

DRAFT Universal Hair Exemption Letter

TO: United Nations, The United Nations Human Rights Council, The African Union, The Organization of American States, The United States of America Federal Bureau of Prisons, and all Departments of Corrections Worldwide

RE: Rastafari Inmates' Human Rights and Wearing the Covenant of Locks: Declaration of Grooming Policy Hair Exemption

I. Rastafari people are recognized all over the world

Rastafari people are recognized in world scholarship, ecumenical councils, international institutions, and national governments. Over 700 articles, books and theses are listed at <http://www.cs.chalmers.se/~harald2/alphaomega.htm>

1. According to the **Perennial Dictionary of World Religions** (p.601), The Rastafarian movement has official branches in England, Canada, the Caribbean islands and America as well as members in most of the civilized countries.
2. Rastafari is among the 1,558 religious groups sufficiently stable and distinctive to be identified as one of the existing religions. (See US Vs Bauer, 75 F.3d 1366 (9th Cir. 1996), Guam vs. Benny Toves Guerrero, CF0001-91, Superior Court of US Guam. (July-99).
3. The Rastafari Movement was represented by the Association of Rastafarian Theologians (a United States Federal Prison Ministry for incarcerated Rastafarians) at the "Centennial Celebration of the Parliament of the World's Religions" held in Chicago in 1993.
4. In 1996, the Rastafari people gained recognition at the United Nations. The International Rastafari Development Society was granted roster status as a member of the UN Economic and Social Council.
5. Many Rastafari inmates are members of the Ethiopian World Federation, Incorporated. The United Nations Economic and Social Council confirmed membership of The Ethiopian World Federation in the United Nations at its July 2002 Session in New York City. The EWF was granted Special Consultative Status with ECOSOC.
6. The **Statement and Plan of Action of the South Africa - African Union - Caribbean Diaspora Conference** (March 2005, Kingston Jamaica) acknowledged that:

"The Conference gained a new appreciation of the creative way in which the Rastafarian movement had sustained the vision of the Founders of the OAU, and promoted an African-

Caribbean identity and Afro-centric values that strengthened the impulse for African liberation on both sides of the Atlantic, while serving as a positive force for Africa globally."

[Note: an integral and most visible part of the African identity is the wearing of locks ala various tribes in Ethiopia, Somalia, Kenya, etc]

7. Rastafari leaders were among approximately 100 leaders from Faith-based Organisations (FBOs) across the Caribbean Community (CARICOM) that participated in Champions for Change II: Regional Conference of FBOs, in Georgetown, Guyana on November 22-23, 2005.

8. Rastafari will be represented at the Global Dialogue of Faiths: *Religion, the Slave Trade, and the case for African Reparations* in Bridgetown, Barbados, August 27, 28, & 29, 2007

II. Rastafari people around the world are known for their wearing of the Covenant of Locks.

Many Elders and most brethren and sistren of the Rastafari faith refer to Biblical scripture such as Numbers 6:5 and Leviticus 19:17.

"All the days of their Nazarite vow no razor shall come upon the head; until the time is complete for which they separate themselves to the Lord, they shall be Holy; they shall let the Locks of the head grow long." Numbers 6:5

"You shall not round off the hair on your temples or mar the edges of your beard." Leviticus 19:27

1. Beginning with field studies on the Rastafari movement in 1953 by Professor George Eaton Simpson of Oberlin College, Ohio, U.S.A. under the sponsorship of the Institute of Social and Economic Research, U.C.W.I., all subsequent literature and scholarship on Rastafari has repeated Simpson's statement that:

"From the earliest days, many Ras Tafari brethren had worn beards and let their hair grow, because of Ezekiel 5 and other Scriptures. . . . Numbers 6:l,ii, v provides the Biblical basis for this practice. And the Lord spake unto Moses, saying: 'Speak unto the children of Israel and say unto them, When either man or woman shall separate themselves to vow the vow of a Nazarite, to separate themselves unto the Lord...all the days if the vow of the separation there shall no razor come upon his head: until the days be fulfilled in the which he separateth himself unto the Lord, he shall be holy and shall let the locks of the hair of his head grow.'" According to informants, the men of Dreadlocks first began to appear in Kingston round about 1947."

2. Some Rastafari brethren wear their locks as part of an Ethiopian tradition of monasticism whose adherents are called "Bhatawi". This tradition is pre-Biblical and is depicted on "Narmer's Palette", an ancient

artifact that is dated to approximately 3200 B.C. These graduates of the "Mystery School System" were prophets and counselors to Ethiopian Kings and Egyptian Pharaohs.

3. Still other Rastafari brethren and sistren wear their locks after making personal vows of "livity" - a sacred promise to live a natural, moral and spiritually balanced way of life. This way of life is often referred to as "Ital" and recognizes spirituality in all creation. Thus, Rastafari vow to live naturally in the way that the Almighty Creator designed. Hence, the body is naturally programmed to grow long hair and adherence to the Ital way of life requires the growing of locks.

4. Rastafari has made the wearing of locks so popular that today locks are worn by people of all races and faiths, even for a fashion.

5. THE REPORT ON THE RAS TAFARI MOVEMENT IN KINGSTON, JAMAICA by M. G. Smith , Roy Augier. And Rex Nettleford for the INSTITUTE OF SOCIAL AND ECONOMIC RESEARCH 1960, concludes:

"Those Ras Tafarians who advertise themselves by wearing beards or the dreadlocks are shunned by the general public. They have difficulty in obtaining work. In every part of the world, including Africa, people who insist on looking different from their fellow men tend to be persecuted by their fellow men. This is not a justification for persecution. The Public should learn to recognize that religious people have a right to wear their hair long if they wish to do so.

The general public believes in a stereotype Ras Tafarian, who wears a beard, avoids work, steals, smokes ganja, and is liable to sudden violence. This type exists, but it is a minority. The real danger is that if all Ras Tafarians are treated as if they are like this, more and more will become extremists. What strikes the investigator, on the contrary, is how deeply religious the brethren are. Our meetings with them began and ended with the recitation of psalms and the singing of hymns, and were punctuated by frequent interludes of religious observance. A movement which is so deeply religious need not become a menace to society. . . . [and] they should leave innocent Ras Tafari brethren alone; stop cutting off their hair, stop moving them on, stop arresting them on minor pretexts, and stop beating them up. Violence breeds violence.

6. IN RE CHIKWECHE 1995 (4) SA 284 (ZC) ZIMBABWE SUPREME COURT GUBBAAY CH. McNALLY JA and EBRAHIM JA says,

"This Court was furnished with the affidavit of Professor Horace Campbell, a Rastafrian scholar and author of several books and articles on the Rastafari movement. One of his books, *Rasta and Resistance: From Marcus Garvey to Walter Rodney*, was also made available. It repays study.

Professor Campbell maintains that the wearing of dreadlocks is a symbolic expression of the Rastafari movement, which embraces the cultural, philosophical and religious aspirations of the African peoples in general and, in particular, the African peoples of the diaspora. . . .

Professor Campbell proceeds to recount that in time the wearing of locks gave rise to the idea of dreadlocks. This was an affirmation that the hair of the African was as good as any other hair. The concept of 'Natty Dread' became part of the

vocabulary of resistance. He says:

'The symbol of dreadlocks became a lasting sign of black pride. It was a symbol which was to gain international significance after reggae artists took on the physical appearance of the [Rastafarian] Dreads and exposed the culture [and spirituality] of the hills to the saloons of London, Frankfurt and Amsterdam, the the big musical centres of Los Angeles and New York, and ultimately to the Independence Celebration in Zimbabwe.

This explosion of the symbols of the Rastafari has met with opposition from the establishment all over the world. It requires a lot of confidence for African persons to wear their hair in locks because there is so much persecution of the Rastafari and dreadlocks, especially among the professional classes."

III. Legislation around the world already exists affirming Rastafari inmates right to wear their covenant of locks.

1. The Universal Declaration of Human Rights, The International Covenant on Civil and Political Rights, and The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are the international legal instruments that protect the Rastafari inmates rights to wear their covenant of locks.

The Universal Declaration of Human Rights

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 18: Everyone has the right to freedom of thought, conscience and religion: This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

The International Covenant on Civil and Political Rights

Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 16: Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture or references to other forms of cruel, inhuman or degrading treatment or punishment.

The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibit cruel, inhuman or degrading treatment or punishment or which relate to extradition or expulsion.

The Convention on the Prevention and Punishment of the Crime of Genocide

Article II: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article III: The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;

- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Article IV: Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

2. The United States of America and its Federal Bureau of Prison (BOP) recognize Rastafari inmates right to wear their covenant of locks.

A. Overton v. Dept. of Corr. Serv., 499 N.Y.S.2d 860 (Sup. Ct. 1986). (Ras). The Rastafarian plaintiff involved in this case had been convicted and sentenced to long term incarceration. He was represented by counsel. The prison system required that, as a male prisoner, he receive an initial haircut and shave "for reasons of health and sanitation as well as to permit the taking of the initial identification photograph." The plaintiff claimed that the restrictive hair regulations violated his free exercise rights and his right to equal enforcement of the laws. The defendant prison system held that Rastafarianism was not a "bona fide" religion and so the plaintiff's basis for demanding special treatment regarding the restrictive hair regulations was not properly grounded. The appellate court rejected this finding. **The court found that the initial question presented was whether the plaintiff's beliefs were religious in nature. It noted the propriety of using "the Seeger test" in this context, which asks whether the plaintiff's beliefs are based upon a power or being, or upon a faith, to which all else is subordinate or upon which all else is ultimately dependent."** **United States v. Seeger**, 380 U.S. 163 (1965). The court held that Rastafarianism passed this test.

In determining the constitutionality of the prison's restrictive hair regulations as they impacted the plaintiff's free exercise rights, the court noted that the appropriate test asked whether no reasonable method exists by which appellant's religious rights can be accommodated without creating bona fide security problems. The court found that the requirement for a haircut was unreasonable in that sanitation needs could be satisfied by requiring bathing, and that the need for a fully revealing intake photograph could be satisfied by momentarily tying the plaintiff's hair back. The court failed to address the plaintiff's equal protection claim (based on gender discrimination in the hair regulations) as it had found the prison's cranial hair regulations to be invalid on free exercise grounds.

B. Religious Freedom Restoration Act, 42 U.S.C. § 2000bb (2000). The RFRA standard for burdening an individual's free exercise of religion in a prison context is more stringent than the constitutional standard. Under the U.S. Constitution, the BOP may impinge on a person's exercise of religion if the BOP's actions are "reasonably related to legitimate penological interests." See *O'Lone v. Estate of Shabazz*, 482 U.S. 342, 349 (1987). Therefore, if the BOP's screening of applicants' religious beliefs meets the RFRA standard, it would likely meet the constitutional standard as well.

Federal Bureau of Prisons' (BOP) action of housing federal prisoners who were Rastafarians or Muslims in Virginia state facilities with a grooming policy prohibiting long hair and beards violated the prisoners' rights under the Religious Freedom Restoration Act. Court orders BOP to transfer such prisoners to other facilities. *Gartrell v. Ashcroft*, 191 F. Supp. 2d 23 (D.D.C. 2002). [2002 JB Aug]

FINDINGS OF FACT

[12] I. BOP'S DECISION TO HOUSE CLASS MEMBERS IN VDOC FACILITIES SUBSTANTIALLY BURDENS THEIR RELIGIOUS BELIEFS AND PRACTICES

[13] A. Plaintiffs Have Sincere Religious Beliefs That Conflict With the VDOC Grooming Policy

[14] 1. The parties have stipulated that "each of the named plaintiffs has sincerely held religious beliefs that prohibit them from shaving or cutting their hair, and that conflict with VDOC's grooming policy." Stipulations of Fact ¶ 3 (filed Oct. 27, 2001). See also *Jackson*, 89 F. Supp. 2d at 65 (finding that "plaintiffs have met their burden of showing that [VDOC's] grooming policy substantially burdens their exercise of religion.").

[15] 2. Carl Wolfe, one of the named plaintiffs in this action, is an adherent of the Rastafarian faith. As a part of the practice of his faith, Wolfe has taken the Vow of the Nazarite, based on Numbers 6 of the Bible, that prohibits him from shaving his beard or cutting his hair. It would be a violation of a fundamental tenet of the Rastafarian faith for Wolfe to have his hair cut or his face shaved after he has taken this vow. See *Jackson*, 89 F. Supp. 2d at 65 (finding Wolfe's testimony regarding his faith to be "heartfelt and sincere," and finding that he grows his beard and dreadlocks "because of [his] religious beliefs").

3. IN RE CHIKWECHE 1995 (4) SA 284 (ZC) ZIMBABWE SUPREME COURT GUBBAAY CH. McNALLY JA and EBRAHIM JA, says,

"[Quoting Profesor Horace Campbell] 'What little judicial authority exists fully justifies the claim that the wearing of dreadlocks is a symbolic expression of the religious beliefs of the Rastafari.

The leading case in the United States of America is *Reed v Faulkner* 842 F 2d 960 (7th Cir 1988). Circuit Judge Posner, who delivered the unanimous opinion of the Court, entertained no doubt that Rastafarianism is a form of religion.... The district Judge assumed tha the Rastafarian faith is a bona fide religion for the purposes of the First Amendment, and there is no reason to doubt that this is a proper assumption.'

In *People v Lewis* 510 NYS 2d 73 (Court of Appeals of New York, 1986) the plaintiff, a convicted felon, challenged as a violation of his rights under the Federal Constitution's First Amendment the application to him of a prison regulation. It required that male inmates receive an initial haircut and shve for reasons of health and sanitation, as well as to permit the taking of an identification photograph. As an avowed Rastafarian the plaintiff wore his hair in dreadlocks. It was not disputed that he did so because os his genuine religious

beliefs. The Full Court held that the regulation infringed on the plaintiff's beliefs, and that the same result could be achieved if the plaintiff were to pull his hair back for the photograph instead of being compelled to cut off his dreadlocks.

Furthermore, it is of some significance that in British prisons Rastafarians are respected as a religious sect and are permitted to keep their dreadlocks. See Home Office Circular Instruction No 2 of 1983; and, generally, Directory and Guide on Religious Practices in Her Majesty's Prison Service, 1988; Discrimination: The Limits of Law edited by Hepple and Szyszczak at 183.

Accepting the status of Rastafarianism as a religion in the wide and non-technical sense referred to, I am satisfied that the applicant's manifestation of his religion by the wearing of dreadlocks falls within the protection afforded by s 19(1) of the Constitution [of Zimbabwe]. . . ."

4. In **England**, Lord Lester of Herne Hill asked Her Majesty's Government:

Whether they will recognize Rastafari as a religion for the purposes of prison administration so as to secure the rights of religion without discrimination of prison inmates as guaranteed by Article 9 and Article 14 of the European Convention on Human Rights.[HL4107]

The Parliamentary Under-Secretary of State, Home Office (Lord Bassam of Brighton): The Prison Service recognizes the culture of Rastafari by, for instance, allowing Rastafarians to wear dreadlocks and to be provided with a special diet. The Prison Service is seeking further information in order to establish whether it would be appropriate to treat Rastafari as a religious as well as a cultural movement.

4. In Port of Spain, **Trinidad**, a Rastafarian who was beaten, fed a diet containing meat and had his locks cut off by prison authorities won his case in the Appeal Court on June 3rd, 2005. Chief Justice Satnarine Sharma ordered the case to be remitted to the High Court and judgement be entered in favor of Damian Belfonte declaring that his constitutional right to freedom of conscience and religious beliefs and observance had been infringed by agents of the state.

5. In **St Vincent**, Health Minister Joseph "Burns" Bonadie announced that he planned to follow-up on a year-old recommendation by retired jurist Frederick Smith that Rastas should be allowed to keep their hairstyles in prison.

IV. Prison officials who forcibly shave Rastafari inmates' locks create psychic trauma reminiscent of the era of the criminal Trans Atlantic Slave Trade and violate Rastafari inmates' human rights.

The recognition of Rastafari human rights is expanding all over the world. One of the main issues is employers and prison officials "shaving of locks". It should be stated that Rastafari people who wear dreadlocks do so as a covenant between them and their God and King, Emperor Haile Selassie I, Jah Rastafari. To forcibly shave them creates psychic trauma reminiscent of the era of the criminal Trans

Atlantic slave trade. This unnecessary psychic trauma is cruel and unusual punishment and is, in effect, an act of terrorism perpetrated against Rastafari people.

On November 29th, 2000, the Ichirougnaim Council for the Advancement of Rastafari presented its Position Paper on Racism, Racial Discrimination, Xenophobia and Related Intolerance to the World Conference against Racism (WCAR), stating:

"At a social level, the plight of the Rastafari has not been easy either. The appearance of 'dreadlocks' and beards has allowed for employers, landlords, customs and immigration officials as well as law enforcement officers, to exercise varying levels of discrimination and abuse of human rights on such persons."

During the year 2007, the international community, lead by America and Britain, are commemorating the 200th anniversary of the abolition of the criminal Trans Atlantic Slave Trade, which forcibly displaced millions of black people from the land of their birth which is known today as the African continent.

The Criminal Trans Atlantic Slave Trade consisted of a minimum of 34,482 and perhaps a maximum of 35,561 slave voyages, 27,233 of which are documented in Davis Eltis' *Trans-Atlantic Slave Trade: A Database on CD-ROM*. Countless reports and scholarly articles prove that the victims of the criminal Trans Atlantic Slave Trade were subjected to the "slave breaking process" that included shaving their hair and beards. This is graphically depicted in the movie "Goodbye Uncle Tom". In order to understand the interrelated trauma of the criminal Trans-Atlantic Slave Trade and the cruel practice of forcibly shaving Rastafari locks, one must read the seminal research of Professor Raj Singh at Valparaiso University. His paper, ***The significance of male hair: Its presence and removal*** is included below. Sing states:

"The human head, as viewed from the front, is the area of our bodies that is most important in influencing and regulating interpersonal conduct. (Liggett, 1974 generally; Macgregor, 1974 at pg. 25) It is the bodily area most associated with individual identity (Alley, 1988 at pgs. 1 & 192) and it communicates to the other, instantaneously, information as to the age and gender of the bearer which has, in turn, a major influence on social interaction. (Alley, 1988 at pg. 1) Because our facial presentation affects how we perceive ourselves, it can be expected to have a bearing on how we behave whenever others are present. (Alley, 1988 at pg. 2)

More specifically, the presentation of cranio/facial hair is arguably our most powerful symbol of individual and group identity. (Synnott, 1987 at pg. 381) Hair has been significant to human beings at all times and in all cultures as a symbol of strength, sexuality and magic and has been treated as a significant part of the body. (Rabinowitz, 1984 at pg. 270) Hair not only symbolizes the self, but is the self in that it is a part of the human body. (Synnott, 1987 at pg. 404) Accordingly, changes in appearance involving hair can be expected to have a major psycho-social impact on the individual who has undergone the change. (Alley, 1988 at pg. 17)

Through cranio-facial hair presentation, people symbolize their identities with respect to a wide range of phenomena: religious, political, sexual, social, occupational and others. (Synnott, 1987 at pg. 405)

Males express their ideologies and status in their hair. (Synnott, 1987 at pg. 397) In this day, long hair and facial hair are often seen to be symbolic of ideological opposition to "the establishment." (Synnott, 1987 at pg. 401) The allowance of facial hair by the male represents his manhood in that it differentiates him from females and children. (Synnott, 1987 at pg. 390)

Why do those in authority want men to shave their faces and cut their cranial hair short? It has been posited that the hair of prison inmates and soldiers is kept cut as a reminder that "you are not a free person and cannot do as you please with your own body." (Rabinowitz, 1984) Shaving produces effects like other means of fostering a youthful appearance because a "clean-shaven" face mimics the surface quality of the pre-pubertal face. (Guthrie, 1976 at pg. 30) Therefore, requiring a man to shave can have the effect of reducing his status, and his self-perception, toward that of a child. Moreover, we live in a world that has, cross-culturally and over time, viewed men collectively as being cold, aggressive, strong willed, and dangerous. (Martin, 1987; Rosenkrantz et al, 1968; Broverman et al, 1972) Women as a class, on the other hand, have been generally presumed to be warm, submissive, obedient and nurturing. (Martin, 1987; Rosenkrantz et al, 1968; Broverman et al, 1972; Sapadin, 1988) Forcing or coercing a man into daily shaving can be seen as assigning to him the less threatening, feminine role. Most to the point, and as stated earlier, because our facial presentation effects how we perceive ourselves, it can be expected to have a bearing on how we behave whenever others are present. (Alley, 1988 at pg. 2) The man, then, who presents as quasi-boy / pseudo-woman can be expected to act in the submissive, obedient, non-threatening manner that we stereotypically expect of little boys and females.

As to the significance of cutting a man's cranial hair, numerous investigators have agreed on one symbolic meaning: castration. (Andresen, 1980 at pg. 80; Freud, 1913; Berg, 1936; Kentsmith, 1973 at pg. 576) The forced removal of another's hair can also be seen as a manifestation of the extraction of reparations. (Andresen, 1980; Morgenstern, 1966 at pg. 84) Put more simply, cranial hair removal is intended to make the male an un-man and, in the case of the judicial prisoner, to obtain vengeance or pay-back for wrongs committed.

Further, Kim Gilmora writes in *Slavery and Prison - Understanding the Connections*:

"I'M BEGINNING TO BELIEVE THAT 'U.S.A.' STANDS FOR THE UNDERPRIVILEGED Slaves of America" (Esposito and Wood, 1982: 149), wrote a 20th-century prisoner from Mississippi in a letter detailing the daily violence he witnessed behind prison walls. His statement resounds with a long tradition of prisoners, particularly African-American prisoners, who have used the language and narrative of slavery to describe the conditions of their imprisonment. In the year 2000, as the punishment industry becomes a leading employer and producer for the U.S. "state," and as private prison and "security" corporations bargain to control the profits of this traffic in human unfreedom, the analogies between slavery and prison abound. This year the U.S. prison population cascaded past 2,000,000,¹ with millions more under the jurisdiction of the criminal justice system in local jails awaiting trial, in INS prisons awaiting deportation, or in their homes linked with criminal justice authorities through ankle bracelets that track their every move. Recent studies of the prison boom stress the persistent disparities in sentencing according to race -- prison populations continue to be disproportionately African American and Latino. With longer sentences being imposed for nonviolent drug offenses, with aggressive campaigns aimed at criminalizing young people, and with the growing

number of children left orphaned by the criminal justice system, the carceral reach of the state and private corporations resonates with the history of slavery and marks a level of human bondage unparalleled in the 20th century.

Scholars and activists have plunged into an examination of the historical origins of racialized slavery as a coercive labor form and social system in an attempt to explain the huge increase in mass incarceration in the U.S. since the end of World War II. Drawing these links has been important in explaining the relationship between racism and criminalization after emancipation, and in connecting the rise of industrial and mechanized labor to the destructive effects of deindustrialization and globalization. The point of retracing this history is not to argue that prisons have been a direct outgrowth of slavery, but to interrogate the persistent connections between racism and the global economy. Mass imprisonment on the level seen in the U.S. in the 20th century occupies a phase along the spectrum of unfree labor related to, yet distinct from, chattel slavery.

Angela Davis (1996: 26) has written, "I choose the word 'abolitionist' deliberately. The 13th Amendment, when it abolished slavery, did so except for convicts. Through the prison system, the vestiges of slavery have persisted. It thus makes sense to use a word that has this historical resonance." Though some 20th-century abolitionist movements connect themselves expressly with the tradition of 19th-century abolitionists and antislavery advocates, abolitionism as defined here is the conglomerate of many local movements that express abolitionist aims indirectly through challenging the fundamental methods of the prison-industrial complex -- mandatory minimum sentences, harsh penalties for nonviolent drug offenses, and the continuous construction of prisons that goes on regardless of crime rates.

<http://www.historyisaweapon.com/defcon1/gilmoreprisonslavery.html>

Now consider that

"According to Professor Campbell, the wearing of locks developed as an act of defiance to the colonial conception of beauty and good grooming. It commenced in the nineteen-fifties when the Rastafari saw pictures of the African freedom fighters from Kenya (Mau Mau), which ignited the feelings of solidarity among the Africans. The photographs of Dedan Kimathi, General China and Jomo Kenyatta were taken as positive symbols of African expression and the Rasta carried their hair in locks as a protest against the then current fashion of close-cut hair. The Biblical justification for locks came from the Book of Numbers, chap 6 verse 5."

Given all of the above, there is, then, a justification for raising this human rights issue at the Global Dialogue of Faiths: *Religion, the Slave Trade, and the case for African Reparations* in Bridgetown, Barbados, August 27, 28, & 29, 2007 and other global forums commemorating the 200th Anniversary of the abolition of the slave trade, as well as directly with Prison administrations in order to discontinue vestiges of the criminal Trans Atlantic Slave Trade and secure justice to its victims, especially Rastafari inmates subjected to the psychic trauma of the slave-breaking and spirit breaking practice of forcibly shaving one's hair..

Therefore, the Rastafari National Council for Inity in the United States of America (RNCI USA), on behalf of the Almighty Rastafari Kingdom, (ARK) declares that ***forcibly shaving the locks of Rastafari inmates is a violation of all religious, civil and political rights protected by international law and all prison facilities must cease such practices effective immediately.***

The significance of male hair

Its presence and removal

by Raj Singh, Valparaiso University
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With no claim to a rational justification, we largely demand that adult males present with bare faces and clipped cranial hair if they are to be presumed good, productive members of society.

Yet scholarly studies demonstrate observers typically make many, significantly positive attributions, both of character and life mastery, to the male who "wears" (i.e., does not artificially remove) facial hair or long cranial hair; and historically uncut male hair was religio-spiritually required with exceptions made only as an adjunct to worship.

What is the significance of this juxtaposition? Two rules of fact emerge from the research:

1. A man's reasons for abstention from hair cutting practices all relate to his assertion, intended consciously or subconsciously, that he is not the servant of other men.
2. When people in positions of (non-religious) authority demand that a man cut his hair or shave his face, their purpose is to require the clipped man to openly demonstrate his obedience and subservience to them.

This paper seeks to provide a multi-disciplinary review of the literature that relates to the significance of the hair presentation of the adult male. Further, it proffers the theory that the extent to which we desire short haired, bare faced men is the extent to which we seek the stereotypically presumed attribute of submissiveness found in the female combined with the assumed strength and dependability ascribed to the male.

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Preface: Why a multi disciplinary approach

The reports of cases that address male hair law, identifiable as such, are found to have been published over a span of about thirty years. They number over two hundred and almost invariably reflect the inability of plaintiff men to satisfactorily impress the courts with the general importance of the ability of a man to exercise unfettered control over the presence of his hair.

It is important to note the following:

Male hair regulations are invariably aimed toward requiring men to keep their cranial hair clipped short and their faces scraped clean, never the opposite.

The shorn appearance against which the plaintiff so adamantly rebels is nearly always the image of choice of the deciding judge (or, in the case of a female jurist, her respected peers).

If the plaintiff is represented by male counsel, the attorney will almost always present with short hair and will nearly as often stand in court with a scraped face.

Together, these demonstrate that the case law has very often been decided after bare faced, short haired counsel have presented pleadings to a judge of similar tonsorial persuasion for recognition of the importance to the integrity of a man to present with the facial hair that attests to his manhood and the cranial hair of one unbowed.

How sincere can the above described counsel appear to be? How is the judge to reconcile his own self-perception as a powerful, free male with the plaintiff's assertion that short hair is the mark of a slave and a face free of hair is only natural to the child or female?

If the judge is a woman, how can she appreciate the issues involved? If the plaintiff asserts that his unshorn head is the sign of his dedication to God over man, then what does this suggest regarding the religiosity of the judge himself or, in the case of a female jurist, her peers on the bench? Is their religion invalid, or is their discernment and/or adherence to its true precepts faulty? A consideration of these questions illuminates the jurist's personal conflicts that must be overcome if the plaintiff's case is to obtain an unbiased hearing.

If a plaintiff is to impress the court with the concept that a man's ability to control his own cranio/facial presentation should be considered a fundamental right of the highest magnitude, then he must be prepared to begin at the beginning. By using a multidisciplinary approach the attached paper seeks to allow the advocate in a male hair law case to do just that. By acknowledging the social-psychological, anthropological, historical, socio-political and spiritual/religious considerations the person who is to be persuaded is called to account for any tendency to discount, not just the position of the plaintiff, but also the positions of the cited authorities.

I do not intend that this paper be submitted simply as a supporting brief. It's highest and

best use will be made when the advocate studies this presentation for the purpose of instilling a sort of mind set or attitude. That having been done, the references cited should be acquired and studied in the raw. At that point the advocate for male hair rights will be in good stead to develop the philosophical component of an appeal to the court.

This paper is intended to be a review of the literature followed by a theory that attempts to explain and reconcile apparent inconsistencies in our society's attitudes and practices regarding male hair. As a "review of the literature," it is not intended to serve as a comprehensive recapitulation of all that has been written on the subject of male hair significance. As stated earlier, the reader desirous of an in-depth study of the subject is well advised to treat the list of references as a directed reading list.

Introduction

Restrictions against male hair presence are so common and so firmly entrenched within our cultural mores that most of us take them for granted. We hardly consider the extent to which men must go to feel respected in modern American society.

Indeed, the man who is "dressed for success" has literally hidden every square inch of hair producing skin except for his hands, face and cranium. A man's hands produce only minimal amounts of hair and, at any rate, are easily ignored. The socially astute male removes his facial hair every morning and makes regular visits to a barber whom he pays to cut his cranial hair to a length that is typically no longer than about three inches on top and tapers to nothing over the ears and shirt collar.

When we see a bare faced, five year-old boy with short, greased down hair we comment on how he looks so much the part of the "little man." If we acknowledge, however, that facial hair is natural to the adult male's face, and that short hair is a classic sign of subservience, we see that it would be more appropriate to comment on how the typically presented business man has so much the look of a little boy.

As a society, we superficially appear to believe that male, cranio/facial hair presentation is a matter of *de minimus* import. One author titled his otherwise scholarly writing on a sub topic of the subject "Suits for the Hirsute...". (Maloney, 1995) In his first footnote (at pg. 1243) he thanks his wife for suggesting that title as an alternative to his first choice of "Hair Today, Gone Tomorrow."

We may well doubt that a male orthodox Jew or Sunni Muslim, who has had to make a choice between forgoing life sustaining employment or shaving his face in defiance of the spiritual tenets in which he believes, could appreciate the humor of either title.

Another author (Kentsmith, 1973) begins his journal article on the significance of hair with a quote from the poem *The Rape of the Lock* by Alexander Pope; to-wit "What mighty contests rise from trivial things." Thus, he makes his sentiments on the subject evident beyond peradventure.

Consider these three perspectives on the value of male hair:

the individual man's valuation of his own hair presentation,

ostensible societal expectations of what constitutes the cranio/facial presentation of a good man,

true societal preferences in male hair presentation as uncovered by research performed in the discipline of social-psychology.

If (a), (b) and (c) were in accord with one another, there would be little to discuss. Individual men place great value on their own hair as habitually presented, and social-psych research shows that we hold bearded men in more positive regard than bare-faced men. Further, we see long-haired men as being dominant and unbowed, (Kentsmith, 1973 at pg. 579) and religious prohibitions against haircutting and/or shaving are not uncommon among the world's religions.

Yet, on the more practical level, we largely demand that men present with bare faces and shorn cranial hair if they are to obtain life sustaining employment and are to be presumed good, productive members of society; therein lies the proverbial rub.

This paper seeks to provide a review of the literature that relates to the significance of the cranio-facial hair presentation of the adult male, as well as to put forth a theory that explains those incongruencies in our social position on male hair described above.

The Semantics of Male Hair Valuation

Alfred Korzybski, a highly respected theorist in the field of general semantics, held that language is much more than a system of symbols used to communicate reality in the manner of a photograph, for example. (Hayakawa, 1954 at pg. viii) Rather he felt our words and phrases carry assumptions about the characteristics of our existence that forcefully direct, if not dictate, our thoughts (Hayakawa, 1954 at pg. viii) and behaviors. (Hayakawa, 1954 at pg. 20)

In keeping with these ideas, when we speak of a man's hair we do well to examine our words carefully to be truly cognizant of the notions those words connote within our minds.

Do we speak of requiring a man to get a "haircut" if, for example, he is to be considered a good prisoner, soldier, or worker, or should we admit that we are requiring him to "cut off a bodily appendage"?

Do we say that a man can make an affirmative decision to "grow a beard," much as the expert, dedicated horticulturist can grow petunias in the desert? Or do we say that male facial hair growth is the default category and acknowledge that men can only become and remain bare faced when they "scrape off their faces with a piece of steel" on a daily basis?

Our common use of such terms and phrases as "haircut" and "grows a beard" clearly points up the fundamental, societal bias we have against acknowledging positive value in men's hair.

One of the ways we denigrate male hair growth is to implicitly deny that the hair we

deem to be extra is a part of a man's body. We commonly say that a man with facial hair "wears" a beard, mustache, etc., reducing the import of his facial hair to that of a piece of clothing.

We never say that a man "wears hair" if the subject cuts his cranial hair relatively short, but if he refrains from hair cutting we say that he "wears long hair." The clear implication is that a certain amount of cranial hair is socially desirable, indeed almost necessary, while anything more than a moderate hair presence is surplusage.

It's interesting to compare the process involved in this semantic denigration to that of the social-psychological process of depersonalization, the classic examples of which are the Vietnam era soldiers who found it easier to carry out their orders while thinking in terms of "offing gooks" rather than killing Vietnamese people. In a similar vein, we find it easier to require a male employee, prisoner or serviceman to remain short haired if we couch our edict in terms of getting a "haircut" (The term itself begs the question, "Which one should he cut?") as opposed to explicitly ordering him to go and have someone cut off his hair.

The word beard is used in at least two different ways in that, first, we might say that a man has a beard that is heavy or light, even though no hair presence is visible. In this case, we use the phrase (e.g. heavy beard) to refer to the density, and propensity for development, of a man's facial hair follicles. In the second sense, used much more often, we use the word beard to refer to the natural, unmolested presence of facial hair. The latter usage is arguably invalid in that it implicitly denies the permanent and natural reality of male facial hair. The better view holds that, in fact, even if a man shaves daily, he still has a beard. He cannot take it off and discard it like an offensive coat or scarf.

With this definitional shift, we acknowledge that all normal, healthy men have beards throughout their adult lives. The only question is whether they'll scrape off the visible evidence every morning.

In shaving, a man reduces himself to the status of being "clean shaven," to use a phrase that is firmly ensconced within our lexicon. The corollary, of course, would be to remain "dirty bearded." The phrase "clean cut" takes this concept a step further and implies that if a man does not cut his cranial hair to a short length and scrape his face daily, then he is unclean.

Classically, of course, it's believed that that which is unclean should be shunned. For what it's worth, we note that the term "young shaver" is used to refer to an immature male of no status, and that "shave tail" is a derogatory term used to refer to an inexperienced army officer. (Webster's, 1979 at pg. 1058) The phrase shave tail was derived from the practice of shaving the tail of a newly broken mule to differentiate it from untrained ones. (Webster's, 1979 at pg. 1058) The Freudian implications are obvious.

Those who would deride the presence of long hair on men often refer to same as being part and parcel of an "unkempt" appearance. It's interesting to note that the word unkempt means uncombed. (Webster's, 1979 at 1271) Thus, he who keeps his hair in the style of a short crew-cut is, under the denotative use of the word, unkempt. In truth, though, the

word unkempt is a superfluous pejorative used to describe a long-haired or bearded man about whom we disapprove.

To understand our society's mixed feelings on the valuation of male hair, it is helpful to review the literature of the disciplines of anthropology, psychology, theology, and history and to specifically examine some reasons why men have engaged in hair cutting over the ages.

The Significance of Cranio/Facial Appearance

The human head, as viewed from the front, is the area of our bodies that is most important in influencing and regulating interpersonal conduct. (Liggett, 1974 generally; Macgregor, 1974 at pg. 25) It is the bodily area most associated with individual identity (Alley, 1988 at pgs. 1 & 192) and it communicates to the other, instantaneously, information as to the age and gender of the bearer which has, in turn, a major influence on social interaction. (Alley, 1988 at pg. 1) Because our facial presentation affects how we perceive ourselves, it can be expected to have a bearing on how we behave whenever others are present. (Alley, 1988 at pg. 2)

More specifically, the presentation of cranio/facial hair is arguably our most powerful symbol of individual and group identity. (Synnott, 1987 at pg. 381) Hair has been significant to human beings at all times and in all cultures as a symbol of strength, sexuality and magic and has been treated as a significant part of the body. (Rabinowitz, 1984 at pg. 270) Hair not only symbolizes the self, but is the self in that it is a part of the human body. (Synnott, 1987 at pg. 404) Accordingly, changes in appearance involving hair can be expected to have a major psycho-social impact on the individual who has undergone the change. (Alley, 1988 at pg. 17)

Through cranio-facial hair presentation, people symbolize their identities with respect to a wide range of phenomena: religious, political, sexual, social, occupational and others. (Synnott, 1987 at pg. 405)

Males express their ideologies and status in their hair. (Synnott, 1987 at pg. 397) In ancient times, the Teutons or Germanic tribes refrained from hair cutting and shaving in order to clearly differentiate themselves from their forcibly shorn slaves. (Pellegrini, 1973 at pg. 22) This was also the case for the Celts. In this day, long hair and facial hair are often seen to be symbolic of ideological opposition to "the establishment." (Synnott, 1987 at pg. 401) The allowance of facial hair by the male represents his manhood in that it differentiates him from females and children. (Synnott, 1987 at pg. 390)

People commonly make arational personality attributions, such as those relating to intelligence, personality, and criminality, based simply on facial appearance. (Roll & Verinis, 1971 at pg. 975) Cutting the hair is seen to indicate submitting to social control, whereas from long hair we infer an intent to remain outside society. (Hallpike, 1969 at pg. 261)

Beards typically increase perceptions by others of the bearded person's intelligence, likeableness, health, popularity, sensitivity to others, and sexual appeal (Pellegrini, 1973;

Sprecher et al, 1984 at 227ff) as well as enthusiasm, sincerity, generosity, inquisitiveness and dirtiness. (Kenny & Fletcher, 1973) Bearded men are also seen as more mature, self-confident, liberal, nonconformist and industrious. (Pellegrini, 1973 at pg. 30) Research has shown that women find bearded men more appealing and other men ascribe to them more status, other factors being supportive. (Freedman, 1969) Other research shows that both young and middle aged men are seen as better looking when bearded. (Sprecher et al, 1984 at pg. 227ff)

A protrusive or jutting chin is stereotypically believed to suggest energy, strength of will, ambition, and determination (Bellak & Baker, 1981 at pg. 86ff; Cohen, 1973 at pg. 143; Gurnee, 1936 at pg. 182) and research suggests that male facial hair serves to increase the apparent mass of the lower face. (Guthrie, 1970 at pg. 362ff; Guthrie, 1976 at pg. 25ff) This suggests that the presentation of a beard or goatee may be seen as relatively intimidating by others. Indeed, beards have been shown to increase attributions of courageousness and dominance made toward the hirsute male (Pellegrini, 1973 at pg. 30) as well as perceptions by others of his apparent masculinity and strength. (Kenny & Fletcher, 1973); Pellegrini, 1973 at pg. 30; Pancer & Meindl, 1978)

Note that the word beard may be used as a verb, in which case it means *inter alia* to resolutely and openly oppose with effrontery or daring, and/or to defiantly thwart. (Simpson & Weiner, 1989)

Haircutting as a Function of Spirituality

The relatively voluntary cutting of one's own hair has often been related to spiritual expression. Looking back through history, we see that upon reaching manhood Greek youths sacrificed their hair to the river, a quasi-spiritual entity in their view. (Menninger, 1938) In ancient Rome, as well as Arabia and Syria, haircutting was a puberty ritual, with spiritual significance. (Menninger, 1938) Ancient Egyptian travelers didn't cut their hair until they returned from a journey, at which time the cut hair was given as an offering to God. (Rabinowitz, 1984) Mourners in many different cultures give hair offerings that are believed to substitute for the sacrifice of the mourner's whole person. (Rabinowitz, 1984) And shaving the head is found in many faiths and cultures as a symbol of dedication to God; e.g., ancient Buddhism, Hinduism, and among the Yoruba. (Leach, 1958 at pg. 155; Derrett, 1973 at pg. 101; Hershman, 1974 at pg. 276; Houlberg, 1979 at pg. 367ff)

The Judeo-Christian religious practices have also taken a pointed interest in male hair.

The Roman Catholic or Eastern rite of admission to the clerical state by clipping or shaving the head of monks or other clerics or renunciants provides yet another example. (Rom, 1973 at pg. 24) The Christian Apostle Paul, in his letter to the Corinthians indicates that it is unnatural and degrading for a man to wear long hair. (Paul, 60) Through Canon #67, laid down at the Synod at Elvira in 309 A.D., it was forbidden for a woman to have anything to do with long-haired men, under penalty of excommunication. (Laeuchli, 1972) Thus, any man desirous of recognition as a good Christian, as well as one simply seeking the consortium of a religiously respectable Christian woman, was provided with a motivation to cut his hair.

In the Israelite tradition, when Jews were bearded, mourning the dead was symbolized by shaving the beard. (see "Jeremiah...; Morgenstern, 1966 at pg. 105) Today, among conservative (unbearded) Jews, mourning is sometimes symbolized by not shaving, but the traditional Semite practice indicates sacrificing cranio/facial hair during mourning periods. (Morgenstern, 1966 at pg. 105)

Hair Allowance as a Function of Spirituality

The account, from the Judeo-Christian scriptures, of Samson and Delilah is well known in our American society, though the importance to that account of the Vow of the Nazirite is not. The Vow of the Nazirite is found in the book of Numbers, chapter six. This book is held to be high scripture by the Jewish practitioner inasmuch as it is one of the five books of Torah. The Christian worshipper holds this book sacred, though of less central import, as one of the over sixty books of the Holy Christian Bible.

Per this scriptural directive, a man may become identified as one who is maximally dedicated to God by, among other requirements, refraining from cutting any of his cranio-facial hair. The commitment is not to be taken lightly, as is indicated by the involved ritual prescribed for performance at the completion of the vow. Further, the account of Samson indicates that the taking of the Vow is not necessarily to be presumed to be temporary in nature in that Samson's mother was instructed to raise him as a Nazirite from birth, and that he was to remain so until his death. (Judges 13:2-7) The Rastafarian practitioner may cite the Vow of the Nazirite as the basis for his abstention from hair cutting, as do many orthodox Jewish men and some Christians. Leviticus 21:5, however, is just as authoritative and is, per at least one researcher, the citation of choice of the Rastafarian. (Taylor, 1984 at pg. 1608) Other men have presented as having taken the Vow of the Nazirite who claim a generic worship of God aside from any adherence to Judaism, Rastafarianism, and/or the worship of God through Jesus.

Among Jewish men, a more common citation offered as justification for the refusal to shave or trim facial hair is that of Leviticus 19:27 which directs that "You shall not destroy the corners of your beard." Deuteronomy 14:1 is also supportive of the value of a natural hair presentation for he who would aspire to Godliness. Leviticus and Deuteronomy are both found in Torah which, as mentioned earlier, renders them to be high scripture for the Jewish practitioner and scripture of moderate import for the Christian. Rastafarians also commonly revere Torah.

Many Sunni Muslims believe that male practitioners are scripturally enjoined to present with a "full flowing" beard. They cite passages from the Koran, as well as the interpretations of those scriptures made by respected Islamic theologians. (Furqan, 1982) It may be appropriate at this juncture to note the significance of the Muslim faith to so many African-Americans. On a more practical plane, it's estimated that about 25% of African-American men suffer from the condition know as *pseudo folliculitis barbe*, which leads to painful, disfiguring skin infections as a result of shaving. Further, the historical and ongoing socio-economic oppression faced by these men hardly needs supporting references. With these three points in mind, it can perhaps be better appreciated what an affront it must be to be ordered to scrape off the outer layer of one's faith everyday as an African-American man who practices the Sunnite path of Islam.

The people to which we refer with the phrase "Native Americans" comprise, in fact, many different tribes each of which has its own, individual mores, social characteristics and spiritual beliefs. Only superficially can we lump them together for discussion of their spiritual practices. That having been admitted, I will, nevertheless, submit that many Native Americans believe that a man's vitality and strength reside in his hair (Kentsmith, 1973 at pg. 576) and that his hair is a gift from the Creator, to be cut only when someone close to them dies. (Hamilton, 1996)

Sikhism is a religion that, worldwide, is practiced by approximately as many people as is Judaism. The last in its succession of ten Gurus, Gobind Singh, directed that male practitioners were to refrain from any form of hair cutting. (Cole & Sambhi, 1978 at pg. 36) The Guru's rationale is believed to have been that haircutting was unnatural and, hence, unGodly. (Cole & Sambhi, 1978 at pg. 111) Additionally, it's believed that he intended for the appearance generated by the ongoing practice of abstention from haircutting to enhance solidarity and religious loyalty among Sikhs. (Cole & Sambhi, 1978) Though the Sikh who cuts his hair is never an outcast, he is clearly differentiated from those who "keep the five Ks", one of which relates to uncut cranial and facial hair.

Male Hair Denigration

Military regimes across time and cultures have been well known to require the removal of cranio/facial hair for initiates. For example, new members of the French Foreign Legion had their hair cut down to half a millimeter; allegedly to keep them free from lice - in reality to bestow on them a feeling of nothingness. (Rom, 1973 at pg. 22) When after their basic military training they felt integrated into this establishment, they were allowed to grow their hair again. (Rom, 1973 at pg. 22) Upon subduing the Gauls, who esteemed long hair as a distinct honor, Julius Caesar required them to cut their hair as a token of submission. (Kentsmith, 1973 at pg. 573) For the same purpose, the Chinese Manchus imposed the partly shaven head and pigtail upon the Haun men when their dynasty was conquered. (Kentsmith, 1973 at pg. 573) Forced hair removal was effected against collaborators during the German occupation of France. (Synnott, 1987 at pg. 402) Haircutting was a punishment for adultery in India and among the ancient Teutons, and for other crimes in Assyro-Babylon. (Rabinowitz, 1984 at pg. 271)

Why do those in authority want men to shave their faces and cut their cranial hair short? It has been posited that the hair of prison inmates and soldiers is kept cut as a reminder that "you are not a free person and cannot do as you please with your own body." (Rabinowitz, 1984) Shaving produces effects like other means of fostering a youthful appearance because a "clean-shaven" face mimics the surface quality of the pre-pubertal face. (Guthrie, 1976 at pg. 30) Therefore, requiring a man to shave can have the effect of reducing his status, and his self-perception, toward that of a child. Moreover, we live in a world that has, cross-culturally and over time, viewed men collectively as being cold, aggressive, strong willed, and dangerous. (Martin, 1987; Rosenkrantz et al, 1968; Broverman et al, 1972) Women as a class, on the other hand, have been generally presumed to be warm, submissive, obedient and nurturing. (Martin, 1987; Rosenkrantz et al, 1968; Broverman et al, 1972; Sapadin, 1988) Forcing or coercing a man into daily shaving can be seen as assigning to him the less threatening, feminine role. Most to the

point, and as stated earlier, because our facial presentation effects how we perceive ourselves, it can be expected to have a bearing on how we behave whenever others are present. (Alley, 1988 at pg. 2) The man, then, who presents as quasi-boy / pseudo-woman can be expected to act in the submissive, obedient, non-threatening manner that we stereotypically expect of little boys and females.

As to the significance of cutting a man's cranial hair, numerous investigators have agreed on one symbolic meaning: castration. (Andresen, 1980 at pg. 80; Freud, 1913; Berg, 1936; Kentsmith, 1973 at pg. 576) The forced removal of another's hair can also be seen as a manifestation of the extraction of reparations. (Andresen, 1980; Morgenstern, 1966 at pg. 84) Put more simply, cranial hair removal is intended to make the male an un-man and, in the case of the judicial prisoner, to obtain vengeance or pay-back for wrongs committed.

But how do we account for the men, non-military and unconvicted, who voluntarily maintain their hair at a short length and who shave on a daily basis? First, we must acknowledge that hair removal can hardly be considered voluntary in a society where generating a monetary income and positive regard among one's peers are generally dependent upon it. That having been said, we note simply that people will normally succumb to within-group cultural pressures to conform to an appearance expectation, even at a cost of discomfort or disfigurement. (Jenny, 1975; Darwin, 1871) Examples found within non-European cultures include the wearing of lipdiscs, neck elongation, head molding and scarring. (Jenny, 1975; Darwin, 1871) In America today, we note the purchase of cosmetically based orthodonture, liposuction, and the subcutaneous insertion of pads designed to increase the apparent size of male musculature or female breasts. Dr. Karl Menninger, the eminent theorist, argues for the placement of male hair cutting in the same class as the aforementioned forms of bodily mutilation. (Menninger, 1938) All are arational and involve expenditures of money, time and/or the sufferance of pain that are not inconsequential. All involve processes that are tolerated at the behest of dominant social forces by which those who submit are coerced.

As to he who is "his own man" and who yet chooses to shave his face and shear his scalp in the absence of any explicit coercion or force, perhaps the best explanation of motive is found in the word inertia. An anecdote (Fadiman, 1985) is told of George Bernard Shaw that relates the time he was approached by an advertising executive of a company manufacturing electric razors. The executive had hoped that Shaw would endorse their new product by shaving off his beard. By way of reply, Shaw explained the reason why he, and his father before him, had chosen not to shave by saying that when he was about five years of age, he had been observing his father shaving one day and had said to him, "Daddy, why do you shave?" Shaw's father looked at him in silence for a full minute before throwing the razor out the window while exclaiming "Why the hell do I?" And he never did again, as the story goes.

Toward an Explanatory Theory

Accepting that which has been thus far presented, we find that male hair maintenance involves issues of the highest personal significance. We see that the world's religions commonly take notice of men's hair maintenance practices. They often proscribe the

cutting of cranial and/or facial hair. In a very few cases cranial haircutting is religiously directed, but facial hair removal is only rarely suggested, and the scriptural citations applying thereto offer only weak, tangential support for same. The academic, social-science research is largely in accord in holding that bearded men are held in more positive regard than those with shaved faces. The view that the long haired male is unbowed is one that might be supposed to be as valued by modern day men as it was by the ancient Teutons and Celts. Many of the world's most commonly and highly revered religious human entities (including those respected as direct manifestations of God, as well those held to be bona fide prophets) are envisioned with unshorn hair. Many of our most highly respected men of non-religious, historical import are known to have been bearded and with relatively long hair. Yet today, the majority of our society's men shave daily and keep their cranial hair clipped short. In what theory do we find the reconciliation of these facts?

Law officers and military men have long been associated with the personality traits of reliability and obedience as well as the appearance characteristics of scraped faces and short-clipped cranial hair. In the consequently proffered correlation, then, we find our first agent of reinforcement for the idea that short haired, bare faced men are good and proper. More significantly, though, the expectation of short hair and scraped faces on men has long since been the norm for this nation's employers in general. In holding the clipped male to be the preferred object of our workplace desire we show, not so much our disinterest in females in our society, but rather our particular interest in submissive men as producers of material benefit. We, as a society, prefer men in the workplace because we perceive men, as a class, to be more dedicated to employment activities to the detriment of their familial or other inter-personal relationships. (Rosenkrantz et al, 1968; Broverman et al, 1972) Further, we see them as being more dependable than females in that we expect them to be medically indisposed less often. But we also presume that men in general are domineering, willful and aggressive by nature, and these are clearly characteristics that are found to be dysfunctional in a production level employee. (Martin, 1987; Rosenkrantz et al, 1968; Broverman et al, 1972) Women, on the other hand, are stereotypically presumed to be more docile, more amenable to following orders and accepting authority in an unquestioning manner. (Martin, 1987; Rosenkrantz et al, 1968; Broverman et al, 1972; Gilligan, 1982 at pgs. 16 & 17, e.g.)

The clipped male seems to present the best of both genders in that, first, he is obviously a man and so brings to the employer the supposed dependability and dedication that we expect of a member of the male sex. Second, by scraping off his facial hair he communicates to the employer that he intends to be as docile and obedient as would a female be presumed to be. (The validity of this hypothesis is lent support by so many of today's business women inasmuch as they are careful to appear for job interviews in clothing that is masculine on top, shirt-like blouse and suit jacket, but feminine on the bottom with a skirt short enough to expose artificially hairless legs.) The cutting short of cranial hair is a further sign of male submission to, and emasculation before, the prospective employer; one needn't be a Freudian psychoanalyst to appreciate the import of the fact that the removal of cranial hair, as symbolic penectomy, has never been required of women by our society's employers, prison wardens, or military authorities.

As short hair and bare faces have become more and more common on working class men, a distinction has emerged supporting the presumption that those men who are unshorn are either unproductive or, far less likely, are independently wealthy or of an advanced professional position. An example of the latter would be the high level academic. The fact that his uncut hair and unshaven face are truly indicative of his elevated social position will be of small consolation when the college professor is treated like a socio-economic no-account as he moves about casually in public social settings. Similarly, the long haired wealthy male who is frequently harassed by law enforcement personnel may soon tire of expressing his supposed freedom from the oppressive hair regulations of the typical employer through his unshorn hair.

In Conclusion

Those in power have required their man-servants to emasculate themselves through cranio-facial hair removal as a demonstration of their submissiveness. As this pseudo-feminine appearance has become more and more associated with respected and valued male participation in the national economy, the powered males have become motivated to emulate the very appearance of subservience from which members of their class had historically sought disassociation. As a result, we find ourselves in a society where men commonly, and unthinkingly, deny both their manhood and personal autonomy by daily face scraping and cranial hair mutilation. (A man's quasi-voluntary submission to social dictates cannot rationally be seen to vitiate the position that our society's male hair expectations are unacceptably oppressive.) Those few men remaining who have the wherewithal to present with uncompromised facial and cranial hair can be recognized as being relatively masterful of their own lives and valued as such, but only if they are able to otherwise indicate a high socio-economic status.

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Appendix

Male Hair Law Case Names

The immediately following, organized list of case names is intended to include each case that relates to restrictions placed upon the growth of men's hair that has been addressed by any court, state or federal, and that has resulted in a published case report - other than those that relate to pre- or post-conviction governmental detention. Next following is the list of case names for cases that relate to the jail and prison settings. The holdings and/or dicta in these cases will be of value to a plaintiff in the preparation of his argument for the legal invalidity of the restrictive hair regulations that bear upon him.

Governmental Settings

**Employment
Education**

K-12

1st Circuit

Lucia v. Duggan, 303 F. Supp. 112 (D. Mass. 1969).

5th Circuit

Conard v. Goolsby, 350 F. Supp. 713 (N.D. Miss. 1972).

9th Circuit

CA

Finot v. Pasadena City Bd. of Educ., 250 Cal. App.2d 189 (1967).

11th Circuit

Ramsey v. Hopkins, 320 F. Supp. 477 (N.D. Ala. 1970).

Collegiate

5th Circuit

Hander v. San Jacinto Junior College, 519 F.2d 273 (5th Cir. 1975).

Public Safety

Emergency Medical Technician

11th Circuit

Rafford v. Randle E. Ambulance Serv., Inc. 348 F. Supp. 316 (S.D. Fla. 1972).

Firefighter

DC Circuit

DC

Kennedy v. District of Columbia, 654 A.2d 847 (D.C. 1994).

2nd Circuit

Kamerling v. O'Hagan, 512 F.2d 443 (2nd Cir. 1975).

3rd Circuit

Elko v. McCarey, 315 F. Supp. 886 (E.D. Penn. 1970).

11th Circuit

Lindquist v. City of Coral Gables, 323 F. Supp. 1161 (S.D. Fla. 1971).
Yarbrough v. City of Jacksonville, 363 F. Supp. 1176 (M.D. Fla. 1973).

Law Enforcement

Police

U.S.

Kelley v. Johnson, 425 U.S. 238 (1976).

DC Circuit

Marshall v. District of Columbia, 392 F. Supp. 1012 (D.C. Cir. 1975).

1st Circuit

MA

Bd. of Selectmen v. Civil Serv. Comm'n, 387 N.E.2d 1198 (Mass. App. Ct. 1979).

2nd Circuit

Dwen v. Barry, 483 F.2d 1126 (2nd Cir. 1973).

NY

Greenwald v. Frank, 70 Misc.2d 632, 334 N.Y.S.2d 680 (1972).

Greenwald v. Frank, 47 A.D.2d 628, 363 N.Y.S.2d 955 (1975).

8th Circuit

Stradley v. Andersen, 349 F. Supp. 1120 (D. Neb.1972).

11th Circuit

Ashley v. City of Macon, Georgia, et al., 377 F. Supp. 540 (M.D. Ga. 1974).

9th Circuit

OR

Burback v. Goldschmidt, 521 P.2d 5 (Or. App. 1974).

Detention

2nd Circuit

Rourke v. New York State, 915 F. Supp. 525 (N.D.N.Y. 1995).

NY

Rourke v. New York State, 615 N.Y.S.2d 470 (N.Y. App. Div. 1994).

Rourke v. New York State, 603 N.Y.S.2d 647 (N.Y. Sup. Ct. 1994).

6th Circuit

Blanken v. Ohio Dept. of Rehab. and Corr., 944 F. Supp. 1359 (S.D. Ohio 1996).

Miscellaneous

DC Circuit

Brown v. D. C. Transit Sys., Inc., 523 F.2d 725 (D.C. Cir. 1975).

6th Circuit

OH

Schneider v. Ohio Youth Comm'n, 287 N.E.2d 633 (Ohio Ct. App. 1972).

9th Circuit

OR

Brookes v. Tri-County Metro. Transp. Dist., 526 P.2d 590 (Or. Ct. App. 1974).

10th Circuit

CO

Chiappe v. State Personnel Bd., 622 P.2d 527 (Colo. 1981).

Detention

Pre-trial detention (jail) (see separate listing, following)

Post trial detention (prison) (see separate listing, following)

Student

K-12

US

New Rider v. Bd. of Educ., 414 U.S. 1097 (1973).

1st Circuit

Richards, Jr. v. Thurston, 304 F. Supp. 449 (D. Mass. 1969).

Richards, Jr. v. Thurston, 424 F.2d 1281 (1st Cir. 1970).

3rd Circuit

Martin v. Davison, 322 F. Supp. 318 (W.D. Penn. 1971).

5th Circuit

TX

Barber v. Colorado Indep. Sch. Dist., 901 S.W.2d 447 (Tex. 1995).

Toungate v. Bastrop Indep. Sch. Dist., 842 S.W.2d 823 (Tex. App. 1992).

Bastrop Indep. Sch. Dist. v. Toungate, 922 S.W.2d 650 (Tex. App. 1996).

6th Circuit

OH

Royer v. Bd. of Educ., 365 N.E.2d 889 (Ohio Ct. App. 1977).

7th Circuit

Breen v. Kahl, 296 F. Supp. 702 (W.D. Wisc. 1969).

Breen v. Kahl, 419 F.2d 1034 (7th Cir. 1969).

Crews v. Cloncs, 303 F. Supp. 1370 (S.D. Ind. 1969).

Crews v. Cloncs, 432 F.2d 1259 (7th Cir. 1970).

Arnold v. Carpenter, 459 F.2d 939 (7th Cir. 1972).

Holsapple v. Woods, 500 F.2d 49 (7th Cir. 1974).

8th Circuit

Bishop v. Colaw, 450 F.2d 1069 (8th Cir. 1971).

Torvik v. Decorah Community Schools, 453 F.2d 779 (8th Cir. 1972).

9th Circuit

AK

Breese v. Smith, 501 P.2d 159 (Alaska 1972).

CA

Jeffers v. Yuba City Unified, Sch. District, 319 F. Supp. 368 (E.D. Cal. 1970).

ID

Murphy v. Pocatello Sch. Dist. #25, 480 P.2d 878 (Idaho 1971).

11th Circuit

Griffin v. Tatum, 300 F. Supp. 60 (M.D. Ala. 1969).

Dawson v. Hillsborough Sch. Bd., 322 F. Supp. 286 (M.D. Fla. 1971).

Collegiate

5th Circuit

Lansdale v. Tyler Junior College, 470 F.2d 659 (5th Cir. 1972).

8th Circuit

Reichenberg v. Nelson, 310 F. Supp. 248 (D. Neb. 1970).

Military

4th Circuit

Brown v. Schlesinger, 365 F. Supp. 1204 (E.D. Va. 1973).

5th Circuit

Talley v. McLucas, 366 F. Supp. 1241 (N.D. Tex. 1973).

9th Circuit

Khalsa v. Weinberger, 787 F.2d 1288 (9th Cir. 1985).