” Lewis, Catherine M., and J. Richard Lewis, eds. “Inventing Jim Crow.” In *Jim Crow America: A Documentary History*, University of Arkansas Press, 2009. <https://doi.org/10.2307/j.ctt1ffjm30.5>. Pg. 26

¹³⁷ Sumner, C. & Daniel Murray Pamphlet Collection. (1874) Equality before the law protected by national statute: speeches of Hon. Chas. Sumner, of Massachusetts, on his supplementary civil rights bill, as an amendment to the civil rights bill: in the Senate, Jan. 15, 17 and 31, 5 February, and. Washington: S. & R. O. Polkinhorn, Printers. [Pdf] Retrieved from the Library of Congress, <https://www.loc.gov/item/12005313/> Pg. 4

The Reconstruction Amendments and the Civil Rights Act of 1875 could be considered significant victories in the fight for equality; however, the period following the Reconstruction era solidified the ideologies tied to white supremacy. Legal proceedings such as Black Codes, Grandfather Clause, and Jim Crow laws were designed to maintain the power that came with white skin within the United States.

The Southern Black Codes

Only months after the thirteenth Amendment left the House to be confirmed by the states, Southern States, amid negotiation of their re-entry into the Union, were taking preemptive measures to maintain their social hierarchy. Mississippi, among the first, passed a series of laws that restricted the rights of African Americans during the time they fought to be equally recognized. Known as the "Black Codes," Mississippi would require African Americans to provide proof of housing and employment while restricting their access to the land beyond the city limits; to be found in violation carried the threat of financial loss or even imprisonment.¹³⁸ Although other southern states' black codes held differing requirements, the sentiment behind the codes, preserving an ideology before the Civil War, remained consistent.

Southern States quickly formed committees to address the conversation regarding newly freed African Americans in the South. One South Carolinian

¹³⁸ Wilson, Theodore Brantner. *The Black Codes of the South* (Alabama: University of Alabama Press, 1965) second printing 1967 Pg. 66

newspaper, the *Yorkville Enquirer*, tracked the movement of one such committee as they suggested several new bills to address the social and political state, ones that would “establish the domestic relations of persons of color” as well as “amend the law in relation to paupers, vagrancy and bastardy.”¹³⁹ Bills such as these led many, primarily African Americans, to risk a fine or imprisonment if they could not find a position. Such pressures would allow employers to underpay newly freed African Americans drastically. One Chicago newspaper, the *Chicago Tribune*, called for a protest over the case of the Black Codes and the reentrance of Southern States into the Union that used such laws. The oppressive regime was still alive within the south as, according to the *Tribune*, “South Carolina enacts, in brief, as follows: White employers shall be called masters and black persons employed shall be called servants.”¹⁴⁰

The passage of the 14th Amendment and the enforcement of the Reconstruction Act of 1867 was meant to deter the power held by the Southern Black Codes. Requiring the Southern States, or "rebel states," to accept the Thirteenth and Fourteenth Amendments, the Reconstruction Act required the full recognition of the freedom of African Americans and the rights granted to white Americans as full citizens extended to all, color, not a determinate, citizens. To the disagreement of President Andrew Johnson, the act also required the states to "secure the rights of voting at all elections to negroes, and such white men as

¹³⁹ “The Legislature” *Yorkville Enquirer*. (York, SC), 16 November 1865. <https://www.loc.gov/item/sn84026925/1865-11-16/ed-1/>.

¹⁴⁰ “Black Codes” *Chicago Tribune*. (Chicago, IL), 29 November 1865. <https://www.loc.gov/item/sn82014064/1865-11-29/ed-1/>.

may not be disfranchised for rebellion or felony."¹⁴¹ Overriding President Johnson's power of the Veto, Congress had seemingly achieved a significant victory in the equality of race. However, as evident by the passage of the Black Codes, the ideology behind white supremacy was one that had taken root. It would soon be reinforced by laws that proved to be longer-lasting, inspiring a movement and a beauty industry.

The Entrance of Jim Crow

On a Montgomery, Alabama, evening on 1 December 1955, a woman boarded the bus to take her home after a day at work. By the end of the bus ride, she would find herself arrested, detained, and associated with what many see as the critical event that launched the Civil Rights Movement. Although Rosa Parks' incident on the bus is under much debate on whether it was indeed the launching event of the Civil Rights Era of the 1950s and the 1960s, it is not when it happened that is significant but why. Refusing to move from her seat upon the order of the white bus driver, Rosa Parks, reflecting on the events of that day, stated it was not the exhaustion of the day that kept her sitting. In her own words, Parks "was tired of giving in."¹⁴²

The oppressive system challenged by Parks was not entirely new, nor was she the first woman to seek to challenge it. In 1917, Willie V. Piazza, a woman of

¹⁴¹ Johnson, Andrew. "Message of the President of the United States, returning to the House of Representatives a bill entitled 'An act to provide for the more efficient government of the rebel states.'" Washington D.C. 1867

<https://archive.org/details/messageofpreside00unite/page/n6/mode/1up>

¹⁴² Parks, Rosa, and Jim Haskins. *Rosa Parks: My Story*. (New York: Puffin Books, 1992) Pg. 116

mixed heritage, took on Louisiana Ordinance 4118 to protest the racial segregation and oppression that would result from such an act. Requiring all African descent to move to a segregated part of Storyville, Louisiana, Ordinance 4118 would see Piazza lose her family home.¹⁴³ At first, failing to secure a win at the local court level, Piazza would proceed to the Louisiana State Supreme Court, where she would win.

However, for the few victories, there were many losses, as evident by Homer Plessy (more on this later) and Sarah Dudley Pettey. In the late nineteenth century, Sarah Dudley Pettey, a descendant of formerly enslaved persons, was a feminist, writing "Women's Column" in *Star of Zion paper* towards the end of the nineteenth century. From within the borders of North Carolina, once a slave state, Pettey took on conversations of race, suffrage, gender, and more, rebelling against the "limited confines of womanhood," refusing to accept the boundaries set by her race and gender.¹⁴⁴ Pettey supported projects of industrialization meant to benefit not only men but women of color. Pettey would also support political campaigns through her newspaper to secure the victory of African American men in office. However, not all political campaigns proved to be beneficial. The 1898 campaign of one North Carolina Representative, Furnifold Simmons, falsely blamed the sexual assaults of white women on African

¹⁴³ Arceneaux, Pamela "The Storyville madam who challenged Jim Crow - and won." *The Historic New Orleans Collection* 12 June 2020 <https://www.hnoc.org/publications/first-draft/storyville-madam-who-challenged-jim-crow-and-won>

¹⁴⁴ Gilmore, Glenda Elizabeth. "Gender and Jim Crow: Sarah Dudley Pettey's Vision of the New South." *The North Carolina Historical Review*, July 1991 vol. 68 Pg. 261

American men that African American officials were protecting.¹⁴⁵ Despite Pettey's attempts to change the story, to promote African American officials, the white supremacy racial power of Jim Crow proved to be too great, and Pettey left North Carolina.¹⁴⁶

If anything was made evident by the Southern Black Codes that began to appear even before the end of the Civil War, the racial hierarchy ideology that would see white citizens above those of color did not end with the thirteenth Amendment. As impactful as the Black Codes were, a new, more oppressive set of laws replaced the previous codes. With a Supreme Court case to solidify their legitimacy, segregation in all aspects of life and the supposed supremacy of the white skin was codified by a set of laws from the end of the nineteenth century until the Civil Rights Movement beginning in the 1950s. The Jim Crow Laws became infamous in the legal frameworks at the state and federal levels.

The history of the name of the laws is one of discriminatory nature. Jim Crow, a character first introduced by Thomas Dartmouth Rice, started as a perverse perception of African Americans. Rice, a white performer, would blacken his face and perform jokes, songs, and dances that would give an impression of African Americans "who were always happy, smiling, dancing, lazy, and dim-witted."¹⁴⁷ Far from the first to create such a character, Rice's popular

¹⁴⁵ Gilmore, Glenda Elizabeth. "Gender and Jim Crow: Sarah Dudley Pettey's Vision of the New South." Pg. 281-282

¹⁴⁶ Gilmore, Glenda Elizabeth. "Gender and Jim Crow: Sarah Dudley Pettey's Vision of the New South." Pg. 283-284

¹⁴⁷ Tischauser, Leslie V. *Jim Crow Laws*, ABC-CLIO, LLC, 2012. ProQuest Ebook Central, <http://ebookcentral.proquest.com/lib/csusb/detail.action?docID=946701>. Pg. 2

status would further cement these African American stereotypes within American society. Such debasement of African Americans and reinforcement of white supremacy would lead to a set of laws designed to separate based on race, being nicknamed the "Jim Crow Laws."

The open separation of races, or rather, segregation, occurred in the physical, relational, and legal fields. Louisiana state law in 1890 stated, "Separate cars or compartments for white and colored passengers. Railroads doing business in this State shall furnish equal accommodations, in separate cars, or compartments of cars, for white and colored passengers, and when a car is divided into compartments, the space set apart for white and colored passengers, respectively."¹⁴⁸ Public spaces throughout the country suddenly bore signs dividing whites from the other races in the United States. Whether it was the railroad, drinking fountains featured below in Figure 3.1, or schools, legislators' desire to prevent the integration of races was evident.

¹⁴⁸ Separate Car Act of 1890, Louisiana



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Figure 3.1 Photograph of 1938 Segregated Drinking Fountain

Segregation alone proved not to be the only issue with the Jim Crow Laws. For not only were the races separated by the color of their skin, but the disparities in the quality of the facilities were significant. John Stokes, a student leader of the R.R. Moton High School walkout in April 1951, spoke of a learning environment that would not pass by today's standards. "The buildings, the shacks themselves, well to tell you frankly I used to catch colds in them. They were drafty and they were cold. If you sat around the stove you were too warm and if

¹⁴⁹ Figure 3.1 Vachon, John, photographer. "Untitled photo, possibly related to: Drinking fountain on the county courthouse lawn", Halifax, North Carolina. United States Halifax North Carolina, 1938. [Apr] Photograph. <https://www.loc.gov/item/2017717047/>

you sat away from it you were too cold...."¹⁵⁰ An example of one in a nation filled with similar situations, in sharp contrast, white schools were of higher quality, including indoor facilities as simple as heating. Although the U.S. District Court, in *Dorothy E. Davis v. County*, would require the county to address the inequalities that existed in the school, Section 140 of Virginia's Constitution at the time of the case that mandated the segregation of schools was deemed legal. The court stated that the Federal Courts had yet to outlaw segregation throughout the country, and they were to follow the Federal government's example.¹⁵¹

Dorothy E. Davis v. County was at the crux of the origins of the Civil Rights Movement. However, its complaints were a reality for African Americans under Jim Crow for nearly eighty years. Captured in a satirical yet revealing fashion, a cartoon, Figure 3.2, from the famous magazine Puck, "For the Sunny South: An airship with a "Jim Crow" trailer," published in 1913, exemplifies the treatment of African Americans in the United States. While the white passengers cruise in a plane at the front, the "car" that carries African Americans is more

¹⁵⁰ Bob Smith, "They Closed Their Schools: Prince Edward County, Virginia, 1951-1964," Pg. 40 extract from own previous work "Barbara Johns: A Statute and an Unveiling Legacy." published 2021

*On 23 April, 1951, sixteen-year-old Barbara Johns would lead a student body of over four hundred students in a walkout to protest the inequalities that existed within the school system of Prince Edward County, Virginia. In addition to others, her court case would culminate in the well-recognized *Brown vs. the Board of Education*.

¹⁵¹ Armistead M. Dobie, Sterling Hutcheson, and Albert V. Bryan (1952)"The Prince Edward County, Virginia Case Decision." Pgs. 528-529

Knight, H. asserted previous text on Barbara Johns and School Walkout that is found in "Barbara Johns: A Statue and an Unveiling Legacy" 2021 (pgs. 3-4)

than a mere balloon. Whether servants or higher class, the satirical piece enlightens the reader on the true nature of "separate but equal."

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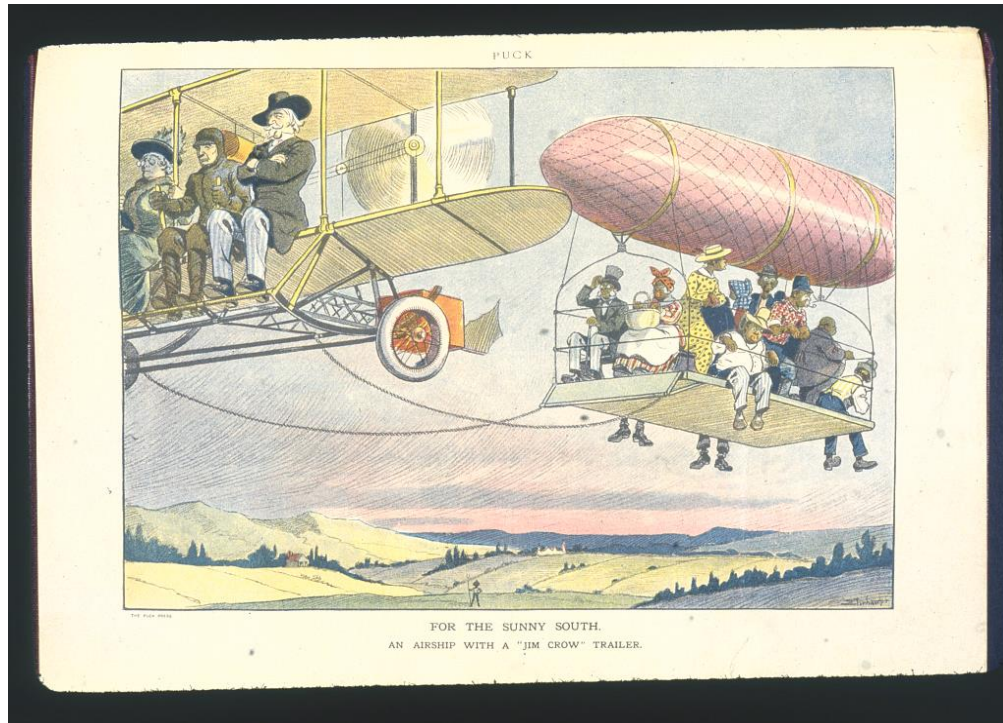


Figure 3.2 1913 *Puck* Cartoon "For the Sunny South. An Airship with a "Jim Crow" trailer"

California has been one of the most diverse states since its origins, drawing many during the mid-1800s with the promise of gold and other opportunities. However, Jim Crow would also come to California despite its diverse nature, touching many areas. The national publication of *Puck* reveals that despite common misconceptions, laws of such nature were not exclusive to the South. "Negroes, Mongolians, and Indians, shall not be admitted into the Public Schools...provided that the Trustees of any district may establish a

¹⁵² Figure 3.2 "For the Sunny South. An airship with a "Jim Crow" trailer ."United States, 1913. Photograph. <https://www.loc.gov/item/2002720354/>

separate school for the education of Negroes, Mongolians, and Indians.”¹⁵³

Looking at its legacy in the state today, California would also be the site of several cities named "Sundown Towns." So named for the exclusionary nature of signs posted around the cities, these towns excluded African Americans using several methods such as housing restrictions, pool segregation, and police force.¹⁵⁴ Though these signs would apply to several races, they were especially discriminatory against African Americans. In 1944, during WWII, Col. Alexander R. Heron, looking at the state of Colorado, remarked that Japanese Americans, who were facing other forms of discrimination with the policy of internment, fared better than African Americans.¹⁵⁵

Segregation was present around the entire country. *The Washington Bee*, one Washington D.C.-based newspaper, informed the reader of Minnesota's Civil Rights League decision to "test" the legality of segregation laws in railroad cars in Tennessee.¹⁵⁶ Jim Crow emphasized the racial power that seemed to rest solely in the hands of the white race. Any form of mixing threatened this racial hierarchy. No law best exemplified this than laws concerning miscegenation.

¹⁵³ "Chap. CLIX An Act to provide for the Maintenance and Supervision of Common Schools Sec. 68." *The Statutes of California, Passed at the Fourteenth Session of the Legislature, 1863.* (Sacramento, Benj. P. Avery, 1863) Pg. 210

¹⁵⁴ Seidman, Lila. "Glendale Confronts its racist past, apologizing for 'sundown' laws." *Los Angeles Times*. 15 October 2020 <https://www.latimes.com/california/story/2020-10-15/glendale-racist-past-sundown-town-apology>

Within the last two years, cities across the nation, not just California, have begun to address its Sundown Town history and the actions of racial discrimination that persisted, even considering the passage of laws such as the Fair Housing Act of 1968.

¹⁵⁵ "Everybody Laughed." *Rokki shimpō = Rocky shimpō*. (Denver, CO), July. 31 1944. <https://www.loc.gov/item/sn83025517/1944-07-31/ed-1/>.

¹⁵⁶ "Wanted." *The Washington bee*. (Washington, DC), 17 October 1891. <https://www.loc.gov/item/sn84025891/1891-10-17/ed-1/>.

Found across the nations in states such as Virginia, Arizona, and California, these laws worked to prevent marriages across the race, all intended to protect the white race. As stated by the state of Georgia in 1911, "Intermarriage of whites and colored people. If any officer shall knowingly issue a marriage license to parties, either of African descent and the other a white person or if any officer or minister of the gospel shall marry such persons together, he shall be guilty of a misdemeanor."¹⁵⁷ Anti-miscegenation was not an entirely new concept; several slave codes prohibited the relationship between African Americans and the white race. Nikki Khana of the University of Vermont argues that bi-racial children, classified as "mulattos," "posed problems to the strict color line separating black and white."¹⁵⁸ In an early twentieth-century history of miscegenation, Carter Woodson states, "a number of writers are loath to give up the contention that the white race is superior to others, as it is still hoped that the Caucasian race may be preserved in its purity, especially so far as it means miscegenation with the black."¹⁵⁹ Segregation was designed to draw the boundaries between different races; miscegenation broke these barriers to the great fear of white supremacy racial ideology.

¹⁵⁷ Hopkins, John L. "Article 44 Section 678 (638): Marrying, and Issuing License to Marry, Illegally" *The Code of the State of Georgia vol. II* (Atlanta: Foote & Davies Company, 1911) Pg. 134

¹⁵⁸ Khana, Nikki "IF YOU'RE HALF BLACK, YOU'RE JUST BLACK": Reflected Appraisals and the Persistence of the One-Drop Rule." *The Sociological Quarterly*, winter 2010, Vol. 51, No. 1 (winter 2010), pg. 98

¹⁵⁹ Woodson, Carter G. "The Beginnings of the Miscegenation of the Whites and Blacks." *The Journal of Negro History*, Oct. 1918, Vol. 3, No. 4 (Oct. 1918), pg. 335

Every day African Americans were classified as second-class citizens. Society hung signs barring their entrance, revealing the prominence that color took in these positions. The fourteenth amendment granted African Americans rights as citizens of the United States. The fifteenth amendment granted men the political power to play a role in changing the very laws that sought to take away their power. However, despite the political progress that African Americans, specifically men, made in the early years of Reconstruction, by its end, with the rise of Jim Crow, any form of political power could not be seen.

In 1876, in a San Bernardino, California polling place, George Weeks and three of his male family hoped to cast their vote in the presidential race between Republican candidate Rutherford B. Hayes and Democrat Samuel J. Tilden. Facing a crowd that proceeded to hurl insults and profanity, Weeks and his family members voted. Before voting, one Californian man questioned whether the crowd would let them, while another replied, "Let 'em vote if they want to. And a d--d sight of good it will do 'em! They won't be counted!"¹⁶⁰

California state law, where Weeks attempted to cast his vote, stated,

"All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude..."¹⁶¹

¹⁶⁰ Weeks, Geo. F. *California Copy*. Washington, D.C., Washington college press, 1928. Pdf. <https://www.loc.gov/item/42048196/>. Chapter 3 Pg. 23

¹⁶¹ California. *Laws of the state of California relating to elections, including Presidential primary act and Direct primary law*. [San Francisco, 1920] Pdf. <https://www.loc.gov/item/20007574/>. Pg. 9 Section 2004

Also found in 52 U.S. Code 10101 -Voting Rights

Although California's law prohibits interference in voting based on race, Weeks' story reveals that what was stated legally was not always the reality. Voting restrictions occurred all over the United States. Even before the Civil War, states took preemptive measures to prevent African Americans from voting. On 15 January 1863, Oregon passed "An act to provide for taxing negroes, chinamen, kanakas and mulattoes." Once only subjecting those of Chinese heritage, the revision of this law extended to every one of African descent. Though found across the nation, the southern states were the site of the most oppressive voting restrictions in the attempt, as Ralph Bunche expostulates, to maintain "pure politics in the region."¹⁶² Interfering with federally protected rights, poll taxes, and literacy tests were institutional measures to prevent African Americans from evoking their political power. Yet they applied to all voters, and considering this, states turned to heritage to further diminish the power of African Americans.

In the spirit of the *Hereditary Slavery Law of 1662* (discussed in the previous chapter), the grandfather clause created a bypass for white voters, maintaining the racial hierarchy of the era. The policy allowed those who voted before 1867, no matter the literacy test or poll tax, to continue to do so. Just as those born to enslaved women would inherit their mother's status as enslaved, so did those who voted under the grandfather clause. This policy remained in place

¹⁶² Bunche, Ralph J. *The Political Status of the Negro in the Age of FDR*. edited by Dewey W. Grantham (Chicago: University of Chicago Press, 1973) Pg. 53
Bunche is referring to supposed bribery for votes that would occur

until 1915, when the Supreme Court heard *Guinn v. United States*. Upon the denial of the right to vote for several African Americans, the prosecutor for the United States argued that

"The Grandfather Clause of the amendment to the constitution of Oklahoma of the year 1910 is void because it violates the Fifteenth Amendment. The so-called Grandfather Clause incorporates by reference the laws of those States which in terms excluded negroes from the franchise on 1 January 1866, because of race, color, or condition of servitude, and so itself impliedly excludes them for the same reason."¹⁶³

Where state laws might have previously listed "white" as an essential qualification to vote, the lawyer argues that such classification was made invalid with the passing of the fifteenth amendment.¹⁶⁴ Although the case's verdict would lead to the elimination of the grandfather clause, it by no means eliminated the ideology behind such policy. While segregation laws were as diverse as the states and local governments that created them, they all carried the same mentality. Although the separate accommodations were meant to be equal, this was by no means a reality. Evident in the previous images of the inferior quality of the accommodations for non-white citizens; being white was viewed as superior. A Federal Jim Crow Law did not exist to enforce this mentality, but a legal case permitted this mentality to exist.

In 1892 a gentleman by the name of Homer Plessy sat in the first-class seat of the East Louisiana Railway. A case mentioned in American History books

¹⁶³ White, Edward Douglass, and Supreme Court of the United States. *U.S. Reports: Guinn v. United States*, 238 U.S. 347. 1914. Periodical. <https://www.loc.gov/item/usrep238347/>. Pg. 4

¹⁶⁴ White, Edward Douglass, and Supreme Court of the United States. *U.S. Reports: Guinn v. United States*, 238 U.S. 347 Pg. 5

in classes throughout the nation would become synonymous with the idea of segregation, for Plessy would find himself arrested for riding in first-class when he was African American. Two years prior to this event, Louisiana statute demanded the segregation of railroad coaches, provided one for white passengers and one for color and declared "that no person shall be permitted to occupy seats in coaches other than the ones assigned to them, on account of the race they belong to..."¹⁶⁵ Soon finding its way to the Supreme Court, Plessy would argue that the law that enforced the segregation of railroad cars in Louisiana, The *Separate Car of 1890*, violated both the Thirteenth and Fourteenth amendments. The majority would uphold the lower court's decisions, seeing the government's primary objectives, maintaining the rights of its citizens, achieved. On notions of race, the court stated, "[l]egislation is powerless to eradicate racial instincts or abolish distinctions based upon physical differences, and the attempt to do so can only accentuate the difficulties of the present situation."¹⁶⁶ Justice John Marshall Harlan, the sole dissenting opinion of the court, would argue against the majority, claiming such rulings that "boasted" of fair decisions and rights to be false ruses. "The thin disguise of 'equal' accommodations for passengers in railroad coaches will not mislead any one, nor atone for the wrong this day done."¹⁶⁷

¹⁶⁵ Supreme Court of the United States. U.S. Reports: *Plessy v. Ferguson*, 163 U.S. 537. 1895. Periodical. Pgs. 537-538 <https://www.loc.gov/item/usrep163537/>

¹⁶⁶ Supreme Court of the United States. U.S. Reports: *Plessy v. Ferguson*, 163 U.S. 537. 1895. Periodical. Pg. 551 <https://www.loc.gov/item/usrep163537/>

¹⁶⁷ *Plessy v. Ferguson*, 163 U.S. 537 Pg. 562

The series of cases and laws mentioned in the court's decision noted from the *Slaughterhouse Cases*, 16 Wall. 36 to the Civil Rights cases, 109 U.S. 3, 24, among many others, *Plessy v. Ferguson* was not the first case to establish the idea behind "separate but equal." However, the case would stand as a national recognition of a system that would use race as a deciding factor within society. A system that would be nationally recognized until WWII with the passage of *Executive Order 8802*.

As crucial as *Plessy v. Ferguson* is in establishing the constitutional legitimacy of segregation, the issue of his skin color remains a less discussed detail in the case. In the recounts of the court case, for all appearances, Homer Plessy looked white.

That petitioner was a citizen of the "United States and a resident of the State of Louisiana, of mixed descent, in the proportion of seven eighths Caucasian and one eighth African blood; that the mixture of colored blood was not discernible in him, and that he was entitled to every recognition, right, privilege and immunity secured to the citizens of the United States of the white race by its Constitution and laws; that on June 7, 1892, he engaged and paid for a first class passage on the East Louisiana Railway from New Orleans to Covington, in the same State, and thereupon entered a passenger train, and took possession of a vacant seat in a coach where passengers of the white race were accommodated.¹⁶⁸

It was by Plessy's admission that authorities discovered his mixed heritage. Plessy's ability to pass as white had the chance to gain greater opportunities. Mark Golub, Political Science for Scripps College, regarding the importance of being classified as white, cites Albion Tourgée, attorney for Plessy,

¹⁶⁸ *Plessy v. Ferguson*, 163 U.S. 537 pg. 538

who argues "the reputation of being white... is the most valuable sort of property, being the master-key that unlocks the golden door of opportunity."¹⁶⁹ No more accurate statement existed to describe the legal structure of the current age that began to distinguish between those of color and those of white heritage. The ability of Plessy to purchase a first-class ticket proves the power and status that came from appearing white, an idea later capitalized by the beauty industry.

However, though Plessy's skin color might have afforded him more opportunities, his racial classification shows the legacy of the era of enslavement. Mark Golub argues that Plessy's status as a person of mixed descent (of white and African descent) was part of a greater issue of race and the legal frameworks of the era, with the laws of the age deciding the classifications of race.¹⁷⁰ Identified as "seven eighths Caucasian and one eighth African blood," the court's decision is reminiscent of the precedence set by the Grandfather clause and the earlier Hereditary Slavery Law of 1662. The "One-drop rule," established by the act of 1662 and reinforced by the grandfather clause, stated that anyone of any African heritage was only seen as African American in the eyes of society and the law. Today, mixed heritage bears no weight in the legal frameworks of today's society; yet in the era of Homer Plessy and Jim Crow, this was not the case.

¹⁶⁹ Golub, Mark. "Plessy as 'Passing': Judicial Responses to Ambiguously Raced Bodies in Plessy v. Ferguson." Pg. 572

¹⁷⁰ Golub, Mark. "Plessy as 'Passing': Judicial Responses to Ambiguously Raced Bodies in Plessy v. Ferguson." *Law & Society Review* vol. 39 No. 3 (September 2005) pg. 567

Restricting the intermixing of races in all aspects of society, from marriage to travel to dining, across the United States, signs separating white and "coloured" became an everyday occurrence. Jim Crow affected all races, yet observers from the era argue that African Americans were more singled out than any other race considered to be "coloured." In a poem titled "The 'Jim Crow' Car," Rev. Walter H. Brooks argues that despite the lack of separation between whites and Native Americans and Chinese immigrants, African Americans are "singled out from others" no matter "however clean [their] person."¹⁷¹ Skin governed both political and social frameworks within the United States, often barring the average African American from specific jobs, government positions, from even choosing where to sit in movie theaters. It was also skin that governed the direction of the beauty industry for African American women in the United States.

Achieving Beauty Amid Jim Crow

In the Antebellum south, "visible whiteness" stood as a testament for one's virtue, beauty, and in a sense, an important distinction between those who were enslaved and their enslavers.¹⁷² Following the Civil War, the legal institution of slavery was removed but white skin as a form of beauty and a representation of status in the United States remained, yet it was now an all access pass during

¹⁷¹ Brooks, Rev. Walter H. Brooks, D.D. "The 'Jim Crow' Car." *Richmond planet*. [volume] (Richmond, Va.), 15 September 1900. *Chronicling America: Historic American Newspapers*. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84025841/1900-09-15/ed-1/seq-8/>>

¹⁷² Cain, Mary Cathryn Cain. "The Art and Politics of Looking White: Beauty Practice among White Women in Antebellum America." *Winterthur Portfolio*. Vol. 42. No. 1 (Chicago, University of Chicago Press 2008) Pg. 33

the era of Jim Crow. It was not under the legal frameworks of the Jim Crow laws that the beauty industry capitalized on the status of white skin.

Soap continued to a source of racially driven advertising, even more so during the era of imperialism. Pears' Soap became synonymous with the age of imperialism and the white supremacy ideology that persisted following the end of enslavement. The most cited example, their 1899 advertisement, seen in Figure 3.3 featured the phrase "The first step towards lightening." As revealing as this statement is to the connection between soap, civility and skin color, it is the brand's partnership with the poem "White Man's Burden," written by Rudyard Kipling, that is a greater tell. Including lines such as "Send forth the best ye breed" and "Your new-caught, sullen peoples, half-devil and half child," Kipling's 1899 poem was often associated with image of negatively portrayed people of other races around the world.¹⁷³ Not the only racially charged advertisement to appear in the magazines around the world, Pears' Soap would feature several ads, showing a person of color transition to white skin after the use of their product.

¹⁷³ Kipling, Rudyard. "The White Man's Burden." *Modern History Sourcebook*. Created 1899 modified 2021 <https://sourcebooks.fordham.edu/mod/kipling.asp>

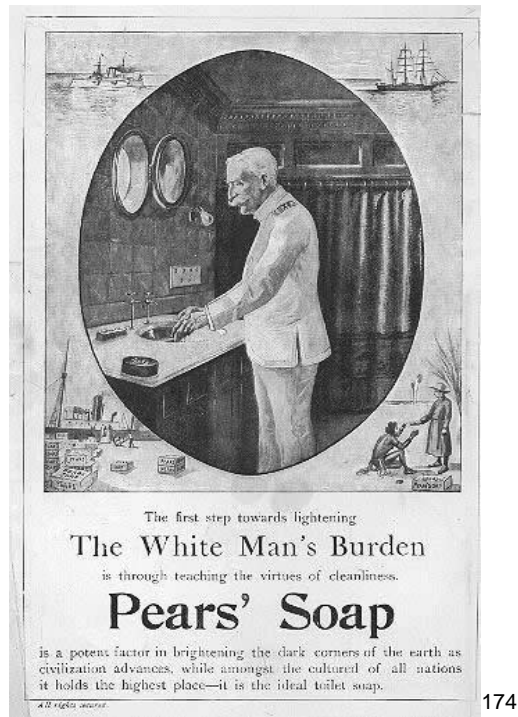


Figure 3.3 “The White Man’s Burden” Pear’s Soap Advertisement

In 1908 American author Louis Andrew Fleming, as many had before, set about the task to compose a guide for the average housewife in her journey to maintaining her home. Titled *Receipts and Remedies: Useful Hints for everyone on health, beauty, clothing, food. The Housewife’s Complete Handbook*, Fleming provided information for caring carpets, burns, her children and all that was expected of her as a married woman in the early century. Though this provides insight into American gender roles of the last century, it is his inclusion of recipes for the care of skins that reveal a great deal more.

A buttermilk lotion for bleaching and beautifying the skin is made of:
Lactic acid, two drachms; glycerine, one-half ounce ; essence of

¹⁷⁴Figure 3.3 Pears’ Soap advertisement *The first step toward lightening the White man's burden in through teaching the virtues of cleanliness.* , 1899. Photograph. <https://www.loc.gov/item/2002715038/>.

white rose, one and a half drachms 3 tincture of benzoin, one drachm ; water, sufficient to make six ounces. Mix the acid and glycerine with the water, and add the other ingredients, previously mixed. Apply to the face twice daily.¹⁷⁵

Finding the secrets to achieve perfect skin within the confines of the kitchen was not an entirely new concept; Kathy Peiss argues that the home remedies before the era of mass production were recipes adopted from other cultures throughout time.¹⁷⁶ Yet it is the inclusion of the term “bleaching” that speaks to an important beauty trait of the nineteenth to twentieth century; that from complexion to blackheads to freckles, it is clear that skin that was considered beautiful was “white,” as it had been for the past centuries. It is not only this revelation that Fleming’s guide provides insight into the world of beauty pre-1920s. The range of “whiteness” desired went beyond the face and the face creams. Arms, shoulders and neck were also analyzed for their level of “white;” any part of the body that risked exposure to the world was required to match the standards of whiteness.

Natural beauty was often preferred over one that was painted, especially in the Southern region, seen to be a sign of purity, of “southern women’s virtue.”¹⁷⁷ However for white women during the era of Jim Crow a greater desire, according to Blain Roberts, focused on the complexion of the skin than what was

¹⁷⁵ Fleming, Louis Andrew, *Receipts and Remedies*. (Philadelphia: The Penn Publishing Company, 1908), 68

¹⁷⁶ Peiss, Kathy. *Hope in a Jar: The Making of America’s Beauty Culture*. (Philadelphia: University of Pennsylvania Press, 2011) Pgs. 11-12

¹⁷⁷ Roberts, Blain. *Pageants, Parlors and Pretty Women; Race and Beauty in the Twentieth-Century South*. (Chapel Hill: University of North Carolina Press, 2014) Pg. 35

or was not on it. Including the story of Zona Toilet Company's advertisements in Charleston, Blaine states that advertisements that focused on make-up were designed regarding the strong ideals surrounding purity and virtue in the South. Including phrases such as "the use of a good powder is not a question of morality but of good taste" Blaine argues that despite the success of such slogans, the popularity of the product stems from other ulterior motives.¹⁷⁸ Noticing that the use of face powder on the beach was increasing, it was the desire of southern women "to maintain their fair complexions - to protect their lily-white skin."¹⁷⁹ White skin did not only dictate beauty, but status and power in the United States as evident by its legal frameworks.

Zona advertisements from years earlier, such as the one below, also promised clear, "good complexion." Yet Zona was not alone in its promises concerning the skin. In the first half of the twentieth century, major news and magazine outlets carried advertisements of other companies such as Nadinola or National Toilet Company, all which carried the promise of white skin. For two dollars, Mrs. E Adair of New York promised its patrons skin that was not only "toned and refreshed" but lightened.¹⁸⁰ (See Figure 3.4) The connection between white skin and beauty has long existed in the world but following the end of enslavement and during the era of Jim Crow, white skin and the beauty industry

¹⁷⁸ Roberts, Blain. *Pageants, Parlors and Pretty Women; Race and Beauty in the Twentieth-Century South*. (Chapel Hill: University of North Carolina Press, 2014) Pg. 39

¹⁷⁹ Roberts, Blain. *Pageants, Parlors and Pretty Women; Race and Beauty in the Twentieth-Century South*. Pg. 39

¹⁸⁰ "Advertisement for Mrs. E Adair." *The New York Times*. (New York, NY), Jun. 3, 1917. <https://www.loc.gov/item/sn78004456/1917-06-03/ed-1/>

became a symbol of power as the era of racial segregation would see the oppression of groups in the United States. It is within this climate that the beauty industry flourished.



Figure 3.4 1917 Advertisement for “Diable Skin Tonic” by Mrs. E. Adair

For African Americans, the beauty industry that formed post-Civil War was double-edged. In one sense, the industry or any industry in general provided African Americans, men and women, a chance to escape the stereotypical labor that society would cast upon them as sharecroppers, laundry workers and more. Noted leaders in the Community, W.E.B Du Bois and Booker T. Washington, both sought to bring together African American business leaders, with Booker T. Washington forming the National Negro Business League.¹⁸² For women, beauty as a business served as their avenue for success as hair, according to Tiffany M.

¹⁸¹ Figure 3.4 “Advertisement for Mrs. E Adair.” *The New York Times*. (New York, NY), Jun. 3, 1917. <https://www.loc.gov/item/sn78004456/1917-06-03/ed-1/>

¹⁸² Gill, Tiffany M. *Beauty Shop Politics: African American Women’s Activism in the Beauty Industry*. (Urbana: University of Illinois Press, 2010) Pgs. 7-9

Gill, has since the era of enslavement been in the hands of women of color. In her own journey, after traveling the road, Sarah Breedlove, most known as Madam C. J. Walker found success with her treatments and products for hair, such as “Walker’s Wonderful Hair Grower,” as she “tapped a rich reservoir of desire.”¹⁸³ Prior to the entrance of African American women as Madam CJ Walker and Annie Turnbo Malone, the standards of beauty were dictated by male business leaders and in the beginning, many of these men were white. African American women entering the field brought forth which they could not hope to achieve, experience.

Even as the industry grew with the entrance of African American women, the racial ideologies that governed the standard of beauty for white women became another form of oppression as preference for “whiteness’ overrode natural beauty. Found within the pages of Marcus Garvey’s newspaper the *Negro World* in 1925, an author remarks on the supposed misgivings women of color had regarding their own appearance. “Surely the Almighty did not make a mistake when he created millions of black men and women. No, instead of being proud of their black skins and curly hair, they despise them rather than build up a greater nation with a proper economic basis.”¹⁸⁴ In light of the pressures of

¹⁸³ Bundles, A’Lelia, *On Her Own Grown: The Life and Times of Madam C.J. Walker*. (New York: Washington Square Press, 2001) Pg. 93

¹⁸⁴ Quote of the article “Are We Proud of Our Black Skins and Curly Hair?” *Negro World* August 1925 taken from Gill, Tiffany M. *Beauty Shop Politics: African American Women’s Activism in the Beauty Industry*. (Urbana, University of Illinois Press, 2010) Pg. 57

society, the legal frameworks and the standards of the beauty industry during Jim Crow, women turned to methods of lightning to pass.

Means to lighten the skin had long existed within the United States and the world at large. At first using powders made of natural products such as clay and rice, as the experimentation of chemical compositions left the kitchens and into the factories, the composition of skin lighteners became less natural. As discovered within the recipes offered by Fleming, the use of dangerous chemicals was a vital part of the makeup of early lighteners. In a recipe to create a firmer, whiter skin, the reader only need mix “borax, two drachms; potassium carbonate, one drachm; tragacanth powder, one drachm; glycerine, two fluid ounces; tincture of benzoin, two fluid drachms; water, fourteen ounces.”¹⁸⁵ While benzoin, tragacanth powder and glycerine are relatively harmless, it is the element of borax and potassium carbonate that remains concerning. Rather than see the lighter appearance they desire, users might experience skin irritation or even burns.

The phrase “beauty is pain” takes on new meaning when examining the use of skin lighteners. Laird’s Bloom of Youth, an early form of skin lightening, was found to be toxic, possibly containing lead, placing all who used the product at risk.¹⁸⁶ Aside from the possibility of lead, early skin lighteners may possibly contain mercury and arsenic. Mercury poisoning,

¹⁸⁵ Fleming, Louis Andrew, *Receipts and Remedies*. (Philadelphia: The Penn Publishing Company, 1908) 104

¹⁸⁶ Peiss, Kathy. *Hope in a Jar: The Making of America’s Beauty Culture*. (Philadelphia: University of Pennsylvania Press, 2011) Pg. 11

after a period, results in everything from chills, vomiting, paranoia and worse.¹⁸⁷ Title 21 Volume 7 part 700 of the FDA Department of Health and Human Services on the topic of Cosmetics, analyzed the effects of mercury stating:

“Such chronic use of mercury-containing skin-bleaching preparations has resulted in the accumulation of mercury in the body and the occurrence of severe reactions. Recently it has also been determined that microorganisms in the environment can convert various forms of mercury into highly toxic methyl mercury which has been found in the food supply and is now considered to be a serious environmental problem.”¹⁸⁸

Now outlawed, it was a common ingredient during the height of Jim Crow. Despite the burns that may result over time, African American women routinely sought out skin lighteners. Bearing in the serious effects from the use of mercury on the skin for a long period of time and since alternatives existed within the market, mercury-based skin creams were restricted, only allowing for the existence of 0.0065% of mercury in the product. Yet even as mercury products were being banned, hydroquinone would become one of the leading ingredients in the skin lightening methods and would remain until its ban in the CARES Act of 2020.

As the law recognized the status of those with white skin, skin lighteners became a means to circumvent the oppressive measures of Jim Crow. With laws that banned marriages, limited transportation, and

¹⁸⁷ Mire, Amina. "Skin-Bleaching: Poison, Beauty, Power and the Politics of the Colour Line." *Resources for Feminist Research* 28, no. 3 (Winter, 2001) 5

¹⁸⁸ "Subchapter G - Cosmetics." *21CFR700.13* 06 January 2022
<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?fr=700.13>

education, the African American woman was constantly reminded that her skin color portrayed her as a “second-class citizen.” In addition to legal means, the use of skin lightening was often connected to well-known names. *The Colored American*, *The Washington Bee* and *The Afro-American* were only a few of the number of African American publications that included advertisements for skin lightening (Figures 3.5 and 3.6).



189 Figure 3.5 1900 Advertisement for Skin Lightener



Figure 3.6 1898 Advertisement for Skin Lightener

Advertised by one Thomas Beard, the product promised to lighten the skin

of its user by “4-5 shades whiter,” possibly turning a person of mixed heritage

¹⁸⁹ Figure 3.5 First advertisement “Black Skin Remover” *The Afro-American citizen*. (Charleston, SC), Jan. 17, 1900. <https://www.loc.gov/item/sn83025782/1900-01-17/ed-1/>.
 Figure 3.6 Second Advertisement “A Black Skin Remover.” *The Washington bee*. (Washington, DC), Feb. 26, 1898. <https://www.loc.gov/item/sn84025891/1898-02-26/ed-1/>.

white (Figure 3.6). The same advertisement appeared first in the *Washington Bee* and then the *Afro American* one year later. Created by W. Calvin Chase, the *Washington Bee* included stories revolving around political and social events, focusing a great deal on criticism of the elite.¹⁹⁰ In an article addressing the reason why the *Bee* was used by so many to advertise, titled “Why the People Advertise,” the paper spoke of its popularity, stating “The people talk more about The Bee than any other paper edited by negroes in this country and it is natural that intelligent people will seek beings and organs that can do them the most good.”¹⁹¹ In this case, its popularity meant the widespread use of skin lightening.

The *Afro-American* would also advertise the use of skin lightening products. Although publications of advertisements for skin lightening would diminish over the years, these early years created a standard that would remain in place, even to this day. Not only did popular platforms serve as beacons for skin lightening but well-known brands also served as reasons for the popularity of skin lightening products. Madam C.J. Walker’s company dealt mostly with hair and rarely dealt with skin lightening. Following her death, skin lightening products such as “Tan-off”

¹⁹⁰ Kerr, Audrey Elisa. “The Paper Bag Principle: Of the Myth and the Motion of Colorism.” *The Journal of American Folklore*, Summer, 2005, Vol. 118, No. 469 (Summer, 2005), pg. 276

¹⁹¹ “Why the People Advertise,” *The Washington bee*. (Washington, DC), Apr. 25, 1896. Pg. 4 <https://www.loc.gov/item/sn84025891/1896-04-25/ed-1/>.



Figure 3.7 Madam C.J. Walker's "Tan Off" skin lightening product

began to appear on the market (Figure 3.7). Bearing the "Madam C. J. Walker Company's name, "Tan-Off promised to "brighten" all skin tones. Already drawing criticism concerning the use of white beauty standards for their hair products, the Walker Company also drew more criticism with its advertising of skin lightening products.¹⁹²

The desire for lighter skin also came from a desire to reassert a place of prominence in a time when the greater society viewed those of African descent as lesser in comparison to whites. In the novel, *Passing*, this chapter began, written by Nella Larsen in 1929, one character John Bellew, in speaking of African Americans, refers to them as "The black scrimy devils."¹⁹³ Bellew happens to be married to Clare and knows

¹⁹² Figure 3.7 "Tin for Madam C.J. Walker's 'Tan-Off'" Madam C.J. Walker Manufacturing Company, American, founded 1906, sold 1920s courtesy of Smithsonian Museum <http://n2t.net/ark:/65665/fd58a521efd-0656-439e-8c5b-40ef831263c5>

¹⁹³ Larsen, Nella *Passing* (United States of America: Start Publishing LLC) ebook 2012 original publication 1929 Chapter 2 Pg. 31

nothing of his wife's secret. Larson speaks of the character Clare's ability to live in a world of white citizens, being able to pass for white herself.

Racial slurs and harsh remarks were one of society's constant reminders of white supremacy racial ideology. "She has seen it lurking in the eyes of all white people. So. The distaste must be for her, her blackness."¹⁹⁴

Written based on her own experience amidst the era of Black is Beautiful Toni Morrison's novel, *The Bluest Eye*, though fictionalized, provides insight into the racial self-loathing that at times developed before the Civil Rights Movement. From the eyes of young Claudia, the main character Pecola longs for what society deems beautiful, blue eyes and light skin. Pecola and Claudia are constantly reminded of their supposed ugliness by society, first by the shop owner above and then by a young white girl on the street.¹⁹⁵ Morrison deals with the idea that lighter skin was equivalent to greater advantages. In the story of Geraldine, Louis, and Junior, they are quick to label themselves as color, disassociating themselves from anyone that may be of darker complexion, seeing themselves as different.¹⁹⁶

Those of mixed heritage or those who were of lighter complexion often enjoyed more advantages. In their analysis of mulattos during the Jim Crow, Aliya Saperstein, and Aaron Gullickson argue that states placed

¹⁹⁴ Morrison, Toni. *The Bluest Eye*. (New York: Vintage Books, First Vintage International Edition 2017, originally published 1970) Pg. 49

¹⁹⁵ Morrison, Toni. *The Bluest Eye* Pg. 73

¹⁹⁶ Morrison, Toni. *The Bluest Eye* Pg. 87

stricter racial laws due to the supposed threat of mixed heritage posed to white Southerners.¹⁹⁷ Although they state that passing was the exception, not the reality, Nikki Khana otherwise states that many took advantage, delighting in the benefits available to those seen as white.¹⁹⁸

The Legacy of Jim Crow

For over seventy years, Jim Crow policies legally enforced the power and status of white over African Americans. Local, state, and federal authorities denied the rights of individuals based on their race. The passage of the Civil Rights Act of 1957, 1964, and the 24th Amendment proved momentous in the twentieth century's Civil Rights Movement. Prior to their passage, the political power of African Americans was routinely impeded through such measures as poll taxes and literacy tests, as discussed in the previous chapter. First, under the Eisenhower administration, the federal government forbade any from interfering with one's right to vote. As instrumental as it may be, the Civil Rights Act of 1964 proved to be pivotal. The Civil Rights Act of 1964 declared that "All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public

¹⁹⁷ Saperstein, Aliya, and Aaron Gullickson. "A "Mulatto Escape Hatch" in the United States? Examining Evidence of Racial and Social Mobility During the Jim Crow Era." *Demography*, October 2013, Vol. 50 No. 5 pg. 1924

¹⁹⁸ Khana, Nikki "IF YOU'RE HALF BLACK, YOU'RE JUST BLACK": Reflected Appraisals and the Persistence of the One-Drop Rule." *The Sociological Quarterly*, winter 2010, Vol. 51, No. 1 (winter 2010), pg. 98

accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin."¹⁹⁹

Although only one step of many, the national legal system declared that skin color no longer dictated status and power in the United States with the passage of such acts. In congruence with these political achievements, the cultural movement "Black is Beautiful" strived to eliminate all notions of white supremacy surrounding the body beginning in the 1960s. The movement argued the value of natural beauty in the United States, particularly the natural beauty of those of color. Hoyt Fuller, a vital voice of the Black Arts Movement of the 1960s and 1970s, proclaimed

"After centuries of being told, in a million different ways, that they were not beautiful, and that whiteness of skin, straightness of hair, and aquilineness of features constituted the only measures of beauty, black people revolted. The trend has not yet reached the point of avalanche, but the future can be clearly seen in the growing number of black people who are snapping off the shackles of imitation and are wearing their skin, their hair, and their features "natural" and with pride."²⁰⁰

The "Black is Beautiful" movement, according to Stephanie M.H. Camp, focused on endorsing the natural state of hair, skin, and the body of African American women.²⁰¹ The Women's Liberation Movement, beginning in the 1960s, fought for the equal status of all women in the United States, further

¹⁹⁹ Civil Rights Act of 1964, H.R. 7152 Public Law 88-352, passed by Congress and enacted by President Lyndon Johnson on July 2, 1964

²⁰⁰ Taylor, Paul C. "Chapter 4: Dark Lovely Yet And; Or, How To Love Black Bodies While Hating Black People." *Black Is Beautiful: A Philosophy of Black Aesthetics*, John Wiley & Sons, Incorporated, 2016. ProQuest Ebook Central, <http://ebookcentral.proquest.com/lib/csusb/detail.action?docID=4461558>.

²⁰¹ Camp, Stephanie M.H "Black is Beautiful: An American History." *The Journal of Southern History*, Vol. 81, No. 3 (AUGUST 2015), pp. 686

empowering African American women in the United States. The 1960s appeared to be the beginning of a new era in the United States, one in which skin complexion did not equate social status. However, even as the policies of Jim Crow fell, the preference for lighter skin did not, as media sources meant to empower African Americans unintentionally preserved the legacy of Jim Crow.

The Power of Magazines: Ebony and Jet

According to E. James West, Ebony magazine would come to stand "as a voice and a symbol of African American upward mobility" since its first publication in November 1945.²⁰² Ebony magazine was another form of Time magazine with stories that encapsulated the African American experience post-WWII, stories of the struggle against oppression. In 1951 *Jet* magazine, created by Johnson Publishing Company, joined *Ebony* in its quest to highlight African American life in the United States. *Jet* would gain recognition across the country as it covered the brutal murder of fourteen-year-old Emmett Till in its September 1955 issue.²⁰³

Magazines, especially women's magazines, stand as representations of life but the expectation for oneself within the country. Rhea Sengupta argues that they "shape images and definitions of femininity designed to inform the readers'

²⁰² West, E. James. *Ebony Magazine and Lerone Bennett Jr: Popular Black History in Postwar America*, University of Illinois Press, 2020. ProQuest Ebook Central, <http://ebookcentral.proquest.com/lib/csusb/detail.action?docID=6038730>. created from csusb on 2022-04-10 21:32:49.

²⁰³ Benson, Christopher. "MIDNIGHT TRAIN TO JUSTICE." *Savoy*, Jun 2005, 96-100, <http://libproxy.lib.csusb.edu/login?url=https://www-proquest-com.libproxy.lib.csusb.edu/magazines/midnight-train-justice/docview/231086183/se-2?accountid=10359>.

understanding of womanhood."²⁰⁴ *Ebony* and *Jet* magazines were not the first of their kind; magazines such as *Colored American Magazine* (1900-1909) were also tasked with spotlighting African Americans' lives in the United States. It is a legacy that reaches in time to the *Freedom's Journal*, established during the 1820s, amidst the era of enslavement. For Maya Angelou, the entrance of magazines such as *Ebony* at the end of the era of Jim Crow was the foundation of the later success of African American women as it "...tell us that every inch of our skin was black, brown, beige, red, yellow, pink and beautiful."²⁰⁵ As instrumental magazines such as *Ebony* and *Jet* drew more attention to African American life and became a vital source of representation, they found it difficult to escape the old ideologies revolving around beauty and skin.

²⁰⁴ Sengupta, Rhea. "Reading Representations of Black, East Asian, and White Women in Magazines for Adolescent Girls." *Sex Roles* 54, no. 11-12 (06, 2006) Pg. 799
doi:<http://dx.doi.org.libproxy.lib.csusb.edu/10.1007/s11199-006-9047-6>.

²⁰⁵ Angelou, Maya. "Then Ebony Arrived." *Ebony* November 1995 vol. 51 Pg. 43

Got a dollar?

lighter, clearer skin too! may be yours in 7 days

plus a softer and lovelier complexion

\$1 gives you \$2 worth of complexion improvement during NADINOLA'S HALF-PRICE SALE

Right now you can buy NADINOLA DeLuxe Bleaching Cream (while the limited supply lasts) at half price—the big \$2 size for just \$1 at most cosmetic counters! So start today toward a lighter, brighter complexion. You'll see amazing results . . . amazingly soon . . . thanks to A-M, NADINOLA's special medicated ingredient. NADINOLA, Chattanooga 9, Tenn.

NADINOLA[®] DELUXE Bleaching Cream
A special non-oily formula with wonder-working A-M. Guaranteed to improve your complexion or money back.

Figure 3.8 *Jet* 1963 Advertisement for Nadinola Deluxe Bleaching Cream

lighter, clearer skin too! may be yours in 7 days

plus a softer and lovelier complexion

MOMENT OF TRUTH Continued

Not every student considered Gant's enrollment a regrettable calamity. Although representing a minority view, we went so far as to term it "definitely a step toward progress." Seconded another: "I am kind of proud that it happened at Clemson first and not at (the University of) South Carolina."

Nothing could be more fallacious than to construe Clemson's peaceful bowing to the high court as an indication that South Carolina has changed its anti-integration stand. Although willing to recognize the "fact of the land," Gov. Russell has made clear his determination to fight Gant's and each subsequent integration attempt to the highest level in court. "We have confidence in the ultimate rightness and vindication of our (segregation) stand," he proclaimed. Less optimistic, sounded the state's segregation committee which warned South Carolinians of "the trying days which seem to lie ahead" while praising them "for resisting the temptation to take the law into their own hands." The white people of South Carolina, the committee stated, have shown great patience in the face of "unprecedented federal court decisions and unduly and politically motivated federal executive action."

Just how "trying" the days ahead are going to be will depend largely on South Carolina's ability to face up to the moral and economic fact that segregation does not pay. Several Deep South leaders, including South Carolina's Russell and Georgia's Sanders, are already aware of this, but find it politically necessary to talk their knowledge behind a lot of face-saving double talk. Said Gov. Sanders (for example): "I am a Southerner by birth and at heart, and I believe sincerely in our traditional separation of the races. On the other hand, I am for progress. I am determined that during my administration this state will move ahead fast. And I know that we can't have real progress in the midst of social upheavals."

As more and more "Clemsons" are being added, the necessity for such a schizocephalic approach to the problem of leadership in Dixie will disappear. If and when that happens, the South will have its long-awaited chance to rise again—not to racial exclusiveness, but to common decency and sense.

Dr. Fred PALMER'S SKIN WHITENER
59¢ and 69¢ sizes
Available in your local drug store \$1.00 for a large jar and a beauty bonus of Face Soap

\$10 COSMETIC DISPLAY KIT FREE ON TRIAL

This handsome kit contains 5 full size packages. Includes: Face Soap, Face Cream, Face Powder, Face Lotion, Face Toner, Face Soap, Face Cream, Face Powder, Face Lotion, Face Toner. All we ask is that you pay packing and postage. Add \$1.00 for shipping. Add \$1.00 for handling. Add \$1.00 for shipping. Add \$1.00 for handling. Add \$1.00 for shipping. Add \$1.00 for handling.

Address: _____
City: _____ State: _____ Zip: _____

CHOR & PULPIT GOVINS
Springer Fashion Unitaries

Figure 3.9 *Ebony* 1963 Advertisement for Dr. Fred Palmer's Skin Whitener

Skin lightening products Nadinola, Ambi, and more continued to link

beauty with the skin's complexion. Even in the very early publications of these respective magazines, advertisements for skin lightening creams remained a key feature on their pages. The language used in advertisements, such as the Nadinola and Dr. Fred Palmer's advertisements, featured in Figures 3.8 and 3.9, used phrases such as "brighter," "beautifying," or "lighter" to describe the

206 Figure 3.8 "Nadinola Deluxe Bleaching Cream." *Jet* vol. 23 no. 15 pg. 29 31 January 1963

207 Figure 3.9 "Dr. Fred Palmer's Skin Whitener." *Ebony* vol. 18 no. 7 pg. 104 May 1963

supposed "benefits" of skin lighteners. Phrasing, even the choice of model used in such advertisements, indicated the connection between lighter skin and success.

Hollywood icon Lena Horne is one of many noted for the breakthroughs she accomplished in Hollywood. Dealing with stereotypes, being cast in the typical musical roles or referred to, as Aaron Lefkowitz describes, as a "tragic mulatto;" Horne rose to popularity, becoming a favorite in Hollywood despite Jim Crow.²⁰⁸ From 1945 to 1949, Lena Horne graced the cover of *Ebony* magazine a total of three times.²⁰⁹ An activist in her own right, Lena Horne's success in Hollywood was an essential milestone as Jim Crow restricted many African Americans. Many in the South would find themselves enjoying her films in the segregated theatre. Horne is a perplexing symbol in African American society; for a while, her rise in Hollywood represents a significant feat in the fight for equality; her complexion shows the complexity surrounding skin and beauty even during the decline of Jim Crow.

In 1954 Lena Horne appeared on the cover of South African Magazine *Drum*. Established in 1951, *Drum* mirrored the concept of *Ebony* and *Jet*, highlighting important parts of life for the African population.²¹⁰ Lena Horne holds

²⁰⁸ Lefkowitz, Aaron. *Transnational Cinematic and Popular Music Icons: Lena Horne, Dorothy Dandridge, and Queen Latifah, 1917-12017*. (Lexington Books, 2017) Pg. 1

²⁰⁹ Williams, Megan E. "Meet the Real Lena Horne": Representations of Lena Horne in "Ebony" Magazine, 1945–1949." *Journal of American Studies*, Apr., 2009, Vol. 43, No. 1 (Cambridge University Press Apr., 2009), Pg. 118

²¹⁰ Thomas, Lynn. "Consumer culture and 'black is beautiful' in apartheid South Africa and early postcolonial Kenya", *African Studies*, 2019 78:1, Pg. 12

a copy of an older edition of the magazine on the cover (Figure 3.10). Featuring the image of a model on the cover, the back cover reveals just how widespread the use of skin lighteners was. The magazine that Horne holds in her hands features the advertisement for Karoo Cream, a well-known skin lightener in South Africa during the Apartheid years. With a naturally lighter complexion herself, Horne's appearance on a cover that featured skin lightener communicated the idea that success is connected to skin complexion. Horne's status as a Hollywood starlet meant a wider circulation of the magazine, even outside of South Africa, and inadvertently, a wider spread of the supposed value of lighter skin. Similar to "celebrity culture" today, the easily recognizable face of Lena Horne meant a viewership of the product. Lena Horne's position as a Hollywood starlet might have served as an African American success story, yet, even at the rise of the "Black is Beautiful" movement, complexion was still a looming factor within the African American community.



Figure 3.10 1954 *Drum* Magazine Featuring Lena Horne

The political and social atmosphere of the 1960s was changing as laws such as the Civil Rights Act of 1964 legally recognized the equal status of African Americans in the United States. The "Black is Beautiful" movement exhibited social change as natural beauty across all racial groups, specifically within the African American community, was emphasized within the beauty world. However, in the advertisement for Dr. Fred Palmer's skin whitener, featured in Figure 3.9, the association of Hollywood stars and skin lighteners, as seen with Lena Horne, tells a different story. At the same time as magazines such as *Ebony* recognized significant stories of the Civil Rights Movement, for instance, the story of the

²¹¹ Figure 3.10 "Drum Magazine Lena Horne Cover" *South African History Online*. 10 October 2019 <https://www.sahistory.org.za/article/drum-magazine> Accessed 14 July 2021

registration of Harvey Gantt as the first African American to attend Clemson College in South Carolina, advertisements for skin lighteners appeared on the same page, helping fund the magazine in the first place.

For a brief period, the social and legal changes in the United States empowered African Americans. The end of enslavement and the creation of the Reconstruction Amendments gave African Americans a political voice, which had long been denied to them. However, as quickly as these amendments were enacted, racial policies were created in states. Once again, Jim Crow, backed by the federal rulings, created an atmosphere of oppression and empowered white supremacy in the United States. The beauty industry followed suit, advertising recipes for whiter skin and products such as skin lighteners for Caucasian and African American women. Even amid the Civil Rights Movement, African American women faced subliminal messages in the advertisements for skin lighteners, often coming from within their community. Jim Crow might have ended, yet the ideology surrounding white supremacy, that complexion determined status, did not.

CHAPTER FOUR

CONCLUSION

The Legacy of White Supremacy

For over three hundred years legislature and legal proceedings at all levels in the United States dictated status and power based on the color of skin. Those of color, particularly those of African descent, would be subjugated under oppressive regimes, first in the form of enslavement and then under Jim Crow. African Americans faced violence, voting restrictions, segregation, and more all due to the color of their skin. The legal system set in place beginning at the age of exploration established the idea that white skin was not only superior but preferred. Influenced greatly by such beliefs, the beauty industry created advertisements endorsing lighter skin through soap, creams, and powder. They used language that emphasized the beauty of lighter skin among all the populace, color and non-color.

Enslavement did not create racial distinctions; artistic and literary examples from history showcased the differences of skin complexions in the regions of the Eastern Hemisphere. Enslavement also did not establish the connection between paler complexions and beauty; Asian writings provide evidence of such. However, the system of enslavement that first appeared within the boundaries of North America created the foundation for white racial

supremacy ideology through the legalization of enslavement and the supporting legal frameworks in the form of wills, court cases, and more.

Building off the observations made by early explorers such as Richard Ligon, slave owners justified the institution of enslavement on the premise that those who were enslaved were uncivilized and therefore did not violate any preexisting moral code. Key political leaders such as Thomas Jefferson were instrumental in enforcing these ideals. Skin color, to the world and American society in the eighteenth and nineteenth century, was equated to humanity and civility. The state slave laws, the Fugitive Slave Acts and the various wills legalized the premise that white skin was synonymous for status, power, and beauty. A woman's body became a battlefield as women of African descent were analyzed from their shape to their reproductive abilities and their skin. Though early in its initial stages, the beauty industry quickly adopted implemented ideals of white supremacy into their products as soaps equivalent to skin with civilization. Although the same beauty standards existed in the north, the southern women of Antebellum South were even more pressured to find means of lightening their skin to maintain their own status, to separate themselves from women of color.

Although the Civil War led to the end of enslavement, Jim Crow offered a new form of oppression for African Americans in the United States, continuing the legacy of white supremacy established during the period of enslavement. The policy of "separate but equal" established by the now infamous Supreme Court

case *Plessy v. Ferguson* (1896), established a lifestyle that would last nearly 70 years yet the phrase itself reveals the antithetical reality. African Americans could no longer choose where to sit, drink, eat or even whom to marry. Public institutions, such as schools, were of lesser quality materials and ill-funded.

Their political voice, supposedly protected by the fifteenth and then nineteenth amendment, was silenced with the passage of poll taxes and literacy tests. The Grandfather clause carried on the tradition of the Hereditary laws in the world of politics. Across the nation, until the achievements of the Civil Rights Movement, the legal system in the United States, at the state and federal level, determined status and power by race.

From the period of enslavement, throughout the era of Jim Crow, the Beauty Industry capitalized off the major social and legal policies of their respective eras. Only in its initial stages towards the end of slavery in the United States, the industry, in the form of soap, connected the complexion of skin to level of civility. Procter and Gamble were among the earliest brands of soap. Powders and early forms of lightening creams, such as “Laird’s Bloom of Youth” were the earliest forms of beauty products designed to alter the appearance.

During era of Jim Crow, the beauty industry dramatically increased in size, with more products focused on skin. Although the beauty industry provided an avenue of success for women of color, such as Madam C. J. Walker, many of the products still carried the same racial ideology that lighter complexion was equitable to higher status. Skin lighteners became a popular product,

permanently altering the appearance of the skin. Despite the rise of “Black is Beautiful” movement, magazines such as *Jet* and *Ebony* advertised skin lightening products within their pages. Popular celebrities such as Lena Horne, were connected to skin lightening products and complimented for their lighter appearance. Despite the successes of the Civil Rights Movement, African Americans could not escape the white supremacy of the beauty industry.

Why does it Matter Today?

The CARES Act of 2020 and its banning of over the counter (OTC) hydroquinone products reveals that the United States has not escaped the legacy of white supremacy. The previously cited speech from renown actress Lupita Nyong’o revealed the pressures of being lighter skin as well as the influence of popular media. The legal frameworks that had existed during the era of enslavement and Jim Crow have been removed due to the efforts of the Civil Right Movement. Yet it was not only due to the ingrained nature of racial ideology, but popular media proved to a great measure in continuing the tradition of lighter skin set during enslavement.

Representation has undertaken a major cultural shift beginning the latter part of the twentieth century and into the twenty first century. The Disney film, *Princess and the Frog*, in 2009 became the first film of the corporation to feature an African American princess. *Time* writer Jamil Smith argues that “[t]he revolutionary thing about Black Panther is that it envisions a world not devoid of racism but one in which black people have the wealth, technology and military

might to level the playing field—a scenario applicable not only to the predominantly white landscape of Hollywood but, more important, to the world at large.”²¹² Advertisements have become more diverse, featuring actors and models of various racial and ethnic backgrounds. Yet, despite these significant achievements, colorism has become a major focus for academic scholars as well as a presence in popular media, fighting a battle that began close to four hundred years ago.

This thesis by no means is meant as a one stop shop in the discussion between race, beauty, and the legal system nor was it ever meant to be. Many prominent members of society, both in the world of scholarship, politics and popular media, have sought to tackle many of the critical issues analyzed in this paper. Seeking to understand the connection between the legal frameworks of the United States, it is the hope of this paper for further analysis regarding the issue. Although crucial movements such as the “Black Lives Matter” and “Stop Asian Hate” have once again drawn attention to the differential treatment that exists with race, recent events have served as a reminder that though the policies of enslavement and Jim Crow have long since ceased, the racial ideologies connected to such policies have not been completely erased from the social and cultural frameworks of the United States.

²¹² Smith, Jamil. “The Revolutionary Power of Black Panther.” *Time.com* 11 February 2018 <https://time.com/black-panther/>

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