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### POV: Why the CROWN Act Is Needed

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VOICES & OPINION

# POV: Why the CROWN Act Is Needed

**“Discrimination against natural and protective hairstyles has real-world consequences”**

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April 22, 2022

 Comments

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By [Angela Onwuachi-Willig](#)

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*Updated July 26, 2022: Massachusetts Governor Charlie Baker signed the CROWN Act into law on Tuesday after the House and Senate approved it, banning discrimination based on hair styles.*

Imagine, for one minute, that we live in an alternate universe where employer and school grooming policies that ban “unprofessional” or “faddish” hairstyles are routinely employed as a reason for firing, or refusing to hire, individuals with naturally *straight* hair. The normative standard for hair in this alternate universe is tightly coiled, curly hair—the kind of hair texture that actors like Denzel Washington or Issa Rae are born with, hair texture that is best suited for natural and protective hairstyles like locs, twists, braids, and Bantu knots.

In this alternate universe, many employees and students with naturally straight hair find themselves at a crossroads. After all, their hair does not naturally grow into a tightly coiled Afro, and their hair texture does not easily enable them to form into locs or twists, [a hairstyle once famously worn by US Representative Ayanna Pressley](#) (D-Mass.). Technically, these individuals with naturally straight hair—nearly all of whom identify as white—could wear their hair in locs twists, or an Afro, but to do so, they would need to change the texture and structure of their hair by utilizing dangerous chemical processes that could cause burns on

their scalp and/or result in major hair breakage or loss.

Equally troubling to these white employees and students are the implicit and explicit messages that the application of these grooming codes communicate about their natural hair texture and the styles they use to protect that texture. These messages are that their natural hair texture is inferior and undesirable and that they must change a part of their body to simply be employed. And, when these white individuals file lawsuits alleging race discrimination, courts—comprised mostly of judges who are Black and naturally have tightly coiled hair—routinely dismiss their claims, asserting that the burdens placed on them are minimal and concern *only* hair, a “mutable characteristic.”

Truthfully, we already live in such a world. Only, in our current world, the roles are reversed. Instead of applying grooming codes in a way that requires most whites to physically alter the texture and structure of their natural hair, employers and schools are requiring many Blacks to do so.

This is why [the CROWN Act](#) is so important. CROWN stands for “Create a Respectful and Open World for Natural Hair.” Beginning with California in 2019, 12 states have enacted legislation to ban discrimination against natural hair texture and protective hairstyles. Due to the leadership of Massachusetts State Representative [Steve Ultrino](#) (D-33rd Middlesex) and the coalition of supporters that his staff brought together to advance the CROWN Act—including me, [LAW’s Legislative Policy & Drafting Clinic](#), and [Sean Kealy](#), a LAW clinical associate professor of law—we are one step closer to that more inclusive universe. Last month, both the [Massachusetts House and Senate voted to pass the CROWN Act](#).

Soon, hopefully, the US Congress will follow. Leaders like [US Representative Bonnie Watson Coleman \(D-NJ\)](#) and

[Massachusetts' and BU's own congresswoman, Ayanna Pressley](#) (Hon.'21) (she studied at the College of General Studies), have already led the way in the US House of Representatives, [with the bill passing](#) along party lines, 235-189. The Biden administration has also signaled its wholehearted support for the legislation.

Lawmakers like Ultrino and Pressley who are advocating for the CROWN Act at the state and federal levels recognize that discrimination against natural and protective hairstyles has real-world consequences. Consider [Maya and Deanna Cook, 15-year-old African American twins](#) who were kicked off sports teams, banned from prom, and held in detention for two weeks for simply refusing to take down their braids with extensions, a protective hairstyle used by many Black women.

Or consider the experience of [16-year-old Andrew Johnson](#), who had to choose between his team and his dignity when a referee presiding over his wrestling match insisted that he cut his locs or forfeit his match. A loyal team player, the teenager submitted himself to the indignity of having his hair cut on the spot so he could compete—a pain that is certain to last him a lifetime.

Or consider [18-year-old DeAndre Arnold](#), who was suspended from his high school in Texas and told he could not walk at his own graduation ceremony, all because he refused to cut his locs. Even an invitation to attend the [Oscars with director Matthew Cherry](#), whose 2019 animated short *Hair Love* won an Oscar and was made specifically as a means of normalizing Black hair and instilling in Black children a love for their own hair texture, could not restore the dignity that Arnold lost from such discrimination.

During his [acceptance speech](#) at the 2020 Oscars ceremony, Cherry proclaimed, “There’s a very important issue that’s out there—the CROWN Act—and if we can help to get this passed

in all 50 states, it'll help so many stories like DeAndre Arnold's stop happening.”

The CROWN Act is critical because it ensures that employers, schools, businesses, and courts understand that the regulation of Black hair—based on an unspoken normative assumption that straight, fine hair is considered professional—is race discrimination. It helps people understand that workplaces and schools that apply their grooming policies in ways that prohibit natural and protective hairstyles like locs and twists are essentially requiring people of color to change the texture of their hair by straightening it to satisfy a physical standard of professionalism that has been defined by white appearance norms. This implicit request for “white-looking” hair is no different than asking a Black person to lighten her skin color to make it appear whiter or insisting that a Black person with a broad nose obtain rhinoplasty to narrow her nose. Technically, in our society, a Black person can change the bridge of her nose or lighten her skin color through surgical and nonsurgical procedures; yet, our laws would not, and should not, uphold any restriction that implicitly requires Black people to have a nose job or have a skin-lightening procedure in order to receive a job or promotion or avoid being fired.

The CROWN Act also helps to reduce the [financial and health burdens that stem from the regulation and prohibition of natural and protective hairstyles](#). The methods used to straighten tightly coiled hair are both time-consuming and expensive. And, they still only bring individuals to the baseline—the standard of straightened hair itself. Add on the expense of coloring one's hair or otherwise styling it once straightened.

The health impacts of unfair grooming codes are also harmful. For instance, because many Black women fear getting their hair

wet, as water can “sweat out” chemically straightened hair, some Black women with chemically straightened or heat-straightened hair are choosing not to regularly exercise. Indeed, research from the Perception Institute shows that “[\[o\]ne in three black women report that their hair is the reason they haven’t exercised, compared to one in ten white women.](#)”

Most of all, the CROWN Act is key because it can push us toward another alternate universe, one where all Black children can grow up with “hair love” and Black people can be free of hair-based race discrimination.

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