

Colorism: The Often Un-discussed “-ism” in America’s Workforce

by Matthew S. Harrison

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Due to the number of organizations beginning to see the value in a diverse workforce, more and more organizations are employing affirmative action policies. Of course, with the employment of such practices, issues of race and racial discrimination are becoming much more prevalent. As a result, a surge of research studies have examined issues of racial discrimination in the workplace. While this research is both valuable and necessary, it suffers the same limitation as other social science research that looks at race relations—it groups all Blacks and all Whites together, looking at the two groups in binary opposition to one another. While meaningful data can be obtained from such studies, it overlooks a prevalent issue that has long existed in our society—colorism. This article focuses on this phenomenon, and in particular, inspects skin color’s role in favorability for Black applicants in the workplace.

Racial Discrimination in the Workplace

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against employees (or potential employees) on the basis of race, color, religion, sex, or national origin (APA, 1996). Typically, however, the primary areas given attention are religion, sex, and race, with race being the most prominent. And likely due to the longstanding history of race and race relations in our country—beginning with the transatlantic slave trade—race relations in America are most commonly considered in terms of Black versus White. Most research examining racial preference in the workplace generally focuses on how Whites are favored over Blacks (Deitch et al., 2003). More specifically, studies have shown Blacks are twice as likely than Whites to be unemployed (Brief, Butz, & Dietch, 2005).

There are a number of potential explanations for this finding. First, employers’ recruitment processes could be attributing to the inequity. Frequently, specific neighborhoods are targeted when it comes to the distribution of information surrounding a job opening; or in many cases, recruitment is done by word of mouth from current employees (Brief et al., 2005). With either method, Blacks are likely at a disadvantage. Very rarely (if ever) are the targeted neighborhoods predominately populated with Blacks, and in most cases most current employees are White who are telling other Whites about the availability of jobs at their current place of employment.

Even if the recruitment process is not racially-skewed, the *application* and *selection* process often are. The Fair Employment Council (FEC) found that employers are likely to treat Black applicants less favorably than White applicants even when they are equally matched in terms of credentials, qualifications, and interviewing abilities (Brief et al., 2005). Additionally, companies often use racially biased selection tools during the application process. Many times the organization will claim the selection tool (oftentimes in the form of a cognitive ability test) was not created to yield more acceptable White applicants, but was used to attain the most qualified individual for the role, who happens to be White (Terpstra & Kethley, 2002). As long as disparate treatment or adverse impact is not found, companies can easily hide behind such claims. The interview process, however, does not allow for the same camouflaging. An applicant’s race (and skin color) is inescapable at this point in the selection process, and likely, many people of color who may have been top contenders for a position are denied once their race is known. This is not at all to suggest that every White individual who is hired over a Black is hired solely because of their race, but it would be naïve to believe that it has never happened, as previous research has

indicated quite the contrary (Dovidio & Gartner, 2004; Dovidio, Gartner, & Pearson, 2005; Gartner & Dovidio, 2005).

The purpose of this article, though, is to go a bit deeper with regard to selection preference in America, and to actually look at one of the other areas protected under Title VII—color. Though it is likely commonly linked to race, skin color is a completely different physical attribute, where even greater differentiation is present within racial groups. While Blacks may be at a disadvantage when going through the application process, perhaps the level of inequity is unbalanced amongst Blacks themselves. Whereby, a Black applicant is not solely discriminated against because they are Black, but rather, the level of acceptability they receive is highly contingent on how light or dark their skin color is.

History of Colorism

Commonly referred to as the “light versus dark skin issue,” colorism within the Black race dates back to slavery in America, where the skin color of slaves was used as the determinant of work chores assigned (Hunter, 2002). Dark-skinned slaves, who were likely of pure African ancestry, were given the more physically demanding tasks in the fields, while lighter skinned slaves (who had lighter skin because of their biracial status, as it was common for slave masters to have nonconsensual and consensual sexual relationships with their female slaves) were given more enviable and esteemed positions (Keith & Herring, 1991). This visible division created friction amongst slaves, and supported the idea that one was better off if one had a lighter complexion (Ross, 1997).

This mindset was ingrained in the minds of Blacks, and once emancipation occurred, Blacks began buying into and creating their own social divides based on skin tone. For example, Blacks created “blue vein” societies where other Blacks were admitted only if their skin tone was light enough that their veins were visible. In addition, the first Black schools, as well as fraternities and sororities, employed the “paper bag test” as a means of admission; if your skin tone was not equal to or lighter than a paper bag, admission was not granted. These skin color-based assessments, created by Blacks themselves, not only illustrate the power of prejudice and stereotypes (in that the very group being discriminated against buys into the system to such a degree that they begin using it to discriminate against themselves), but in many ways helped to substantiate and further expand on notions of colorism for the general public. If Blacks themselves were willing to openly convey their preference for light skin, what is the purpose of suggesting to Whites that they should not continue to believe that a light-skinned Black person was “better” than a dark-skinned one?

This notion of betterment still seems to hold true today given a 1990 study by Hughes and Hertel. Their findings showed that lighter skinned Blacks were more likely to have greater years of education, higher salaries, and more prominent jobs than their darker skinned counterparts. They even found that the gap in educational attainment and socioeconomic status between light- and dark-skinned Blacks is equivalent to the gap between Whites and all Blacks in general. These findings alone illustrate the importance and prevalence of colorism, and further depict the pervasiveness of color-based preference in our society (Hill, 2000). In other words, lighter skinned Blacks are at an advantage when it comes to educational and occupational opportunities, and are more likely to experience discrimination to a lesser degree than those who have darker skin (Seltzer & Smith, 1991; Udry, Bauman, & Chase, 1971). These social advantages afforded to lighter skinned Blacks represent a preferential system in our society that favors light skin over dark skin—this being the basic definition of *colorism* (Hunter, 2002).

Colorism in the Workplace and Related Media Implications

With regard to Hughes and Hertel’s (1990) findings, it should be assumed that colorism has significant implications in the workplace. If an individual associates light skin more so with White skin, and White skin is thereby associated with higher levels of competence and ability, then lighter skinned Blacks are viewed as being much more appealing applicants and employees to White employers (Hunter, 2002). Though not widely stated, it

was once even considered to be “better business” for a White employer to hire lighter Black workers (Ross, 1997). This business practice not only substantiates the notions of colorism, but it also lends support to why Hughes and Hertel had such findings in their research.

A more recent study found similar results. Harrison and Thomas (2009) looked at preference in the hiring process amongst Black applicants. For males, a darker-skinned Black male with higher levels of education and past work experience was significantly less preferred than a lighter-skinned Black male with less education and work experience. For females, skin tone was not as salient as education and work experience, but when both were held constant, skin tone was a determining factor in regard to preference—where the lighter-skinned female was preferred.

The preferential treatment found in the workplace for Black males and females is quite disturbing, but given media representations, it really should not be all that surprising. The media plays quite a substantial role in the thoughts many of us have about skin color. The implications, however, differ for males and females. For females, colorism plays a role in the workplace and in the media due to ideologies surrounding attractiveness. Research studies show positive correlations between levels of attractiveness and perceived ability and intelligence (Umberson & Hughes, 1987). It is not farfetched to assume that the more attractive an employer deems an applicant to be, the more likely they are to think that applicant can successfully perform the job they are trying to fill.



Among colorism’s basic principles is the belief that Blacks are perceived as being more attractive when they have physical features (e.g., hair texture, nose shape, lip size, eye color, etc.) that are more Eurocentric rather than aligned with African ancestry (Fears, 1998; Maddox & Gray, 2002; Oliver, Jackson, Moses, & Dangerfield, 2004). From Vanessa Williams being crowned the first Black Miss America to the disproportionate number of light-skinned Black females being featured in PEOPLE magazine’s annual “Most Beautiful” list, the pervasiveness of light skin being equated to beauty is apparent in the media. This distorted representation is not unseen, and is translated into the workplace. Hiring managers generally have a different perception of a light-skinned Black female applicant who has straight hair, gray eyes, a pointy nose and thin lips, compared to a dark-skinned Black female applicant with dreadlocks, dark brown eyes, a bulbous nose and thick lips. Therefore, it is not surprising that lighter skinned Black women tend to have higher salaries than darker skinned Black women with very similar credentials (Hunter, 2002).

A 2001 study (Catalyst, 2001) found that light-skinned Black women, who were regarded as being “less ethnic” were more likely to be satisfied with their jobs in regards to pay and advancement opportunities than their darker-skinned Black female co-workers. Some researchers even term dark-skinned Black women as being in a “triple-jeopardy” situation because of their gender, race, and skin tone, where all three aspects can have negative and harmful implications on their occupational opportunities, not to mention, overall feelings of competency (Thompson & Keith, 2001).

For men, darker-skinned Black males are often portrayed in the media as being more violent and threatening, which influences the same perception by the general public (Hall, 1995). Because dark-skinned Black males are more commonly linked with incivility, crime, and misconduct, many people have automatic preconceived notions about Black men who are also dark skinned (Hall, 1995). This was evident with the infamous TIME magazine cover of O. J. Simpson during his highly-televised murder trial in the 1990s. When a dark-skinned Black male goes into an interview, he may be at an automatic disadvantage. Depending on the interviewer’s racial identity and level of exposure



with Blacks, he or she is likely to have higher levels of discomfort interviewing a darker skinned Black male applicant than when interviewing a light-skinned Black male applicant (or White applicant for that matter).

Whether based on perceptions of attractiveness or feelings of comfort, skin color likely plays a substantial role on the acceptability of Blacks in the workplace. Skin color may be so salient that it is even regarded to a greater degree than an applicant's or employee's actual credentials and ability.

Implications & Future Research Needs

The purpose of this article is to emphasize the need for greater discussion and research examining within-race selection preference—an area that most discrimination literature has long overlooked due to typical dichotomous comparisons of Blacks and Whites as homogenous groups. The ever growing population of bi- and multi-racial Americans is reason alone for more research of this nature to be performed, so individuals can be made more aware of the prevalence of skin color bias. Far too often in America privilege is automatically linked to race and Whiteness. Results from studies pertaining to colorism seem to suggest that possibly privilege extends beyond race and into skin color, where lighter skin equals a greater number of privileges.

This system of privilege would make sense and would be in alignment with Byrne's (1971) similarity attraction theory, which states that people tend to be more comfortable around and attracted to other individuals who are similar to themselves. Therefore, it is not surprising that lighter skinned Black applicants would be preferred to a greater degree, because Whites view light-skinned Blacks as being a little more similar to themselves than a Black individual with darker skin. Byrne's theory makes perfect sense and has seemed to play itself out in society when looking at Blacks who have been "first" both in the media and politics—Dorothy Dandridge, Vanessa Williams, Halle Berry, Thurgood Marshall, Colin Powell, Barack Obama—just to name a few. Not at all to suggest that any of these individuals were not credible or worthy of the esteem, recognition, and/or awards/jobs they have earned, but it seems that for a Black to first be granted a position, or given a particular award or title, that Black must be light-skinned.

This is yet another reason for the need for greater research around this topic. As more and more organizations begin to employ affirmative action policies, more and more people of color are being hired and considered for positions in upper-level management—positions where they are likely to be considered a "pioneer" for someone of their race. Organizations must be more cognizant of the prevalence of colorism as it may relate to many of their human resource-related procedures. Given that colorism is a global phenomenon present in every racial group where there is skin tone variation, training (with an emphasis on skin-tone preference) should be paired with diversity recruitment, selection, and employee development efforts. While the statistics of corporate America may illustrate a rise in the number of minorities, one has to question—what percentage of those minorities are light- versus dark-skinned?

Bringing to light and openly discussing the inequalities that are a result from the colorism phenomenon is the first step in eradicating its very presence. If the media continues to portray attractive Black women as solely being light-skinned, and violent, menacing Black men as only being dark-skinned, and we all continue to buy into and accept it as truth, then nothing will change. Challenging these images and shedding light on their inaccuracies will encourage the eradication of these false perceptions. Perhaps then, "color" as it relates to its inclusion in Title VII of the Civil Rights Act of 1964 will not be overlooked because it is presumed to be synonymous with race, but it will be overlooked because it will no longer be relevant.

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We asked three experienced trial consultants to review Matthew Harrison's article and apply it to litigation advocacy in the courtroom setting. Marjorie Fargo, Sean Overland and Karen Lisko offer their perspectives on the following pages.

Response to Harrison by Marjorie S. Fargo

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In this article Matthew Harrison provides a brief history of colorism and clarifies that “though... commonly linked to race, skin color is a completely different physical attribute where even greater differentiation is present within racial groups.” Discrimination exists as a result of skin tone differences separate from traditional discrimination by race. He references the 1990 work of Hughes and Hertel that showed within the black population lighter skinned blacks were more likely to have more education, greater wealth and higher status jobs than darker skinned blacks. He notes that similar results were confirmed by a recent study by Harris and Thomas in 2009 indicating that especially for black men being dark skinned significantly decreased the chance of being hired regardless of higher education level and past work experience.

Harrison also briefly summarizes a variety of studies of blacks and the media that provide evidence for the conclusion that lighter skinned blacks are more likely to be viewed as more attractive to a white majority in film, sports and politics. He notes that some researchers have even deemed dark skinned black women as being in “triple jeopardy” because gender, race and skin tone have negative impact on occupational opportunity and self image. He also points to studies that have concluded that darker skinned black men are often viewed as more violent and associated with criminality.



All these factors lead Harrison to conclude that skin tone variation among all minority groups given our increasingly multi-ethnic population is likely to be a more important factor than race alone in the workplace in terms of hiring and promotion especially in upper level management. He calls for greater awareness of the colorism issue, sensitivity training to these issues in the workplace, challenging media stereotypes and inaccuracies as a means to ensure that the discrimination by “color” provided by Title VII of the Civil Rights Act of 1964 not be overlooked or subsumed by prohibition of discrimination on the basis of race or national origin.

Harrison’s article on “colorism” deals primarily with the role of discrimination by skin tone in the workplace. However, for a more comprehensive look at the issue of colorism and its impact in multiple arenas, see Evelyn Nakano Glenn. *Shades of difference: why skin color matters*. Stanford University Press, 2009; especially, Taunya Lovell Banks, Chapter 12 “Multilayered Racism: Courts’ Continued Resistance to Colorism Claims, pp. 213-222; as well as Angela P. Harris, (2008) “From Color Line to Color Chart: Racism and Colorism in the New Century.” *Berkeley Journal of African American Law & Policy*, 10, 52 – 69.

Matthew S. Harrison calls for “greater discussion and research around within-race selection preference” in the area of employment discrimination and affirmative action policy. However, the issues raised by Mathew Harrison’s article also should serve as motivation for jury researchers to take a deeper look into the role of skin color and its effects on jury decision making. Do the courts and jurors differentiate between issues of race and issues of skin tone in decision making? What is the literature with respect to the role of skin color and jury decision making? In attempting to explore the topic of “colorism” and juror decision making I found little research specifically examining differences in jury verdict outcomes based on skin color of the litigants even in the area of race discrimination cases.

Only a few cases where people have filed workplace discrimination lawsuits alleging skin-tone prejudice based on the 1964 Civil Rights Act have prevailed in court. A dark skinned black employee of Applebee’s restaurant prevailed in a discrimination claim against a light skinned black supervisor. (U.S. Equal Opportunity Commission, “EEOC Settles Color Harassment Lawsuit with Applebee’s Neighborhood Bar & Grill.” Available at <http://www.eeoc.gov/press/8-07-03.html>.) In another case a dark skinned Latino who was denied rental housing prevailed on a claim of skin color discrimination by a Latino of light complexion. (See *Rodriguez v. Guttoso*, 795 F. Suppl. 860, 865 (N.D. Ill. 1992).

With respect to criminal cases Jennifer L. Hochschild and Vesta Weaver (2007) reported that among 66,927 male felons incarcerated for their first offense in Georgia between 1995 and 2002, the dark skinned defendants received significantly longer prison sentences.¹ Among this population white’s sentences averaged 2,689 days and blacks were longer by 378 days. Within the population of black first time convicted felons those with the lightest skin received prison sentences averaging three and a half months longer than white felons. Medium skinned black felons received the average for all black felons and a year more than white felons. Dark skinned black felons received the longest sentences of all felons, 3,250 days, a full year and a half longer than whites. The researchers controlled for type of offense, SES and demographic indicators and found that light skinned black male felons incarcerated for the first offense during this time frame received sentences indistinguishable from white felons but dark skinned black first time felons received 2.7 % longer sentences.

In a similar study of convicted felons in Florida social psychologist Irene Blair (2004) using a photographic database and controlling for crime charged and criminal history compared the length of sentence by race and physical features comparing “Afro-centric” features (dark skin, wide nose and full lips) with Eurocentric features. She found no racial differences between blacks and whites, but she did find significant differences in sentence among black felons with those with more Afro-centric features receiving longer sentences.²

With regard to capital murder cases Jennifer Eberhardt and colleagues (2006) report in “Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital – Sentencing Outcomes” that black

defendants convicted of murder in capital cases with white victims are twice as likely to receive death if they have dark skin and more Afro centric facial features.³

With respect to the association of dark skin tonality and crime Keith Maddox and Travis Dixon (2005) in an experimental study showed respondents a news program which included a short story about the murder of a police officer in which the researchers digitally manipulated the skin tone of the accused in one of four conditions: white, or light, medium, or dark skinned black. Those viewing the dark skinned alleged cop-killer were one third more likely to report crime concerns than those viewing the white accused. They found no differences between reactions to lighter skinned black and white accused.⁴

With respect to skin tone and its role in relationship to Batson challenges in the exercise of peremptory challenges John Terrance A. Rosenthal (2002) recounts a Federal criminal case in which the trial judge was quizzing jurors and asked whether they could be impartial given the defendant was a black man.⁵ In his remarks to the panel the judge observed that only one juror “appeared to be African American.” Apparently another juror volunteered that she wanted the judge to know she was an African American. Responding to this juror’s statement the judge remarked on the record that he would not have recognized her as African American and he believed many others including the lawyers would not have either. Later the prosecution used a peremptory challenge against the “visibly” black juror but not the ambiguous looking African American juror. The defense made a Batson challenge and it was sustained. After a weekend recess, the prosecutor challenged for “cause” the ambiguous looking African American juror based on her brother’s prosecution by a member of the US attorneys’ office (information previously known to the prosecution). The defense objected and asserted that the prosecution was attempting to strike all blacks from the jury; the judge agreed and denied the prosecutor’s challenge.

But what if the ambiguous African American juror had not taken the initiative to clarify her race? Would the prosecutor have tried to remove the ambiguous juror, if she had not self identified her race? This situation points to the difficulty in identifying race by simple visual observation of skin tone, emphasizes the need for race of jurors to be actually identified either through inclusion of this information in a juror questionnaire or by oral response in voir dire in order to accurately determine whether race impermissibly has been a factor in the peremptory challenge. Using this case example Taunya Lovell Banks asks whether automatic stereotyping process based on “colorism” needs to be specifically addressed by the court with respect to the exercise of peremptory challenge.⁶

My take-away from Harrison’s article and the apparent dearth of studies evaluating the role of skin color and jury deliberation studies and related jury selection issues is that this is an area than needs further systematic research and analysis. Increasingly, the U.S. population is composed of multiracial individuals. Stereotyping by skin tone as discussed by Harrison and the other referenced authors shows that in order for all individuals to receive fair treatment in the courts, more needs to be done to evaluate the impact of skin color bias in the court system and to sensitize all parties in the criminal justice system—courts, attorneys, litigants, jurors as well as trial consultants to the very real issue of skin color bias in order to reduce the impact of such bias may present in securing a fair trial for all.

Endnotes

¹ Hochschild, J.L. and Weaver, V. (2007) “The Skin Color Paradox and the American Racial Order” *Social Forces*, 86: 2, December.

² Blair, I.V., Judd, C.M. and Chapleau, K.M. (2004) “The influence of Afro centric facial features in criminal sentencing.” *Psychological Science*, 15, 674-679.

³ Eberhardt, Jennifer, Paul Davies, Valerie Pardie-Vaughns and Sheri Johnson. (2006). “Looking Death worthy: Preconceived Stereo typicality of Black Defendants Predicts Capital – Sentencing Outcomes.” *Psychological Sciences* 17 (5): 383-86.

⁴ Dixon, T. L. and Maddox, K.B. (2005). “Skin tone, crime news and social reality judgments: priming the schema of the dark and dangerous Black criminal.” *Journal of Applied Social Psychology* 35, 1555 -1570.

⁵ John Terrance A. Rosenthal (2002) “Batson Revisited in America’s “New Era” of Multiracial Persons.” 33 *Seton Hall Law Review*, 67.

⁶ Banks, *op cit.*, p. 221.

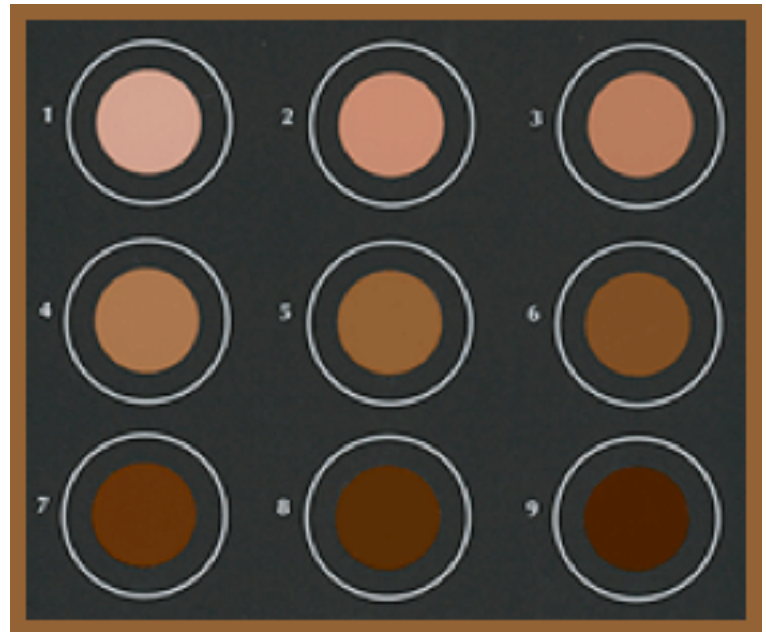
Colorism and Civil Justice: Sean Overland Responds to Harrison

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Matthew Harrison has written a very interesting piece on an important but under-studied cleavage in American society: color. He cites studies showing that discrimination based on skin darkness, or colorism, can affect a person’s work prospects. He also demonstrates that media portrayals of skin color have reinforced negative attitudes toward dark-skinned people. For trial consultants and litigators, Harrison’s article challenges us to think about social differences and the determinants of human behavior in terms beyond the standard racial categories.

Colorism is not the same as racism. Harrison shows that colorism is trans-racial; both blacks and whites have a history of harboring “anti-dark” attitudes. Instead of relying on the “black” versus “white” dichotomy, Harrison describes a system of social hierarchy based on the spectrum of skin color. In so doing, he looks beyond our increasingly-blurry racial categories and recognizes that the dynamics of color can also affect how people perceive (and are perceived by) our society.

Harrison’s article has a special significance for trial consultants and attorneys. Many trial consultants, particularly those of us who rely on quantitative social science methods, often include race as a predictive variable in models of juror decision-making. (In the interests of full disclosure, I do too, although I see race as a rather weak and imprecise predictor of juror behavior in most circumstances.) Harrison’s article suggests that skin color may also affect juror behavior and trial dynamics, above and beyond any effects of race. The potential effects of colorism ought to be considered when preparing certain types of cases. For those of us wedded to our statistical models, trying to include skin color as a quantifiable variable seems a daunting, if not impossible, task. Perhaps that’s not a bad thing. It reminds us that just because you can’t count something, doesn’t mean it doesn’t count. And as Harrison convincingly shows, color counts.



Response to Harrison's Article on Colorism

by Karen Lisko

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Dr. Harrison does a nice job moving one level deeper into questions regarding the effect of race on people's perceptions by focusing on colorism within race. The vast majority of research on race lumps together all gradations of color within African Americans. He reminds us to reconsider such a generic view of this or any other race by pointing to "colorism" which he defines as the "light versus dark skin issue."¹ The focus of Harrison's work is on the effect of skin tones of Black applicants in the workplace. So how does it translate to the courtroom setting? At this stage in the academic literature, very little has been published about the effect of colorism on jury verdicts, save for some research in the criminal arena.²

Harrison's colorism research consistently concludes that lighter skinned African Americans are viewed as more attractive and more credible than darker skinned African Americans. This focus on attractiveness creates a provocative (if tenuous) bridge to jury decision making. Courtroom research abounds that concludes that more attractive criminal defendants are judged favorably more often than are unattractive criminal defendants.³ Can we, therefore, conclude that lighter skinned African Americans might be viewed more positively in the courtroom than darker skinned African Americans? Perhaps. But, then again, perhaps not.

Scale of Skin Color Darkness



It may all depend on the particular juror. In the late 1990s, two researchers investigated juror perceptions of expert witnesses and varied the race and gender of those experts.⁴ Interestingly, they found that African American jurors rated the African American expert *more negatively* than did Caucasian jurors. To be clear, the researchers did not vary skin tones (light versus dark) within the experts nor did they collect

that data about their African American research subjects. However, again within the land of inference, their research findings suggest that there may be a level of complexity not yet defined in the courtroom setting that does not so easily translate from Harrison's research in the workplace. If the workplace research was so easily transferred to the courtroom setting, we would expect to have seen African American jurors rate the African American expert more positively according to Byrne's similarity attraction theory dating back to the 1960s that has found that people like and are attracted to those most similar to them.⁵

Other courtroom research has found that similarity of jurors to key witnesses can actually be a detriment to that witness. Some research has found that medical doctors can be harder on doctor

defendants in medical malpractice cases than are non-medical jurors.⁶ In the criminal arena, it has long been held that female jurors can be more skeptical of female accusers in rape trials.⁷ This provides more evidence that the questions regarding similarities and differences between fact finders and witnesses remain many. So, back to courtroom research (or lack thereof) regarding the influence of skin tones on jury perceptions. More specifically, it would be meaningful to understand how the skin tones of both jurors and parties to litigation interact. Sounds like a perfect study for one among us . . .

Endnotes

¹ Other research has looked at colorism in other settings. For example, see, Hall, R.E. (1992). Bias among African-Americans regarding skin color: Implications for social work practice. *Research on Social Work Practice*, 2(4), 479-486. See also Keith, V.M. & Herring, C. (1991). Skin tone and stratification in the black community. *The American Journal of Sociology*, 97(3), 760-778.

² Dixon, T. L. & Maddox, K.B. (2005). Skin tone, crime news and social reality judgments: Priming the schema of the dark and dangerous black criminal. *Journal of Applied Social Psychology*, 35, 1555-1570.

³ See, for example, Stewart, J.E. (1980). Defendants attractiveness as a factor in the outcome of criminal trials: An observational study. *Journal of Applied Psychology*, 10(4), 348-361.

⁴ Memon, A., and Shuman, D.W. (1998). Juror perceptions of experts in civil disputes: The role of race and gender. *Law and Psychology Review*, 22, 179.

⁵ Byrne, D. (1971). *The attraction paradigm*. New York: Academic Press.

⁶ Vidmar, N. & Landau, D. (1994). What animates jury awards for pain and suffering in medical and automobile negligence cases? An empirical study. *Presented at the annual meeting of the Law & Society Association, Phoenix, Arizona*.

⁷ Lerner, M.J. & Miller, D.T. (1978). Just world research and the attribution process: Looking back and ahead. *Psychological Bulletin*, 85(5), 1030 – 1051.

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Editor's Note

Wow. Every issue I say to myself "This is our best issue yet!". I'm saying it again. It's amazing to watch an issue come together and I am grateful to all our authors, consultant-authors and consultant-respondents for contributing to yet another terrific issue of *The Jury Expert*.

We have articles on corporate defense strategies after a decade of corporate malfeasance, how to use simple rules for better jury selection, the legal and ethical implications of using trial consultants for witness preparation, specifics on how to prepare your witness to answer the "were you prepared" question, implications of the heightened use of images/graphics in the courtroom, skin color bias, and how defense attorneys can present damages issues effectively. Eighty-one pages of awesomeness!

I hope you find this issue useful AND if you do, please comment on our website. I know (courtesy of Google Analytics) how many of you read every issue. Comment! Or blog. And if you blog, let me know so I can link to your blog. Think of it as a small thing you can do to thank the authors who work hard to give us practical, relevant ideas to improve your litigation advocacy.

Happy January! And for those of you in snow-bound places--spring is a LONG ways away. So make some hot chocolate and hunker down and read *The Jury Expert*.

Rita R. Handrich, Ph.D., Editor

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