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October 11, 2022**

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Killing the Black Body

The Urgency of Reproductive Justice

October 11, 2022

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NGANA: Good morning, thank you all for joining us today. My name is Colette Ngana, and my pronouns are she/her. I'm a doctoral candidate in the department of Sociology here at Case Western, and I also chair the board of directors at Preterm, which is a nonprofit abortion clinic here in Cleveland. I'm just going to be guiding a conversation today with Professor Roberts, so I'm going to do a brief introduction, and then we can get started with our conversation. Professor Roberts is the 14th Penn Integrates Knowledge Professor and George A. Weiss University Professor of Law and Sociology at the University of Pennsylvania. She also holds appointments in the Departments of Africana studies, Sociology, and the Law School, where she is the Inaugural Raymond Pace and Sadie Tanner Mossel Alexander professor of Civil Rights.

Dorothy Roberts is also the founding director of the Penn Program on Race, Science, and Society—an internationally recognized scholar, public intellectual, and social justice advocate; she has written and lectured extensively on race, gender, and class inequities in US institutions and has been a leader in transforming public thinking and policy on reproductive freedom, child welfare, and bioethics. Dorothy Roberts is a prolific scholar and is the author of *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*, among other books. She has also published more than one hundred articles and book chapters including "Race," in *The 1619 Project* book. So if everyone could join me in welcoming Professor Roberts, that would be great, thank you.

[*Applause*]

NGANA: Well first, how are you?

[*Laughter*]

ROBERTS: I'm doing very well, thank you. It's wonderful to see you, and I'm sorry I can't be there in person. I'm in Cincinnati, where I just gave a talk, and I couldn't get there in time, but I'm glad I can join you all remotely anyway.

NGANA: Perfect. Thank you so much. So I have a few questions prepared already. We're hoping that maybe we can have some audience participation too if there's time that allows, so I guess we can get started. In the articles and books that you've written, you've made compelling arguments for us to move away from the language of reproductive choice and focus efforts instead on reproductive justice. So why is using a justice instead of a rights framework important?

ROBERTS: It's important because it's the only way to oppose the oppressions that are enacted in the name of reproduction and population control—the kinds of violences that people have experienced targeting their reproductive lives rooted in white supremacy, racism, classism, disability injustice, and other kinds of societal inequities. Choice doesn't capture those, and rights don't fully capture what we need in order to have true reproductive freedom. So choice in particular, which has been the predominant way of framing reproductive freedom by mainstream reproductive rights organizations for a long time—also a way of framing it in most jurisprudence—privileges people who have the most power, the most access, who are the most valued in our society, and who can make choices. Rights tend to focus on protecting those choices from government interference, but they don't take into account the structural factors that make it impossible for many people to make choices. They also don't take into account the way in which we may need protection from the government or we may need affirmative resources provided by the government. So both because most constitutional interpretations of rights are negative and because they don't take into account the structural inequities, the power imbalances that have the most impact on our lives and produce the most inequality, the frameworks of choice and rights are limited. I would say that choice is not only unhelpful, it puts us at a disadvantage because it sets up a framework where if you end up being oppressed, you end up having limitations on your freedom, on your autonomy, the comeback

is, "Well, you made bad choices." It focuses so much on the individual, as if individuals have freedom as long as the government isn't banning them from doing something, when in fact there are all sorts of societal pressures that deny freedom. Also, it doesn't take into account the devaluation of certain people's choices, so that even when the government prohibits them or punishes them for making decisions, society doesn't always recognize it because it doesn't value their decisions.

So we can talk about this some more, but just so this doesn't sound so abstract, Black women's reproduction has been devalued. Our autonomy over our bodies has been devalued since the time of slavery and even after emancipation. Our childbearing has been devalued, so policies that regulate our reproduction have been treated as good for society. And so it doesn't even seem as if it's a reproductive violation. For example, take enacting welfare laws that deter people from having children. Many people think that's good because they don't recognize how these laws are fueled by stereotypes about Black reproduction and the view that Black childbearing is dangerous and should be controlled.

Reproductive justice includes the affirmative human right to have a child or not have a child, which includes the right to abortion. As I was emphasizing, this means not just the right against government interference but also the right to public support. We can see after the Dobbs decision, the importance of having a constitutional right to abortion, but that was never enough if you couldn't afford one. The Supreme Court held soon after *Roe v. Wade* that there was no constitutional right to public funding for abortion. So we were already from the beginning without a true right to terminate a pregnancy. Reproductive justice also includes the human right to have a child and to have a child under the conditions that you want, which includes birth justice. Again you have to have the means to have a child and then also, what is often neglected—the right to parent your child in a safe community with the conditions that are required to be able to take care of a child. The economic, social, and political conditions. That your children are valued by society and your family is supported and not experiencing devaluation and violence against it. So all of these are essential to true reproductive freedom, which Black women in particular have been at the forefront of advocating for for centuries. I think it's wrong to think of our advocacy for reproductive justice as just being recent and a reaction to a reproductive rights or choice framework. It's been deeply part of Black feminist thinking and activism for a very long time.

NGANA: So in that answer you mentioned a few policy level restrictions.

You mentioned the recent ruling of Dobbs, which effectively overturned *Roe v. Wade*, leaving abortion up to the states. So we went back to the states' rights, which is what it was previously, as well as the funding restrictions that we have through policies like the Hyde Amendment. So I'm going to ask you a question on some of your work that follows these legislative policies. When you first wrote *Killing the Black Body*, it was in the wake of legislative moves rooted in these systems that you were talking about: racism, sexism, classism, and the stereotypes that were used to increase the criminalization of pregnancy and limit social support services. Ultimately the goal was to lower fertility, specifically among certain populations which include Black and poor people, but today we're seeing this continued push through policies like Dobbs to control and limit reproductive rights, specifically abortion rights. If you could speak a little bit about the trajectory that you've seen in policy from when you wrote *Killing the Black Body* in the 1990s to today. It's a pretty big gap of time, but if you can give us a little glimpse.

ROBERTS: Well, you could have asked for the trajectory since 1619, and I could answer that as well. I think it is interesting that all of what we're talking about today can be traced back to the exploitation of Black women's reproductive labor during the institution of slavery. Maybe we'll get to that as well, but starting from the late 1980s, early 1990s, that was when I began to notice the prosecutions of women for being pregnant and using drugs. I immediately thought, I bet these are mostly Black women who are being punished this way, and I thought of it as the punishment of Black women for being pregnant. They weren't being punished for drug use. They were being punished for being pregnant and using drugs. Drug use was just one mechanism for punishing them for their pregnancies. I wrote about it as the way in which the intersection of racism and sexism, and also the War on Drugs turned a public health issue of drug use during pregnancy into a crime. For the first time, women were being prosecuted for their conduct during pregnancy. Before the late 1980s, there weren't prosecutions of women for being pregnant and using drugs. Of course this was all fomented and fueled by the myth of the so-called "crack baby," who was treated as if they were monsters who were predicted to not be able to learn, to become criminals, to become welfare cheats, and become a huge burden on US society from the minute of birth, all of which has been discredited and was racist mythology from the very beginning. These kinds of claims were never made about other

babies who might have been exposed to drugs in the womb. Now, I was arguing then—along with others in the reproductive justice movement—that we had to pay attention to the punishment of pregnant people, people who wanted to have babies and that this was connected to restrictions on abortion. Remember at the time, most of the reproductive rights movement was focused on legal abortion and preserving *Roe v. Wade*, but there initially was not the same kind of outcry against these prosecutions, which were related to a long history of reproductive violence against Black women, during the same period of the 1990s.

Not only was the media circulating the myth of the pregnant Black crack addict and the myth of the crack baby, but also the myth of the Black welfare queen, that Black women were having babies just to get a welfare check and that they were then spending the money on themselves and neglecting their children. So, as we're seeing the rise of these prosecutions, we're also seeing advocacy for ending the federal guarantee of welfare, which had been assumed for decades. Now, there was a push to end welfare and to allow states to put restrictions on welfare receipts that included what's called child exclusion policies or family caps—denying additional welfare benefits to people who already are on welfare when they get pregnant and have another child. Those restrictions were intended to deter welfare recipients from having more children. So we see in the 1990s the prosecutions which were punishments for having children. We see the end of the federal guarantee to welfare. We see the build-up of criminal law enforcement—the 1994 Violent Crime Control and Law Enforcement Act was passed in the same period, again fueled by negative images about Black women having dangerous children. I'll mention one other law because I think all this is related, and it shows the intersections of these policies that have been fueled by these same negative stereotypes and carceral logics. One year after the welfare restructuring law was passed, Congress enacted the 1997 Adoption and Safe Families Act, which was supposed to deal with the huge foster care population. At the time, the largest group of children in foster care were Black children. Black children were four times as likely to be taken from their families and put in foster care as white children. The Adoption and Safe Families Act sped up termination of parental rights, perceived as Black mothers rights to their children, and incentivized states to increase the adoptions of children out of foster care instead of returning them home. To sum this up, we can see the intersection of policies that are about reproductive injustice: Policies to criminalize pregnancies, policies to restrict abortion, policies to change welfare into a behavior modification system,

and policies to increase the separation of children from their families. All of these are reproductive injustices whose connections went largely unseen at the time. Think about the fallout of the Dobbs decision, what that is going to mean for people's health, for their autonomy over their bodies, for their freedom over their lives, for their ability to raise their families in healthy and safe conditions. Although it's an extremely precarious position, we can now see more clearly these connections and the need to come together in the various movements that are addressing them to form a stronger reproductive justice movement connected to movements for economic justice, connected to movements for environmental justice, for gender justice, for family justice, for birth justice—they are all connected.

NGANA: Yeah, thank you. I think this also brings up, just in the recent policies that we have, we've criminalized pregnancy in ways of not being able to travel across state lines. States have laws like that, associated with restricting the needs that people have around health care, so you can see how this criminalization that you're referencing is building over time and becoming different depending on how these policies are written. You mentioned the child welfare system as connected to the trajectory that we're experiencing, and I was wondering if you could tell us a little bit more about your recent work and how it relates to the conversation we're having today.

ROBERTS: My latest book that was published in April 2022 is called *Torn Apart: How the Child Welfare System Destroys Black Families and How Abolition Can Build a Safer World*. It focuses on what's called the child welfare system, foster care, child protective services. I'm calling it a family policing system because it's based in accusing family caregivers for harming their children, then investigating them, regulating their families, often separating them from their children, putting children in foster care, then supervising them, and in many cases terminating the rights of family members to be a legal family. It is based on the idea that the harms to children are caused by their parents and other family caregivers and the way to address the unmet needs of children is to blame their families and take children away or threaten to take them away.

As I mentioned earlier, one of the key three tenets of reproductive justice is the right to parent your child and to parent your child in a community that has the resources it needs to meet children's needs. Most of the children who are taken from their families by this system are taken on grounds of neglect. About eighty percent of the children taken are taken on grounds of neglect.

Only about sixteen percent are removed because of child abuse whether physical or sexual child abuse. Neglect is typically confused with poverty. It simply means that the family caregivers have failed to meet the children's material needs, so not providing adequate clothing or food or housing or education or medical care or supervision. Those are all grounds for child neglect. Most of the children who are taken come from impoverished or low-income families, and Black children and Indigenous children are disproportionately taken from their families. So, about fifteen percent of Native children will be taken by the time they reach age eighteen. About twelve percent of Black children will be taken by the time they reach age eighteen. An astounding number of families are investigated by Child Protective Services, Black children in particular. A recent study found that more than half of Black children will be subject to a child welfare investigation by the time they reach age eighteen. There are deep roots in this system targeting the most marginalized communities. Again Black and Native or Indigenous communities have been the main targets. For a long time, Black children were simply ignored by the child welfare system, but when Black families began to enter the welfare and child welfare systems, we see that both systems became more punitive. This is where we get the mushrooming of the foster care population with federal policy and state policy turning to family separation as the main way that it addressed the unmet needs of Black children. Of course, totally inadequately because we have a huge child poverty rate in the United States, and we know that the needs of impoverished children aren't met by this system.

But what this system does is pretend it's meeting those needs by putting children in foster care and regulating and policing families, when in fact this is a way of obscuring the need for radical social change and reimagining what we think of as child safety. Let me just add that there are really deep entanglements between the family policing system and the criminal legal system, both practically in the way that they set up joint task forces and in terms of their carceral logic. Caseworkers often bring along police officers to search homes and investigate families and take children away and the carceral logic of punishing people to address human needs and social problems governs the prison system, the criminal legal system, and the family policing system.

Finally, I'll wait for your next question to see if you want to talk about how we abolish these systems because I want to talk about that as well. Let me also mention that the foster care system—the so-called foster care system, which is really a foster industrial complex—is a multi-billion dollar system that maintains children away from their families. Those people

who maintain the children away from their families get more benefits than the struggling families themselves, and it is a system that has been shown through multiple studies to be extremely harmful to children. Not only the abuse that many suffer within it, but also the outcomes are really dismal for children in foster care. They are less likely to graduate from high school and go to college, more likely to be houseless, have lower incomes, more likely to be incarcerated or put in juvenile detention, suffer from PTSD and a host of other kinds of harms that come from being taken from your family. That separation itself causes trauma, and they are then put into a system that moves children from place to place, puts far too many in institutions instead of in foster homes and is very disruptive to children's lives.

NGANA: Thank you for that. I'm sure that this was a prolific amount of work that you've done boiled down into a few minutes. When you mentioned talking more about abolition, I saw a lot of heads nodding in the crowd, so let's talk about that. So, a part of addressing these systems is pushing against them. How do we contest the foster industrial complex you were talking about, the family policing system? So, are there any sort of movements or actions rooted in abolition that you are seeing happening today that support this reproductive justice movement?

ROBERTS: Yes, I can talk about some recent developments in abolishing the family policing system, as well as ways in which reproductive justice activists are recognizing ties between their movement and the movement to abolish the prison-industrial complex and also an abolitionist approach to ending the injustices that we see with regard to reproduction in particular. So, let me first just say why reproductive justice should be an abolitionist movement. When you're dealing with a system or a set of institutions and policies that are rooted in false and white supremacist, sexist, heterosexist, ableist, capitalist ideologies that are designed to oppress people, that are designed to obscure the need for social change, you cannot fix these systems. The prison-industrial complex and the system of family policing for example, cannot be fixed because they were grounded in and have continued to support a racial capitalist system, to support white supremacy, to support structures of political inequality, hierarchies of social and political and economic injustice. So, they have to be abolished, which means reimagining the society we want and reimagining how people's needs should be met, how violence should be addressed in our society and prevented, how social conflict should be grappled with in ways that are caring, that

support human flourishing, and no longer reinforce the unequal structures that still govern our society.

So, at the same time that we're dismantling the unjust systems, we have to be creating, building the ways of relating to each other and meeting our needs that we want. So, that overall is the approach that is required for reproductive justice, it's required for ending the prison-industrial complex and family policing. The family policing system, for example, is rooted in the ideology that children in impoverished families and families that are living under racist conditions are disadvantaged because of pathologies that their parents have and that the way then to address the children's disadvantages and unmet needs is to take them away from their families and put them into state custody. That's the thinking that the family policing system is grounded in, and even when it is reformed, it is still grounded in that idea. I haven't heard of any reforms within the so-called child welfare system that don't have, at the bottom, the threat of taking your children away from you. I've never heard of any reforms that say we're going to treat wealthy white families the same as Black, Indigenous, and impoverished white families. It's still targeted at the most marginalized communities. Abolitionists are building a better way, a more humane and caring, nonpunitive, noncoercive way of actually supporting families and meeting children's needs.

Another thing I want to emphasize about an abolitionist approach is that you begin to realize that abolitionist movements, including the unfinished movement of the abolition of slavery in America, which requires a truly just and democratic society, the movement to abolish family policing, the movement to abolish the prison-industrial complex—those movements are moving toward a common vision of a just and humane and caring society, and that it makes sense then for us to come together to share strategies, to share activism, to share support for each other. One of the most exciting aspects of an abolitionist framework in activism is that you see more clearly not only the connections among the violent and harmful systems but also the connections among our visions for a better society and therefore the opportunity to work together to create that society.

NGANA: Thank you for that pretty robust explanation of abolition and—I think I'm going to skip one of the questions I have as you're talking about how abolition can bring people together, right, how we can work as a community towards something that is healthier and better for all of us. I'm wondering what sort of advice you have for people wanting to join these efforts, wanting to join reproductive justice movements because the

topics that we're discussing right now and the idea of having to abolish and rebuild systems that are so deeply rooted and honestly successful in the way that they were designed can be very overwhelming to think about, right? So I always like to think about what can we do ourselves, here and now, where we are to make it feel more achievable for those us and anybody watching to make incremental change to support reproductive justice. So, to kind of repeat the question, what advice do you have for people wanting to support these movements or join them?

ROBERTS: Let me first respond to what you were saying about being overwhelming and I think it does seem very overwhelming. We're trying to change four hundred years of ideology and foundational ways of living and valuing people that are so, so deeply embedded. This morning I was giving a talk about racism in medicine and the persistence of ideas about Black bodily difference and the notion that race is a natural division of human beings that produces different groups of people who have innate biological differences that explain health and other inequities. That idea has been circulating for four to five hundred years. It's not just about changing institutions and systems, it's also about changing foundational ways of thinking, and boy, race is so foundational to all of what we've been talking about, and these ideas are so widely held. And then there's the backlash movement that wants to prohibit even teaching about this. But number one: I think recognizing that these are not innate traits that people have—even racism is not an innate trait, recognizing that these structures were built, and these ideas were invented means that we can invent something else. It means that they can be dismantled. Just knowing the history and the way in which white supremacy and patriarchy and classism etc. have been built on each other from fundamental foundations also gives us the ability to think about how we can unbuild them, how we can dismantle them, how we can build on a different ideology and way of thinking. So just foundationally thinking about it, I think it's important to recognize that injustice is not natural. It's the view of the oppressor that oppression is natural, that the disadvantages that oppressed people encounter and resist, that they're natural—that's the oppressor's view. That's the view of the elite to try to get us to believe that the injustice and the inequality in our society are natural.

So once we recognize it's not natural, then there opens up the possibility, the real possibility that we can change it. And then we can also look at the long history of resistance. For every unjust way of thinking, there's always been resistance against it. From the very beginning of the invention of race

there have been people who said no, God did not create the races. Nature did not divide us into races. There's been resistance by people who were enslaved despite everything against them. They have resisted and succeeded in rebellions. Yes, many rebellions were snuffed out, but there were those that succeeded. So, we have a long legacy of resistance and victories from it. So, that's just to let people know that we can change society. We can abolish these institutions and systems but of course, you use the word *incremental*. I use that as well. It's not going to happen overnight. We do have to strategize about the incremental changes, as Ruth Gilmore says, the non-reformist reforms, the abolitionist reforms that we have to engage in as we work toward the common vision we have of a society that's more humane and equal and caring.

And then the question is: What can I do to contribute to the strategizing and the implementation of those incremental steps? Now, you have to do it with other people; you can't just think about it, you know? You can't just—I mean it is good to donate money, but even then you should donate it to people who are doing the work. So, you have to learn about what abolition means. If you're not clear on what it means, then find abolitionist organizations to work with. This has to be a collective effort because you can't figure out what abolition requires in your head by yourself. If we're trying to change, radically change, hundreds of years of injustice and the kinds of ideas and structures that have built, then it's going to take work to know how to do it; it takes work to organize and strategize. There are so many questions that are unanswered, that you can't turn to a book for, that I'll never be able to answer by myself. And even people who have been doing this longer than I have and are smarter than me can't answer it by themselves. We have to strategize and work together, and so the first thing again after learning about abolition and being committed to it is finding an organization of activists who are doing the work that you're interested in and seeing how you can contribute to it.

NGANA: Yeah, I think that that's a great reminder for us, especially those of us who spend so much time in the academy that we do a lot of reading and thinking and producing of knowledge, right, but sometimes it doesn't always translate into the action piece. So, remembering—and I think that this event does that really well—later in the event we're gonna have more information on how can we be a part of these movements. We have activist organizations like SisterSong supporting this event, so figuring out ways that we can marry these two parts of a lot of who we are, the people sitting in this room, as students and staff and faculty, to read and think but also

work with people who are on the front lines doing this work as well. This is a really great reminder, but I wanted to be aware of the time. Part of me wants to tempt fate and ask you to put your video back on, but I'm not sure if that's going to be a good idea. But are we gonna do some questions? Okay, so there are a couple people in the audience who have questions, so I will let the microphone go around. Okay, Professor Roberts, did you want to try your video?

ROBERTS: Okay, I'll try, and I'll turn it off if it messes things up. I'll also just add one thing to what you just said, Colette?

NGANA: Yes.

ROBERTS: Just because you have training in some field and you're really smart doesn't mean you are going to know what is best for the people whom you are trying to serve and whose lives you're trying to improve—they know a lot more than you do. I wouldn't dare to write anything or recommend anything without working with people in the communities I want to serve and with people who are doing grassroots work and know better than I do what the issues are, what the problems are, what's oppressing people in their communities and what are the best ways to address them and working together to figure what those recommendations should be.

NGANA: Wonderful, thank you. So, I'm going to hand it over to audience questions. Over here—

AUDIENCE: Good afternoon thank you, for this eye-opening presentation. I think that going along with what you're saying for next steps for any of us that want to work together with the community to make systems much more humane is a need to be able to tolerate the mistakes that we are going to make along the way. So, to tolerate each other, try to move along despite differences sometimes even language can move people to not be open to others. So if you could talk a little bit more about that, that would be good, thanks.

ROBERTS: Yeah, I think that's important as well. So I think we're talking about two related aspects of doing this work. One is the importance of understanding that you could make a mistake and that therefore you want to get as much input and engagement as you can with the people whose lives you're going to impact with your work and—so it's both because you, to make your work effective, want to work with people who are doing activism, but also the people whose lives will be impacted by it. You have to recognize

"I might make a mistake if I don't do that." But that doesn't mean that we should be willing to jump on people who do make mistakes. I think we need the humility to recognize that, although there are long legacies of resistance, we are moving in uncharted territory. Even right now after the Dobbs decision, the political landscape we're working in is different than it was prior to Roe. As I was engaging with Colette, we've now moved into an era where criminalization of pregnancy is more intense than it was prior to Roe.

So—what does abolition mean in 2023? What do those incremental reforms mean? What is an abolitionist reform and what is a reformist reform? I think we have to have some humility that we don't know easy answers and we have to collectively figure out those answers, but in order to do that we all have to be gracious. I'm not saying we should be tolerant of people who are out to commit oppression, and it also doesn't mean we have to be so nice that we don't want to hold people accountable. It's not that. I took your question to be related to people who are working together on a common mission for social change, and we may have disagreements about how to do that. I've encountered a lot of disagreements among people who want to abolish the family policing system and exactly how can we engage, for example, with child welfare departments. Some people say you can't do it at all, they say no social worker should work with anything having to do with a Child Protection Agency or with a child welfare department. Other people say, "Well we can, under certain circumstances" and other people say, "Well, you've got to have someone in there who can make change from the inside" These are all views that come from people who genuinely want to abolish these systems, and if we become unforgiving and lack humility about it, we won't be able to have these collective efforts. So, I think it's one of those complex aspects of any kind of work that is seeking genuinely to make a real impact.

TRECASA: I think we have reached our time for today, unfortunately, so can we have a round of applause for both of our speakers?

[*Applause*]

TRECASA: We're grateful for the time and your information and we invite our guests to please continue on learning with the Walking Narrative Exhibit next door, the Take Action room, and get a T-shirt, a sticker, or a book. Thank you!

NGANA: Thank you everyone!