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Senior Projects Spring 2017

Bard Undergraduate Senior Projects


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Spring 2017

## The Black Women Anti-Defamation Coalition: A Proposal for the Remediation of the Negative, Controlling Images of Black Women

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### Recommended Citation

Taylor, Shemar Antonio, "The Black Women Anti-Defamation Coalition: A Proposal for the Remediation of the Negative, Controlling Images of Black Women" (2017). *Senior Projects Spring 2017*. 184.  
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**"The Black Women Anti-Defamation Coalition:  
A Proposal for the Remediation of the Negative, Controlling Images of  
Black Women"**

Senior Project Submitted to  
The Division of Social Studies  
of Bard College

by  
Shemar Taylor

Annandale-on-Hudson, New York  
May 2017



## Acknowledgements

*Firstly, I would like to thank God for allowing me to make it through this project and my undergraduate career in order to become the first in my family to graduate from college.*

**TO MY MOTHER**, thank you for always believing in me, supporting me and pushing me towards greatness. I appreciate the sacrifices you have made for me and I hope to continue to make you proud. I love you.

**TO MY SENIOR PROJECT ADVISOR**, Tabettha Ewing, thank you for your continued support throughout this entire process and for keeping it real with me at times when I did not want to keep it real with myself; I couldn't have asked for a better advisor.

**TO MY PROFESSORS**, Peter Rosenblum and Tom Keenan, thank you for teaching classes that pushed the boundaries of how I saw the world and helped inspire me to pursue this research.

**TO MY BEOP FAMILY**, Jane and Truth, thank you for always being in my corner no matter how far I strayed away.

**TO MY BROTHER**, Dariel, we came together, we conquered together, & we graduated together. Enough said.

**TO MY BEST FRIEND**, Sydnie, thank you for seeing in me what I could not see in myself and encouraging me whenever I began to doubt myself.



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## **ABSTRACT**

This research sets out to highlight the life-altering degree to which negative, domineering depictions of Black women has had and continues to have on their livelihood and also to argue that due to their systemic inability to control and craft their own reputation, this should be categorized as a human rights violation and enforced on the grounds of defamation law. Although I am not a Black woman myself, as a Black man who was raised by three Black women, I have seen first hand the importance of proving this point. Many Black women scholars, many of whom I will be referencing in this research, have already done the crucial work of analyzing the condition of Black women in America and I don't believe that I am providing a better perspective, but instead hope to offer a unique perspective as a Black male looking in from the outside and noticing that something isn't quite right with the picture I see. I approach this issue from both a legal and media analytical standpoint informed by critical race theory, which allows me to construct constitutionally sound and concrete evidence as to how and why redress should be granted to Black women. Underpinning this research is my desire to test out human rights as a model of action/activism for Black individuals and in determining how, if at all, it is going to work in this specific case for Black women.





## CHAPTER 1

### **WHAT CONSTITUTES A HUMAN RIGHTS VIOLATION? : AN EXAMINATION OF HUMAN RIGHTS, LAW & DOCTRINE AND IT'S EFFECTIVENESS IN HELPING BLACK WOMEN**

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Human Rights are the rights a person has simply because he or she is a human being. The Human Rights Resource Center of Minnesota provides another definition of Human Rights as “those basic standards without which people cannot live in dignity. To violate someone’s human rights is to treat person as though she or he is not a human being.” I think dignity is the perfect framework in which to assess whether or not the human rights of Black women are being violated. Dignity refers to the quality of being worthy of honor or respect.<sup>1</sup> From the onset of American history, women, particularly Black women have not been granted any standards allowing them to be deemed worthy of honor nor respect, nor have they been treated as equal human beings, yet there hasn’t been much national outcry regarding the violation of their human rights.

If it is true that human rights principles uphold the vision of a free, just, and peaceful world, then those same principles set standards for how individuals and institutions should treat people. As a result, it also gives individuals, like myself, a set of guidelines to reference when these principles are not being met and arms to fight and create true calls to action against human rights violations. However, the issue becomes that the actual law itself often times does not reflect these principles, which makes human rights hard to “enforce.” In the case of the negative and controlling images that plague Black women and influence people into treating them as

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<sup>1</sup>dignity. 2016. In *Merriam-Webster.com*. Retrieved October 16, 2016 from <http://www.merriam-webster.com/dictionary/dignity>

though they are less than human, there are already laws in place that should, but do not, ensure that this does not continue to occur that law being defamation law.

According to the Black Law Dictionary, defamation of character is a term that is used to describe when false statement is written –referred to as *libel*– or spoken –referred to as *slander*– about an individual with the intent of harming or slandering their reputation. In order to win a case of defamation of character in the court of law one must first prove “without a doubt that what was said or written about you is not true,” and secondly that “the other person said the false statement with the intent of causing you some form of harm.”<sup>2</sup> Once one has proven that the statement made against she/he was in fact false, one must now prove that the statement caused some form of damage to them or their reputation. One key point to remember is that it is only considered defamation of character if the statement has actually caused the individual harm, not if it has the potential to cause them harm. With this under consideration, it must also be noted that a statement may harm an individual in many ways, but if it does not affect his or her reputation, they have no cause of action in defamation, even if the statements themselves are untrue. In subsequent chapters, I will make the case that the reputation of Black women as a whole has been and continues to be defamed since before defamation was even truly concretized in United States law. I must first analyze the grounds in which defamation law was founded in hopes that it will shed light as to why it has not protected Black women and whether or not it even can.

The function of defamation law is to protect one’s reputation, however not enough attention has been paid to what reputation really is. In the early middle ages, reputation was amply protected in England by both secular and spiritual authorities, who viewed defamation as

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<sup>2</sup> Hirbyand, J., How Do You Prove a Defamation of Character Claim? (Black Law Dictionary, Retrieved October 16, 2016) <http://thelawdictionary.org/article/how-do-you-prove-a-defamation-of-character-claim/>

a sin. "Protection of attacks on reputation is believed to have begun as an attempt to protect the "great men of the realm" against discomfort from stories, which might make the populace rise against them. The fear of a possible threat to civil order arising from defaming the aristocracy made slander initially a criminal offence, which was ferociously enforced."<sup>3</sup> Over time, the royal tribunals absorbed the jurisdiction of the courts and subsequently the jurisdiction over defamation. During the latter half of the sixteenth century, various social and political conditions combined to determine how redress could be sought for defamation.<sup>4</sup> The common-law courts allowed redress only where monetary loss was proved, or where the slanderous accusation was one of a few which were considered so grave as to create a great probability that such loss would be suffered. This was clearly a very limited remedy, which was based upon the nature of the defamation and the consequences resulting from it, not necessarily that individuals had an inherent "right to reputation." Due to this, the early common law of defamation operated as a way to create exceptions to a complete "freedom of speech." However, all of this would change early in the seventeenth century with the advent of a system that would lead to the rapid spread of information.

Up until this point in time, there was no distinction between written and spoken defamation. When the printing press dawned upon the absolute monarchy, this emergency was met with a completely different approach than before. A doctrine inherited from Roman law, through the Star Chamber<sup>5</sup> became known as written defamation or libel. Unlike the common

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<sup>3</sup> Adibe, Jidefor. 2010. *Free Speech V Reputation : Public Interest Defence in American and English Law of Defamation*. London, GB: Adonis & Abbey Publishers Ltd. Accessed November 13, 2016. ProQuest ebrary.

<sup>4</sup> Veeder, Van Vechten. "The History and Theory of the Law of Defamation. I." *Columbia Law Review* 3, no. 8 (1903): 547. doi:10.2307/1109121.

<sup>5</sup> "Court of Star Chamber." *Encyclopedia Britannica Online*. October 24, 2003.

law courts, which handled slander, in the Star Chamber, only reputational harm was necessary in order for one to be charged for the crime of libel. After the Star Chamber was abolished, the common law courts retained this basis of liability. Due to the fact that words were now being printed down, attacks against one's reputation were no longer met by adding to the lists of unacceptable speech. It was met by a special provision for written or printed defamation, first adopted in the criminal law, but eventually became also a principle of civil law.<sup>6</sup> Out of this distinction, derived on form alone, gave rise to the new principle of actionable defamation. On one hand, the original law, based upon the nature of what was said and the harm done, became known as slander. On the other hand, the law of written or printed defamation became known as libel and was handled completely differently. I introduce the origins of this frivolous distinction between libel and slander because this distinction, which is just based on the form in which an idea is communicated, has severely limited the number of actionable defamations. This leads me to question what the relationship between defamation law and human rights is and whether or not defamation law can gain more credence to help victims of defamation if it can be married with human rights discourse.

It is impossible to discuss a right to reputation without discussing another basic human right, freedom of speech/expression. Freedom of speech or the freedom of expression is widely recognized and valued in several international and regional human rights laws as well as nearly every national constitution. It can be found in Article 19 of the International Covenant on Civil and Political Rights (ICCPR), Article 10 of the European Convention on Human Rights (ECHR),

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“The Star Chamber was made up of judges and privy councilors that grew out of the medieval kings council as a supplement to the regular justice of the common-law courts...” Finding its support from the king's prerogative (sovereign power and privileges) and not bound by the common law.

<sup>6</sup> Ibid.,547.

Article 13 of the American Convention on Human Rights and Article 9 of the African Charter on Human and Peoples' Rights.<sup>7</sup> Article 10 of the ECHR outlines freedom of speech as follows,

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.<sup>8</sup>

It is not hard to see why this freedom of speech/expression is so valued as a foundational right, because if an individual is not allowed to express his or herself freely then it's almost impossible to do anything else. Without freedom of speech, it makes it difficult to realize other rights and freedoms. Despite what seems to be a general consensus on the credibility and authority of this particular freedom, as Article 10 of the ECHR suggests, it is not unrestricted. This recognition of the existence of a right to protection of reputation is not exclusive to Article 10 of the ECHR; it is closely mirrored in the other articles listed above and more. What lies at the core of this recognition within human rights discourse is a contestation between two conflicting human rights: the human right to freedom of speech and the need to protect individual reputation. The remediation for this conflict is pivotal for my argument because if an individual's right to say anything they please trumps another individual's right to protection of reputation, that would

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<sup>7</sup> Puddephatt, Andrew. Free Speech, Human Rights And Western Values? Centre for the Study of Human Rights, LSE. October 28, 2003.

<sup>8</sup> Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as Amended) (ECHR) Article 10, 1950.

begin to explain why, at least legally, Black women have been constantly defamed without redress.

Surprisingly enough, when the ECHR had its first pivotal defamation case, *Lingens v. Austria* in 1986, “they categorically denied the existence of a conflict between freedom of expression and right to reputation.”<sup>9</sup> This position was based on the fact that the ECHR did not take the clause, “for respect of the rights or reputations of others,” as a separate right to reputation, but instead just a mere private interest to be protected. Due to their literal reading of Article 10, out of the fifty-two cases in which the court interpreted “for the protection of the reputation or rights of others” as a restriction on expression, the court found Article 10 violations in thirty nine cases, or 75%.<sup>10</sup> If the ECHR stuck with this approach, there would not have been the opportunity for the right to reputation to have any *real* form of protection within human rights. In its earliest decisions, the ECHR defended freedom of expression in the face of claims of harm to individual reputation, however this was not always the case. With this interpretation, the ECHR developed a “hierarchy of protected expression based on the status of the individual whose reputation was alleged to be harmed and the nature of the speech.”<sup>11</sup> According to this hierarchy, political speech and criticism of politicians are granted broad protection, while speech against civil servants such as judges and judicial officers were given less protection. The court held that “the limits of permissible criticism are narrower in relation to a private citizen than in relation to politicians” or civil servants. Because private persons do not lay themselves “open to close scrutiny,” private persons are entitled to wider protection of their reputations as well as

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<sup>9</sup> Smet, Stijn. "Freedom of Expression and the Right to Reputation: Human Rights in Conflict." *American University International Law Review* 26 no. 1 (2010): 192.

<sup>10</sup> Kozlowski, Dan V., ‘For the Protection of the Reputation or Rights of Others’: The European Court of Human Rights’ Interpretation of the Defamation Exception in Article 10(2) (Winter 2006). *Communication Law and Policy*, 11(1) (2006).140.

<sup>11</sup> *Ibid.*141.

their privacy.<sup>12</sup> What this illustrates is that over time, the ECHR began to recognize that there was a genuine conflict between freedom of expression and the right to reputation in defamation cases. However, the right to protection of one's reputation was not protected under Article 10, as would be expected, it was instead guaranteed as a part of the right to respect for private life, under Article 8.<sup>13</sup> What in principle sounds like a victory for the right for protection of reputation, was not exactly as it seemed. Of the twelve cases the court ruled on at the time involving state restrictions that aimed to protect private persons, the court found nine Article 10 violations. This is because when private persons involved themselves in issues of "public interest or concern," the court has found that their privileged status in the court's hierarchy is reduced. I believe that this fluidity and lack of a concrete system in which to address cases that involve defamation leaves way too much room for prejudiced sentiments on which individuals deserve more or less protection than others. Given the magnitude of what is at stake for protecting the reputation of Black women and the West's already expressive history with black bodies, I am not satisfied with human rights' feud between freedom of speech/expression and right to protection of reputation as it pertains to handling a defamation case brought by Black women.

Unfortunately, but not surprisingly, the ECHR's defamation law mirrors principles of United States First Amendment law and common law. The First Amendment is generally recognized to provide the most liberal protection for free speech; the fact that the ECHR parallels many of its defamation principles indicates the importance the ECHR has typically placed on protecting expression in the face of claims of harm to individual reputation. "The two most blatant differences between the jurisprudence of the ECHR and United States law are (1) the prevalence of criminal defamation and insult prosecutions the ECHR reviews and (2) the

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<sup>12</sup> Ibid. 156

<sup>13</sup> Smet, Stijn. "Freedom of Expression and the Right to Reputation: Human Rights in Conflict." *American University International Law Review* 26 no. 1 (2010):193.



ECHR's apparent acceptance of injunction as a permissible means to balance reputation with freedom of expression."<sup>14</sup> The United States First Amendment to the U.S. Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." As one can see, unlike in the human rights doctrines, like the ECHR, there is no exception or limitation to freedom of speech. This is because, *in theory*, the U.S. Constitution protects even the most offensive and controversial speech from government suppression, and permits regulation of speech only under certain limited and narrow circumstances. The U.S. system is built on the belief that "the free and open exchange of ideas encourages understanding, advances truth-seeking and allows for the rebuttal of falsehoods."<sup>15</sup> Moreover, the understanding is that the best way to counter offensive speech is not with regulation but with more speech. When it comes to protecting the reputation of private individuals, the standard for proving defamation is not that high.<sup>16</sup> Defamation of private individuals can be established if the statements were false and damaged the person's reputation without showing actual malice. *However only individuals, not groups, can be defamed.* I contend that by not allowing an entire group, especially one as affected as Black women, to bring a defamation case would be unjust, because of the degree to which the United States has helped to construct this defamation.

Deplorably, the United States has more than enough factual evidence proving racism and slavery not only existed, but that it was instrumental in its formation. Due to this, it is not even

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<sup>14</sup> Kozlowski, Dan V., 'For the Protection of the Reputation or Rights of Others': The European Court of Human Rights' Interpretation of the Defamation Exception in Article 10(2) (Winter 2006). *Communication Law and Policy*, 11(1) (2006).174.

<sup>15</sup> United States. United States Embassy. IIP Digital. Freedom of Expression in the United States. 2013.

<sup>16</sup> *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749 (1985)

necessary for me to employ a narrative that is separate from this topic of defamation. The United States' own history of slander can be used to make the case that redress should be sought for the engrained and continued defamation of Black women. Slanderers who used allegations of interracial sex to insult their wealthier neighbors or to denigrate white women as "whores," in early America melded together notions of race, class, and gender, implicating each concept in the construction of the others. The damaging rumors of illicit sex that European settlers circulated about each other reflected and reinforced the racial ideology by which they identified themselves as "white" and as distinct from African Americans.<sup>17</sup> Likewise, demonstrations of insulting allegations of illicit sex through slander suits aided in the construction of racist thought among European Americans. In the context of North Carolina's growing slave economy, sexual bolstered the racism that accompanied the entrenchment of slavery. Defamation suits in early America do not simply show insults one person projected against another, but indicates more importantly the *kind* of slurs an individual found so damaging that he or she was willing to go to court to prevent further harm to their reputation. It is through this lens that it becomes apparent what kinds of people and behaviors a society most detests, which in this case was African Americans and particularly, African American women.

In early America, an insult of slander was seen as a high form of disrespect and not at all due to sheer ego alone. In a society in which currency was very scarce in the beginning, most business was done on credit or barter, a system heavily dependent on trust. "Slander then was an attack on a person's trustworthiness, and therefore, livelihood."<sup>18</sup> The effects of slander affected women differently. The identity of the ideal (white) woman during this time period was one

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<sup>17</sup> Norton, Mary Beth. "Gender and Defamation in Seventeenth-Century Maryland." *The William and Mary Quarterly* 44, no. 1 (1987):

<sup>18</sup> Mays, Dorothy A. *Women in Early America: Struggle, Survival, and Freedom in a New World*. Santa Barbara, CA: ABC-CLIO, 2004.364.

whose reputation was virtuous, modest, and dutiful.<sup>19</sup> If rumors were to surface surrounding a woman having sex outside of marriage, her standing in the community would be completely tarnished and she would find it next to impossible to find a husband. As a result of these consequences, many women sought to restore their reputations through the legal action of a slander case, which was a very common occurrence for *white* women in the seventeenth century.

Kirsten Fischer's study of lawsuits of slander in colonial North Carolina shows that the defamation of women was often not simply based on extramarital sex, but interracial sex.<sup>20</sup> The special defamation of women through charges of interracial sex reveals the increasing rigidity of both the sexual double standard and of racial boundaries. However, Fischer does tell the stories of three relatively prominent white men in North Carolina who had all been accused of having sex with a "Negro woman" and decided to go to court. She highlights, "in an era when men generally refrained from prosecuting for sexual slander, the fact that three male plaintiffs refuted charges of interracial sex suggests that in the mid-eighteenth century, sexual intimacy with a black woman, when spoken by another man, could cause serious damage."<sup>21</sup> This isn't to be understood that white men were in fact not having sex with Black women, because that is far from the truth. What is to be gleaned from these cases is that sex with a black woman was becoming publicly inadmissible for whites. While the crime of another man's property was central to two of the three cases, as the black women involved were slaves of another man, the insults that would follow were racial in nature. Fischer notes that because there are no records of any cases in which white men appear in court to refute that they had sex with another man's

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<sup>19</sup> Ibid., 364.

<sup>20</sup> Catherine Clinton and Michele Gillespie, *The Devil's Lane: Sex and Race in the Early South* (New York: Oxford University Press, 1997).147.

<sup>21</sup> Ibid., 147.

white servant, it would appear that slander alleging sex with slaves stung not because of the status of the woman involved (another man's dependent), but because of her race.

Another noteworthy aspect about the sexual slander cases brought forth by men was that besides opposing charges of interracial sex, other men were opposing allegations of sex with men as well with animals. White men only saw fit to contest allegations of sexual behavior thought to be particularly scandalous or perverted, and interracial sex was included. Fischer draws the clear conclusion that, "for both white men and women, slanderous allegations of sex with a black person and sex with an animal evinced in nearly equal measure a white person's alleged sexual perversion and moral debasement."<sup>22</sup> Even though white individuals themselves were the overt targets of the slander, the sexual insults that they spewed clearly showed the racist ideas they held about African-Americans' inferiority. In presuming the "unnatural" nature of interracial sex, sexual slander played a crucial role in further ascribing natural origins to race that were baseless and only employed to keep slave labor a permanent fixture of the society.

Increasingly detailed colonial legislation regarding sex and marriage continued to define racial boundaries. "The North Carolina legislature had prohibited servants from marrying, outlawed interracial sex, and burdened the mixed-race children of white mothers and the offspring of free black women with long terms of service."<sup>23</sup> Racism among whites would continue to deepen as slavery became more widespread and it is extremely telling that defamation cases can be used as a measure of whites' growing concern about racial distinctions. The law determined which slander cases would be heard and how sympathetically complaints would be received by judges and juries. The countless number of slander cases adjudicated on

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<sup>22</sup> Ibid., 148.

<sup>23</sup> Fischer, Kirsten. *Suspect Relations: Sex, Race, and Resistance in Colonial North Carolina* (Ithaca: Cornell University Press, 2002).9.

the basis of these racist and defamatory denunciations about an entire group of people helped lead to the diverging treatment of black and white bodies in the upcoming centuries.

I do not wish to draw a direct causal connection between the defamatory depictions of black women constantly brought out during these slander cases as the cause of those same damaging images that still exist today because I know that the belief that blacks are sexually lewd predates the institution of slavery in America. "When European travelers to Africa found scantily clad natives, they misinterpreted this semi nudity as lewdness. In addition, White Europeans, locked into the racial ethnocentrism of the 17th century saw African polygamy and tribal dances as proof of the African's uncontrolled sexual lust."<sup>24</sup> William Bosman described the Black women on the coast of Guinea as "fiery" and "warm" and "so much hotter than the men."<sup>25</sup> William Smith described African women as "hot constitution'd Ladies" who "are continually contriving stratagems on how to gain a lover". The genesis of anti-Black sexual archetypes emerged from the writings of these and other Europeans: the Black male as brute and potential rapist and the Black woman as Jezebel whore. What I wish to illustrate from these slander cases of early America is the destructive ability that these negative perceptions possess to be able to transcend time and space and be used to cripple and oppress Black women today. To assume that because the physical chains of chattel slavery are removed that these perceptions and depictions of Black women are no longer relevant would be a mistake.

Defamation laws exist to protect individuals from having their reputations intentionally and falsely tarnished by others. Civil defamation laws allow an injured party to sue and seek remedies ranging from monetary compensation to an apology or retraction and exist in all or virtually all countries. Some countries, however, also impose criminal penalties, including

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<sup>24</sup> White, D. G. *Ar'n't I a Woman? Female Slaves in the Plantation South* (Rev. ed.). (New York, NY: W. W. Norton 1999.).

<sup>25</sup> *Ibid.*,29.

imprisonment for reputational harm. A major issue in cases of human rights violations is who, if anyone at all, should be held responsible especially when the “perpetrator” is a corporation/non-human entity or is acting in the “interest of the public.” However, the main question in this case should not be “who is to blame?” but instead, “who can be compensated?” In 1947, authors of a Columbia Law Review drafted a model group defamation statute in an effort to encourage laws that conformed to the prevailing constitutional requirements that I believe is articulated very well. The Model Statute defines a defamatory statement as,

any utterance which directly or by innuendo, holds up the group, person, or persons concerning whom it is uttered, to public contempt, hatred, shame, disgrace, or obloquy, or causes him or them to be shunned, avoided or injured in his or their business, profession, or occupation [or lowers the individual’s or group’s reputation and esteem in the eyes of the community.]<sup>26</sup>

If a defamation claim can only be made if a single individual can prove that they were intentionally wronged and suffered damages then it becomes more difficult to argue that one controlling image wronged an individual person. The magnitude of the defamation against an entire demographic and the fact that it violates their human right not just to reputation, but dignity and privacy as well, should trump the need to make the case on a “controlling image” to “individual harm” basis. Instead, *it should be concretely outlined in law that whenever a network knowingly or unknowingly broadcasts a show displaying a negative, controlling image of Black women that they be charged a fine, not paid to individual Black women, but to a fund or organization, run by Black women, seeking to reverse the effects of decades of marginalization and degradation.* I do not believe that a removal of controlling images of Black women would lead to a change in the way society treats and interacts with them over night, or even over a

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<sup>26</sup> Jones, Thomas David. Human Rights: Group Defamation, Freedom of Expression, and the Law of Nations. The Hague: M. Nijhoff Publishers, 1998.104.

decade. However, I do believe that it is a crucial step in not only rewriting the narrative of who black women truly are, but allowing them to be able to be the authors of their own narrative.

### **A CRITICAL RACE APPROACH TO LAW**

*Those of us who stand outside the circle of this society's definition of acceptable women; those of us who have been forged in the crucibles of difference—those of us who are poor, who are lesbians, who are Black, who are older—know that survival is not an academic skill. It is learning how to stand alone, unpopular and sometimes reviled, and how to make common cause with those others identified as outside the structures in order to define and seek a world in which we can all flourish. It is learning how to take our differences and make them strengths. For the master's tools will never dismantle the master's house. They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change.*

– Audre Lourde, 1979.

One afternoon, I was sitting in Grey Stone Cottage waiting to meet with my adviser when a graduating senior, who I had taken a few classes with during my first year at Bard, walked in to turn in her senior project. After a few minutes of catching up, she inquired about the topic of my senior project, at which point I gladly expounded my thesis using the same elevator pitch I developed after being asked the same question countless times before. However, unlike the bright eyes and nod of understanding I typically received after I was finished, a confused look glossed over her face as she asked, “but doesn’t *everyone* not have the power to control the way they’re being portrayed in the media?...like isn’t everyone defamed at some point, how is it any different for Black women?” In all honesty, up until that point, I had never thought that it would be necessary to argue or prove that component of my project in massive detail. I thought that it was abundantly clear that there are and have always been negative, controlling images in the media that negatively affect the livelihood of not only Black women, but also Black individuals as a whole. I do not in any way believe that the work of critical race theory scholars Kimberlè Crenshaw, Patricia Hill Collins, Patricia Williams, or others has gone to the wayside from this one conversation, but I do believe that this experience is telling. While this is not a critique of a

Bard College education, it is worth noting that for one to have gone through four years of an intensive “liberal arts” education and come out on the other side believing that every race is portrayed in the same light in the media must mean that there is a gap, not just in this particular young white woman’s understanding of what Black individuals as a whole experience in this country, but in many others’ as well. It is essential to my project that I attempt to reinvigorate the field of critical race theory and engage with it in my writing. Black women in this country face a double-whammy of being both Black and woman, the two most historically marginalized group identities in this country. With this dual group identity comes a set racial politics and a set of gender politics; however I hold that the two are not mutually exclusive, but operate synergistically to shape our human reality and thus our actions. More importantly, this interaction caused me to question how effective legal action would be in changing human reality when it comes to the topic of race.

Cornel West describes Critical Race Theory (hereafter referred to as ‘CRT’) as a “comprehensive movement in thought and life – created primarily, though not exclusively, by progressive intellectuals of color – [in order to] compel us to confront critically, the most explosive issue in American civilization: the historical centrality and complicity of law in upholding white supremacy (and concomitant hierarchies of gender, class, and sexual orientation).<sup>27</sup> The aim of CRT is not just to theorize and understand this complicity of the law, but also to change it. As Delgado and Stefancic argue, “the incentive to innovate may be stronger in persons for whom the current system does not work”.<sup>28</sup> Audre Lorde maintained this notion of the need to innovate when she argued that the master’s tools will never dismantle the master’s

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<sup>27</sup> West, Cornel. "Introduction." *Introduction to Critical Race Theory: The Key Writings That Formed the Movement*, by Kimberle Crenshaw, Neil Gotanda, Garry Peller, Kendall Thomas, and Cornel West, xiv-xxxii. New York: New Press, 1996.xi.

<sup>28</sup> Delgado R, Stefancic J. *Critical Race Theory: An Introduction*. New York: NYU Press, 2001.219.



house. Even today, Lourde is pushing us to challenge conventional notions and practices so that it may bring about new tools and ideas in the fight to dismantle the ingrained system of white supremacy and I believe that CRT is one of these tools. CRT highlights the hidden realities of everyday racism and the constant reinvigoration of the illusion that racism is “behind us.” While there are many fundamental tenets of CRT, the notion of the invisibility of racism is one that I believe must be grasped in order to begin to understand, why and how negative, controlling images of Black women have and continue to be ingrained within the media and consequently our society.

According to Reiland Rabaka, this ingrained racism is a result of “a global system, molded from years of racial colonialism and capitalism that rewards those who adopt white hegemonic views and values.”<sup>29</sup> This creates an issue for my contention for the use of defamation law to enforce a radical restructuring of the way Black women are being portrayed in the media. As the examples of Reconstruction and most commonly, the Civil Rights movement indicate, “changes in the law and its interpretation and application do not always translate into racial justice and social transformations.”<sup>30</sup> Furthermore, “white supremacist social views and values linger long after amendments have been made and laws have been changed.”<sup>31</sup> Even though the legal system has continuously given favor to whites throughout history, “they do not see the economic, social, political, and educational advantages bestowed upon them, and cannot understand the non-White experience in a White-dominated world.”<sup>32</sup> Nonetheless, non-Whites, particularly Blacks, do not have that privilege and have always felt and understood the systemic

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<sup>29</sup> Rabaka, Reiland. *The Souls of White Folk: W.E.B. Du Bois's Critique of White Supremacy and Contributions to Critical White Studies*. Journal of African American Studies, 2007.

<sup>30</sup> Ibid. 2.

<sup>31</sup> Ibid.2.

<sup>32</sup> Taylor, Edward; Gillborn, David and Billings-Ladson, Gloria. *Foundations of Critical Race Theory in Education*. New York: Routledge, 2009.

oppression formed as a result of white supremacy. W.E.B. Du Bois stated, “whiteness is the ownership of the earth forever and ever, Amen.”<sup>33</sup> Du Bois is highlighting the pervasive nature of White supremacy that has led to the worldwide multigenerational experiences of the political, economical, educational, historical, and social disadvantages of being non-white in a white-dominated world. In addition, Rabaka notes, “white supremacy serves as the glue that connects and combines racism to colonialism, and racism to capitalism. It has also been illustrated that it exacerbates sexism by sexing racism and racing sexism, to put it unpretentiously.”<sup>34</sup> Thus, as previously stated at the onset, race and gender do not operate separately to oppress Black women; white supremacy intersects and interconnects with sexism, particularly through the patriarchy as a global system that oppresses and denies women’s human dignity and right to be humanly different from men, “the ruling gender.”<sup>35</sup>

The use of the terms “Black” and “White,” by CRT scholars do not point to the specific labeling of individuals or a group identity, but instead refer to “a specific legal and political organization embedded in the ideology of white European hegemony as well as the consequences of colonialism on a global scale.”<sup>36</sup> This allows CRT scholars to analyze race and racism from a wider social perspective that includes “how racism is pervasive, the numerous expressions of racism, and the ambiguity and diverse implications of racist acts.”<sup>37</sup> Those acts, such as placing a plethora of negative images of Black women as archetypal Mammies, Jezebels, Welfare Queens, etc. that may appear small and unimportant, gather emotional and economic costs over time, and they can, as they have continued to be, simply brushed aside or

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<sup>33</sup> Rabaka,R. *The Souls of White Folk*, 2007.3.

<sup>34</sup> Ibid.3.

<sup>35</sup> Ibid.3.

<sup>36</sup> Taylor, Edward, et al. *Foundations of Critical Race Theory*, 2009.

<sup>37</sup> Rabaka,R. *The Souls of White Folk*, 2007.

misunderstood by those who do not experience them on a daily basis.<sup>38</sup> Even though these acts may appear to be caused by specific individuals or specific media corporations, CRT scholars recognize that everyday racism is saturated in the “larger, systematic, structural conventions and customs that uphold and sustain oppressive group relationships, status, income, and educational attainment.”<sup>39</sup> Kimberlé Crenshaw informs us as to how this becomes a conflict for African Americans seeking redress through the legal system in her essay “Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law.” Crenshaw states, “society’s adoption of the ambivalent rhetoric of equal opportunity law has made it that much more difficult for Black people to name their reality. There is no longer a perpetrator, a clearly identifiable discriminator.”<sup>40</sup> Crenshaw is referring to the legal wins of the Civil Rights Movement as she makes the argument that although legal rights were one of the main ways Blacks of the time were able to obtain access to rights, it has caused a hindrance on its effectiveness today because the end of the Civil Rights Movement symbolically, but not materially, marked the end of racism in America. Moreover, Crenshaw contends that,

a society once expressly organized around white supremacist principles does not cease to be a white supremacist society simply by formally rejecting those principles. The society remains white supremacist in its maintenance of the actual distribution of goods and resources, status, and prestige in which whites establish norms which are ideologically self reflexive. The phenomenon is ideological because it is fantasy [...]it is not real.<sup>41</sup>

So where does this leave us if formally rejecting the negative images of Black women as human rights violations and defamatory wont change the damaging effects that come from them?

Moreover, if the law itself has been instrumental in perpetuating the very injustices I am setting

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<sup>38</sup> Hylton, Kevin. “How a Turn to Critical Race Theory Can Contribute to our Understanding of “Race,” Racism and Anti-Racism in Sport.” *International Review for the Sociology of Sport*, 45(3), 335-354.

<sup>39</sup> Taylor, Edward, et al. *Foundations of Critical Race Theory*, 2009.4.

<sup>40</sup> Kimberlé Williams Crenshaw, "Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law," *Harvard Law Review* 101, no. 7 May 1988.1347.

<sup>41</sup> *Ibid.* 1336.

out to remedy, am I naive for believing that it can be used to dispel them? At this point, I believe it may be too early for me to answer either question definitively. However, I believe it would be beneficial to take a look at how these stereotypes manifest in recent media and how viewers, especially Black women, respond to them and then examine how it influences the rest of the society's treatment of Black women. Given this approach, as with an actual trial, we will be able to examine my fulfillment of the burden of proof. At which point, we, as collective judges of sorts, may come to discover an alternative and more innovative way to address this issue outside of the law.

## CHAPTER 2

### **#BLACKWOMENINMEDIA #SCANDAL #NEGATIVESTEREOTYPES**

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“I always leave a picture show disgusted – holy smokes!  
 Don’t they know colored people are just like other folks?  
 Why do they always think that all we know is sin and strife,  
 Tho we have many of our race in every walk of life?  
 Are Hollywood producers mindful of their harmful acts,  
 OR are they just plain ignorant and do not know the facts?  
 They show us all as comics, wasters, gangsters and slow pokes,  
 Don’t they know colored people are just like other folks?”

– Andy Razaf, 1940

*“Are Hollywood producers mindful of their harmful acts OR are they just plain ignorant and do not know the facts?”* This question, posed almost 80 years ago by a Black jazz musician in regards to the depiction of Black bodies in film, still reverberates loudly today. Rosalind Cash, a famed African American actress of the 1970’s and 1980’s known for her insistence on not playing stereotypical roles of black women, stated on the matter, “For a Black actress in America, being allowed to portray positive and accurate images has always been a struggle, as a result of untruths and stereotypes which are part of the fabric of America’s concept of the African American. Only a few programs have been non-traditional, non-stereotypical, and away from the norm. They include, “Sister, Sister,” “Ceremonies in Dark Old Men,” “Denmark Vesey,” and “The Sophisticated Gents.”<sup>42</sup> In this chapter, I set out to explicate whether or not Shonda Rhimes’ award winning drama, “Scandal” holds up to those same attributes of being “non-traditional, non-stereotypical, and away from the norm” in its depiction of Black women in order to analyze the effect of having a Black woman herself, Shonda Rhimes, control the way Black women are constructed and portrayed in a television series.

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<sup>42</sup> Hill, George H., Lorraine Raglin, and Chas Floyd. Johnson. *Black Women in Television: An Illustrated History and Bibliography*. New York: Garland Pub., 1990.vii.

Before diving into “Shondaland,” the name of television writer/producer Shonda Rhimes’ production company and coin phrase for the multiple universes she has created in her evening dramas, I must first discuss the history of Black women in film through the “one woman movement” of actress Rosalind Cash in order to make clear what exactly is at stake given the *power* Shonda Rhimes possesses. In an interview conducted by Irma McClaurin-Allen during actress Rosalind Cash’s residency at Smith College in 1986, she sheds some insight on her own situation as a black actress as well as the plight of black actors in general. Cash explains, “one of the problems facing contemporary black actors is the lack of viable roles, lack of materials to express, I think, the diversity of black experience in this country. That's the main problem to me. And black females face greater difficulty because I think many roles are written, for the most part, by white males in the film and television industries.” She continues, “for the most part white males write 90% of what you see on TV for blacks, whites, asians, everybody. The African-American is not a part of the white consciousness, therefore, we do not appear in most of these movies unless we are comics or singers, which to me is the old throwback that we can laugh, dance, sing and make jokes. But we are not taken seriously, as though anyone would want to know about our experiences. I think this is the same problem as in the 50's, 60's and 70's.”<sup>43</sup> Although Cash is discussing this in the late 80’s and accurately points out that this has been going on since the 50’s, research done by Robert M. Entman and Andrew Rojecki in 1996 shows that the trend of negative portrayals of Black women in film showed no signs of declining. In their book, *The Black Image in the White Mind: Media and Race in America*, Entman and Rojecki present statistical evidence of how the mass media treats racial differences. As Cash notes, there was a time when Black actors and even more so Black actresses, could barely secure

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<sup>43</sup> Cash, Rosalind and McClaurin-Allen, Irma "Working: The Black Actress in the Twentieth Century," Contributions in Black Studies: Vol. 8 , Article 6.1986.4

appearances on the big screen. As a result of the difficulty to get into show business, Black actresses were often forced to take on roles that were not at all flattering and were highly stereotypical. Entman and Rojecki show that in the top movies of 1996:

- Black female movie characters shown using vulgar profanity: 89%
- v. White female movie characters shown using vulgar profanity: 17%.
- Black female movie characters shown being physically violent: 56%
- v. White female movie characters shown being physically violent: 11%.
- Black female movie characters shown being restrained: 55%
- v. White female movie characters shown being restrained: 6%.<sup>44</sup>

With these stark differences between the two races, it becomes clear to see how Black women are seen as more vulgar, more aggressive, while at the same time supposed to be dominated more than their white female counterparts. It also shows the underlying reality that white female actresses have the *agency* to choose not to play certain roles if they do not like the way their character is being portrayed; a luxury not afforded to Black women which is what made Cash such an outlier.

Cash recalls one producer saying, "Well why don't you show a little leg." It was a common understanding that as a Black actress, one was supposed to wear revealing clothes, even off the screen, in order to embody a certain persona, one that would afford you the reputation of being "the exotic." Cash notes, "I have never played that type of role. I think I exuded a certain intelligence and seriousness which they didn't want. This is why some of the projects in which I worked changed because I said I will not play your exotic. I will play love scenes, and I will be a love interest, but I will not be your exotic, I will not be your fantasy, knowingly. I gave my agent the blues because it was difficult for them to pigeon-hole me."<sup>45</sup> As a Black actress, dictating what roles you would/would not take due to the stereotypes your character would portray was a

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<sup>44</sup> Entman, Robert M., and Andrew Rojecki. *The Black Image in the White Mind: Media and Race in America*. Chicago: University of Chicago Press, 2000.

<sup>45</sup> Cash, Rosalind and McClaurin-Allen, Irma "Working: The Black Actress." 8.

sure-fire way to constantly be out of work. This is evidenced by the fact that Cash may not be regarded as a “big star,” even though she had several roles in popular movies and guest starred on television shows well into the 90s. If she wanted to, Cash could have settled for all of the roles she was offered to be the “sexy black woman” Hollywood wanted her to be and most likely would have been more famous. She recounts one experience, which exemplified many conversations she’d had before in which a Black woman from Brooklyn came up to her and said, “You know, you and Cicely Tyson [another well known Black actress at the time] just make me sick. You’re so picky. You don’t want to be on this and you don’t want to be on that. We don’t care what we see you in—we want to see you.”<sup>46</sup> This interaction typifies not only the attitude many Black actresses (and actors) felt, but also the attitude of the Black viewing audience. It was such a rarity to see images of Black people on screen that most Black viewers were just happy to see them at all, no matter how negatively they were being portrayed. Cash on the other hand was aware of the dangerous implications that accepting stereotypical roles would have, she notes “I always feel we can do better. I’m not a “settler.” I don’t settle for crumbs! I think we are worthy of more and I think we have more to say than what’s being projected.”<sup>47</sup> In light of Cash’s insights into the experiences of Black women in film and more keenly, the Black audience’s response to her decisions, it begs the question, whether or not the slow emergence of more African American women on TV, such as Kerry Washington, Viola Davis, Taraji P. Henson, to name a few, is “enough progress.” Is simply casting more Black women in roles than have ever been before a victory or are we settling? Does the fact that a Black woman wrote and produced a hit series flaunting a Black woman as the lead role, (the first for a network show since the 1970s) mean that we as Black viewers shouldn’t hold this portrayal to some level of scrutiny just

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<sup>46</sup> Ibid.5.

<sup>47</sup> Ibid.



because “we want to see” people that look like us on TV in lead roles or are we settling for crumbs?

### **UNCOVERING THE SCANDAL**

“Scandal” premiered on April 5, 2012 and stars African American actress Kerry Washington as Olivia Pope, a former White House Communications Director and key “fixer” of her own crisis management firm aptly called “Olivia Pope & Associates” in Washington D.C. Her associates are comprised of four characters, Quinn Perkins, Huck, Abby Whelan, and Harrison Wright. The other main characters of Scandal are mostly White House staff or those involved in the political sphere, which include President Fitzgerald Grant III, First Lady Mellie Grant, White House Chief of Staff Cyrus Beene, and Assistant U.S. Attorney David Rosen.<sup>48</sup> While this show is in fact fiction, it is loosely based on the life of an African American woman named Judy Smith, who was George H.W. Bush’s Deputy Press Secretary and who later opened up her own crisis management firm.<sup>49</sup> While I include some examples from later seasons of Scandal in my analysis, my primary focus will be on Season 1, which premiered with 7.33 million viewers<sup>50</sup> and was the 12th most watched network television broadcast and the second most viewed primetime network drama.<sup>51</sup> According to Nielson Social, “Scandal” has the most loyal Twitter followers, defined by the total number of tweeters who posted on Twitter about the show for at least three episodes during the season, making Scandal one of the most popular

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<sup>48</sup> "Scandal (TV Series 2012– )." IMDb. Accessed March 01, 2017. <http://www.imdb.com/title/tt1837576/>

<sup>49</sup> Ibid.

<sup>50</sup> Bibel, Sara "Thursday Final Ratings: 'American Idol', 'Grey's Anatomy', '30 Rock' Adjusted Up; 'Touch', 'Scandal' Adjusted Down". *TV by the Numbers*. Retrieved March 9, 2017.

<sup>51</sup> "Nielsen Estimates 115.6 Million T.V. Homes in the U.S., Up 1.2%," last modified May 7, 2013, <http://www.nielsen.com/us/en/insights/news/2013/nielsen-estimates-115-6-million-tv-homes-in-the-u-s—up-1-2-.html>.

shows on social media.<sup>52</sup> It is no surprise then that with all of the chatter surrounding this show in its first season that it would also garner some fierce criticism. After reading several blog and twitter posts surrounding *Scandal* and the characterization of Olivia Pope, I have found that many critics hold that although *Scandal* is written by a Black woman, the lead character, Olivia Pope, exhibits characteristics of three negative stereotypes of Black women: the Mammy, the Sapphire, & the Jezebel. However, I contend that Shonda Rhimes has pioneered a new standard for portraying not only women, but specifically Black women in which race and gender are important, but not quintessential to their characterization. Unfortunately, as these critiques will show, the issue remains that despite this new representational model Rhimes has formed; viewers remain tied to interpretations of Black women through the very stereotypes that have been fought against for years, a fallacy I myself admit to have fallen into at the onset of this exploration.

For Olivia Pope, the Mammy stereotype manifests itself very differently. As Patricia Hill Collins tells us, the controlling image of the Mammy is characterized as “the faithful, obedient domestic servant... By loving, nurturing, and caring for her white children and “family” better than her own, the mammy symbolizes the dominant group’s perception of the ideal Black female relationship to elite white male power.”<sup>53</sup> A majority of Olivia Pope’s entire character and line of work is to help people, primarily rich, white people. Even from the very first episode of the series, Pope is called away from her own business by the White House in order to clean up a mess made by the President, whom I would venture to say is the epitome of elite white male power within our society. One viewer turned to Twitter to voice his opinion on this characterization, “Dear Grant Fitzgerald, Olivia Anne Pope is not ya mammy. Stop asking her to

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<sup>52</sup> “The Making of Social TV: Loyal Fans and Big Moments Build Program Related Buzz,” last modified August 24, 2015. <http://www.nielsensocial.com/the-making-of-social-tv-loyal-fans-and-big-moments-build-program-related-buzz/>

<sup>53</sup> Collins, Patricia Hill “Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment” (New York: Routledge, 2000).81.

fix all your family issues. #Scandal.” Although Pope no longer works for the White House, when she gets called on to help fix a mess in the White House, she drops everything and makes a B-line to the White House to do just that. For some viewers, similarly to how the mammy of slavery was normally portrayed as well-kept and proud to serve and maintain the inner-workings of “massah’s house,” so too is Olivia Pope as she is portrayed as the only person who understands the inner-workings of massah’s house, in this case, The White House. Furthermore, Pope tirelessly works to ensure the White House continues to function as expected, even though she no longer works there and just as the mammy stereotype would have us believe, Pope is happy with her life of service to the good white folks running the country as her and her team proudly exclaim that they are “gladiators in suits”. Pope is “The Fixer” for all of the issues of not only the White House, but also all of her predominantly White, wealthy clients. One blogger highlights a particular example during season 2, episode 17, titled “Snake in the Garden,” in which Hollis Doyle, a rich White lobbyist for a Texas energy company who made a major contribution to President Grant’s campaign and expects favors in return, seeks out Pope’s services in order to find his kidnapped daughter. The author notes that while Pope has expressed grave distrust and aversion for Doyle and has had countless issues with him, Pope still takes on the case and works tirelessly for Doyle even when her associates were against helping him because in the words of Pope “even the devil loves his kids.”<sup>54</sup>

Speaking of children, the episode that further fueled criticism of Pope being portrayed as Mammy was Season 3, episode 15 titled, “Mama Said Knock You Out.” In this episode, President Grant and First Lady Mellie Grant and their two children are to be interviewed on National television to promote their family’s unified front for President Grant’s reelection

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<sup>54</sup> King, Kendall. *Do African-American Female Stereotypes Still Exist in Television? A Descriptive Character Analysis of Olivia Pope*. *Elon Journal of Undergraduate Research in Communications*, Vol. 6, No. 2. 2015.47

campaign. This is the first time the president's children are introduced in the three season span of the show and the estranged relationship between the children and their parents are evident as the children are aware that their father has been unfaithful to their mother and they spend a majority of their time behind locked doors in the White House. While the children are away from school and staying at the White House for the interview, Fitz tasks Olivia with prepping them. After just one sit down with both teens, Olivia quickly notices that something is off and has her team look more deeply into their lives. This leads to the discovery that the son was planning on slandering his father on national television and was secretly running an Anti-democratic Twitter profile. Olivia's sense that the children were hiding something can either be attributed to her character's great lie detection skills that her job requires, or her "natural talent" as a stereotypical mammy who takes care of her master's white children, that interpretation lies in the eye of the beholder. However it is the apparent meta-commentary on the matter, presented by none other than Olivia's own mother in this very same episode that may lead people to believe it was the latter. Olivia's mother, a wanted terrorist, calls Olivia and says to her, "I'd rather be a traitor [to America] than what you are Livvie. Cleaning up those people's messes...fixing up their lives. You think you're family, but you're nothing but the help. And you don't even know it." With tears in her eyes, Olivia responds defensively "You don't know what you're talking about." Was this Shonda Rhimes giving us a clear indication that Pope's character is in fact a Mammy representation? One Twitter user stated, "now that #MamaPope said that, all I can see is #Mammy." Just this one scene has completely reshaped the way that this viewer views Pope's entire character. As the episode continues, the First Family grows into more disarray as their daughter, and then Olivia herself, catches the First Lady engaging in oral sex with the President's Vice Presidential nominee. Mellie demands that Olivia cancel the interview and after refusing to

do so, an intoxicated Mellie retorts, “Well what are we paying you for?” further inciting criticism of Olivia being the Mammy. Viewers took to Twitter and commented, “Did they really just Mammy Liv like that. I hate this show #scandal” “...short of breast feeding those kids, Shonda painted Olivia as the mammy this episode #scandal.” As the episode continues, Fitz is scolding his wife for cheating on him and in a fit of rage, yells at Olivia after she enters the Oval Office and tries to get them to refocus on the interview. With only ten minutes left in the episode comes what I believe is the most crucial scene in the episode. Olivia storms out of the White House where Chief of Staff Cyrus stops her and begs her to stay because without her, he admits wont be able to make Fitz win the election. In response she says, “Tell me we’re not the help... that I am not some maid with a mop in my hand cleaning up messes whenever they ring the bell. If you can do that for me -” She doesn’t get to finish as he interrupts her and finishes her sentence firmly, “I’d be lying.” He continues, “you knew the job Liv, you know what we do.” Before storming off, he continues, “You need to go back inside that little white house...because it’s not that one family you’re putting back together, it’s the entire country.” She complies. While some read this as a direct admission of Pope’s characterization as a mammy, one user felt it was merely symbolic as she tweeted, “This is a purposed red flag meant to incite debate. B/c “Olivia” isn’t mammy/help...Writers are slick.” While another twitter user tweeted, “I swear Olivia is like the white man’s savior on #Scandal,” in which another twitter user responded, “Isn’t that what black women have always been?? New age mammy.” It seems that for most, the manifestation of the Mammy archetype through Olivia Pope is a post-slavery modernization in which the Mammy has been given business attire instead of an apron and the mess that must be cleaned exists outside of just one massah’s house and extends to the entire country.

Some may argue that this is a gross oversimplification evidenced by the fact that unlike the traditional Mammy, Pope is being paid handsomely for her back-breaking efforts to “protect and defend the public images of the elite.” For our modern capitalist era, would it have been ludicrous and a bit too obvious of a connection to slavery to depict anyone of color on a TV show working for elite White people and not getting paid? It can be argued that in order for these negative images to persist and thrive, they must be restructured and repackaged in order to continue to imbed itself within our constantly changing culture. One blogger for the *Feminist Wire* holds this exact point and contends that the fact that Shonda Rhimes has added this layer of independence to the character of Olivia Pope and because Olivia is so successful and great at what she does, we, as viewers tend to overlook or ignore this Mammy stereotype of Black women that has been ingrained in American society dating all the way back to slavery.<sup>55</sup> He holds that because Olivia is independent of her family, her friends and a significant other, while still remaining powerful and able to create a name for herself in Washington D.C. as the best at what she does, this grants her the ability to be an ideal career role model and makes America love her. However, despite all these things he still believes that her character perpetuates stereotypes of Black women in media.

While some contend that Pope exhibits characteristics of the normally smiling, happy Mammy stereotype, through her methodology in taking care of her white elite clients, others hold that she also exhibits characteristics of the Sapphire or “the angry black woman.” As previously stated, Pope and her associates refer to themselves as being “gladiators in suits.” For myself, the term *gladiator* immediately conjures up recollections of scenes from the movie “300,” in which men with large knives and arrows were yelling “WE ARE SPARTA!” as they engaged in fierce

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<sup>55</sup> Maxwell, Brandon. *Olivia Pope and the Scandal of Representation*. The Feminist Wire. 2013.

battle. Nonetheless, as a gladiator, she also embodies the Sapphire, since in media “Black women are often portrayed as loud and/or angry.”<sup>56</sup> On multiple occasions throughout the series, Pope is shown taking charge of situations whether it involves talking back to political officials, throwing out the director of the CIA, or threatening the U.S. Attorney’s Office. One blogger even cites the series’ pilot episode, titled “Sweet Baby,” in which Pope is first introduced to the world in a scene where she stands up to a group of Ukrainian mobsters alone.<sup>57</sup> It is made clear immediately that Olivia Pope won’t take anything lying down and that just like the Sapphire representation, Pope is up for a fight. Interestingly enough, writer Shonda Rhimes includes a meta-discourse on this very description of Pope four seasons later in an episode titled “Dog Whistle Politics” in which the gladiators call out media outlets for using words like “pushy,” “bossy,” “sassy,” “well-spoken” and “arrogant” to describe Pope. One of Pope’s associates states, “Words like these mean nothing to the general public which is why the media can get away with using them. But when women of color, like Ms. Pope, hear that kind of code of language, they know exactly what you’re getting at.”<sup>58</sup> Here we see a meta-criticism in which the show has created characters, the media, in order to critique them for critiquing a character already constructed, Pope. This leads me to wonder how much of Rhimes’ construction of Pope as this particular stereotypes is intentional in order to turn it right on its head and highlight the reality that exists of the media’s sexist and racist “micro-aggressions,” a term I believe to be overused and oversimplified, but best exhibits how often it goes unnoticed by the general public.

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<sup>56</sup> Adams-Bas, V., Bentley-Edwards, K., & Stevenson, H. *That’s not me I see on TV: African-American Youth Interpret Media Images of Black Families*. Women, Gender and Families of Color, 2014. 79-100.

<sup>57</sup> King, Kendall. *Do African American Female Stereotypes...47*.

<sup>58</sup> *Scandal*. Created by Shonda Rhimes. ABC Network, April 5, 2012.

For some, Olivia Pope is much more than a political Mammy with Sapphire tendencies, she also holds characteristics of the Jezebel, the “deviant, overly sexual Black woman.”<sup>59</sup> One Twitter user weighed in, questioning the shows Twitter account directly, “@ScandalABC Question the way you write #OliviaPope is that how you see all Black Women in general? #Scandal really continues the #Jezebel theme.” The fact that Olivia has many sexual partners, but commits to none because the one that she wants is married and also the President of the United States may be the reason that viewers believe Pope to be a manifestation of the Jezebel stereotype. Some viewers believe they are seeing right through the attempt to mask the “overly sexualization,” of Pope by having her intimate moments be masked with an air of blissful romance as she seemingly is in love with the men she has sex with. However, just like the Jezebel, who spoke to the white man’s lust for Black women while still holding the woman responsible for the lust or the actual sexual encounter itself, be it forced or consensual, Pope’s involvement with the White male president exemplifies the same. Users on Twitter voiced their opinions on this, “Mellie blows Fitz’s VP in front of Karen[their daughter] and she doesn’t get criticized. Liv loves Fitz and she’s Queen Jezebel? Not cool #Scandal” For Fitz, Pope’s love interest and the president, Black female flesh is an object to be desired sexually, while white female flesh is to be respected and desired in a non-sexual way. For example, in Season 2 Episode 12, Fitz, in a post suicide attempt epiphany decides that he wants to end his marriage with his wife Mellie and move on with life, presumably with Olivia. Cyrus, his right hand man and advisor, quickly reminds Fitz, “Now Liv is a lovely, smart woman. I can’t get enough of her, but she’s not exactly a hue that most of your Republican constituents would be happy about.”<sup>60</sup> Here we see it being made very clear from Cyrus to Fitz that while he may understand that Fitz

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<sup>59</sup> Hill-Collins, Patricia. “Black Feminist Thought...”<sup>81</sup>.

<sup>60</sup> *Scandal*. Created by Shonda Rhimes. ABC Network, April 5, 2012.



and Olivia have been sneaking around and having sex for quite some time and that that's fine because she's been a great Mammy in fixing all of our problems, she's still a Black woman who shouldn't be let into the White House as anything more elevated than that. Moreover, in Season 4, episode 8 titled, "The Last Supper, Olivia's own father calls her and in reference to the two men whom she is currently having sex with, the President and the leader of a secret government organization, Jake he states, "You may love these boys, Olivia, but they are not your family. These boys may go to battle for you. They, perhaps, may even kill for you. But after the conquest, after they've enjoyed the spoils, they will move on to other battles, other conquests, other spoils."<sup>61</sup> Olivia dismisses him, however, towards the end of the episode, in a failed attempt to set her father up to be arrested and captured by the President and Jake, her father states to her, "You have forsaken me, your father, your family. You wanted to stand in the sun, in the bright, *white* light. It blinded you. Those, uh, "people" that you've chosen over me, you do not see who they are, what they want, how they see you. *Those people* are not your people. They never will be and you will never be one of them." One twitter user immediately drew the connection from this speech by Olivia's father, "#Scandal Papa Pope just called his daughter Jezebel..." Shonda Rhimes, once again, has one of Olivia's parent's as the apparent "voice of reason" who constantly points out her own stereotypical characterization, while her mother characterized her as Mammy, her father characterized her as Jezebel. Besides one of her associates, Harrison, who eventually is killed off in the show, Olivia's parents are the only main Black characters in the series. It is telling that Olivia's only relationships, as unstable and tumultuous as they are, with Black people in the series are with her own parents and it consists of

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<sup>61</sup> Ibid.

them being the one's to point out to her that the White people she is surrounding herself with do not have her best interest at heart.

With the explication of these stereotypes by blog critics and Twitter users, I must make clear that this is not a personal condemnation of Scandal, nor the characterization of Olivia Pope, but rather the contrary. Yes, Olivia Pope may exhibit characteristics of the Mammy as she is neat and clean and handles all of the white people's problems; the Sapphire, as she definitely is not afraid to fly off the handle and get in someone's face when she needs something done; and the Jezebel, as she is involved in multiple sexual relationships with men, but after analyzing these characteristics, I find that it speaks even louder that these actions of Olivia Pope can be classified into such narrow stereotypes. Pope cannot be unforgivingly strong and competent, sexually active, or act as caretaker without being categorized as some variant of a stereotype. The fact that these stereotypes can be concluded from her actions basically means that there can be no representation of black women as "neat, clean" leaders, who are resilient go-getters and demand respect from those around them, as most people would, and are in control of their own sexuality. Olivia Pope doesn't get to just be a complex character with relationships problems and flaws and family drama and then a Black American second, with the complexities that encompass that character too. It is abundantly evident that an insurmountable set of expectations overshadows the representation of Black women in media. Olivia Pope is expected to be perfect enough to not reflect poorly on the entire Black female community, while also being down to earth enough to garner closeness with the entire Black female community. In order to be "trusted" and considered "truly Black," by viewers, Olivia Pope must wear her blackness on her sleeve as the key-defining characteristic that motivate her thought processes and actions. Because her character does not do this, I believe this is why critics hold that Pope is simply an embodiment of

the Mammy, Sapphire, and Jezebel. Media depictions of Black women can always be circumscribed within the contours of the dominant controlling stereotypes that have prevailed. Is this what Shonda Rhimes is trying to give credence to? Does the fact that Olivia Pope seemingly embodies three dominant negative stereotypes of Black women in a way that seems like she transcends them trick us into thinking that the images are positive and acceptable or does this characterization of a powerful Black woman seem too “outside of the norm” which means there must be a supposed embodiment of negative stereotypes to be uncovered. In order to grapple with this contention, I must analyze the show's creator to see what her intentions were in creating Scandal and what her own thought process was as she came to construct the character of Olivia Pope.

### **MAKING YOUR OWN SEAT AT THE TABLE**

Behind the character of Olivia Pope and the dramatized, retelling of the life of Judy Smith is another Black woman; the show's creator and producer, Shonda Rhimes. With all the social commentary surrounding racial stereotypes of her lead character in Scandal, one would be surprised to know that Rhimes' rise to super stardom was not founded on her media depictions of African Americans at all. Rhimes' first addicting night time drama series, Grey's Anatomy, starred white female doctors who were both praised and criticized for their complex and conflicted moral compasses and is what led her to becoming the first African American woman to create and executive produce a Top 10 network series.<sup>62</sup> In a November 2013 NPR interview, when asked how she managed to bring such atypical female and black characters to network television, Rhimes recounts,

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<sup>62</sup> Biography.com Editors. “Shonda Rhimes Biography.” Biography.com. Accessed on March 10, 2017. <http://www.biography.com/people/shonda-rhimes-21292767>

I remember having an early discussion at ABC...before "Grey's" was picked up; where I was sort of brought into a room, and a bunch of older guys told me that nobody was going to watch a show about a woman who had casual sex and threw a guy out the night before her first day of work - that that was completely unrealistic, and that nobody wanted to know that woman. And I remember sort of sitting in that meeting and thinking, wow. They don't know anything that's going on in the world right now.<sup>63</sup>

This is what I call Rhimes' "special sauce," the key to her success; she was able to step into a white, male dominated space, as a Black woman, with a narrative that they themselves would not have created, because they were limited by their own prejudices and proved to them that the world was thirsty for something new, a counter narrative. In discussing Olivia Pope, Rhimes states, "Olivia Pope is very rare because she's an African-American woman; and everybody wants her to be perfect because she has to represent everybody. So there's a box that you get placed in. My goal, really, is to blow that box wide open."<sup>64</sup> It is Rhimes' goal to not conform to any preconceived notions of what a character is supposed to be like nor what mass media companies are used to, which is what has brought her wide success.

At the onset of my research, I grew suspicious of how much ability Rhimes actually had in being able to put forth positive representations of Black women because although she is the writer of the show, the network ultimately decides what they will or will not air. In response to this, in an interview Rhimes points out that not long into the first season, she stopped taking network notes on "Scandal" and eventually, ABC stopped giving them. "What was great for me about 'Scandal' was I had earned a lot of political capital with the network...I had done 'Grey's,' I had done 'Private Practice.' What were they going to do, fire me? I wasn't worried about what

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<sup>63</sup> "Shonda Rhimes Knows Where This 'Scandal' Will End." NPR. November 07, 2013. Accessed March 11, 2017. <http://www.npr.org/templates/transcript/transcript.php?storyId=243515839>.

<sup>64</sup> Ibid.

anybody else thought. This one was for me.”<sup>65</sup> This agency that Rhimes had developed for herself allowed her to kick open up the door for a Black woman to be the lead for a network show since the 1970s. In an somewhat upset response to her and her Executive Producer Betsy Beers receiving “The Diversity Award” for having such a diverse cast in *Scandal*, at the Directors Guild of America Awards in 2014, Rhimes stated,

It’s not because of a lack of talent. It’s because of a lack of access. People hire who they know. If it’s been a white boys club for 70 years, that’s a lot of white boys hiring one another. And I don’t believe that that happens out of any specific racism or sexism or prejudice. People hire their friends. They hire who they know. It’s comfortable. You want to be successful, you don’t want to take any chances, you don’t want to rock the boat by hiring people of color because, well, look at us,” she said. “Both Betsy and I like the world that we work in to look like the world that we live in. Different voices make for different visions. Different visions make for something original. Original is what the public is starving for.

While critics denounce Pope’s stereotypical characterizations, they fail to see the fact that Rhimes is using a different creative voice in order to create a different vision. Rhimes has created the possibility of a world more true to the reality many currently strive to attain, where no individual can be contained within one single category forced upon them; this is what is original about her work. Perhaps we are so accustomed to television’s production of stereotyping unreality, specifically of Black women, that it becomes increasingly difficult to see possibilities of something original, something real.

Race, for Rhimes, is not a central, defining characteristic for the Black characters she creates, but it happens to be a defining characteristic in the everyday lives of her Black viewers; so while her characters scarcely explicitly discuss race, it is constantly looming in the background of the minds of her Black viewers. This makes it easy to point fingers and draw

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<sup>65</sup> Paskin, Willa. "Network TV Is Broken. So How Does Shonda Rhimes Keep Making Hits?" *The New York Times*. May 11, 2013. Accessed March 11, 2017. <http://www.nytimes.com/2013/05/12/magazine/shonda-rhimes.html>.

connections to negative stereotypes her Black characters possess because it feels like their Blackness is being eroded and that her show is diverse, but in a superficial way. Rhimes, in her construction of characters views things entirely differently, “When people who aren’t of color create a show and they have one character of color on their show, that character spends all their time talking about the world as ‘I’m a black man blah, blah, blah,’ ” she says. “That’s not how the world works. I’m a black woman every day, and I’m not confused about that. I’m not worried about that. I don’t need to have a discussion with you about how I feel as a black woman, because I don’t feel disempowered as a black woman.”<sup>66</sup> Rhimes has made it clear that it is not her main goal to overthrow negative stereotypes of Black women or even to spark racial debate and I don’t think she should be tasked to. “Scandal” is not a show that people expect from her and she reveals that it irks her to be pigeonholed, “I was writing a hospital show for a very long time, and that became all that anybody thought that I could write,” she says. “It’s not that I want to do [a female-spy show] because people don’t think of me as doing it, but when I do say that’s what I want to do next, and some network exec says: “Really? Can’t you do one of your romance triangle-y things?” I want to strangle them. A romance triangle-y thing is not a show.”<sup>67</sup> I believe that simply because it is expected of her as a Black woman writer/producer with a show that has a Black lead character to have her character behave in a certain way is enough to make Shonda Rhimes do the exact opposite. Rhimes’ stated it best in her own words what her goal is at The Human Rights Campaign Gala in Los Angeles in 2015,

I am making TV look like the world looks. Women, people of color, LGBTQ people equal WAY more than 50% of the population. Which means it ain’t out of the ordinary. I am making the world of television look NORMAL. I am NORMALIZING television. The goal is that everyone should get to turn on the TV and see someone who looks like them and loves like them. And just as

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<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

important, everyone should turn on the TV and see someone who doesn't look like them and love like them. Because, perhaps then, they will learn from them. Perhaps then, they will not isolate them. Marginalize them. Erase them. Perhaps they will even come to recognize themselves in them. Perhaps they will even learn to love them.

This is what this research is all about. It is about normalizing images of Black women that genuinely show their multiple experiences, the same way other races and genders are.

Olivia Pope is not a symbolic monument; she is a black woman, but she is also much more than that. As I have outlined, it is true that various components of Pope's character can be reduced to the level of stereotypes, but such a simplistic interpretation of any one character will always result in similar conclusions. Rhimes' construction of Olivia Pope's complex humanity stretches beyond the confines of our expectation that she only exhibit one facet of her character. Olivia Pope cannot be a representation for all Black women because that expectation takes away from the varying experiences of Black women. "Black women are both mothers and professionals; jive-talking and suit-wearing; welfare recipients and business owners; conflicted corners of love triangles and committed partners. They, like anyone, are created out of a multitude of experiences."<sup>68</sup> No single or individual experience can define or encapsulate their character of Black women. The issue should not be with Olivia Pope or Scandal, it should be with the lack of wide-ranging representations of Black women, a problem created by the old white men in the boardrooms of TV companies, just like the ones Rhimes faced at ABC, who tout "no one is going to want to watch that," because they're so used to producing themselves as normative. With more writers like Rhimes challenging the status quo and creating quality (and by quality, I mean complex characters who express enough emotional breadth and psychological depth that exist among real life Black women) roles for black women in mainstream television

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<sup>68</sup> Mask, Mia. 2015. "A Roundtable Conversation" *Black Scholar* 45, no. 1: 3-9. Professional Development Collection, EBSCOhost (accessed March 10, 2017).

and film, it will become more difficult for media makers to completely ignore black and brown women. The example of Olivia Pope represents the possibility of a move toward a world where our media outlets are populated by a plethora of different stories, with a multitude of complexities and difference. I have learned from this exploration that we must caution ourselves in our criticisms of any individual depiction of Black women, lest we instill a burden of reputation, because one character cannot and will not fulfill the expectations of everyone, which is why we need to see a multitude of images of Black women; Black women who are flawed and respectable, strong and burdened, *just real Black women*.



### CHAPTER 3

#### **THE DAMAGING EFFECTS: HOW CONTROLLING IMAGES OF BLACK WOMEN HAVE NEGATIVELY INFLUENCED AND AFFECTED POLICY REFORM, STIFLED ECONOMIC OPPORTUNITIES & PERPETUATED AN ANTI-BLACK AMERICA**

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This conversation on the negative images of Black woman does not exist in a vacuum. I've highlighted the experiences of some elite Black women in media, such as Kerry Washington, Rosalind Cash, and Shonda Rhimes and now it is time to show the real life ramifications that come from the depictions these women either engage in, fight against, or create. While the issue of negative images of Black women have been discussed by several Black feminist scholars, the fight against these depictions are not reserved for the benefit of Black women in the academy or a high socio-economic class, but also those who are from low-income and working-class backgrounds. As I've said in previous chapters, these women experience discrimination based on both their race and their gender. An article titled, "The Unfinished Agenda" by Cecilia Conrad expresses this fact well,

Like black men, black women live in neighborhoods far from employment opportunities and with low-performing schools. Like white women, black women experience occupational segregation, a gender wage gap and the challenge of balancing family and work. We are discriminated against because we are black. We are discriminated against because we are women. We are discriminated against because we are both."<sup>69</sup>

It is the contention of this chapter that because society chooses to shine the light on the success of elite Black women like Kerry Washington and Shonda Rhimes, they conversely turn a blind eye to the oppression that exists for the broader masses of Black women. Through analyzing the most current data available from the U.S. Bureau of Labor Statistics, ranging from 2011 to 2017, as well as social welfare reform from the 1960s to the late 1990's, I will highlight how negative

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<sup>69</sup> Conrad, Cecilia, "Black Women: The Unfinished Agenda" *American Prospect* Vol. 19 Issue 10 (2008).

depictions of Black women lead to the perpetuation of racial, gender, political, economic, and social bondage. My rationale behind using the most recent statistical data is to dispel any façade of massive progress that the media has presented. CRT scholars acknowledges that “the very same whites who administered explicit policies of segregation and racial domination kept their jobs as decision makers in employment offices of companies, admissions offices of schools, lending offices of banks, and so on.”<sup>70</sup> With this in mind, it becomes important not to fall into the trap of believing that racism no longer exists. In addition, my rationale for looking at policies from 1960s-1990s is to examine how negative depictions of Black women influenced one of the country’s largest public policy changes. Moreover, what is fundamentally at stake given these damaging effects is the extent to which they deprive Black women of many of the human rights outlined within several human rights treaties and declarations. In an effort to trace the human rights violations that occurs as a result of these negative depictions, I have strategically implanted articles from one of the most popular of those human rights doctrines, the Universal Declaration of Human Rights<sup>71</sup> so that the reader has a lens through which to immediately judge for themselves whether a human right is being violated and how.

**Article 23.**

***(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.***

***(2) Everyone, without any discrimination, has the right to equal pay for equal work.***

***(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.***

Communications researchers Sonja M. Brown Givens and Jennifer L Monahan conducted a study to examine how mediated portrayals of African American women influenced judgments of

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<sup>70</sup> West, "Introduction," introduction to Critical Race Theory: The Key Writings,xvi.

<sup>71</sup> "Universal Declaration of Human Rights." United Nations. December 10, 1948. Accessed April 03, 2017. <http://www.un.org/en/universal-declaration-human-rights/>.

African American women in social situations.<sup>72</sup> For the study, they had their participants watch a mammy, jezebel, or non-stereotypic image on video. Afterwards, they observed a mock employment interview of either an African American woman or a white woman. As a result of their experiment, they found that the participants associated the African American woman interviewee more quickly with negative terms such as *aggressive* than they did positive terms such as *sincere*. Moreover, they found that when the participants were evaluating the job interviewee, the ones who watched the jezebel stereotype video and the African American female interviewee responded more quickly to “jezebel-related terms” like *sexual* than positive, negative, and mammy terms. This study shows us that what we are constantly exposed to within media has an effect on how we view the world; media colors our perspective.

The findings of the aforementioned study should not be seen as easily dismissible or a measly hypothetical case. Quite the contrary, a look at the employment status of the civilian population by race, sex, and age by the Bureau of Labor Statistics show us that the disparity between white women and Black women is very much real. According to data for the month of February 2017, white women 20 years and over had an unemployment rate of 3.7%, while Black women of the same age range had an unemployment rate of 7.1%.<sup>73</sup> Why is it that Black women are not being employed at the same rate as their white counterparts? Even more unsettling is the fact that while white women also experience a gender wage gap, Black women experience a bigger pay gap. While white women take home \$4.16 less per hour than white men, Black

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<sup>72</sup> Brown, Givens S. M, and Jennifer L. Monahan. "Priming Mammies, Jezebels, and Other Controlling Images: an Examination of the Influence of Mediated Stereotypes on Perceptions of an African American Woman." *Media Psychology*. 7.1 (2005): 87-106. Print.

<sup>73</sup> "Table A-2. Employment status of the civilian population by race, sex, and age." U.S. Bureau of Labor Statistics. Accessed March 19, 2017. [https://www.bls.gov/news.release/empsit.t02.htm#cps\\_empsit\\_a02.f.1](https://www.bls.gov/news.release/empsit.t02.htm#cps_empsit_a02.f.1).

women take home \$7.63 less per hour.<sup>74</sup> Let us hold as a fact (because we have common sense) and there is no empirical data proving otherwise, that *Black women are not inherently inferior to white women*. Thus, are Black women simply *under qualified* for the positions that their white counterparts are occupying? Several recent online media outlets would disagree with that notion.

This past summer, I noticed an influx of articles<sup>75 76 77</sup> and videos<sup>78</sup> being shared on Facebook with variations of titles proclaiming, “Black Women Now the Most Educated Group in U.S.” I was immediately overjoyed after seeing this because besides the fact that it meant that Black women were still making positive strides in our society, it was simply great just to see a positive message being spread in relation to Black women for a change. Needless to say, many of my Facebook friends and I continued to share this messages on our Facebook pages. However, a closer look at the data used to draw these conclusions led me to discover that these deductions may have been an egregious overstatement. Despite the fact that the level of educational attainment for African American women has continued to slowly increase, it is still significantly lower than that of white women. Firstly, what does “most educated” even mean? For me, most educated means that, at least in terms of formal schooling, said group has received the most years of education and in turn has the most degrees. However, this isn’t the same understanding that some media outlets used in proclaiming that Black women are now the most educated group in the U.S. In support of this claim, one site reads, “By both race and gender there is a higher

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<sup>74</sup> "Black and Hispanic women are paid substantially less than white men." Economic Policy Institute. Accessed March 19, 2017. <http://www.epi.org/publication/black-and-hispanic-women-are-hit-particularly-hard-by-the-gender-wage-gap/>.

<sup>75</sup> "Black women are now America's most educated group." Upworthy. May 27, 2016. Accessed March 19, 2017. <http://www.upworthy.com/black-women-are-now-americas-most-educated-group>.

<sup>76</sup> "Black Women Are Now The Most Educated Group In The U.S." GOOD Magazine. June 08, 2016. Accessed March 19, 2017. <https://www.good.is/articles/black-women-education>.

<sup>77</sup> Parker, Asha. "Black women are now the most educated group in the United States." Salon. Accessed March 19, 2017. [http://www.salon.com/2016/06/02/black\\_women\\_are\\_now\\_the\\_most\\_educated\\_group\\_in\\_the\\_united\\_states/](http://www.salon.com/2016/06/02/black_women_are_now_the_most_educated_group_in_the_united_states/).

<sup>78</sup> "ATTN: Video." ATTN: Video - Black women are now America's most educated... 2016. Accessed March 19, 2017. <https://www.facebook.com/ATTNVideo/videos/1555955044709451/>.

percentage of black women (9.7 percent) enrolled in college than any other group including Asian women (8.7 percent), white women (7.1 percent) and white men (6.1 percent), according to the 2011 U.S. Census Bureau.”<sup>79</sup> Despite the fact that the data being used to draw these conclusions in 2016 were taken from a 2011 U.S. Census Bureau report, this narrative is being painted based on *current enrollment* percentages, not what percent of Black women actually *attain* bachelors, masters, or doctoral degrees. The issue with this scale is that unfortunately, “current enrollment” does not necessarily equal “graduation.” Moreover, someone who graduated 5 years ago is not necessarily “less educated” than someone who is currently enrolled in college. This of course does not mean that Black women are not graduating and obtaining degrees at a high rate. Quite the contrary is true and other sites have used this statistic to support the same narrative,

According to findings compiled in a study by the National Center For Education Statistics, Black women have been obtaining degrees at a consistently high rate for the last eight years and counting. Information collected about the higher education among African-Americans between 2009 and 2010 shows that Black women accounted for 68 percent of associate's degrees, 66 percent of bachelor's degrees, 71 percent of master's degrees and 65 percent of doctorate degrees awarded to Black students during that time frame.<sup>80</sup>

Using the same data source, I found that everything stated above is in fact true. However, I draw a completely different conclusion with this information. Given the 2009-2010 time frame, Black women received the highest percentage of degrees *amongst all African Americans*. Meaning that, given both African American males and females, African American females receive a higher percentage of degrees than African American males. In order for Black women to be the “most educated group in the U.S.,” they would have to have a higher percentage of degrees than all

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<sup>79</sup> Parker, Asha. "Black women are now the most educated group in the United States." Salon. Accessed March 19, 2017.

<sup>80</sup> Davis, Rachaell. "New Study Shows Black Women Are Among The Most Educated Group In The United States." Essence.com. June 07, 2016. Accessed March 21, 2017. <http://www.essence.com/2016/06/07/new-study-black-women-most-educated>.

other groups. Unfortunately, this is not the case, Black women still receive less BA, MA and doctoral degrees than Asian women and men and also White women and men.<sup>81</sup> Some may wonder why I chose to even discuss these media depictions of Black women, especially since they're "positive" and contradict all the negative depictions I previously argued against. I must make clear that I seek to clarify this narrative not to disparage the monumental educational accomplishments of Black women, especially since they were amongst the last demographic to be granted the right to obtain college degrees, but to highlight the fact that there's still a long way to go.

In our current digital age, there is so much information being disseminated at such high speed that fake and/or deceptive, news often spreads like wildfire. The issue with these articles is that it leads people to on one hand, think that being educated means that all problems become solved and on the other that we no longer need to worry about Black women, if they were even a concern in the first place. Even with this clarification, it still brings us back to the issue of qualification. What I did not mention was the reason that these articles were proclaiming that Black women were the most educated in the U.S. They were using this data as ammunition in their fight against the aforementioned gender wage gap that African American women face, one article notes that "while black women may be the most highly educated, a recent study found that black women make up just 8 percent of private sector jobs and less than 2 percent of leadership roles."<sup>82</sup> While their conclusions in terms of "most educated" may have been exaggerated, the data shows that although Black women are clearly in fact achieving the same degrees as white

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<sup>81</sup> U.S. Department of Commerce, Census Bureau, Current Population Survey (CPS), October, 1970 through 2014. (This table was prepared August 2015.)

<sup>82</sup> Helm, Angela. "Black Women Now the Most Educated Group in US." Theroot.com. June 5, 2016. Accessed on March 21, 2017.

women, they are not experiencing the same level of employment nor access to high ranking jobs or leadership positions. In this case, the issue with this message that Black women are the most educated group in the U.S. being spread in the media is that it leads people to think that Black women as a whole are doing just fine and that economic and education policy reform should focus on and seek to help other marginalized groups, mainly Black men. While I do agree that strategic and targeted efforts should be made to get more Black males to graduate high school and enter college, especially given evidence from a 2015 report by The Schott Foundation for Public Education which found that only 59% of Black males graduated high school on time compared to 80% of their white male counterparts,<sup>83</sup> it doesn't mean that Black women should be left out of the reform conversations. In discussions surrounding education and economic reform that I have heard not only in the media, but around my own college campus, the majority surrounds young Black men and when asked why young Black women are not included in the discussion, it is often due to this misconception that Black women are the most educated and therefore do not need to be included in educational or economic reform, or at least *not right now*. But if not now, then when? This pitting against one another between Black men and Black women is not new and was one of my key motivations for pursuing this research in the first place.

**Article 12.**

***No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.***

Negative stereotypes of Black women and also of Black men have perpetuated the straining of the relationship between both groups, which inevitably results in a rupturing of the Black family. Stereotypes have labeled African American men as unreliable and lazy and

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<sup>83</sup> "State Graduation Data." BLACK LIVES MATTER. 2015. Accessed March 22, 2017. <http://blackboysreport.org/national-summary/state-graduation-data/>.

African American women as too domineering for the good of her man. As a result, Black women become viewed as the main cause of the Black males emasculation. "To the degree that African-American men and women have accepted these stereotypic views as documented fact of mutual inadequacies, a schism has developed between them that disregards the weight of history."<sup>84</sup> These stereotypes have been a source of continuing relational problems for African American men and African American women.<sup>85</sup> The biases that African American men hold towards African American women are often derived from the gender role stereotypes of the larger society.<sup>86</sup> Moreover, "it has been found that African American men have tended to internalize the dominant view of African American women as "undesirable," "domineering," and "second best"."<sup>87</sup> Even in the 1980's, one sociologist found that middle class African American men often viewed African American women as having more opportunity than do African American men.<sup>88</sup> He also found that some African American men may actually view themselves as victims of the achievement and independence of African American women and as a result may displace their racial and economic frustrations onto their relationships with them. The reason this friction between Black women and men is important to note is that it highlights just how deep rooted and pervasive negative stereotypes of Black women can be. Not only do Black women have to deal with the negative stereotypes affecting their chances of gaining employment from men and women of other races, the twin set of vulnerabilities of being both Black and woman also affects the way they are treated within their own racial group. There is a constant battle between Black

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<sup>84</sup> Bethea, Patricia Davis. "African-American Women and the Male-Female Relationship Dilemma: A Counseling Perspective." *Journal Of Multicultural Counseling & Development* 23, no. 2 (April 1995): 87-95. Professional Development Collection, EBSCOhost (accessed March 22, 2017).

<sup>85</sup> Parker, W. M., Berieda, M., & Sloan, D. Exploring male-female relations among Black college students: A survey. *Journal of Non-White Concerns*, 12,1984. 46.

<sup>86</sup> Staples, R. *Black families at the crossroads*. San Francisco, CA: Jossey-Bass.1993.

<sup>87</sup> Norment, L. *The cure: Resolve tensions between Black men and women*. *Ebony*, 41,1986. 153-156.

<sup>88</sup> Cazenave, Norman. *Black male-Black female relationships: The perceptions of 155 middle-class Black men*. *Family Relations*, 32, 1983.341-350.



women and Black men as to who “deserves” to be helped first and who should be helped the most. This misconception of limited resources coupled with historic stereotypes of Black women domineering Black men leads to a disjointed sexist approach to improving the livelihood of the Black race as a whole. This is best summed up using a popular TV trope called “Let’s You and Him Fight” or “Marvel Misunderstanding” in which a pair of strangers are trying to solve the same crime, often from widely divergent angles, when their investigations simultaneously brings them together, usually in the real enemy’s lair. They begin to fight each other because they both assume that the other guy is the enemy they’re hunting. However, this was all a set up and the Chess Master has steered the strangers to meet; both of them are the Chess Master’s target for one reason or another and the plan is that figures if he can bump them together, at least one will be taken out and n a good day, he might get them both.<sup>89</sup> Similarly, Black men are constantly in a subconscious state of contention with Black women, while the real enemy both groups should be focused on fighting is the white supremacist system that maintains an unequal access to education and employment opportunities for both groups.

As downplayed as it may be, the reality remains that any hindrance to Black women attaining economic stability and equality has a major impact on black families and the entire Black community because the wages of Black women constitute a major component of Black family income.<sup>90</sup> Due to the limited economic prospects for Black men, Black women are likely to be both primary caregivers and primary breadwinners in Black families. Cecilia Conrad notes that in nearly 44 percent of Black families with children, a woman is the primary breadwinner. This includes both families headed by working single mothers and married couple families in which the wife works and the husband does not. These female breadwinner families account for

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<sup>89</sup> "Let's You and Him Fight." TV Tropes. Accessed March 22, 2017.  
<http://tvtropes.org/pmwiki/pmwiki.php/Main/LetsYouAndHimFight>.

<sup>90</sup> Conrad, Cecilia, “Black Women: The Unfinished Agenda” *American Prospect* Vol. 19 Issue 10 (2008).

over 32 percent of aggregate Black family income. In contrast, across all racial and ethnic groups, female breadwinner families represent only 24 percent of all families with children and account for 14 percent of aggregate family income.<sup>91</sup> As a result, the gender wage gap and the lack of employment opportunities has a bigger impact on the economic well being of Black families than it does for other groups. Human Rights attorney Chaumtoli Huq helps us to understand how Black women have come to point in her essay, “A National Black Women’s Economic Agenda Would Improve All Workers’ Rights.” She states, “the economic state of black women did not happen through coincidence or happenstance, but through a long history of exploiting and devaluing black economic labor in the United States, especially that of women, upon which American society has built its economy and infrastructure”<sup>92</sup> and she is entirely correct.

While waged work seems like a norm to us today, this wasn’t always the case. It was not until industrialization period that employers began to seek out new, cheaper sources of labor. Young, white, single daughters of farm families were early participants for this new industrialize work, while sons worked the fields or migrated West, mothers ran the household, and employment was beneath the dignity of fathers.<sup>93</sup> As industrialization increased and available land declined over the nineteenth century, the meaning of wage labor changed. “Heavy” industries were created, such as railroads, iron and steel, and oil refining causing paid employment to become a white man’s world. Correspondingly, a “cult of domesticity” was created which held that “a women’s virtue was found in submissiveness, purity, piety, and a

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<sup>91</sup> Ibid.

<sup>92</sup> Huq, Chaumtoli. "A National Black Women's Economic Agenda Works for All." *Law at the Margins*. December 11, 2015. Accessed March 24, 2017. <http://lawatthemargins.com/a-national-black-womens-economic-agenda-would-improve-all-workers-rights/>.

<sup>93</sup> Mutari, Ellen, and Deborah M. Figart. *Women and the Economy: A Reader*. Armonk, NY: M.E. Sharpe, 2003.

unilateral focus on home and family.”<sup>94</sup> Needless to say, this dominant model of gender relations, which involved a male breadwinner and a full time female homemaker, never became the norm for African American women. A 1986 study by Jacqueline Jones found that in regards to Black women’s experiences since slavery, “African American women typically began self-sustaining work around age fifteen, stayed in the labor force when married and raising children, and worked through middle age.”<sup>95</sup> Moreover, the employers who hired these Black women as domestics “viewed Black women as workers first, to the detriment of their family life. Thus, Black women were defined as “less than a moral, ‘true’ woman.”<sup>96</sup>

**Article 25.**

***(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.***

***(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.***

As I have reiterated several times, Black women face double discrimination based on their race and their gender, however, Black single mothers unfortunately must face an additional dose of discrimination. Women with children are paid less than women without children who are otherwise similarly qualified. Conrad theorizes that this difference in pay may be explained by differences in characteristics that employers can observe but researchers can't, such as tardiness, absenteeism, but it is also possible that employers perceive mothers as unreliable even if they are just as productive as other women.<sup>97</sup> When the negative stereotype of black single mothers as "welfare queens," became coupled with this discrimination, the effects were extremely detrimental for Black women. Not only did the Civil Rights Movement create employment

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<sup>94</sup> Ibid,40.

<sup>95</sup> Jones, Jacqueline. *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present*. New York: Vintage Books.1986.

<sup>96</sup> Giddings, Paula. *When and Where I Enter ....:The Impact of Black Women on Race and Sex in America*. New York: William Morrow.1984.

<sup>97</sup> Conrad, Cecilia, “Black Women: The Unfinished Agenda” *American Prospect* Vol. 19 Issue 10 (2008).

opportunities for black women, it also helped to end many discriminatory practices towards Black women by states assistance programs such the “Aid to Families with Dependent Children” program. Prior to the effects of this movement, Black single mothers did not receive the same amount of benefits as did white families.<sup>98</sup> After this program was taken under direct federal control in the 1960s, the amount of Black families who received welfare increased, and “as a result the public image of the welfare recipient shifted from that of a noble white woman widowed and struggling with housework and child-rearing to that of an unwed black teenager who has babies to collect welfare because she is too lazy to work.”<sup>99</sup> The truth of the matter was that most welfare recipients only stayed on welfare when they were no longer employed by their low paying jobs and only collected it because they were rarely employed long enough to qualify for unemployment insurance<sup>100</sup> and as Conrad further supports, “the evidence that welfare induced black women to have babies outside of marriage was never stronger than a few weak correlations.” Although this stereotype was an inaccurate portrayal of the average welfare recipient, it gained massive political traction,

In 1976, former California Governor and Republican presidential candidate Ronald Reagan issued a wholesale condemnation of Black female welfare recipients as ruthless con artists robbing the federal government blind and undermining the moral fabric of U.S. society. The so called “welfare queen,” as Reagan stated in his diatribe, “has eighty names, thirty addresses, twelve Social Security cards and is collecting veterans benefits on four non-existing deceased husbands.”<sup>101</sup>

As a result, the negative stereotype of the Black welfare queen was powerful enough to affect critical policy change as it single handedly led to the dismantling of the federal welfare entitlement system by President Bill Clinton who reduced the number of women who were

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<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Floyd-Thomas, Juan. "Welfare Reform and the Ghost of the "Welfare Queen" New Politics. Accessed March 23, 2017. <http://newpol.org/content/welfare-reform-and-%E2%80%A8ghost-welfare-queen>.

<sup>101</sup> Ibid.

eligible to access the welfare system, limited the number of years one could receive benefits, and made work a compulsory requirement of the program under the Personal Responsibility and Work Opportunity Act of 1996.<sup>102</sup> It is without a doubt that the media played a monumental role in the proliferation of this narrative.

A content analysis of welfare stories in news magazines and network television news between the 1960s and 1994 conducted by Martin Gilens found that:

- Sixty-two percent of poverty stories that appeared in TIME, Newsweek and U.S. News and World Report featured African-Americans.
- Sixty-five percent of network television news stories about welfare featured African-Americans.
- Fewer African-Americans are portrayed in “sympathetic” stories about poverty and welfare.
- News magazines depict almost 100 percent of the “underclass” as African-Americans.<sup>103</sup>

It can then be concluded that, according to the media, there were more Blacks than whites who live in poverty. These findings were more than just simple charted themes found in media; they actually had an impact on public opinion about race and welfare. For example, “in a series of laboratory experiments, Shanto Iyengar found that by seeing a black welfare mother in the television news, viewers were more likely to attribute the cause of her poverty to individual failings, rather than to any public policy.”<sup>104</sup> Conrad notes a personal experience more than a decade after these news stories in which a business owner told her that he would willingly hire an ex-convict but not an ex-welfare recipient because, he explained, “doing crime requires initiative.”<sup>105</sup> This is not surprising because given the lack of meaningful interaction between white and Black Americans, most white Americans learn about African Americans through the

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<sup>102</sup> Ibid.

<sup>103</sup> GILLIAM JR., FRANKLIN D. “The ‘Welfare Queen’ Experiment.” *Nieman Reports The Welfare Queen Experiment Comments*. June 15, 1999. Accessed March 24, 2017. <http://niemanreports.org/articles/the-welfare-queen-experiment/>.

<sup>104</sup> GILLIAM JR., FRANKLIN D. “The ‘Welfare Queen’ Experiment.” 1999.

<sup>105</sup> Conrad, Cecilia, “Black Women: The Unfinished Agenda. 2008.

media. Unfortunately, media portrayals of African Americans are mostly stereotypical and negative and more important than gaining equal employment, equal education, or equal representation in governmental policy is being able to live your life without fear of losing ones life because your life is viewed as being less important due to your race and/or gender.

Renisha McBride, a 19 year-old black woman was shot in the face with a shotgun on the early morning of November 2, 2013, as she looked for help after a car accident. Theodore Wafer, a 54 year-old white man, killed McBride.<sup>106</sup> Now it is important for me to note that Wafer is not a police officer, however, the slander that occurred on behalf of Wafer's legal defense denigrated McBride's character and attempted to justify white fear of Black people. While distasteful in nature, it can be understood why Wafer's defense attorney, Cheryl Carpenter, whose job it is to protect their client by any means necessary, would take this approach. Carpenter built her entire defense narrative on the supposition that Renisha McBride was a "thug/criminal who sold drugs and was trying to break into Wafer's house at the time she was shot." Carpenter said that Renisha, "intoxicated and disoriented from a car crash on the night she was murdered, may have thought she was breaking into her drug dealer's house at the time." Carpenter argued that there was an "aggressive side" to Renisha McBride and that Renisha's social media profile that talked about marijuana, "thuggin'," and "gettin' paid," truly represented who she was. Although no such social media posts were allowed into evidence, Carpenter would continue to bring them up during the trial. While Carpenter's clear attempts to vilify Renisha McBride failed at rendering her client innocent, and he was convicted to 17 years in prison, what is important to note here is that it was seen, by a defense attorney with 15 years of experience, as an effective framework to base her entire case on. It is clear that the defamation of McBride's character stems from the

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<sup>106</sup> Chapman, Mary M. "Theodore Wafer Sentenced to 17 Years in Michigan Shooting of Renisha McBride" NYTimes.com. September 3, 2014.

hyper-sexualization of black women that began during the era of slavery and persists throughout our media today. The objectification of Black women during slavery justified white men's violence against enslaved women of African descent, just as the objectification of Renisha McBride was used to justify Wafer murdering her as she was simply asking for help.<sup>107</sup>

Carpenter should not be viewed as a single case of a vile, degrading attorney; instruments of the same "chess master" system I previously discussed were already in place that perpetuated everything Carpenter would say even before she stepped foot into the courtroom. From the moment the incident was reported to the Dearborn Heights Police department, officers decided not to arrest Wafer because he told them that his gun had discharged accidentally and that he was unaware that the gun was loaded, even though he would change his story a few hours later during the same night to self-defense. Those same police officers would then go on news media and speculate that McBride was possibly a prostitute just because she was carrying a \$100 bill in her back pocket, which in fact her mother had given to her. Even more terrifying is the fact that the judge presiding over the case, Dana Margaret Hathaway, asked the potential jury pool, "Are there any African American jurors that feel a sense of loyalty to their race that would demand a guilty verdict?" and subsequently that Carpenter would go on to use "7 of her 9 peremptory challenges to strike African Americans from the jury pool." This one case exemplifies some of the major players and institutions in place that proliferate the punishment of Black women on the grounds of these controlling images. McBride was deceased long before the media made a spectacle of her character and it honestly would not have made a difference if she were alive.

While all groups face a variety of different stereotypes, which can affect their livelihood, as evidenced, Black women can face double and even triple the oppressions of other groups. As a

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<sup>107</sup> Abbey-Lambertz, Kate. "Opening Statements Reveal Shooter's State Of Mind In Renisha McBride Case." The Huffington Post. July 23, 2014. [http://www.huffingtonpost.com/2014/07/23/renisha-mcbride-theodore-wafer-trial\\_n\\_5614481.html](http://www.huffingtonpost.com/2014/07/23/renisha-mcbride-theodore-wafer-trial_n_5614481.html).

result of these negative stereotypes, their employment and educational opportunities, relationships, the way they are viewed by society and their lives are constantly at risk. Despite the negative ramifications of the compounding identities that Black women possess, these compounding identities also provide a unique avenue for redress not only for Black women, but for other marginalized groups as well. In her seminal work, *Black Feminist Thought*, Patricia Hill Collins draws on Kimberle Crenshaw's framework of *intersectionality*, which can be summarized as a particular way of understanding social location in terms of crisscross systems of oppression. In Collins' own words, intersectionality refers to an "analysis claiming that systems of race, social class, gender, sexuality, ethnicity, nation, and age form mutually constructing features of social organization, which shape Black women's experiences and, in turn, are shaped by Black women"<sup>108</sup> This framework is especially necessary for my argument because currently whenever Black women experience the two fold discrimination of being Black and woman, redress is dealt with as completely separate issues. However, given Crenshaw's theory of intersectionality, Collins argues for a process of "rearticulation," which sees Black feminism as part of an already existing broader discourse. Moreover, "what Black feminism can do is take the core themes of Black gendered oppression – such as racism, misogyny, and poverty– and infuse them with the lived experience of Black women's taken for granted, everyday knowledge."<sup>109</sup> These lived experiences coupled with tools of critical analysis provide fresh and intellectual points of view into the conditions of oppression. Collins notes that when Black women engage in this process, they "alone can foster the group autonomy that fosters effective coalitions with

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<sup>108</sup> Collins, Patricia Hill. *Black feminist thought: Knowledge, consciousness, and the politics of empowerment* (2nd ed.). NY: Routledge. 2000.299.

<sup>109</sup> Intersectionality Theory  
([http://www.sagepub.co.uk/upmdata/13299\\_Chapter\\_16\\_Web\\_Byte\\_Patricia\\_Hill\\_Collins.pdf](http://www.sagepub.co.uk/upmdata/13299_Chapter_16_Web_Byte_Patricia_Hill_Collins.pdf))



other groups.”<sup>110</sup> As a result of thinking about their own lived experiences in the larger context of the social issues I have described, Black women have the unique ability to drive massive systemic change. Collins notes, “By advocating, refining, and disseminating Black feminist thought, individuals from other groups who are engaged in similar social justice projects, Black men, African women, White men, Latinas, White women, and members of other U.S. racial/ethnic groups, for example, can identify points of connection that further social justice projects.”<sup>111</sup> With this in mind, it is clear why Chaumtoli Huq contends that by improving the livelihood of Black women that, “we help all women of color economically because we are focusing our attention on the least paid, undervalued, and precarious workers and, in focusing on Black women, we challenge directly racism, which gets avoided on any conversation around economic justice, and we can put forth an intersectional policy agenda on race/gender/class.”<sup>112</sup> Therefore, the intersection of Black women’s gender and race only deal “double damage” when viewed and approached as separate negative group identities clashed together, however, when viewed as complex parts of a whole, the synergistic effect is a social group with an unprecedented knowledge of oppression and the world that, if given the opportunity, can create their own forms of redress.

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<sup>110</sup>Collins, Patricia Hill. *Black feminist thought...2000*.36.

<sup>111</sup> Ibid,37.

<sup>112</sup> Huq, Chaumtoli. "A National Black Women's Economic Agenda..." 2009.

## CHAPTER 4

### THE SOLUTION

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*"The most disrespected person in America is the Black woman. The most unprotected person in America is the Black woman. The most neglected person in America is the Black woman."*

– Malcolm X, 1962

As I have shown, there are a multitude of defamatory images of Black women that remain prevalent within our society's media. Moreover, with those defamatory images come damaging effects, which affect Black women's ability to fully exercise their human rights. In order to combat this reality, I propose the formation of a ***Black Women Anti-Defamation Coalition (BWADC)*** which will take the form of a non-government organization (NGO) that sets out to ensure that Black women can combat the historic effects of the defamation of their character by: 1) having a union of Black women who actively mentor and educate young Black girls 2) advocating for better economic opportunities for Black women in all industries where they are underrepresented as well as making internship opportunities available for Black teenage girls and 3) legislating against any and all media outlets that broadcast defamatory images of Black women. Under this proposal, funding for this organization would be derived from not only private fundraising efforts, as most NGO's are, but also from government grants and a corporate tax to be imposed unto the "big five" major media outlets who control 90% of what we watch, listen to and read.<sup>113</sup> This tax will serve as a way for these major media outlets to take responsibility for their proliferation of negative, controlling images of Black women.

Furthermore, these corporations will be held accountable in a way that goes beyond finger

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<sup>113</sup> Lutz, Ashley. "These 6 Corporations Control 90% Of The Media In America." Business Insider. June 14, 2012. Accessed April 12, 2017. <http://www.businessinsider.com/these-6-corporations-control-90-of-the-media-in-america-2012-6>

pointing and will help improve the livelihood of Black women by allowing them to finally be able to begin to fully exercise the human rights they are entitled to.

The rationale behind my proposed Black Women Anti-Defamation Coalition is not a farfetched or a brand new concept. In fact, I am drawing my inspiration and framework for this coalition from a Jewish non-government organization called the Anti-Defamation League (ADL). Chicago attorney Sigmund Livingston founded the ADL 103 years ago, with help from the Independent Order of B'nai B'rith, a Jewish service organization. The ADL's stated mission was "to stop, by appeals to reason and conscience, and if necessary, by appeals to law, the Defamation of the Jewish people ... to secure justice and fair treatment to all citizens alike ... [and] put an end forever to unjust and unfair discrimination against and ridicule of any sect or body of citizens."<sup>114</sup> The Jewish community has taken great, concrete strides to protect the dignity of their members and it has proven to be quite effective. In the 1910s, the Jewish community in the United States faced rampant anti-Semitism and overt discrimination. Books, plays and, above all, newspapers, depicted Jews with crude stereotypes.<sup>115</sup> More negative stereotypes about Jews continued as World War I began and as a result of this, in one of its first anti-bias actions, the ADL distributed a memo signed by the publisher of The New York Times to his media peers, discouraging "objectionable and vulgar " media references to Jews.<sup>116</sup> This is exactly the type of action that needs to be taken in response to the negative media depictions of Black women. Moreover, the ADL is not only concerned with negative media depictions of Jewish individuals, but also how those depictions may have damaging effects on the livelihood of Jewish individuals. For example 60 years after its formation, in the 1970s, the ADL filed

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<sup>114</sup> "Our Mission." Anti-Defamation League. Accessed April 12, 2017. <https://www.adl.org/who-we-are/our-mission>.

<sup>115</sup> "ADL Impact by the Decade." Anti-Defamation League. Accessed April 12, 2017. [https://www.adl.org/adl-impact-by-the-decade#\\_910s](https://www.adl.org/adl-impact-by-the-decade#_910s).

<sup>116</sup> Ibid.

amicus briefs challenging race based quotas and preferential treatment as a means for hiring, promotion and college admissions. Concurrently, they collaborated with the U.S. Department of Labor to devise guidelines that were adopted by the Office of Federal Contract Compliance to ensure equality in hiring of employees and contractors.<sup>117</sup> If there were an organization that fought for the equality of African American women in this same way then the damaging effects that I outlined in my previous chapter would have a way to be formally addressed and remedied. Some may argue that African Americans already have the National Association of Colored People (NAACP) to protect their dignity, however given the recent scandal surrounding Rachel Dolezal, a former white woman who led a NAACP chapter and had been passing as a Black woman for years, faith in the NAACP's ability to be active in the fight against the defamation of African Americans in my opinion has faltered. However, that was not always the case; in the 1950s, the NAACP was at the forefront of the fight to address defamatory images and the need for more accurate portrayals of people of color and I believe that those methods would be effective if utilized by a Black Women Anti-Defamation Coalition.

Due to the negative on-screen stereotypes of African Americans, at the annual NAACP convention in July 1951, the leadership of the NAACP passed a resolution to publicly denounce the television series *Amos N' Andy*, *The Beulah Show* and other shows that proliferated negative stereotypes. According to the resolution, "the practice of manufacturers, distributors, retailers, persons or firms sponsoring or promoting" these shows was to be "condemned." More importantly, "the NAACP also sought an injunction in federal court to prevent the CBS Television Network from televising Amos 'N' Andy. The series, produced from 1951-1953, continued in syndication until 1966, when CBS finally agreed to withdraw it after five years of

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<sup>117</sup>"ADL Impact by the Decade." Anti-Defamation League. Accessed April 12, 2017. [https://www.adl.org/adl-impact-by-the-decade#\\_970s](https://www.adl.org/adl-impact-by-the-decade#_970s)

litigation.”<sup>118</sup> This isn’t just one independent case of the NAACP protecting the dignity of African Americans. In 1955, the Mississippi Branch of the NAACP, led by well-known civil rights activist Medgar Evers, filed a complaint with the Federal Communication Commission (FCC). The Mississippi NAACP asserted that a local television affiliate, WLBT, presented the local news in a racially biased manner, which did not serve the public interest.<sup>119</sup> After years of litigation, in 1969, the FCC revoked WLBT’s broadcasting license. The NAACP stated, “the message was a powerful reminder to the rest of the television industry that we, the citizens, own the public airwaves, and that our wishes are to be respected.”<sup>120</sup> Imagine if this continued to be the case today; would news outlets be allowed to vilify and defame black women like Renisha McBride if a Black Women Anti-Defamation Coalition existed to fight against both the racial and gendered bias of these networks? I think not.

The goal of this proposed coalition is not to focus on everything facing Black women, because I believe that is where the mission can get lost for a group like the NAACP, tasked to represent all people of color across all issues. Conversely, this Black Women Anti-Defamation Coalition would be focused on advocacy and defense. It is important to note that this wouldn’t be the first time Black women led the charge against defamation in this form. In 1967, author and activist Louise Meriwether founded the Black Anti-Defamation Association in order to prevent Twentieth Century Fox’s producer David L. Wolper from making a film of William Styron’s controversial book *The Confessions of Nat Turner*, a book that many members of the Black community felt grossly misrepresented African American history and proliferated an

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<sup>118</sup> The National Association for the Advancement of Colored People. *OUT OF FOCUS-OUT OF SYNC TAKE 4: A Report on the Television Industry*. December 2008.2.

<sup>119</sup> Ibid.

<sup>120</sup> The National Association for the Advancement of Colored People. *OUT OF FOCUS-OUT OF SYNC TAKE 4: A Report on the Television Industry*. December 2008.2.

emasculated and demeaning image of the slave rebel.<sup>121</sup> As a result of her efforts, Twentieth Century Fox ultimately canceled the film's production. Meriwether utilized a variety of tactics that I believe a Black Women's Anti-Defamation Coalition could use to combat the defamation of Black women today. Meriwether's first order of business in combating the production of this defamatory film was delivering a presentation to a Los Angeles umbrella group of Black activist organizations known as the Black Congress, which included representatives from the Urban League, the Black Panther Party, the NAACP, the Black Student Union, the Student Non-Violent Coordinating Committee, and virtually every other Black activist group in the area and won their support for her campaign.<sup>122</sup> By garnishing support from established Black activist and advocacy groups, the BWADC would be able to achieve intersecting support from groups already fighting for racial justice to supplement their fight for both racial and gendered justice.

It is telling that an Anti-Defamation League for Jewish individuals exists and has successfully fought for Jewish people for the past 103 years and one for African Americans has not been concretely sustained. This shows me that the *methodology* of the ADL, "the nation's premier civil rights/human relations agency," which claims to, "fight anti-Semitism and all forms of bigotry, defend democratic ideals and protects civil rights for all" through "information, education, legislation, and advocacy,"<sup>123</sup> is proven to be effective in helping to quell the defamation of Jewish people in the media. However, I believe this methodology is *allowed* to be effective for the ADL because law does not constrain other groups as it does for African Americans.

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<sup>121</sup> Andrews, William L., Frances Smith. Foster, and Trudier Harris. *The concise Oxford companion to African American literature*. Oxford: Oxford University Press, 2001.286-287.

<sup>122</sup> Greenberg, Kenneth S. *Nat Turner: a slave rebellion in history and memory*. Oxford: Oxford University Press, 2004.244.

<sup>123</sup> "Anti-Semitism Across Borders." Anti-Defamation League. Accessed April 14, 2017. <https://www.adl.org/news/anti-semitism-across-borders>.

Nonetheless, through this three pronged approach of education, advocacy, and legislation, the BWADC circumvents the issue of being confined by empty symbolic legal victories because there will be tangible outcomes that improve the livelihood of Black women. The damaging effects of the negative, controlling images of Black women are far too pervasive to solely be denounced as legally defamatory and a human rights violation. History has proven to us that neither of these declarations leads to a direct change in how African Americans are perceived or ultimately treated. Therefore, if we want to see African American women be able to fully exercise their human rights, there must be a structured organization that will not stop fighting after a few symbolic victories that will over time reinforce our white supremacist society, but is dedicated to the *continual process* of uplifting and protecting Black women.

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