

The Significance of Skin Color in Asian and Asian-American Communities: Initial Reflections

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INTRODUCTION

Emerging from the Hanoi airport in the summer of 2001, I was instantly enthralled. I knew I had entered a place that was vastly different from my home country and I was almost immediately in love. The drive from the airport to my hotel was fascinating and harrowing as cows, pedestrians, and seemingly thousands of bicycles, cars, and motorbikes all competed for the same small space on a two-lane “highway” that lacked any discernible (at least to my Western eyes) rules of the road. I was mesmerized by what was happening on the street as well as by the workers I saw toiling in conical *non la*, or traditional Vietnamese hats,¹ in adjacent rice fields.

Hanoi was blisteringly hot and almost as humid as a steam room at a luxury spa. I could feel the sweat dripping down my back as my body struggled to cool itself. Perhaps it was the heat that caused me to notice that many of the field workers had covered not just their legs and arms with clothing, but that many,

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1. *Non La*, VIETNAM TRAVEL AND LIVING GUIDE, <http://www.vietnamonline.com/culture/non-la.html> (last visited Nov. 19, 2012).

primarily women, had also shielded the lower halves of their faces with what appeared to be the equivalent of white handkerchiefs or scarves. As I looked around, I also noticed that many women riding on bicycles and motorbikes wore long sleeves and hats and had similarly covered the lower halves of their faces with cloth. Some even wore white gloves. It was hotter than Hades in northern Vietnam and I could only imagine that this attire, with the hot sun beaming down, aggravated the situation. So, I asked myself, what was going on? Why were Vietnamese women putting on additional clothing when every instinct I possessed was to take items off? Were they simply protecting themselves from the deleterious effects of the sun and fuel emissions—or was more afoot?

That summer, as I traveled elsewhere in Southeast Asia and then upon my return to the United States, I began to notice another fascinating phenomenon—the ubiquitous presence of skin-lightening or skin-“brightening” products (as they are called in the United States) in grocery stores and at cosmetic counters in department stores. As an African-American academic who had written about skin color differences among African Americans,² I was familiar with the controversial use and sale of skin-lightening products by and to the African-American community.³ But these new products were directed at a different market—at Asian and Asian-American women. Again, I asked myself, what was going on?

Notwithstanding the use of the term “yellow”⁴ in reference to persons of Asian ancestry, when I initially began to study colorism more than a decade ago, I did not give much thought to the significance of skin color differences among Asians and Asian Americans. I erroneously and naively assumed that skin color was a nonissue within these groups. My 2001 visit to Japan, Vietnam, Thailand, and Hong Kong began to open my eyes, but I was reluctant to write about communities of people about whom I knew relatively little. A personal story shared in the spring of 2012 by my research assistant, Michelle Huang, altered my thinking.⁵

2. See generally Trina Jones, *Shades of Brown: The Law of Skin Color*, 49 DUKE L.J. 1487 (2000) [hereinafter Jones, *Shades of Brown*]; see also Trina Jones, *Intra-Group Preferencing: Proving Skin Color and Identity Performance Discrimination*, 34 N.Y.U. REV. L. & SOC. CHANGE 657 (2010) [hereinafter Jones, *Intra-Group Preferencing*].

3. See KATHY PEISS, HOPE IN A JAR: THE MAKING OF AMERICA’S BEAUTY CULTURE 40–43 (1998) (examining the use of skin-lightening products by American women); KATHY RUSSELL ET AL., THE COLOR COMPLEX: THE POLITICS OF SKIN COLOR AMONG AFRICAN AMERICANS 49–54 (1992) (discussing efforts by some African-American women to lighten their skin tones).

4. FRANK WU, YELLOW: RACE IN AMERICA BEYOND BLACK AND WHITE 18–19 (2002) (using the term “Yellow,” in part, to reference the invisibility of Asian Americans in racial discourse); Nancy C. Allred, *Asian Americans and Affirmative Action: From Yellow Peril to Model Minority and Back Again*, 14 ASIAN AM. L.J. 57, 78 (2007).

5. I confess that I am still somewhat reluctant to do this work due to my inadequate knowledge of the rich and diverse histories of Asians and Asian Americans. I hope, however, that diligence and care will reduce harmful errors and that others more learned than I will offer insights and constructive criticism when I stumble (as no doubt I will).

Michelle and her parents emigrated from China to the United States in 1989 when Michelle was one and a half years old. In her first memo to me, Michelle wrote:

When I was a child, I spent a lot of time in the sun and I tanned easily, becoming dark after just a few days. This was not really a concern when I was young, but I remember my mom despairing as I grew up that she let me get too dark. Not an especially serious worry, but a sort of acknowledgment that I will probably never be the incredibly pale kind of Asian woman, that I had lost that chance with the time I spent in the sun as a child. Too much time outdoors translated into looking like someone from the poor rural countryside.⁶

Michelle also recounted:

In middle school, a [Caucasian] friend said that we should compare who was more tan. This was in California, and the idea was that being more tan was a good thing. My first reaction was no, I don't want to play this game. Part of the reason was that we tanned differently, she tanned golden and I tanned brown, and I couldn't shake the feeling that golden was pretty and brown was much less so. We didn't play the game, because she also figured out pretty quickly that we tanned differently so it was impossible to compare. But it did begin my realization that Caucasians liked being tan because it indicated health and sunshine, whereas I accepted getting darker during the summer as an inevitability but not particularly desirable. Pale Caucasian friends in college always talked about wanting to be more tan and while it didn't make me feel uncomfortable, it did sharply draw the distinction between them and me. This distinction was enforced further by the different beauty problems we had: I could never figure out how to wear eye shadow properly and they complained about their curly or frizzy hair.⁷

6. Memorandum from Michelle Huang to Trina Jones 1 (Mar. 13, 2012) (on file with author). For similar stories, see Joanne L. Rondilla, *Filipinos and the Color Complex: Ideal Asian Beauty*, in *SHADES OF DIFFERENCE: WHY SKIN COLOR MATTERS* 63, 67 (Evelyn Nakano Glenn ed., 2009) [hereinafter *SHADES OF DIFFERENCE*] (noting that some immigrant women desire to keep "their children out of the sun" so that they will approximate American ideals of beauty and that immigrants often view light skin as a sign of success because "it illustrates that one is not part of the laboring class and does not have to work under the hot sun"). After writing the initial draft of this Essay, I learned of the excellent work of Joanne L. Rondilla and Paul Spickard, whose analyses underscore and support many of the observations and conclusions contained herein. See generally JOANNE L. RONDILLA & PAUL SPICKARD, *IS LIGHTER BETTER? SKIN-TONE DISCRIMINATION AMONG ASIAN AMERICANS* (2007) (examining colorism among Asian Americans). In their work, Rondilla and Spickard record numerous anecdotal accounts of colorism by Asian Americans and set forth the results of a study in which the authors attempt to document systematically the prevalence of colorism within Asian-American communities. *Id.* Although the authors acknowledge their methods are "broadly exploratory, not rigorously scientific," their results are nonetheless helpful in illuminating the importance of skin color among Asian Americans and in furthering the goal of "pos[ing] questions and suggest[ing] avenues for further inquiry." *Id.* at 48.

7. Huang, *supra* note 6, at 1.

Michelle's story, especially of her mother's despair, resonated deeply with me and brought to mind scenes from my own life. I remember wincing after witnessing a relative tell her young daughters to stop playing and to come inside, out of the sun, before they became "too dark." Although one can never really know what motivates another (without the sort of on-site interrogation I was both too shocked and too respectful to perform), it seemed clear to me that my relative was trying to protect her daughters from the ravages of racism—from the effects of existing in a social context where being too dark rendered one too much of the racial "other." Yet, my relative's admonition seemed also to hold another, admittedly related, gender-specific warning—dark brown girls are not beautiful or appealing (at least in society's eyes). In a similar way, the observations of Michelle's mother reflected knowledge of, and a concern with, the interplay of skin color, gender, and social conceptions of beauty.

As I reflected on Michelle's story and my own experiences, it seemed that, while similar, the messages being sent by these mothers were also in some ways different—if not in substance, then perhaps in emphasis. Both were concerned about the relationship between skin color and gendered conceptions of beauty. Michelle's mother, however, seemed also to be concerned about the relationship between skin color and class, while my relative's additional focus appeared to be skin color and race.⁸ These slight variations caused me to ask whether skin color functions differently in Asian-American and African-American communities.

This Essay contains my initial reflections on the question of how skin color operates within different racialized groups, with a specific focus on African Americans, Asians, and Asian Americans. Part I briefly overviews the significance and meanings attributed to skin color differences among African Americans. Part II shifts the focus to Asian and Asian-American communities and examines the importance of skin color differences within these communities. This comparative analysis reveals that skin tone variations matter across racial categories, even within categories where skin tone differences have not historically been a focus of extensive scholarly attention or public concern, at least in the United States. The analysis also underscores that while the meanings attributed to skin tone differences are sometimes similar across racial groups, these meanings vary in emphasis and degree from group to group, depending upon geographical location and historical context. The latter insight is important to understanding whether the meanings afforded skin color stem primarily from racist ideologies developed to justify European imperialism and notions of White superiority, or whether societies attached meaning to color (and by extension skin tone) independent of

8. I am not suggesting that race and class are not mutually constitutive or that skin color is not an indicator of socioeconomic class among African Americans. See *infra* text accompanying notes 25–27. Indeed, elsewhere, I have attempted to show how conceptions of race and class overlap. See Trina Jones, *Foreword: Race and Socioeconomic Class*, 72 LAW & CONTEMP. PROBS. i, vi–viii (2009) [hereinafter Jones, *Foreword*].

and prior to contact with Europeans. Critically, disaggregating color and race, a complex and perhaps impossible endeavor, may facilitate examination of the ways in which color has and continues to be used to perpetuate not only racial, but also gender and economic hierarchies.

While one goal of this Essay is to probe the salience of skin tone in different racial groups, a second objective is to consider how perceptions of difference may impede or obstruct efforts to eradicate discrimination and inequality. The last part of this Essay undertakes this work by examining the ways in which skin tone may influence perceptions of individual and group identity and complicate coalition building within and across racial groups. Put another way, the question asked is “to the extent that individuals within historically marginalized racial groups assign meaning to skin color differences (or accept externally imposed meanings), might these differences serve not only to foster divisions within groups, but also to prevent collaborative, anti-subordination efforts between groups?”

It is important to note, at the outset, that this project is nascent in development and will no doubt require years of research before it is complete. I believe that it is nonetheless useful to raise awareness of, and to stimulate conversation about, the issues raised herein as the project unfolds.

I. SKIN COLOR AND AFRICAN AMERICANS⁹

In the United States, the principle of hypodescent, commonly known as the one-drop rule, has played a dominant role in racial classification schemes, particularly with regards to African Americans.¹⁰ One drop of black blood—a dollop of chocolate in the milk, so to speak—has historically led to a person’s designation as Black.¹¹ Because in earlier times bloodlines could not be established with certainty due to unreliable or nonexistent genealogical records, other markers were used to assign race including, among other things, hair texture, facial features, and skin color.¹² Among these characteristics, skin color played, and

9. Part I of this Essay draws from my earlier work on colorism. See generally Jones, *Shades of Brown*, *supra* note 2.

10. See F. JAMES DAVIS, WHO IS BLACK? ONE NATION’S DEFINITION 5 (1991) (discussing the one-drop rule in greater detail).

11. Christine B. Hickman, *The Devil and the One Drop Rule: Racial Categories, African Americans, and the U.S. Census*, 95 MICH. L. REV. 1161, 1163 (1997). As a general matter, the term “African American” refers to individuals who are citizens of the United States and whose ancestors were enslaved persons. The term “Black” has broader application and refers to persons who are racialized as Black in the United States regardless of their national origin, ancestry, or citizenship. Thus, Black would include both African Americans as well as persons who have recently arrived in the United States from the African continent, the Caribbean, South America, etc. In this Essay, I use “Black” and “African American” interchangeably with no distinction between these terms.

12. See generally ARIELA GROSS, WHAT BLOOD WON’T TELL: A HISTORY OF RACE ON TRIAL IN AMERICA (2009) (examining changing understandings of race in the United States, and factors used in racial assignment, from the colonial era to the present); see also IAN F. HANEY LÓPEZ, WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE (1996) (examining legal cases from the early

continues to play, a critically important role in racial assignment and classification.¹³ The lighter, or whiter, one's skin, the more likely one is to be categorized as Caucasian or White. The darker, or browner, one's pigmentation, the more likely one is to be categorized as biracial, Black, or Latino/a.

Matters are, however, more complex than the above analysis suggests. As my past research and that of others demonstrates, skin color has been, and continues to be, used not only to create and to place people within racial categories, it has also been used to differentiate among individuals within the same racial category.¹⁴ Depending upon the context, some people may be drawn to African Americans with a preferred skin tone.¹⁵ For example, an African-American woman whose skin color is similar to Beyoncé's may be viewed differently from an African-American woman whose skin color is more like India Arie's. This process of distinguishing among same-race individuals on the basis of skin color is known as colorism.¹⁶

Importantly, colorism is practiced both by African Americans as well as by persons of other races.¹⁷ Thus, while skin color may influence how some African Americans choose their intimate partners, political leaders, and employees,¹⁸ it may similarly affect other groups. For example, a White-owned production company may choose to cast a lighter African-American actress in a romantic lead

twentieth century in which courts relied upon (or rejected) the above-listed factors in determining who was White).

13. Taunya Lovell Banks, *Colorism: A Darker Shade of Pale*, 47 UCLA L. REV. 1705, 1709, 1711 (2000).

14. MARGARET L. HUNTER, RACE, GENDER, AND THE POLITICS OF SKIN TONE 69 (2005); RACISM IN THE 21ST CENTURY: AN EMPIRICAL ANALYSIS OF SKIN COLOR 171 (Ronald E. Hall ed., 2008); RONDILLA & SPICKARD, *supra* note 6, at 2–3; SKIN DEEP: HOW RACE AND COMPLEXION MATTER IN THE “COLOR-BLIND” ERA 1 (Cedric Herring, Verna Keith & Hayward Derrick Horton eds., 2004); *see also* Banks, *supra* note 13, at 1709; Leonard M. Baynes, *If It's Not Just Black and White Anymore, Why Does Darkness Cast a Longer Discriminatory Shadow than Lightness: An Investigation and Analysis of the Color Hierarchy*, 75 DENV. U. L. REV. 131, 152 (1997); Jones, *Shades of Brown*, *supra* note 2, at 1543; Cynthia E. Nance, *Colorable Claims: The Continuing Significance of Color Under Title VII Forty Years After Its Passage*, 26 BERKELEY J. EMP. & LAB. L. 435, 437 (2005); Rondilla, *supra* note 6, at 64.

15. For an examination of the ways in which skin color differences have influenced social, political, and employment opportunities of African Americans, *see generally* RUSSELL ET AL., *supra* note 3. To be sure, some skin tone preferences may be unconscious. For an excellent analysis of implicit racial bias in various areas of the law, *see* IMPLICIT RACIAL BIAS ACROSS THE LAW 25, 45, 61 (Justin D. Levinson & Robert J. Smith eds., 2012).

16. Banks, *supra* note 13, at 1715; *see also* Margaret Hunter, *The Persistent Problem of Colorism: Skin Tone, Status, and Inequality*, 1 SOC. COMPASS 237, 237–38 (2007); Jones, *Shades of Brown*, *supra* note 2, at 1489 (referencing Alice Walker's use of this term in 1982).

17. For powerful personal accounts of the pernicious effects of colorism within the African-American community, *see* DARK GIRLS (Urban Winter Entertainment 2011), a documentary film produced by Bill Duke. *See also* RUSSELL ET AL., *supra* note 3, at 1, 135 (1992) (recounting instances of intra-racial colorism).

18. *See supra* notes 14–17 and accompanying text.

in a television drama,¹⁹ a marketing firm may prefer to use lighter-toned or biracial actresses in print advertisements or commercials,²⁰ and White voters may prefer lighter-toned African-American politicians to those with skin tones similar to Reverend Al Sharpton's.²¹

Given the critical role of skin color in racial classification, it is not surprising that the color hierarchy in the United States generally tracks the racial hierarchy. The lighter one is the more desirable one is deemed to be.²² Conversely, the darker one's skin tone, the more negative are the stereotypes and biases projected onto one's person.²³ Thus, lightness is associated with intelligence, honesty, industry, and beauty, while darkness is associated with laziness, immorality, criminality, and ignorance.²⁴

19. See RUSSELL ET AL., *supra* note 3, at 135–62 (discussing the influence of skin color in the television, film, and marketing industries).

20. *Id.*

21. Few will forget Joe Biden's 2007 observation that Barack Obama was a promising candidate for the presidency because, in Biden's words, "I mean, you got the first mainstream African-American who is articulate and bright and clean and a nice-looking guy . . . I mean, that's a storybook, man." Jason Horowitz, *Biden Unbound: Lays Into Clinton, Obama, Edwards*, N.Y. OBSERVER (Feb. 5, 2007, 12:00 AM), <http://observer.com/2007/02/biden-unbound-lays-into-clinton-obama-edwards>. Also memorable is Senator Harry Reid's observation that the United States was ready to embrace a Black presidential candidate, especially Obama who was a "light-skinned" African American "with no Negro dialect, unless he wanted to have one." JOHN HEILEMANN & MARK HALPERIN, *GAME CHANGE: OBAMA AND THE CLINTONS, MCCAIN AND PALIN, AND THE RACE OF A LIFETIME* 36 (2010). For analysis of these comments, see Jones, *Intra-Group Preferencing*, *supra* note 2, at 658 n.3. For an overview of other instances of interracial and intraracial colorism, see Jones, *Shades of Brown*, *supra* note 2, at 1511–21, 1530–31.

22. RUSSELL ET AL., *supra* note 3, at 24–40 (detailing historical preferences for light skin among some African Americans). Skin color preferences are of course highly contextual. Lightness is not always prized. *Id.* at 2. In some circumstances, persons may prefer individuals with darker skin tones. See, e.g., *Walker v. IRS*, 713 F. Supp. 403, 404 (N.D. Ga. 1989) (plaintiff asserted that she was subject to discrimination because of her light skin tone); see also Hunter, *supra* note 16, at 244 (explaining how persons with lighter skin tones may be disadvantaged in circumstances where they are required to "prove" themselves as legitimate or authentic members of a racial group); Jones, *Shades of Brown*, *supra* note 2, at 1520–21 (discussing the negative treatment that some lighter-toned African Americans have received). Professor Margaret Hunter, however, asserts that the disadvantages of darker versus lighter skin tones are not symmetrical. She notes:

Although exclusion from some community organizations may be uncomfortable psychologically or emotionally for light-skinned people of color, it rarely has significant material effects. More specifically, emotional turmoil about ethnic identity does not have significant economic consequences. However, the systematic discrimination against dark-skinned people of color in the labor market, educational institutions, and marriage market create marked economic disadvantages. Without minimizing the psychological trauma of exclusion from ethnic communities, it is important to clarify that the disadvantages of dark skin still far outweigh the disadvantages of light.

Hunter, *supra* note 16, at 246.

23. See RUSSELL ET AL., *supra* note 3, at 24–40; Banks, *supra* note 13, at 1718–19.

24. FRANTZ FANON, *BLACK SKIN, WHITE MASKS: THE EXPERIENCES OF A BLACK MAN IN A WHITE WORLD* 188–89 (1967). See generally RUSSELL ET AL., *supra* note 3 at 41, 61 (describing the "ideal beauty" in the United States as White, and discussing the connection between lighter skin and access to wealth and privilege); Hunter, *supra* note 16, at 238 (explaining that "[w]hite beauty is the standard and the ideal" and that "[m]any people are unaware of their preferences for lighter skin

Although the values assigned to skin color stem from its close association with racist ideologies, skin color has also been associated with and used to indicate the socioeconomic class of African Americans.²⁵ Indeed, empirical studies have demonstrated that lighter-toned Blacks are more likely to be better educated, better employed, and to have higher earnings than darker-toned Blacks.²⁶ To be sure, the association between skin color and class cannot be divorced from race. In the United States, race-mixing (both voluntary and involuntary) produced lighter, biracial children whose White heritage sometimes created access to better economic and educational opportunities than unmixed Blacks were afforded.²⁷

In addition to its association with race and class, the values assigned to skin color differences among African Americans may draw upon concepts of good and evil that pre-date European colonization of North America and the development of racist justifications for slavery.²⁸ As Frantz Fanon and others have observed, in many Western cultures, whiteness or fairness is associated with purity and innocence, and blackness is associated with dirt, evil, and death.²⁹ These traditions and cultural understandings crossed the Atlantic with European colonists, and they continue to flourish today in imagery to which Americans are exposed early in life. For example, until recently, in the United States most childhood heroes and princesses (e.g., Snow White, Spider-Man, Superman, Cinderella) were White. Indeed, color imagery is so widely encoded in America's language and cultural references (e.g., blackball, blacklist, black mood, black market, blackmail, white

because that dominant aesthetic is so deeply ingrained in our culture"); Thomas Ross, *The Rhetorical Tapestry of Race: White Innocence and Black Abstraction*, 32 WM. & MARY L. REV. 1, 34–39 (1990) (discussing the contrasting themes of “white innocence” and “black abstraction”).

25. RUSSELL ET AL., *supra* note 3, at 24–40; *see also* Banks, *supra* note 13, at 1709; Jones, *Shades of Brown*, *supra* note 2, at 1527–28.

26. *See* Arthur Goldsmith, Darrick Hamilton & William Darity, Jr., *Shades of Discrimination: Skin Tone and Wages*, 96 AM. ECON. REV. 242, 244–45 (2006) (finding that among Black males there was a substantial wage advantage (on the order of seven percent) for having light skin); Aaron Gullickson, *The Significance of Color Declines: A Re-Analysis of Skin Tone Differentials in Post-Civil Rights America*, 84 SOC. FORCES 157, 162 (2005) (arguing that for persons born after 1940, educational and occupational disparities resulting from skin tone differences are declining, but finding no such decline for spousal attainment); Nance, *supra* note 14, at 435, 473 (arguing that the personal and economic effects of colorism remain a contemporary issue among all racial groups). Similar outcomes have been recorded for Latino/as. *See* Rodolfo Espino & Michael M. Franz, *Latino Phenotypic Discrimination Revisited: The Impact of Skin Color on Occupational Status*, 83 SOC. SCI. Q. 612, 620–21 (2002) (finding that darker Mexicans and Cubans received lower occupational prestige scores than their lighter-toned counterparts); Christina Gomez, *The Continual Significance of Color: An Exploratory Study of Latinos in the Northeast*, 22 HISP. J. BEHAV. SCI. 94, 100 (2000) (studying the effects of colorism on Latinos in the Northeast and finding that darker skin negatively affects wages for men but such effects were not demonstrated for women); Joni Hersch, *Profiling the New Immigrant Worker: The Effects of Skin Color and Height*, 26 J. LAB. ECON. 345, 375 (2008) (finding that recent immigrant workers who are taller and with lighter skin tones earn higher wages than those who are not).

27. *See* Jones, *Shades of Brown*, *supra* note 2, at 1527–28.

28. FANON, *supra* note 24, at 188–89 (1967).

29. *Id.* at 189; Harold R. Isaacs, *Blackness and Whiteness*, 21 ENCOUNTER 8, 12 (1963); Ross, *supra* note 24, at 1, 34–39.

knight, white as snow, Jesus is White—even though he was Jewish)³⁰ that we are sometimes unaware of its presence.

Again, although skin color is used to indicate both race and class among African Americans, because of the huge influence of slavery and color-coded justifications for the enslavement of African peoples, it is difficult to think of color as having meaningful significance outside of a racist paradigm. In other words, skin color discrimination is viewed primarily (if not solely) as a subset of racism. Thus, an employer's preference for lighter-toned African-American employees gets read as a form of racism because the preference for lightness is seen as a preference for whiteness. This approach to colorism is appealing and persuasive given the strong connection between race and skin color in the United States.³¹ Yet, concluding that skin color differences are solely or primarily about race may impede examination of other explanations for why these differences have been, and continue to be, used to divide people.³² Examination of the treatment of skin color differences within Asian and Asian-American communities illuminates this point.

II. SKIN COLOR IN ASIAN AND ASIAN-AMERICAN COMMUNITIES

As is the case with African Americans, numerous indicators (e.g., name, national or ancestral origin, language/accents, hair, facial features, and skin color) have been, and continue to be, used in the United States to assign persons to the category "Asian."³³ At first glance, skin color does not seem to carry the same

30. For additional analysis of the ways in which color imagery is reflected in language, see RUSSELL ET AL., *supra* note 3, at 59–61; Simon Podair, *Language and Prejudice Toward Negroes*, in *WHITE RACISM, ITS HISTORY, PATHOLOGY, AND PRACTICE* 385, 391 (Barry Schwartz & Robert Disch eds., 1970); Ross, *supra* note 24, at 34–35.

31. As noted earlier, when viewing skin tone, people tend to engage consciously or subconsciously in racial assignment (white or light individuals are coded Caucasian, brown individuals are coded Black, Latino/a, Asian, Middle-Eastern, or biracial). See Banks, *supra* note 13, at 1709, 1711.

32. Again, I am not suggesting that race can or should be analyzed separately from class or gender. Indeed, elsewhere I have argued that these variables are inextricably linked. See Jones, *Foreword*, *supra* note 8. Perceptions that lighter-toned Black women are more attractive or that lighter-toned Black men are of a higher socioeconomic status than their darker-toned counterparts can certainly be traced to racist norms to the extent that being White is associated with beauty and prosperity and being Black is associated with dirt and poverty. See Hunter, *supra* note 16, at 238; Ross, *supra* note 24, at 34–37. My point here is simply to question whether the meaning assigned to skin color differences can and should be understood as a function solely of race and racism.

33. See generally Pat K. Chew, *Asian Americans: The "Reticent" Minority and Other Paradoxes*, 36 *WM. & MARY L. REV.* 1 (1994) (discussing the ways in which these factors have at various points in U.S. history led to a person's classification as Asian); see also RONDILLA & SPICKARD, *supra* note 6, at 49 (explaining how various metrics are used to assign beauty within Asian-American communities, including hair color, eye shape, and skin tone, again attesting to the importance of these variables within White as well as Asian communities). Of course, the term Asian is deeply problematic because Asians and Asian Americans differ widely in ancestral origin, history, culture, language, etc. The U.S. Census Bureau collects information on at least twenty-four groups falling under the label "Asian."

weight in assigning race to Asians and Asian Americans (except perhaps with some South Asians) as it does with African Americans. National origin, physiognomy (e.g., the shape of the eyes, nose, and face), and language seem to be more influential markers.³⁴ This fact, however, should not obscure the important, though perhaps more subtle, role that skin color plays as an indicator of class and beauty within some Asian and Asian-American communities.

A. Skin Color and Class

As noted earlier, in 2001 I observed that Vietnamese women were shielding their faces and hands from the caress (or the assault) of the blazing sun. When I asked why this was happening, I was told these individuals did not want to become too dark. When I further inquired “why not?,” I was told that dark skin marked one as a laborer, as a person who toiled in the fields as opposed to one who lived a more sheltered and privileged existence indoors. In other words, skin color functioned as an indicator of socioeconomic status. In Vietnam, lighter skin indicated privileged status in the same way that lighter skin once served as a sign of upper-class status in various parts of Europe and the United States, at least before leisure travel became more accessible and common among elites in the West and before advances in medical care demonstrated the benefits of some sun exposure.³⁵

See Elizabeth M. Hoeffel et al., U.S. DEP’T OF COMMERCE, THE ASIAN POPULATION: 2010, at 13 (2012), available at <http://www.census.gov/prod/cen2010/briefs/c2010br-11.pdf>. As other scholars have observed, the only variables that seem to connect the diverse peoples falling under this label are their “origins somewhere in Asia and the externally-imposed perception that [they] share physical characteristics which [allow] outsiders to identify them as a ‘race.’” RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA 367 (Juan Perea et al. eds., 2000).

34. To be sure, historically, some Asian Americans have argued for legal recognition as White based upon their lighter skin tones. *See* HANEY LÓPEZ, *supra* note 12, at 80–86. Courts, however, frequently rejected these assertions, relying instead on other markers of difference (e.g., national origin, language, facial features) to deny Asians access to whiteness. *See, e.g., In re Ah Yup*, 1 F. Cas. 223 (C.C.D. Cal. 1878) (No. 104); *Ozawa v. United States*, 260 U.S. 178 (1922).

35. Thus, in Europe and the United States today, having a tan is indicative of wealth, good health, and a life of leisure. In *Suntanning in 20th Century America*, Kerry Segrave describes changes in the desirability of pale versus tanned skin over time. He notes:

Class and racial interpretation of white skin go far back in time. When the original European migration to Australia took place in the 1800s, two social mores combined to promote skin protection in immigrants living in Australia One was a moral code that proscribed the removal of too much clothing in public and a second code “that dictated that suntans signified lower- or working-class status.” But in the early 20th century, both of these codes were reversed. Tans became a sign of upward social mobility, indicating that a person had the financial wherewithal to take holidays.

KERRY SEGRAVE, *SUNTANNING IN 20TH CENTURY AMERICA* 8 (2005) (citing Simon Chapman et al., *Trends in Tans and Skin Protection in Australian Fashion Magazines, 1982 through 1991*, 82 AM. J. OF PUB. HEALTH 1678 (1992)). Segrave explains that nineteenth century industrialization, as well as evolving beliefs about sun exposure, led to this reversal, observing:

With the spread of the factory system, the principal location of menial labor moved indoors. A pallid complexion ceased to be the hallmark of the parasol-wielding elites; instead it became the mark of the lower-class industrial worker At the same time, the

Importantly, the connection between skin color and class status not only exists in Vietnam, it appears elsewhere in Asia.³⁶ Sociologist Evelyn Nakano Glenn reports that, “Japan has long idolized ivory-skin that is ‘like a boiled egg’—soft, white and smooth on the surface.”³⁷ She suggests that this preference has historical roots dating at least to the mid-nineteenth century when upper-class Japanese men and women donned white-lead powder makeup to indicate their elite status.³⁸ Although most Japanese men no longer wear makeup, today middle- and upper-class Japanese women wear “traditional white-lead powder when dressed in formal kimonos for ceremonial occasions”³⁹ and they sometimes use light-colored modern facial powder when wearing Western clothes.⁴⁰

In their investigations of skin-tone discrimination among Asian Americans, Joanne Rondilla and Paul Spickard also attest to the importance of skin color as an indicator of class in Japan and elsewhere in Asia,⁴¹ observing that “long-standing preferences for light skin, especially in women,” exist in all Asian countries.⁴² They note that in “almost every country in Asia, the celebrity class, and especially movie stars, are noticeably lighter and taller, with more angular features, than the general population.”⁴³ Importantly, while concluding that “colorism in Asia is a class imperative . . . to be light is to be rich, for dark skin comes from working outside in the sun,”⁴⁴ Rondilla and Spickard assert that

upper classes were spending more time outdoors engaged in sports such as tennis and polo and in a general back-to-nature movement. The tan was losing its lower-class distinction. But more important was the effort to promote the sun as healer; an effort that managed to erase many of the negative ideas held about the sun by people in all classes.

Id. at 9 (citing Marvin Harris, *The Rites of Summer*, 82 NAT. HIST. 20 (1973)); see also Brian Palmer, *When Did Tanned Skin Become Fashionable? How Coco Chanel May Have Inspired Mitt Romney*, SLATE (Oct. 25, 2012, 12:36 PM), http://www.slate.com/articles/news_and_politics/explainer/2012/10/romney_s_spray_tan_when_did_white_people_start_deliberately_tanning_themselves.html (briefly discussing shifting perceptions of tanned skin among Whites); *Race-Bending Beauty Practices*, THE ROOT, <http://www.theroot.com/multimedia/race-bending-beauty-0> (last visited Jan. 13, 2013) (commenting on the tan as a contemporary status symbol).

36. For additional analysis of the connection between skin color and class among Asian Americans, see generally RONDILLA & SPICKARD, *supra* note 6.

37. Evelyn Nakano Glenn, *Consuming Lightness*, in SHADES OF DIFFERENCE, *supra* note 6, at 179 (quoting a Japanese market research firm). Kathy Russell, Midge Wilson, and Ronald Hall have also commented on the preference for white skin in Japanese culture, noting that this preference existed hundreds of years before any contact with Westerners. See RUSSELL ET AL., *supra* note 3, at 57.

38. Glenn, *supra* note 37, at 179.

39. *Id.* (citing Mikiko Ashikari, *Urban Middle-Class Japanese Women and Their White Faces: Gender, Ideology, and Representation*, 31 ETHOS 1 (2003)).

40. *Id.*

41. See RONDILLA & SPICKARD, *supra* note 6, at 3–4 (citing evidence of colorism in Thailand, India, and Japan).

42. *Id.* at 3.

43. *Id.*

44. *Id.* at 4.

Asians are not necessarily seeking to become White. Rather, they report “[t]he yearning to be light is a desire to look like rich Asians, not like Whites.”⁴⁵

The association between skin color and class also seems to have traveled with immigrant communities across the Pacific to the United States as demonstrated, at least anecdotally, by Michelle Huang’s mother, who feared that if her daughter’s skin was too dark, she might “look[] like someone from the poor rural countryside.”⁴⁶ Rondilla and Spickard offer additional anecdotal support for this proposition. In their interviews with Asian Americans and Asian immigrants to the United States, numerous interviewees spoke of the association between skin color and socioeconomic status.⁴⁷ For example, a Cambodian-Chinese man stated, “In the Cambodian community, [dark skin is] associated with less intelligence, laziness, working manually and lower class, and unattractiveness. Business people are the lighter-skinned ones, more intelligent, more ethical and morally superior. . . . [People] want to look whiter because it’s associated with wealth and status [in Cambodia].”⁴⁸ Similarly, a Taiwanese man reported, “Light skin is the standard of beauty in Taiwan. . . . Wealthy people tend to be light-skinned, while darker people are associated more with low socioeconomic status. . . . I think people who prefer light skin want to be associated with [the] upper class, not because they want to be White.”⁴⁹ Although Asian nationals or recent Asian immigrants to the United States may prize lightness, as I explain in Part II.B below, this preference appears to wane for those who have been in the United States for several generations.⁵⁰

B. *Skin Color, Gender, and Beauty*

Though important, the association between skin color and class within Asian communities only provided a partially satisfactory answer to my questions in 2001. This response did not explain why I witnessed Vietnamese women (and not men) covering their faces and hands. Nor did it explain why skin-lightening or skin-brightening products dominated women’s cosmetic counters in department stores and not those of men. If skin color functioned solely as an indicator of socioeconomic class, then one would expect men to be similarly hiding from the sun and similarly targeted by manufacturers of “brightening” products. But they were not. In addition, one also has to wonder if Michelle Huang’s mother would have been as concerned about the darkening of her child’s skin if her son, instead

45. *Id.* at 52 (“There is overwhelming evidence that people who express a preference for light skin are not necessarily making a Whiteness move. That is, they appear not to be trying to look White, so much as they are hoping to look like upper-class people in their Asian country of origin.”).

46. *See supra* text accompanying note 6.

47. RONDILLA & SPICKARD, *supra* note 6, at 52–57.

48. *Id.* at 52–53.

49. *Id.* at 53.

50. *See infra* text accompanying notes 65–70.

of her daughter, had been playing outside. These questions led me to ask whether skin color was performing an additional function within Asian and Asian-American communities. Was it serving as an indicator of female attractiveness and beauty? In other words, were lighter-skinned Asian women viewed as more attractive than their darker-skinned counterparts?

Asking these questions was not a reflection of genius or notable insight as the relationship between skin color and physical attractiveness, particularly for women, is well documented.⁵¹ As Evelyn Nakano Glenn has observed,

the symbolic value of light skin is especially critical for women. Men who are not physically prepossessing, but who have wealth, education, and other forms of human capital, may be considered “good catches,” whereas women who are physically attractive may be considered desirable despite the lack of other forms of capital. Although skin tone is usually seen as a form of fixed or unchangeable capital, in fact, men and women may attempt to *acquire* light-skinned privilege. . . . Often, especially for women, this search takes the form of using cosmetics or other treatments to change the appearance of one’s skin to make it look lighter.⁵²

The value of lighter skin is so high that the manufacture of products offering the prospect of lighter, brighter, whiter skin has become a multi-billion dollar global industry,⁵³ with Asia being a key market.⁵⁴ South Asian women, many of whom view lightness as a valuable asset on the marriage market,⁵⁵ are among the largest consumers of skin-lightening products.⁵⁶ The use of skin lighteners, however, is also prevalent elsewhere in Asia: a 2007 Nielsen survey found that 46% of Chinese, 47% of people in Hong Kong, 46% of Taiwanese, 29% of Koreans, and 24% of Japanese had used skin lighteners during the previous year.⁵⁷ By one report, Japan’s market in skin lighteners exceeded \$5 billion dollars in

51. See RUSSELL ET AL., *supra* note 3, at 41–61; Hunter, *supra* note 16, at 246–47.

52. Glenn, *supra* note 37, at 166–67.

53. Glenn reports that the three largest producers are L’Oreal, Shiseido, and Unilever. *Id.* at 183. French-based L’Oreal, whose products include Lancôme and Vichy, took in fifteen billion euros in sales in 2006, *id.*, and Japanese-based Shiseido, whose products include White Lucent and White Lucency, netted \$5.7 billion in sales. *Id.* at 184. Anglo-Dutch owned Unilever, whose products include Ponds and Fair and Lovely, netted a profit of five billion euros in 2006. *Id.* at 185. Unilever has approximately sixty million customers on the Indian subcontinent with exports to thirty-four countries in Southeast and Central Asia and the Middle East. *Id.*

54. Asian women are not the only users of skin-lightening products. These products are consumed by women worldwide. See *id.* at 169–76 (examining the use of skin-lightening products in Africa and the United States); see also RONDILLA & SPICKARD, *supra* note 6, at 79–104 (discussing the use of skin lighteners in the United States and Asia); Hunter, *supra* note 16, at 248–49 (discussing the global use of skin lighteners).

55. Glenn, *supra* note 37, at 176; Hunter, *supra* note 16, at 249.

56. Glenn, *supra* note 37, at 176 (“Indian and Indian diasporic communities . . . constitute the largest market for skin lighteners.”).

57. *Id.* at 180.

1999.⁵⁸ Estimates put the market for skin whiteners in China at \$1 billion in 2002.⁵⁹ The demand for these products continues despite the fact that some may contain dangerous substances like mercury, hydroquinone, and cortico-steroids.⁶⁰

It bears repeating that Asian women who use skin lighteners are not necessarily trying to become White or European. In her study of skin color among Filipino women, Joanne Rondilla found that many Filipino women are satisfied with being Asian or having Asian features.⁶¹ She notes that they like being Asian because “it gives them a distinct and unique identity. . . . Although they wouldn’t trade in their dark hair or almond-shaped eyes for blond hair and blue eyes, they are looking to ‘clean up’ or become ‘better’ versions of themselves.”⁶² Thus, ads for skin-lightening products in the Philippines feature Asian women with glowing white skin, jet-black hair, and delicate almond-shaped obsidian eyes.⁶³ Per Rondilla, the message being sent is “[i]t’s okay to be Asian as long as you’re the right kind of Asian,” specifically, that “you must be light, have big eyes, and a body that is at least twenty pounds lighter than average.”⁶⁴

Interestingly, in the United States, Asian-American female immigrants are more likely to privilege whiteness and to use skin lighteners than nonimmigrant (second, third, or higher generation) Asian-American women.⁶⁵ Rondilla notes that this is because immigrant women are likely to follow their home country’s standards of beauty and may feel more pressure to assimilate when they hit American shores.⁶⁶ She observes:

The desire for light skin among [immigrant] women is doubly important. On the one hand, light skin is seen as beautiful in the home country. On the other hand, when they come to the United States, the image of a typical American is usually of one who is white and has Eurocentric features.⁶⁷

This dynamic may also shape these women’s expectations of their children and

58. Evelyn Nakano Glenn, *Yearning for Lightness: Transnational Circuits in the Marketing and Consumption of Skin Lighteners*, 22 GENDER & SOC. 281, 292 (2008).

59. *Id.* For additional analysis of the marketing of skin-lightening products in China, see Angela Ka Ying Mak, *Advertising Whiteness: An Assessment of Skin Color Preferences Among Urban Chinese*, 14 VISUAL COMM. Q. 144, 146 (2007) (explaining how advertising campaigns draw upon existing cultural conceptions of beauty).

60. Mercury has been known to cause neurological damage and kidney disease. Hydroquinone, which was originally used as an industrial chemical, suppresses melanin production and may damage the skin after sun exposure. Hydroquinone can also lead to severe discoloration of the skin. Cortico-steroids can cause eczema, bacterial and fungal infections, and skin atrophy. *See* Glenn, *supra* note 37, at 170.

61. Rondilla, *supra* note 6, at 63, 69.

62. *Id.* at 69.

63. *Id.*

64. *Id.* at 68–69.

65. *Id.* at 68.

66. *Id.*

67. *Id.* at 67.

grandchildren, who they may hope will assimilate and appear more “American.”⁶⁸ Indeed, it may explain, in part, the desire of Michelle Huang’s mother to have her daughter avoid becoming too dark.

In contrast, Rondilla observes that success looks differently to nonimmigrant Asian Americans because the majority of Asian Americans already work indoors.⁶⁹ She notes:

[t]an skin in the United States is a marker of the leisure class, because it implies one was vacationing. This, along with the influence of the black is beautiful, brown pride, and yellow power movements of the 1960s and 1970s make it a little easier for American-born generations not to valorize light skin and other Eurocentric standards of beauty.⁷⁰

C. *Skin Color and National Origin*

As suggested above, skin color is both an indicator of socioeconomic class as well as attraction and beauty within Asian and, to a lesser extent, Asian-American communities. As I further contemplate skin color and Asian and Asian-American identity formation—and admittedly this aspect of my work is in its formative stages—I cannot resist asking once again if something more is afoot. Is it possible that skin color is also being employed as a marker of national or ancestral origin? In other words, do people use skin color as a way of differentiating among Asians and Asian Americans (i.e., to identify who is of Chinese, Korean, Japanese, Cambodian, Laotian, and South Asian ancestry or origin, among others)? Although more empirical work must be done, anecdotal accounts from Rondilla and Spickard’s study of skin color differences among Asians Americans suggest that this may be the case. The comments of a Chinese-Cambodian woman, who characterized her family as half to eighty percent Chinese, are particularly noteworthy. She stated, “we’ve experienced a lot of racial discrimination by our pure Chinese relatives who look down on us for being part Cambodian and for being darker and poorer.”⁷¹ In another part of their survey, Rondilla and Spickard asked respondents to comment on the photographs of three attractive Asian-American women—one of whom was dark, one medium in skin tone, and the other light. Rondilla and Spickard report that the respondents tended to assume the darker-toned woman was a recent immigrant from the Philippines or Cambodia.⁷²

Comments like these suggest that while skin color is an indicator of

68. *Id.*

69. *See id.*

70. *Id.* at 67–68.

71. RONDILLA & SPICKARD, *supra* note 6, at 56. In addition to signaling class and national origin, darker skin may also be used among Asian Americans to differentiate recent immigrants from second and third generation Asian Americans. *Id.* at 58–59.

72. *Id.* at 68–70.

socioeconomic class within Asian and Asian-American communities, it may also be a marker of national origin or ancestry. Awareness of this additional use of skin color is important if, as sociologist Eduardo Bonilla-Silva argues, severe gaps in income, educational attainment, and professional status are emerging between what Bonilla-Silva calls honorary White Asians (Japanese, Koreans, Filipinos, and Chinese)⁷³ and those who are more likely to be darker and among the Collective Black (Vietnamese, Cambodian, Hmong, and Laotians).⁷⁴ If Professor Bonilla-Silva's predictions are correct, and if some Asian and Asian-American groups are deemed less economically successful and less desirable than others,⁷⁵ then examination of the ways in which various factors, including skin color, are used to differentiate among groups will be vital to understanding and destabilizing hierarchies. Again, additional research must be done on this score.

OBSERVATIONS AND CONCLUSIONS

The analysis set forth in this Essay is important for at least three reasons. First, it reveals that skin color is a significant aspect of Asian and Asian-American identity, one that may be used to further intragroup divisions and hierarchies. Second, because much prior research on skin color has focused on African Americans, it has been tempting to conclude that skin color gets its meaning from race and indeed that colorism is primarily a subset of racism. To be sure, the likelihood that skin color differences assume greater significance in places like South Asia, Vietnam, and the Philippines, where the effects of European imperialism are perhaps most keenly felt, suggests that race and racist ideologies

73. Eduardo Bonilla-Silva & David R. Dietrich, *The Latin Americanization of U.S. Race Relations: A New Pigmentocracy*, in *SHADES OF DIFFERENCE*, *supra* note 6, at 40, 41, 48–52.

74. *Id.*

75. Intra-ethnic tensions among the diverse groups categorized as Asian American, *see supra* note 33, are widely documented and are not surprising. Eric Yamamoto speaks of such tensions in *The Color Fault Lines* when recounting the remarks of a Filipino educator in Hawai'i who stated,

I came to the U.S. prepared to leave my hatred of [the] Japanese behind, because the Japanese Americans here had nothing to do with our treatment during the War in the Philippines. But here it's the Japanese Americans, and sometimes the Chinese and Korean Americans too, who look down at us and keep us out of government jobs. It makes me furious.

Eric Yamamoto, *The Color Fault Lines: Asian American Justice from 2000*, 8 *ASIAN L.J.* 153, 158 (2001). Yamamoto asks, “[h]ow do we bridge our internal Asian American fault lines”—which he defines not as simple cracks, but as “potentially huge rifts that threaten progress”—“so that Asian American justice is not only about ‘out there’ but also ‘in here?’” *Id.* at 157, 159; *see also* Robert S. Chang, *Teaching Asian Americans and the Law: Struggling with History, Identity, and Politics*, 10 *ASIAN L.J.* 59, 61–62 (2003) (warning of the “dangers in constructing a ‘we’ that is not reflective of the differences that exist in the various communities that make up Asian America” and asking how scholars and students might “tell the more complicated story where differences have [their] due place”); Wendy K. Tam Cho & Albert H. Yoon, *Pan-Ethnicity Revisited: Asian Indians, Asian American Politics, and the Voting Rights Act*, 10 *UCLA ASIAN PAC. AM. L.J.* 8, 21–22 (2005) (discussing some of the challenges to developing an Asian American pan-ethnic coalition); Kevin R. Johnson, *The Struggle for Civil Rights: The Need for, and Impediments to, Political Coalitions Among and Within Minority Groups*, 63 *LA. L. REV.* 759, 780 (2003) (discussing the difficulty of intragroup coalition building among Asian Americans because of Asian-American heterogeneity).

play an important role in creating a desire for lighter skin in these areas.⁷⁶ However, preferences for lighter skin also exist in Japan, China, and other parts of Asia.⁷⁷ Are these preferences of recent origin, suggesting that they may be developing as Eastern and Western cultures collide, or are they more ancient in origin, suggesting that some color preferences may exist independently of, and indeed may pre-date, the development of racist ideologies?⁷⁸ Again, these questions are important because eliminating colorism requires that we understand all of the factors that give skin color meaning and how these factors function in different social contexts among different communities of people.

Finally, examining the ways in which color signals in-group/out-group, desirable/undesirable status may be instrumental in preventing and dismantling hierarchies. Changing racial demographics and rising fears among Whites that the United States will soon become a majority-minority country⁷⁹ has led Professor Eduardo Bonilla-Silva and others to argue that instead of a two-tiered racial hierarchy (White and non-White), the United States is developing three tiers.⁸⁰ This is similar to what one sees in many South American countries with Whites on top, some middle category of non-Whites (honorary Whites), and then another

76. Indeed, Joanne L. Rondilla makes a similar point in her examination of skin color differences in the Philippines. See Rondilla, *supra* note 6, at 64 (“[T]he marketing of skin-lightening products is a reflection of multiple colonizations in the Philippines.”); see also RONDILLA & SPICKARD, *supra* note 6, at 54–55 (discussing the effects of Spanish and American colonialism in the Philippines).

77. RONDILLA & SPICKARD, *supra* note 6, at 3–4; Glenn, *supra* note 37, at 179–80.

78. Kathy Russell, Midge Wilson, and Ronald Hall observe that in Central America, Japan, India, and parts of the Arab world, ancient stories and proverbs praise the value of pale skin. RUSSELL ET AL., *supra* note 3, at 57. Importantly, the authors argue that these cultural references long preceded the arrival of Whites in these areas. *Id.* They note:

In Central America, thousands of years ago, bronze-brown Aztec women during courtship used to smear themselves with an ointment made of yellow earth, since golden skin was considered more attractive than brown . . . Hundreds of years before any contact with Westerners, the Japanese treasured white skin in women . . . In many ancient Indian languages, the words ‘fair’ and ‘beautiful’ are interchangeable, and the most desirable brides are often described as those whose ‘skin is as pale as the moon’ . . . [A]n ancient Moroccan proverb warns young men against the superficial attractions of the pale-skinned wife . . . [And] ancient Egyptian artists dipped into lighter hues, like yellow, when painting the female body and reserved the darker, more reddish colors for males . . .

Id. at 57–58; see also Varsha Ayyar & Lalit Khandare, *Mapping Color and Caste Discrimination in Indian Society*, in THE MELANIN MILLENNIUM: SKIN COLOR AS 21ST CENTURY INTERNATIONAL DISCOURSE 71, 78–82 (Ronald E. Hall ed., 2012) (suggesting that color hierarchies in India existed prior to European colonization); Nina G. Jablonski, LIVING COLOR: THE BIOLOGICAL AND SOCIAL MEANING OF SKIN COLOR (2012) (examining the evolution and social history of skin color across cultures).

79. For thoughtful commentary on this possibility, see John A. Powell, *A Minority-Majority Nation: Racing the Population in the 21st Century*, 29 FORDHAM URB. L. J. 1395 (2002) (arguing that predictions that the United States will become a majority-minority nation erroneously assume that racial and ethnic categories are and will remain stable).

80. Bonilla-Silva & Dietrich, *supra* note 73, at 40, 41, 48–52.

group of non-Whites at the bottom (the Collective Black).⁸¹ Bonilla-Silva describes the evolving U.S. hierarchy as follows:

Figure 1: Bonilla-Silva's Preliminary Map of a Tri-Racial System in the United States⁸²

<p>Whites</p> <ul style="list-style-type: none"> • Whites • New whites (Russians, Albanians, etc.) • Assimilated white Latinos • Some multiracials (white-looking people) • Assimilated (urban) Native Americans • A few Asian-origin peoples
<p>Honorary whites</p> <ul style="list-style-type: none"> • Light-skinned Latinos • Japanese Americans • Korean Americans • Asian Indians • Chinese Americans • Middle Eastern Americans • Most multiracials
<p>Collective black</p> <ul style="list-style-type: none"> • Filipinos • Vietnamese • Hmong • Laotians • Dark-skinned Latinos • Blacks • New West Indian and African immigrants • Reservation-bound Native Americans

If Bonilla-Silva is correct, then we can anticipate a contest—fueled by forces both external to and within communities of color—over where various racialized peoples will fall within this hierarchy. Given its historical and contemporary significance, skin color will likely be used as an important indicator of status. This

81. See, e.g., Tanya Kateri Hernandez, *Multiracial Discourse: Racial Classification in an Era of Color-Blind Jurisprudence*, 57 MD. L. REV. 97, 121–33 (2012) (discussing the use of buffer classes in Latin America and South Africa).

82. Bonilla-Silva & Dietrich, *supra* note 73, at 41.

of course is problematic because to the extent that skin color differences lead to intragroup division, the possibility for intragroup unity—a necessary element to combatting White hegemony—is decreased.

The consequences, however, may be even graver. As Bonilla-Silva points out, as honorary Whites grow in size and social importance, this group is likely to be used as a buffer between Whites and the Collective Black.⁸³ If honorary Whites align with Whites and buy into the ideology of colorblindness, if this group views mobility as individual and conditional upon assimilation and whitening, and if it accepts whiteness as the legitimate and aspirational norm of the nation; then this group has the potential to muffle opposition or resentment among members of the Collective Black.⁸⁴ My hope is that by understanding and discussing the ways in which race, language, national origin, *and* skin color are used to divide people of color—both in this country and elsewhere—we can thwart these outcomes and preserve the possibility of building coalitions across communities of color and promoting greater social and political cohesion within these communities.

83. *See id.* at 46–47, 59. Other scholars have made similar observations about the development of a three-tiered racial hierarchy in the United States and the use of buffer classes. The only difference among scholars appears to be the identification of occupants of the buffer class. *See* Hernandez, *supra* note 81, at 121, 132–33 (1998) (asserting that mixed-race persons may serve in this capacity in the United States); Hunter, *supra* note 16, at 241 (“A clear hierarchy is evident among Latinos with white Latinos at the top, ‘others’ in the middle, and black Latinos at the bottom.”); Jones, *Shades of Brown*, *supra* note 2, at 1526–27, 1555–56 (making a similar point regarding buffer classes); Mari Matsuda, *We Will Not Be Used*, 1 ASIAN PAC. AM. L.J. 79, 79 (1993) (“If white, historically, is the top of the racial hierarchy in America, and black, historically, is the bottom, will yellow assume the place of the racial middle?”). As Matsuda notes:

The role of the racial middle is a critical one. It can reinforce white supremacy if the middle deludes itself into thinking it can be just like white if it tries hard enough. Conversely, the middle can dismantle white supremacy if it refuses to be the middle, if it refuses to buy into racial hierarchy, if it refuses to abandon communities of Black and Brown people, choosing instead to form alliances with them.

Matsuda, *supra*, at 79.

84. Bonilla-Silva & Dietrich, *supra* note 73, at 46–47, 59.