No. 23-1197

In the Supreme Court of the United States

DAMON LANDOR,

Petitioner,

v.

LOUISIANA DEPARTMENT OF CORRECTIONS AND PUBLIC SAFETY; JAMES M. LEBLANC, IN HIS OFFICIAL CAPACITY OF SECRETARY THEREOF, AND INDIVIDUALLY; RICHARD LABORDE CORRECTIONAL CENTER; MARCUS MYERS, IN HIS OFFICIAL CAPACITY AS WARDEN THEREOF, AND INDIVIDUALLY; JOHN DOES 1-10; ABC ENTITIES 1-10

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

BRIEF OF RASTAFARI SCHOLARS AS *AMICI CURIAE* IN SUPPORT OF PETITIONER

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INTEREST OF THE *AMICI CURIAE*[1]

Amici curiae are professors of religious studies with particular expertise in Rastafari religion and culture. Professor Darren J. N. Middleton is a professor of literature and theology at Baylor University, where he directs the university's interdisciplinary core program. Professor Richard C. Salter is a professor of religious studies at Hobart and William Smith Colleges, where he chairs the religious studies department. Professor Charles Price is a professor in the anthropology department at the University of North Carolina, Chapel Hill. John P. Homiak is an anthropologist and former director of the anthropology collections and archives program at the Smithsonian Institution in Washington, D.C. He is currently a resident research associate in the Smithsonian's anthropology department. Professor Jahlani Niaah is a senior lecturer at the University of the West Indies in Mona, Jamaica, where he teaches cultural and Rastafari studies at the university's Institute for Caribbean Studies.[2]

This case presents the Court with important questions involving statutory interpretation, canons of construction, and the role of precedent. At its core, however, the case implicates religion and religious practice, including the vital need to preserve the right to religious liberty for practitioners of all religions, even those who participate in minority faiths. Accordingly, because much about the Rastafari religion and

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[1] Pursuant to Rule 37.6, *amici curiae* affirm that no counsel for a party authored this brief in whole or in part and that no person other than *amici* or their counsel made a monetary contribution to its preparation or submission.

[2] *Amici* file this brief solely in their individual, scholarly capacities. The institutions with which they affiliate take no position on this case.

way of life may be unfamiliar to the Court, *amici* respectfully submit this brief to assist the Court in understanding key aspects of this religious faith, including the importance of dreadlocks to Rastafari adherents like petitioner. An appreciation of the significance of the religious interference here underscores the value and propriety of a damages remedy when damage of this magnitude occurs.

INTRODUCTION AND SUMMARY OF ARGUMENT

When Louisiana state prison officials pinned down petitioner Damon Landor and forcibly shaved his head bald, they did not merely alter his appearance in contravention of a federal court of appeals mandate. In a very real sense, they caused him to endure irreparable harm to his religious identity and spiritual wellbeing. Ras Landor is a practicing Rastafari (or, colloquially, Rasta) who took the Nazarite Vow.[3] The Vow has a Biblical basis, and Rastafari, citing the Book of Numbers (6:5-6), often see themselves as consecrated individuals who have entered into a sacred covenant, the salient sign of which is the maintenance and cultivation of dreadlocks. As part of that vow, Ras Landor refrained from cutting his hair for over two decades, embracing the growth of his

[3] This brief uses the words "Rastafari" and "Rasta" interchangeably as nouns and adjectives, in keeping with standard practice in the Rastafari or Rasta community. One occasionally sees the noun "Rastafarianism" used in popular accounts to describe that community. But members of the Rastafari faith generally do not embrace that terminology because many Rastafari do not recognize any form of "ism." See, *e.g.*, Derek O'Brien & Vaughan Carter, *Chant Down Babylon: Freedom of Religion and the Rastafarian Challenge to Majoritarianism*, 18 J.L. & Religion 219, 220 n.4 (2002).

dreadlocks. Those dreadlocks were a symbolic representation of his faith. But even more than that, they were the physical embodiment of his spiritual identity and connection to God.

As *amici* explain below, maintaining dreadlocks as part of the Nazarite Vow is a common practice among Rastafari. To put that practice in the appropriate context, *amici* first briefly explain some of the key features and tenets of the Rastafari faith. A basic understanding of the underlying beliefs of Rastafari helps to make more concrete the spiritual significance of dreadlocks to long-time adherents like petitioner. *Amici* then discuss the significance to a Rasta of maintaining uncut dreadlocks as a signifier of faith, Rastafari identity, and connection to God. This practice is infused with both powerful symbolism and very real physical qualities. When petitioner had his hair forcibly cut by prison officials, he necessarily suffered a violent intrusion into the free practice of his chosen faith. Those officials' acts demand a just remedy.

ARGUMENT

I. Background Elements Of The Rastafari Faith

The Rastafari faith has sources that go back centuries to a variety of ancient faith traditions. It experienced a revival of sorts in the late 19th century leading to its current form. In the 1890s, Protestant ministers throughout Jamaica began proselytizing against the oppressiveness of British colonialism and encouraged the faithful to adopt a greater spiritual connection to Africa. Charles Price, *Rastafari: The Evolution of a People and Their Identity* 49-72 (2022). In many ways, the nascent faith emerged gradually as "a means by which black Jamaicans coped with the

systemic suffering produced by the Jamaican colonial state." Jovan Scott Lewis, *Rights, Indigeneity, and the Market of Rastafari*, 24 Int'l J. of Cultural Prop. 57, 73 (Feb. 2017). It rose from the ashes of colonialism as a reaction to colonial oppression and an embrace of a pan-African identity. See, *e.g.*, Price, *Rastafari*, *supra*, at 49-72. And it came into its own with the 1930 coronation of Haile Selassie I as Emperor of Ethiopia, a country with a long Christian and Biblical heritage, and a source of inspiration to many in the African diaspora. Price, *Rastafari*, *supra*, at 68-69, 78; see also Darren J. N. Middleton, *Five Works of Visual Art for Five Key Moments in Rastafari History*, Ass'n for the Scientific Study of Religion 2020 Proceedings 10, 12 (Feb. 28-Mar. 1, 2020) (discussing how prominent pan-Africanist Leonard Howell "took to the streets and became [perhaps] the first person in Jamaica to preach Selassie I's divinity" throughout the 1930s); Darren J. N. Middleton, *Rastafari and the Arts: An Introduction* 9, 22 (2015) (discussing the roles played by several other prominent participants).

To get a sense of the Rastafari faith, one must first understand that to be Rasta is to be part of an eclectic religious and cultural movement. See, *e.g.*, Vivaldi Jean-Marie, *An Ethos of Blackness: Rastafari Cosmology, Culture, and Consciousness* viii (2023); Timothy B. Taylor, Note, *Soul Rebels: The Rastafarians & the Free Exercise Clause*, 72 Geo. L.J. 1605, 1609 (1984) ("It is inappropriate to think of [Rastafari] as a unified religious group. There are numerous subgroups of Rastas, and beyond core tenets and habits * * *, these groups as well as individual Rastas continue to develop a range of variations in terms of beliefs and practices."). There are, nonetheless, certain core animating features common to nearly all practicing

Rastafari. *Amici* highlight a few particularly central ones here.

Jah. The Rastafari religious tradition is considered an Abrahamic faith heavily inspired by the Old Testament of the Bible. Rastafari refer to God as "Jah," which derives from the Hebrew word "יהוה" and the old English phrase "Jehovah." Cf. Psalms 68:4 (King James) ("Sing unto God, sing praises to his name: extol him that rideth upon the heavens by his name JAH, and rejoice before him."). As in other monotheistic religions, Jah is at the center of Rastafari religious life. Rastas believe that each individual contains an internal divine essence and is directly connected to Jah. Jah is the essence of life itself; it exists within all people and living things, imbuing them with a spiritual energy that is both conferred by and ultimately connected back to Jah.

The Rastafari concept of Jah is closely tied to the faith's historic origins, but over the years has taken on slightly different forms across Rastafari communities. For example, some Rastafari believe that the late Ethiopian Emperor Haile Selassie I was the actual human embodiment of Jah. See, *e.g.*, Melissa R. Johnson, *Positive Vibration: An Examination of Incarcerated Rastafarian Free Exercise Claims*, 34 New Eng. J. on Crim. & Civ. Confinement 391, 395 (2008); Price, *Rastafari*, *supra*, at 259. Other Rastafari see Emperor Selassie more as an incarnation of Jah—a messiah figure—even perhaps the second coming of Jesus Christ. Price, *Rastafari*, *supra*, at 259; cf. M.G. Smith, Roy Augier, & Rex Nettleford, Institute of Social and Economic Research, University College of the West Indies, *The Ras Tafari Movement in Kingston, Jamaica* 23-24 (1960)). Still other Rastafari regard Emperor Selassie not as divine per se but more of a spiritual

forefather of Rastafari culture. See Price, *Rastafari*, *supra*, at 260-261.

Whatever the precise nature of Emperor Selassie to an individual practicing Rastafari, Selassie remains a central figure to the religion. Indeed, his name became the name of his adherents. The term "Rastafari" combines the Amharic word "ራስ" ("Ras"), meaning "head" or "chief," with "ታፋሪ" ("Tafari"), meaning "one who is revered or adored."[4] Ras Tafari Makonnen was the pre-coronation name of Emperor Selassie, prior to his Biblical enthronement in Addis Ababa on November 2, 1930. See, *e.g.*, Nicholas A. Gunia, *Half the Story Has Never Been Told: Popular Jamaican Music as Antisubordination Praxis*, 33 U.C. Davis L. Rev. 1333, 1335 (2000); Price, *Rastafari*, *supra*, at 21. From this, and in light of the Rastafari belief that each individual contains a divine essence, see p.5, *supra*, many male Rastafari (like Landor) take "Ras" as an honorific.

Mansions. The Rastafari faith sets itself apart from many other monotheistic religions in the degree to which its authority is decentralized. See, *e.g.*, O'Brien & Carter, *supra*, at 220-221. It does not have a set hierarchical structure. Instead, it contains several faith communities known as "mansions" or "houses." Nathan Glace & Anna Waldstein, *Spiritual Hair: Dreadlocks and the Bodies Multiple in Rastafari*, 28 J. Royal Anthropological Inst. 279, 284 (2022); accord, *e.g.*, Barry Chevannes, *Rastafari: Towards A New Approach*, 64 New West Indian Guide 127, 137-

[4] Ras can also be translated as "lord," "prince," or "duke." As discussed, *supra*, at p.5, Rastafari understand themselves to have a divine essence; this honorific reflects that understanding of the divine inside each person.

138 (1990).[5] These mansions derive from the New Testament Book of John: "In my Father's house are many *mansions*: if it were not so, I would have told you. I go to prepare a place for you." John 14:2 (King James) (emphasis added). Each mansion generally adheres to core Rasta tenets, such as the recognition and importance of Jah, but vary in practices, membership requirements, and other beliefs. See, *e.g.*, Glace & Waldstein, *supra*, at 284-285.

Currently, the three major Rastafari mansions are the Nyabinghi, the Bobo Ashanti, and the Twelve Tribes of Israel. *E.g.*, Glace & Waldstein, *supra*, at 284; see also John P. Homiak, *Ethiopia Arisen: Discovering Rastafari*, 26 AnthroNotes 10, 12 (Fall 2005). They are meaningfully distinct in several ways, including in precisely how they interpret the essence of Jah. Chris Summers, *The Rastafarians' Flawed African 'Promised Land,'* BBC News (2014), https://perma.cc/VE2V-UJDZ. For example, in the Nyabinghi mansion—the oldest of the three—members generally believe that Emperor Selassie I is the human incarnation of Jah and that Ethiopia is the singular spiritual

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[5] In yet another testament to the diversity of Rastafari, not all Rastas are members of a mansion. Many engage in individualized religious exercise and practices. *E.g.*, Taylor, *supra*, at 1609. As one scholar put it, "the decentralization of religious authority and the ability to interpret scripture individually allows believers to take ownership of their faith and to imagine a religious identity that is meaningful to them as individuals." Emily Becker, *The Power of Social Movements & the Limits of Pluralism: Tracing Rastafarianism & Indigenous Resurgence through Commonwealth Caribbean Law & Culture*, 43 Int'l J. Legal Info. 136, 145 (2015) (discussing how Rastas "reject the notion that communication with God should be channeled through a church official," instead believing "that individuals can communicate with God independent of the church").

and religious homeland. *Ibid*. In contrast, members of the Bobo Ashanti mansion regard Emperor Selassie as a key prophet, but not necessarily as the sole human embodiment of Jah. See *ibid.* This mansion was founded in 1958 by Jamaican Prince Emmanuel Charles Edwards. See *ibid*. Members of this mansion generally regard Emmanuel as a "black Christ" figure and consider him part of something akin to a holy trinity alongside Emperor Selassie and Marcus Garvey. See *ibid*. The Twelve Tribes of Israel—one of the younger mansions—also does not entirely equate Emperor Selassie to Jah. Monique Bedasse, *Rasta Evolution: The Theology of the Twelve Tribes of Israel*, 40 J. of Black Studies 960, 964-968 (May 2010).[6] There is a divide in this mansion between those who view Selassie as the embodiment of Christ, the second advent of Christ, or solely as a representative of Christ. *Id.* at 964. As the name suggests, members of the Twelve Tribes are grouped into twelve tribes named after the tribes of Israel. Summers, *supra*, at 1. Members are delineated into a particular tribe based on their Gregorian birth month. *Ibid.*

Zion versus Babylon. The importance of Jah and the influence of Emperor Selassie further inform the Rastafari view of life and spirituality. The "Rasta worldview" is situated between two diametrically opposed theological poles, Zion and Babylon. See Midas H. Chawane, *The Rastafarian Movement in South Africa: A Religion or Way of Life?* 27 J. for the Study of Religion 214, 220-221 (2014); cf. Ennis Edmonds,

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[6] Popular reggae musician Bob Marley is among the most famous members of the Twelve Tribes of Israel. Brian Bonitto, *Israel Calling*, Jamaica Observer (May 5, 2021) (discussing Marley's embrace of the Twelve Tribes in the 1970s, when that tribe was enjoying rapid growth and seen as a "progressive" choice).

Rastafari: A Very Short Introduction 38-45 (2012) (discussing the Zion-Babylon binary and its relationship to Rastafari dreadlocks).

Zion reflects Biblical concepts of paradise. But unlike the Old Testament, which analogizes Zion to Jerusalem or to Israel, Rastafari relate Zion to Africa, and more specifically to Ethiopia. See, *e.g.*, Johnson, *supra*, at 397; O'Brien & Carter, *supra*, at 224. To many Rastas, Jah will deliver the faithful to Ethiopia (Zion), transferring them out of exile and bondage in both a physical and metaphysical sense. See, *e.g.*, Johnson, *supra*, at 397.

The exile and bondage of human life is referred to as "Babylon," akin to "hell" or, more accurately, "hell on earth." See Taylor, *supra*, at 1607. Babylon, of course, has Biblical origins. It refers to the Babylonian exile of the Jewish people from the kingdom of Judah to Babylon. See 2 Chronicles 36:20 (King James) ("And them that had escaped from the sword carried he away to Babylon; where they were servants to him and his sons until the reign of the kingdom of Persia."). In this, Babylon describes an exilic and diasporic place and state of being. Cf. Psalm 137 (King James) ("By the rivers of Babylon, there we sat down, yea, we wept, when we remembered Zion."). Many Rastafari associate Babylon with the legacies of colonialism, which serves to oppress and stifle Africans and African-descended people, the Rastafari in particular. See, *e.g.*, Price, *supra*, at 49-72. The rejection of Babylon reflects a broad resistance to colonial or Western forces that have historically oppressed Africans, including the ancestors of modern-day Rastafari. See *ibid.*; Chevannes, *supra*, at 134; Middleton, *Rastafari*, *supra*, at 6. In keeping with this important historical connection and symbolism, Zion and

Babylon are not simply spiritual places. They are at once physical spaces as well as ideals to strive for or against in everyday life. See, *e.g.*, Chevannes, *supra*, at 135.

Against its diverse backdrop, the Rastafari faith contains several core tenets that guide Rastas' spiritual livelihood and religious exercise in their pursuit of individual connection with Jah and eventual return to Ethiopia. One such important tenet is ***livity***. *E.g.*, Richard C. Salter, *Livity and Law*, in 15 IDEAZ: A 2020 Vision Perspective on the Rastafari Movement: Revisiting the Field and Taking Steps Forward 134, 134-135 (Eds. MacLeod, Barnett, Bonacci 2021). In general, livity embodies the concept of righteous living and natural life. See, *e.g.*, Lewis, *supra*, at 66. It connects directly to the belief that energy and one's spiritual lifeforce conferred by Jah exist in all living beings and things. *Ibid.* Livity is not merely an abstract concept, nor is it an expressly defined set of rules. It is, rather, a set of general practices associated with a way of life. See, *e.g.*, Lewis, *supra*, at 66; Middleton, *Rastafari*, *supra*, at 14-15; Salter, *supra*, at 135.

Rastas act with purpose to maintain and strengthen livity in daily life via both ritual and self-reflection. For example, many Rastafari follow ***Ital*** (or I-tal), an ascetic vegetarian or vegan diet in which Rastas consume foods that are strictly "pure, natural, or clean." Taylor, *supra*, at 1608. Ital emphasizes increased liveliness and the belief that consumption should enhance, never detract, from livity. See *ibid.*; cf., *e.g.*, *Benjamin* v. *Coughlin*, 905 F.2d 571, 579 (2d Cir. 1990) (describing *Ital* as a diet that "symbolizes a belief in life and an avoidance of symbols of death"). It "reject[s] industrial production and exalt[s] notions of living and eating in harmony with nature." Price,

Rastafari, *supra*, at 46. Because *Ital* symbolizes an individual's drive toward an elevated life, many Rastas variously decline to consume such things as meat; processed or chemically modified foods; and artificial colorings, flavorings, or preservatives. See, *e.g.*, *Acoolla* v. *Angelone*, 2006 WL 2548207, at *2 (W.D. Va. Sept. 1, 2006), aff'd, 235 F. App'x 60 (4th Cir. 2007). Indeed, some do not even permit the use of cutlery that has come into contact with non-Ital items. *Ibid.* In this way, an individual's attempt to foster "livity" is a self-directed daily way of being inseparable from a connection to faith and natural living. See, *e.g.*, Price, *Rastafari*, *supra*, at 46, 151.

Bolstering its socio-cultural meaning, Ital as one aspect of livity is firmly rooted in faith and religious text. For instance, Genesis 3:18 commands that "thou shalt eat the herb of the field"; Exodus 10:12 similarly commands "eat every herb of the land"; and Proverbs 15:17 states "[b]etter is a dinner of herb where love is, than a stalled ox and hatred therewith." See Benjamin Pi-wei Liu, *A Prisoner's Right to Religious Diet Beyond the Free Exercise Clause*, 51 UCLA L. Rev. 1151, 1153 n.2 (2004) (discussing the close relationship between these Biblical texts and Rastafari Ital practices); see also, *e.g.*, Genesis 1:29 (King James) ("And God said, Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in the which is the fruit of a tree yielding seed; to you it shall be for meat.").

II. Dreadlocks Are Vital To The Exercise Of The Rastafari Religion

Pursuits of livity are often *internal* manifestations of Rastafari tenets. But much like the daily practicalities of maintaining an Ital diet, Rastafari tenets can also be reflected in the *external* realm. This case

highlights the importance of one of the key external manifestations of a central tenet of the Rastafari faith—the maintenance of uncut dreadlocks as a physical embodiment of a Rasta's faith and vow to Jah.

As explained below, growing and caring for one's dreadlocks and precept (beard) is a central aspect of Rastafari livity. In addition to the Biblical references associated with growing dreadlocks as a fulfillment of one's vow to Jah, Rastafari recognize a dreadlocked individual as an expression of man in his natural and primordial condition in harmony with nature, facilitating spiritual contact with the creator. Dreadlocks are also the physical embodiment of Rastafari faith and the covenant with Jah: They are the consecration of a Rastafari's physical body as a Temple of Jah, serving as a crown upon this temple. Thus, Louisiana state prison officials did not simply cut Ras Landor's hair against his will. They uncrowned him before God.

A. The Practice of Keeping Uncut Dreadlocks Follows From The Biblical Nazarite Vow

Many Rastafari take the Nazarite Vow, which represents the idea of separation from mainstream society and the choice to embrace a life devoted to faith. See, *e.g.*, Middleton, *Rastafari*, at 146, 160; Midas Chawane, *The Appearance & Significance of Rastafari Cultural Aspects in South Africa*, 71 New Contree 92, 101-02 (Dec. 2014). As one court observed, "Nazirite" comes from the Hebrew "*nazir*," meaning "set apart," and emphasizes dedication to God. *Grayson* v. *Schuler*, 666 F.3d 450, 454 (7th Cir. 2012). And like many other aspects of Rastafari religious practice, the Vow has links to the Bible. It originates from the Book of Numbers, where the Lord commanded Moses, "Speak unto the children of Israel, and say unto

them, 'When either man or woman shall separate themselves to vow a vow of a Nazarite, to separate themselves unto the Lord.'" Numbers 6:1-6:2 (King James).

In accordance with the Vow, many Rastafari—like petitioner—refrain from cutting their hair, as proscribed by a passage immediately following the Lord's commandment to Moses to take the vow of the Nazarite:

> [a]ll the days of the vow of his separation *there shall no razor come upon his head*: until the days be fulfilled in the which he separate[] himself unto the Lord, he shall be holy and *shall let the locks of the hair of his head grow*.

Numbers 6:5 (King James) (emphasis added). There exist, of course, several alternative translations of this text. But even some of the most modern still contain this key proscription. See, *e.g.*, Numbers 6:5 (Tree of Life) ("All the duration of his Nazirite vow, no razor is to come on his head until the time of his consecration to Adonai [God] is over. He is to be holy, and the hair of his head is to grow long.").

Commitment to the Nazarite Vow fundamentally informs the religious exercise of many Rastafari. The "wearing of dreadlocks is a symbolic expression of Rastafari, which embraces the cultural, philosophical, and religious aspirations of the African people in general." Mtendeweka Owen Mhango, *Constitutional Protection of Minority Rights in Malawi: The Case of Rastafari Students*, 52 J. of African L. 218, 226 (2008); cf. Horace Campbell, *Rasta & Resistance: From Marcus Garvey to Walter Rodney* 536-537 (1987) (discussing the maintenance of uncut dreadlocks as an outward manifestation of a Rasta's commitment to the Nazarite Vow). Indeed, as one court observed, a

"fundamental tenet of the religion is that a Rasta['s] hair is not to be combed or cut, resulting in rope-like strands known as "'dreadlocks.'" *Benjamin*, 905 F.2d at 573. Dreadlocks are thus an embodiment of livity and natural living. See, *e.g.*, *Lewis* v. *Sternes*, 712 F.3d 1083, 1084 (7th Cir. 2013) (discussing how dreadlocks "form naturally in some people who do not cut their hair"); *Reed* v. *Falkner*, 842 F.2d 960, 961 (7th Cir. 1988) (noting the Rastafari tenet "that men should not shave, cut, or comb their hair").They are also an identity marker of black "sombodiness"—*i.e.*, a sense of dignity, purpose, and meaning—in that they are a reclamation of self and agency long denied by Babylon. See Hutton Clinton & Nathaniel S. Murrell, *Rastas' Psychology of Blackness, Resistance, and Sombodiness*, in Chanting Down Babylon: The Rastafari Reader 36-54 (Eds. Murrell, Spencer, & McFarlane, 1998).

As with other aspects of the Rastafari religion, the growth and presentation of one's dreadlocks is a highly individualized, personal decision imbued with unique meaning. For instance, although some Rastafari permit their locks to flow naturally as an open symbol of their faith and religious exercise, "[m]any believe that the dreadlocks should be covered at all times, except when praying, and wear a religious 'crown'—a loose knit or crocheted headcovering—to protect their dreadlocks." *Benjamin* v. *Coughlin*, 708 F. Supp. 570, 571 (S.D.N.Y. 1989), aff'd, 905 F.2d 571 (2d Cir. 1990).

But regardless of how Rastafari individually conceive of their locks, it remains consistent that the Rastafari Nazarite Vow is a covenant with Jah and sits at the core of Rastafari spiritual livelihood and

wellbeing, which is reflected both symbolically and literally.[7]

B. Dreadlocks Have Important Symbolic Meaning To Rastafari

A Rastafari's dreadlocks embody several important symbolic meanings. Because of the decentralized nature of the Rastafari faith, and the importance of individualized meaning in that religion, *amici* discuss below a few of these varied meanings.

One way in which dreadlocks are important to Rastafari is to foster a direct connection to adherents' African heritage. See, *e.g.*, *Dread History: The African Diaspora, Ethiopianism, and Rastafari*, https://perma.cc/3DDM-T3BE. Many "Rastafari regard the locks as both a sign of their * * * identity and a religious vow of their separation from the wider society they regard as Babylon." Kamille Wolff, *Out of Many, One People; E Pluribus Unum: An Analysis of Self-Identity in the Context of Race, Ethnicity, and Culture*, 18 Am. U. J. Gender Soc. Pol'y & L. 747, 785 n.99 (2010). In one sense then, dreadlocks symbolize a resistance against oppression and colonialism. Dawn D. Bennett-Alexander & Linda F. Harrison, *My Hair Is Not Like Yours: Workplace Hair Grooming Policies for African American Women as Racial Stereotyping in Violation of Title VII*, 22 Cardozo J.L. & Gender 437, 444 (2016) (explaining that one of the first things slave traders did to enslaved Africans was to shave

[7] This covenant is consistent with other religious traditions that outline ritual behaviors that reinforce one's faith and participation in a faith community, such as Salat al-Jama'ah (congregational prayer) in Islam or the wearing of tefillin (leather straps containing scrolls of parchment inscribed with verses from the Torah) in Orthodox Judaism.

their heads in order to strip them of their individuality and ties to their community). At the same time, dreadlocks also distinguish the Rastafari as a particular representation of God's Chosen People. See pp.5-6, *supra*.

To many Rastafari, dreadlocks symbolize the Lion of Judah and his metaphorical mane. See, *e.g.*, Charles Price, *Becoming Rasta: Origins of Rastafari Identity in Jamaica* 49 (2009). This, too, has Biblical origins. Judah was one of the twelve sons of Jacob and the founder of one of the Twelve Tribes of Israel, the Tribe of Judah. As the Bible states:

> Judah is a lion's whelp: from the prey, my son, thou art gone up: he stooped down, he couched as a lion, and as an old lion; who shall rouse him up?

Genesis 49:9 (King James). The Lion of Judah has long been associated with the Solomonic Ethiopian emperors, including Emperor Selassie, who took the ancient title given to all Ethiopian kings: "The King of Kings, Lord of Lords, the Conquering Lion of Judah." Karen Sandrik, *Towards A Modern Definition of Religion*, 85 U. Det. Mercy L. Rev. 561, 580 (2008); accord, *e.g.*, Marcus Goffe, *Protecting the Traditions of Maroons & Rastafari*, 6 SCRIPTed: J.L. Tech. & Soc'y 575, 604 (2009); cf. Revelation 5:5 (King James) ("And one of the elders saith unto me, Weep not: behold, the Lion of the tribe of Juda, the Root of David, hath prevailed to open the book, and to loose the seven seals thereof."). The lion of Judah is thus a symbol of strength, kingship, pride, African sovereignty, and a connection to Ethiopia, Zion, Emperor Selassie, and Jah.

Accordingly, many Rastafari interpret dreadlocks as a physical representation of the lion's mane that

embodies Jah's spirit, as manifested in Emperor Selassie. See *Equal Emp. Opportunity Comm'n* v. *Publix Super Markets, Inc.*, 481 F. Supp. 3d 684, 700 (M.D. Tenn. 2020) (discussing how the plaintiff understands his dreadlocks as "resembling the Lion of Judah's mane" and the belief that "he gets his strength from the Lion of Judah and his hair"). The removal of dreadlocks thus threatens the loss of strength and connection to the lion of Judah, Jah, and to one's spiritual wellbeing supporting the harmony between humanity and God.

Indeed, some Rastafari men think of their dreadlocks as linked to other Biblical masculine sources, such as Samson, the last of the judges of the ancient Israelites. See *Parker* v. *Armstrong*, 2024 WL 3730657, at *3 (W.D. Tex. Aug. 7, 2024) (discussing an individual taking the Nazarite Vow to "be able to grow * * * hair like [the] prophet [S]amson"). Samson, like Judah, was a Nazarite. The Bible details the extraordinary strength bestowed upon him by virtue of his Vow, physically embodied by his long hair. As Samson explained, "There hath not come a razor upon mine head; for I have been a Nazarite unto God from my mother's womb: if I be shaven, then my strength will go from me, and I shall become weak, and be like any other man." Judges 16:17 (King James). Thus, for a male Rasta, removing a Nazarite's dreadlocks can amount to a form of emasculation. See Chevannes, *supra*, at 145.

Then there is the cultural symbolism associated with the outward manifestation of a Rastafari's identity. "[T]he way one wears one's hair * * * reflect[s] one's status, gender, ethnic origin, leadership role, personal taste, or place in the cycle of life." Roy Sieber & Frank Herreman, *Hair in African Art and Culture*,

33 African Arts 56, 56 (2000). As one scholar observed, hair is a "powerful symbol of individual and group identity * * * because it is physical and personal" and "also public rather than private." De-Valera N.Y.M. Botchway, *The Hairs of Your Head Are All Numbered: Symbolisms of Hair and Dreadlocks in the Boboshanti Order of Rastafari*, 12 J. of Pan-Afr. Studies 8, 23-24 (Dec. 2018) (quotation marks omitted). The "mal-leab[ility]" of one's hair makes it an "apt symbol" of "differentiations between, and changes in, individual and group identities." *Ibid.* (quotation marks omitted).

This is particularly true for Rastafari who grow out their dreadlocks in keeping with the Nazarite Vow. The practice is, after all, decidedly non-conventional. It represents a departure from mainstream practices. Chevannes, *supra*, at 136. And it rejects modern Western society's expectations of proper grooming, inviting scorn and stigma. See, *e.g.*, Price, *Becoming Rasta*, *supra*, at 65-67, 108. At even a moment's glance, it identifies the individual as a likely Rastafari because in many ways it is "the most visual and symbolic [practice] of the Rastafari[] culture." Becker, *supra*, at 145. It is unsurprising, then, that dreadlocks have become such an important part of Rastafari religious identity. The forced removal of a Rastafari's dreadlocks represents a desecration of the congregant and a reversal of his outward expression of commitment to his faith and faith community. See Jahlani Niaah, *Violating Rastafari*, Jamaica Observer (Jun. 3, 2020), https://perma.cc/E5CX-9V3V (discussing an incident in which hospital staff forcibly cut a Rastafari elder's precepts (beard) that the elder had been growing for 57 years, and explaining how those precepts "represented both his spiritual covenant with the creator as well as his accumulated history and

journey in this tradition" and were "germane to his dignity and identity almost akin to his processional cross"); cf. Deborah Pergament, *It's Not Just Hair: Historical and Cultural Considerations for an Emerging Technology*, 75 Chi. Kent L. Rev. 41, 48-50 (Dec. 1999) (discussing forced shaving as a historic means to publicly shame and dehumanize people).

C. The Religious Importance Of Dreadlocks Goes Beyond Symbolism

As *amici* explained, a Rastafari's dreadlocks serve important symbolic religious and cultural connections. But it would be a mistake to think Rastafari dreadlocks carry purely symbolic valence. They serve as an essential, inseparable element of the physical and spiritual being of the individual Rastafari.

Dreadlocks are, after all, living parts of one's body. Dreadlocks can thus be conceived as imbued with the same divine essence as the rest of the body, in keeping with the Rastafari principles of livity and Ital. See pp.10-11, *supra*; *see* Becker, *supra*, at 145 (describing the Rastafari wearing of dreadlocks as a way to "*literally* perform their identity"). Some Rastafari even take this a step further, conceiving of their dreadlocks as antennae possessing "living," mystical energy physically connecting them to Jah and the universe. See *Vega* v. *Hardy*, 2016 WL 890701, at *1 (N.D. Ill. Mar. 9, 2016) (discussing how an inmate who took the Nazarite Vow viewed his dreadlocks "as a spiritual antenna to God"). In this way, Rastafari dreadlocks represent not only a sustained symbolic commitment to the faith but a direct, literal spiritual connection. See, *e.g.*, *Dreads, Jah, and Rebellion Unlocking the Meaning Behind the Locks*, Jahlivity, (Nov. 4, 2024), https://perma.cc/Q7BK-KX7Q; Price, *Becoming Rasta*, at 108.

This commitment is intensely physical. The dreadlocks as a crown atop the head of a Rastafari are subject to various forms of hygiene and display that are both physical and spiritual. For example, within the confines of their own domestic spaces, male and female Rastafari may uncover their locks. But when in a public space, it is customary for them to wear their locks covered (often in red-gold-and-green colors) as a form of hygiene to protect the locks from both physical and spiritual pollution from the ambient Babylon. For males, it is also customary to uncover their dreadlocks when in ceremonial contexts such as when drumming, in prayer, or engaged in "reasoning," the Rastafari form of spiritual communion. This uncovering frees the locks to act as "spiritual antennae" to enhance contact and inspiration from Jah.

Dreadlocks also physically embody the reclamation of a Rastafari's ancient identity with Jah and African heritage. This reclamation necessarily occurs over time. As the locks grow, they serve as a living sign of the individual's commitment to the faith as a servant of Jah. The maturing of one's dreadlocks thus reflects an aspect of an individual's livity, his or her "anciency." As the individual ages and the locks mature—for example, by thickening or becoming gray or white—the locks become part of a Rastafari's "anciency" with age. Trimming an "ancient" (*i.e.*, an elder or patriarch) is a particularly heinous desecration that cannot be undone or recovered. See, *e.g.*, Niaah, *supra*.

Similar physical personifications of faith exist throughout the religious world. The maintenance and cultivation of dreadlocks enable the Rastafari to identify with other "locksed" people, among them the Sadhus of India and the Masai, as well as Galla

communities of East Africa. An analogy (however imperfect) can also be made to some of the larger "unlocksed" Western faith traditions. For instance, dreadlocks as a physical connection to Jah in the Rastafari faith can be thought in some sense as akin to the transubstantiation present in the traditional Christian Eucharist. See, *e.g.*, *Levitan* v. *Ashcroft*, 281 F.3d 1313, 1315 (D.C. Cir. 2002) (explaining the commonly held Catholic belief that, during the Eucharist "the bread transforms into the body of Jesus Christ, their Messiah and Lord, and that the wine transforms into his blood"). Much in the way as the bread and wine actually become Jesus Christ, a Rastafari's dreadlocks are an actual connection to the living essence of the universe. Cutting those dreadlocks would be like denying the Eucharist to an observant Catholic in perpetuity. To be irrevocably deprived of such an important symbolic and physical connection to God against one's will, as Ras Landor was here, is a brutal and dehumanizing intrusion into a Rastafari's religious liberty that demands an avenue for recompense.

CONCLUSION

The judgment of the court of appeals should be reversed.

Respectfully submitted.

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