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Forced to Birth: A Case Study of Ohio's Six-Week Abortion Ban, Its Impact on Black Women in Cincinnati and Its Relevance for Reproductive Justice in Ohio and Beyond

Carolette Norwood
Howard University

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FORCED TO BIRTH: A CASE STUDY OF OHIO'S SIX-WEEK ABORTION BAN, ITS IMPACT ON BLACK WOMEN IN CINCINNATI AND ITS RELEVANCE FOR REPRODUCTIVE JUSTICE IN OHIO AND BEYOND

Carolette Norwood[†]

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INTRODUCTION

The Ohio Senate introduced the Ohio six-week abortion ban in 2019 as “Senate Bill 23,” or the “Heartbeat Bill,” both rather innocuous names for a highly restrictive abortion law.¹ However, the Heartbeat Bill remained dormant until the Supreme Court’s decision to strike

† **Author Bio:** **Carolette Norwood** is professor and department head of Sociology and Criminology at Howard University. Dr. Norwood is a Black feminist sociologist whose research explores the implications of violence (structural, spatial, and interpersonal) at the intersections of race, gender, class, sexuality, and space on reproductive and sexual health injustice for Black women. Dr. Norwood’s research on Black women’s economic mobility and reproductive (in)justice in Cincinnati collectively informs her first book project tentatively titled, *Jim Crow Geographies: Mapping the Intersections of Poverty, Gender, Race, and Sexuality in Urbane Space*, under contract with Columbia University Press. **Acknowledgements:** I’d like to acknowledge my special flowers that grow north of the woods, west of the river. I’d like to thank my friend, Dr. Sharell Luckett, for encouraging me to write and submit this paper instead, and Dr. Danielle Bassett for inviting me to lead this Reproductive Justice Study in Cincinnati for the Ohio Policy Evaluation Network (OPEN). **IRB:** IRB# MOD06_2019-0252.

1. S.B. 23, 133d Gen. Assemb. (Ohio 2019).

down *Roe v. Wade*.² This law prohibits pregnant people from accessing abortion after medical professionals detect a fetal heartbeat, typically occurring at around six weeks of gestation.³ In other words, the Heartbeat Bill severely limits the timeframe within which people can legally access abortions.⁴ Despite the principles of the separation of church and state, religious anti-abortion advocates were the primary promoters of this legislation.⁵ These anti-abortion advocates are primarily driven by religious and moral beliefs concerning conception and “fetal rights” rather than considering the health and well-being of the birthing parent.⁶ Consequently, this ruling severely compromises a pregnant person’s right to privacy and human right to bodily autonomy, including their reproductive “choice” to birth or not birth a child.

States implemented these preemptive statutes, also known as “trigger laws,” to limit abortion procedures in case the Supreme Court overruled its decision in *Roe v. Wade*.⁷ These trigger laws were a deliberate political strategy of conservative policymakers in Republican-leaning states beyond Ohio and across the nation.⁸ In fact, there were

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2. Becca Damante, *What to Know About Ohio Special Election and Abortion Access*, CTR. FOR AMERICAN PROGRESS (Aug. 3, 2023), <https://www.americanprogress.org/article/what-to-know-about-ohios-special-election-and-abortion-access/> [<https://perma.cc/4CJL-U925>].
 3. See OHIO POL’Y EVALUATION NETWORK, *Ohio’s Six-Week Abortion Ban* (2022), <https://open.osu.edu/wp-content/uploads/2022/07/7.20.22.SixWeekBanFinal.pdf> [<https://perma.cc/Y7W4-NBZK>].
 4. *Id.*
 5. Rachel Lasner, *Abortion Bans Undermine Church-State Separation*, THE PROGRESSIVE MAG. (Jan. 19, 2023), <https://progressive.org/oped/abortion-bans-undermine-church-state-separation-laser-230118/#:~:text=Abortion%20bans%20impose%20on%20everyone, beliefs%20you%20are%20not%20free> [<https://perma.cc/W32D-RP9B>]; Jim Salter, *Religious Leaders File Lawsuit to Block Missouri’s Abortion Ban*, PBS (Jan. 19, 2023), <https://www.pbs.org/newshour/politics/religious-leaders-file-lawsuit-to-block-missouris-abortion-ban> [<https://perma.cc/HK95-9CQS>]; Martin E. Gold, *The Demise of Roe v Wade Undermines Freedom of Religion*, AM. CONST. SOC’Y (Aug. 30, 2022), <https://www.acslaw.org/expertforum/the-demise-of-roe-v-wade-undermines-freedom-of-religion/> [<https://perma.cc/TR2F-2REP>].
 6. Victoria C. Lambert et al., *Qualitative Analysis of Anti-Abortion Discourse Used in Arguments for a 6-Week Abortion Ban in South Carolina*, 4 FRONT GLOB. WOMEN’S HEALTH 1 (2023).
 7. Kelly Baden & Jennifer Driver, *The State Abortion Policy Landscape One Year Post-Roe*, GUTTMACHER INST. (June 15, 2023), <https://www.guttmacher.org/2023/06/state-abortion-policy-landscape-one-year-post-roe> [<https://perma.cc/N7KV-F386>].
 8. Jenny Jarvie, *Conservative States Enact Abortion Bans in Hope of Overturning Roe vs. Wade*, L.A. TIMES (May 11, 2019), <https://www.>

twenty-six states poised for a swift move to implement abortion bans following the overturning of *Roe v. Wade*.⁹ Thirteen of these states already had trigger laws in place, which would automatically take effect to restrict a pregnant person's access to abortion care.¹⁰ Furthermore, twenty-two states had enacted a variety of abortion bans in the event *Roe* was overturned.¹¹ Among them, nine states still had pre-*Roe* bans in their legal statutes, and eleven states had court orders blocking early gestational age bans.¹² In situations where multiple bans coexist within a state, state officials would determine which ban to enforce if *Roe v. Wade* were overturned.¹³ On June 24, 2022, the Supreme Court overturned *Roe v. Wade*, negating the constitutional right to access abortion.¹⁴ This ruling followed the examination of Mississippi's Gestational Age Act, which aimed to ban most abortions after fifteen weeks of pregnancy.¹⁵ The Gestational Age Act, signed into law in 2018, was initially blocked.¹⁶ In May 2021, the Supreme Court decided to review the case. They issued their final ruling on June 24, 2022. This ruling granted states discretion over reproductive rights.¹⁷

The Ohio abortion ban, which limited abortions to the first six weeks of a pregnancy, went into effect on June 24, 2022.¹⁸ However, the

latimes.com/nation/la-na-abortion-bans-states-roe-wade-supreme-court-20190511-story.html [https://perma.cc/3VXH-64RA].

9. Elizabeth Nash & Isabel Guarnieri, *13 States Have Abortion Trigger Bans—Here's What Happens When Roe Is Overturned*, GUTTMACHER INST. (June 6, 2022), <https://www.guttmacher.org/article/2022/06/13-states-have-abortion-trigger-bans-heres-what-happens-when-roe-overturned> [https://perma.cc/RZ62-LXWN].
10. *Id.* (noting that the thirteen states include Arkansas, Idaho, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming).
11. Elizabeth Nash & Lauren Cross, *26 States Are Certain or Likely to Ban Abortion Without Roe: Here's Which Ones and Why*, GUTTMACHER INST. (Oct. 28, 2021), <https://www.guttmacher.org/article/2021/10/26-states-are-certain-or-likely-ban-abortion-without-roe-heres-which-ones-and-why> [https://perma.cc/2W4A-XY5B].
12. *Id.*
13. *Id.*
14. *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2258, 2274 (2022).
15. Laurie Sobel et al., *Abortion at SCOTUS: Dobbs v. Jackson Women's Health*, KFF (May 4, 2022), <https://www.kff.org/womens-health-policy/issue-brief/abortion-at-scotus-dobbs-v-jackson-womens-health/> [https://perma.cc/39YU-SX5W].
16. *Id.*
17. *Dobbs*, 142 S. Ct. at 2284.
18. Doug Livingston, *What Ohio Votes and Patients Need to Know About Abortion in This Critical Election Year*, AKRON BEACON J. (June 14,

Hamilton County Common Pleas Court successfully halted it on September 14, 2022, when Judge Christian Jenkins issued a preliminary injunction or temporary restraining order against the abortion ban.¹⁹ The injunction retained the legality of abortion in Ohio for up to twenty-two weeks.²⁰ The legal and medical ambiguity in the post-*Roe* era has created unprecedented confusion surrounding how, when, and what healthcare medical providers can administer to pregnant persons, especially those who experience reproductive complications.²¹ Before the halt of the Ohio six-week abortion ban, it had distressing real-life effects, as a 10-year-old girl from Columbus, Ohio, had to travel to Indiana to seek abortion care.²² The girl became pregnant at only nine years old.²³ She had been raped by her mother's boyfriend, who was subsequently arrested and is now serving a life sentence.²⁴ Despite the reality of this story, conservative anti-abortion lawmakers and pundits dismissed this tragic event as a hoax.²⁵ The six-week abortion ban's impact was undeniable, as a vulnerable child was subject to additional distress from an already

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- 2023, 6:06 AM), <https://www.beaconjournal.com/story/news/local/2023/06/14/is-abortion-legal-in-ohio-laws-heartbeat-bill-constitutional-amendment/70313118007/#> [<https://perma.cc/6UCP-4HSP>].
19. *Id.*; Andy Rose, *Judge Puts Ohio Six-Week Abortion Ban on Hold Indefinitely*, CNN (Oct. 7, 2022, 7:03 PM), <https://www.cnn.com/2022/10/07/politics/ohio-six-week-abortion-ban-preliminary-injunction/index.html> [<https://perma.cc/2MWY-875A>].
 20. Rose, *supra* note 19.
 21. Andrea MacDonald et al., *The Challenge of Emergency Abortion Care Following the Dobbs Ruling*, 328 JAMA 1691, 1692 (2022); Jessica Winter, *The Dobbs Decision Has Unleashed Legal Chaos for Doctors and Patients*, NEW YORKER (July 2, 2022), <https://www.newyorker.com/news/news-desk/the-dobbs-decision-has-unleashed-legal-chaos-for-doctors-and-patients> [<https://perma.cc/3FAT-N5S5>].
 22. Jordan Laird, *Man Who Raped, Impregnated Columbus Girl in Abortion Case Gets Life Sentence*, COLUMBUS DISPATCH (July 6, 2023), <https://www.dispatch.com/story/news/courts/2023/07/05/gerson-fuentes-due-in-court-on-charges-he-raped-10-yr-old-columbus-girl-who-got-abortion-in-indiana/70358517007> [<https://perma.cc/2WWE-A5JE>]; Bethany Bruner et al., *Arrest Made in Rape of Ohio Girl That Led to Indiana Abortion Drawing International Attention*, COLUMBUS DISPATCH (July 24, 2022), <https://www.dispatch.com/story/news/2022/07/13/columbus-man-charged-rape-10-year-old-led-abortion-in-indiana/10046625002/> [<https://perma.cc/S5DM-GTBR>].
 23. Bruner, *supra* note 22.
 24. Laird, *supra* note 22.
 25. Scott Wong & Sahil Kapur, *Republicans Are Shocked a 10-Year-Old Can Get Pregnant After the Ohio Rape Victim Abortion Story Proves True*, NBC NEWS (July 14, 2022), <https://www.nbcnews.com/politics/republicans-express-shock-10-year-old-can-get-pregnant-doubting-ohio-rcna38284> [<https://perma.cc/8X8X-GQEZ>].

traumatizing event.²⁶ Furthermore, this child faced the burden of traveling across state lines to access necessary medical care, expanding the time spent and attention drawn to seeking treatment. This heart-wrenching case shed light on the harsh reality faced by individuals who might otherwise be forced to birth in the absence of access and rights to abortion care.

Since the *Dobbs* decision, there have been a litany of cases where women have been forced to birth.²⁷ Notably, women in Austin, Texas, sued the state because of the lack of clarity in anti-abortion laws.²⁸ These women claimed that anti-abortion laws endanger their health and safety when faced with a pregnancy-induced medical emergency.²⁹ Fifteen plaintiffs shared horrifying stories of being compelled to give birth from pregnancies that both they and their medical provider knew were not viable.³⁰ These were stories of pregnancies that nearly cost women their lives and future reproductive health.³¹ Passed in 2021, in anticipation of the potential overturning of *Roe v. Wade*, the Texas trigger law makes performing an abortion a felony, with exceptions for cases involving a “life-threatening physical condition” or “a serious risk of substantial impairment of a major bodily function.”³² The implications of these anti-abortion laws have raised serious concerns about access to safe and timely reproductive healthcare.

Instances similar to those described above had a significant impact on the residents of Ohio, prompting them to advocate for the inclusion of abortion rights in the Ohio Constitution.³³ Comparable efforts were

26. *Id.*

27. Suzanne O. Bell et al., *Texas’ 2021 Ban on Abortion in Early Pregnancy and Changes in Live Births*, 330 JAMA 281(2023).

28. Sarah McCammon, *5 Texas Women Denied Abortions Sue the State, Saying the Bans Put Them in Danger*, NPR (Mar. 8, 2023), <https://www.npr.org/2023/03/07/1161486096/abortion-texas-lawsuit-women-sue-dobbs> [<https://perma.cc/JH5Z-MWKD>].

29. Selena Simmons-Duffin, *In Post-Roe Texas, 2 Mothers with Traumatic Pregnancies Walk Very Different Paths*, NPR (July 4, 2023), <https://www.npr.org/sections/health-shots/2023/07/04/1185904719/texas-abortion-bans-dobbs-fetal-anomaly#:~:text=This%20is%20the%20story%20of,labor%20at%2033%20weeks%20gestation> [<https://perma.cc/B9QJ-6J2W>].

30. *Id.*

31. *Id.*

32. Eleanor Klibanoff & Rebecca Schneid, *Tearfully Testifying Against Texas’ Abortion Ban, Three Women Describe Medical Care Delayed*, TEX. TRIB., <https://www.texastribune.org/2023/07/19/texas-women-testify-abortion-ban/> [<https://perma.cc/SY2M-RGHJ>] (last updated July 20, 2023).

33. *See Ohio’s Extreme Abortion Ban is One Ruling Away from Going into Effect After Supreme Court Hears Case*, ACLU OHIO (Sept. 27, 2023), <https://www.acluohio.org/en/press-releases/ohios-extreme-abortion-ban->

in progress in states such as Kansas and Michigan.³⁴ However, in an attempt to complicate the process for voters seeking to amend the constitution, Republican lawmakers orchestrated a special election, introducing “Issue 1.”³⁵ This proposal aimed to raise the threshold for the approval of an Ohio Constitutional Amendment from 50% to 60%.³⁶ On August 8, 2023, Ohioans exercised their right to vote and decisively rejected the Republican proposal for a supermajority requirement to pass future constitutional amendments by a margin of 57.01% to 42.99%.³⁷

The following is a case study, derived from research conducted for the Ohio Policy Evaluation Network (OPEN) from 2018 to 2022, providing evidence that even before the overturning of *Roe v. Wade*, not all pregnant individuals in the U.S. were able to enjoy the right to abortion, particularly those who were indigent or residing in rural communities.³⁸ This case study emphasizes that, while abortion is a necessary human right, reproductive justice extends beyond the discourse of mere “choice.”

Reproductive justice, operating within a human rights framework, encompasses more than just abortion. It delves into issues of bodily and

one-ruling-away-going-effect-after-supreme-court-hears [<https://perma.cc/LW8J-QFQN>]; see also Marty Schladen, *Affidavits: More Pregnant Minors Who Were Raped Denied Ohio Abortions*, OHIO CAP. J. (Sept. 22, 2022, 5:00 AM), <https://ohiocapitaljournal.com/2022/09/22/affidavits-more-pregnant-minors-who-were-raped-denied-ohio-abortions/> [<https://perma.cc/A6ND-Z62Y>].

34. Jonathan Weisman & Nick Corasaniti, *First Kansas, Next Michigan and Beyond as Abortion Ballot Measures Spread*, N.Y. TIMES (Sept. 9, 2022), <https://www.nytimes.com/2022/09/09/us/politics/michigan-abortion-referendum.html> [<https://perma.cc/H6LG-UFWK>].
35. Morgan Trau, *Ohio Sec. of State LaRose Admits Making Constitution Harder to Amend is ‘100% About . . . Abortion’*, OHIO CAP. J. (June 5, 2023, 5:00 AM), <https://ohiocapitaljournal.com/2023/06/05/ohio-sec-of-state-larose-admits-making-constitution-harder-to-amend-is-100-about-abortion/#:~:text=“Some%20people%20say%20this%20is,in%20there%20this%20coming%20November.”> [<https://perma.cc/CF8Y-BFW4>].
36. *Id.*
37. Julie C. Smyth & Samantha Hendrickson, *Voters in Ohio Reject GOP-backed Proposal That Would Have Made it Tougher to Protect Abortion Rights*, AP NEWS, <https://apnews.com/article/ohio-abortion-rights-constitutional-amendment-special-election-227cde039f8d51723612878525164f1a> [<https://perma.cc/R8A2-F858>] (last updated Aug. 8, 2023); Melissa Quinn, *Ohio Votes Against Issue 1 in Special Election. Here’s What That Could Mean for Abortion Rights*, CBS NEWS (Aug. 9, 2023), <https://www.cbsnews.com/news/ohio-issue-1-fails-to-pass-2023-results/> [<https://perma.cc/AP2X-FRGA>].
38. Mikaela Smith et al., *Kentucky’s Abortion Landscape, 2010 to 2019: An Analysis of Pre-Dobbs Abortion Disparities in a Rural, Restrictive State*, 19 LANCET REG’L HEALTH 1, 10 (2023).

parental autonomy, the freedom to choose whether to have or not have a child, and the right to parent that child in a safe environment.³⁹ Using the case-study method, this study illustrates the importance of access to care, not just choice. If individuals cannot afford reproductive care or cannot physically reach necessary reproductive care services, the concept of choice becomes inconsequential. Reproductive justice advocates aim to address and rectify these disparities in access and resources to ensure all individuals can make informed and autonomous decisions about their reproductive health.

AALIYAH: A CASE STUDY

In July 2019, Aaliyah was the first interviewee for a community-based participatory research study on reproductive justice, funded by the Ohio Policy Network (OPEN). The study included 24 self-identified “Black” “women” aged 18-49 from diverse Cincinnati neighborhoods.⁴⁰ The interview guided Aaliyah through the life course from girlhood/childhood to womanhood/adulthood and then to motherhood/parenthood.

Aaliyah, who was casually dressed for the interview, informally apologized for not being better dressed; however, she looked just fine. A white woman in the same clothing would not likely feel compelled to apologize for wearing a tasteful pair of shorts and a short-sleeved shirt to an interview on a weekend. However, as a Black feminist scholar, I understood that Aaliyah was conscious of how her Black female body and presence might be perceived and judged in this predominately white university space. This first interview was conducted in a private room on campus within the Department of Women, Gender, and Sexuality Studies at the University of Cincinnati. Despite it being a Saturday with few students and staff present, Aaliyah still perceived herself as an outsider in this white-dominated space.⁴¹

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39. LORETTA ROSS & RICKIE SOLINGER, *REPRODUCTIVE JUSTICE: AN INTRODUCTION* 65 (2017).
40. See Carolette Norwood et al., *Reproductive Justice, Public Black Feminism in Practice: A Reflection on Community-Based Participatory Research in Cincinnati*, 12 *SOCIETIES* 1, 7, 8 (2022) (detailing the research methods employed in this study).
41. *UC Facts*, UNIV. OF CINCINNATI, <https://www.uc.edu/about/factsheet.html> [<https://perma.cc/GQ4L-ACLN>] (“UC serves a diverse community of 50,921 students across 14 colleges. UC is increasingly diverse, with racial and ethnic minorities making up 26% of this year’s student body, an increase from 25.5% in Fall 2022 and also up from 24.1% in Fall 2021.” [...] This diversity encompasses the following percentages: “African American: 4,753 (9.3%); Asian: 2,698 (5.3%); Hispanic: 2,566 (5.0%); International: 4,899 (9.6%); Two or more races: 2,117 (4.2%); Unknown: 724 (1.41%); American Indian/Alaska Native: 65 (0.1%); Native Hawaiian/Other Pacific Islander: 44 (0.1%); White: 33,055 (64.9%).”).

At the time of her interview, Aaliyah was thirty-four years old and a mother of two children. Each interview started with participants answering five adjectives that described who they are. Aaliyah described herself as fun, logical, consistent, loving, and rational. For Aaliyah, fun meant to be “playful and pleasant.”

Aaliyah: I just want to feel good and want others to feel good being around [me] . . . or just feel great being around myself.

When asked why she chose “logical and rational,” Aaliyah replied:

I’m like constantly thinking things through to make what decision would be right for me about whatever situation [I’m in] at the time. And also, that it is like a long term, whatever it is I choose to say [or] do, it’s a good choice or the right choice.

She used the word “consistent” as reference to stability whereby things are not changing all the time. And “loving” because she “like[s] to give love and feel loved in return.”

On Girlhood/Childhood

When asked to describe her girlhood, Aaliyah explained that until she was eleven years old, she was an only child. But as an only child, her life was “hectic and chaotic, honestly not good.” Aaliyah explained that her father suffered from a drug and alcohol addiction, and her mother was “co-dependent.” As a result, Aaliyah explained that during childhood, she spent a lot of time either by herself or doing as many activities at school as possible to avoid her home life.

Aaliyah recalled from her earliest memories, her father was addicted to alcohol, likely before she was born. He had been in the military but struggled to find steady employment during her childhood. His drug abuse evolved into a crack addiction, which certainly aggravated his ability to find and retain a job. In explaining her mother’s co-dependance, Aaliyah explained “It’s like she lived to care for and nurture him. She had a hard time doing anything on her own without him.” And while he was still alive at the time of our interview, and clean from crack, he still struggled with alcoholism.

Aaliyah’s choice to use the terms “hectic and chaotic” to describe her home life as a child sparked the question of whether she had any memories of violence in the home. She quickly affirmed “yes” but clarified that the violence was not just the “fighting” but also the erratic and unpredictable behaviors.

Aaliyah: Let’s see. Sometimes he would come in and I guess be looking for, I have no idea what stuff would end up thrown about or like he’d be there and just frantically cleaning the whole house or . . . A frequent thing was like, especially at night, if he had been out drinking, come back and like he’d urinate in random

places in the house thinking it was the bathroom. Just unpredictable.

Norwood: Were you scared of [your father] as a child?

Aaliyah: Yes and no . . . [O]f course I was afraid of the odd behaviors and the violence against my mom. But then there's also that part of me that . . . [thought] this is my dad, and he does show me some affection. So, I love him.

To escape the chaos of her home life, Aaliyah joined many school activities and clubs, such as gymnastics, track, Spanish Club, and the Girl Scouts. She even joined a teen institute that promoted abstinence and a drug, alcohol, and tobacco-free lifestyle.

When Aaliyah was thirteen years old, her mother and father had an unexpected pregnancy. Aaliyah expressed being happy about getting a baby brother because she was bored as the only child. In the same year, she learned that her father had eight or nine other children from a prior relationship before her mother, but to date, she has gotten to know only two or three of those siblings. Around age sixteen or seventeen years old, Aaliyah's parents finally separated. According to Aaliyah, her father left her mother after finding someone else he was more interested in at the time.

Norwood: So how did [your father's absence] leave your mom?

Aaliyah: Honestly, I feel like it left her in a better situation, but I guess mentally and emotionally it didn't leave her in a good place [W]ith him being an alcoholic, drug addict, it's not like he really contributed much. And even when he had an income, you might as well say he didn't have that income. So financially when he left that was kind of like a burden lifted. So [the] financial situation kind of got better

Her father's withdrawal from the family also had a tangible impact on her.

Aaliyah: He didn't do too much of any housework. I did have to spend a lot more time watching my brother. So, it did impact me that way. But as far as her emotionally attaching and needing support, I think that more fell on my brother Because it went from her needing to take care of this grown adult man to she [throwing] herself into, Oh I need to take care of my child. And he was the youngest and I was more independent.

The tendency of Black women to prioritize the care for others is associated with the "strong Black woman" (SBW) trope.⁴² Many Black

42. Kelly Yu-Hsin Laio et al., *The Misunderstood Schema of the Strong Black Woman: Exploring the Mental Health Consequences and Coping*

women, from childhood to adulthood, are socialized to be “strong,” and a part of that is to “nurture” others.⁴³ “Strong Black women” are expected to nurture vulnerable others, especially men folk who are seemingly unable to provide for themselves.⁴⁴ Also, the expectation for Black women to be “strong” is a debilitating burden that requires Black women to have a prideful will to veil their own fragilities and carry on a performance of strength, even when they, themselves, are breaking.⁴⁵ With this trope in mind:

Norwood: Would you describe your mom as a strong woman?

Aaliyah: Yes and no. We were on welfare. So, it’s not like she really had an income, but she was the one getting it. So, I know there were some jobs here and there, didn’t last very long. Then, I want to say shortly [before] . . . my dad left, she got another job. And then that was more consistent

Norwood: What did you think of black girls [growing up]?

Aaliyah: I felt like, and still feel like, we are expected to be . . . super women and endure. [We are expected to] just endure in general and . . . to have this ‘strength.’”

Norwood: Who expects strength of Black women?

Aaliyah: Society in general . . . honestly, I feel probably mostly the Black community. Because there is supposed to be this picture of the strong Black woman, and that’s what we’re supposed to be. Or . . . even if you don’t say woman, girl developing into a woman.

Norwood: And how do you feel about that? How do you feel about that expectation to be strong?

Aaliyah: [I]t sounds like a positive, but I don’t really think it is. I feel like it’s unrealistic and it sets people up to be overwhelmed [I]t also sets you up to feel like you can’t reach out for help, or you shouldn’t because then you don’t fit this strong Black female category. [It’s] [s]omething that sets up somebody for just a lapse in mental health, undue strain financially, emotionally, because you’re not supposed to go get help or ask for help because

Responses Among African American Women, 44 *PSYCH. WOMEN Q.* 84, 85 (2020).

43. *Id.* at 85–86.

44. *Id.* at 85.

45. See TAMARA BEAUBOEUF-LAFONTANT, *BEHIND THE MASK OF THE STRONG BLACK WOMAN: VOICE AND THE EMBODIMENT OF A COSTLY PERFORMANCE* (2009).

you're strong. You're supposed to endure and figure it out yourself and just pull yourself up by the bootstraps and overcome it all.

When asked again if this label fit her mom, Aaliyah oscillated, at first saying "not at all" then quickly following with "maybe . . . some of that was there." She then reflected on her own recovery from being a strong Black woman in response to the question of how she came to understand the SBW as problematic.

Aaliyah: I don't think there was one particular event, but I mean a series of events back to back to back. I just kind of made that decision . . . it's not healthy and that's not what I should be or is not what anybody should be expected to be.

Norwood: How do you think other people, other important others, and others generally see a black girl?

Aaliyah: That's so hard to answer because I can't think of an impression that others will have in general. I guess, it would depend on how this Black girl presented herself and carried herself, right? For example, for me right now dressed exactly how I am and the scarf and the clothes that I was relaxing in at home, doing the kids' hair, probably somebody . . . I feel somebody would probably assume [I'm] ghetto.

To the question of how a Black girl can avoid being mislabeled as "ghetto," Aaliyah answered, "That's difficult." She elaborated, "if you don't look like you are business casual, or business professional, you are likely to get at least the expectation to be some degree of ghetto." For the sake of clarity and not wanting to make any universal assumptions about what she meant by "ghetto," Aaliyah clarified her own meaning of "ghetto." She explained that "ghetto" means being "socially immature," "uneducated," "socially inept," "unable to speak intelligently," and someone who exhibits a "lack of manners."

The next set of questions were about Aaliyah's transition from girlhood to womanhood:

Norwood: What was the thing in your mind . . . [that said] to you, 'I'm no longer a girl, but I'm a young woman [or] a woman?

Aaliyah: Gosh, that's a hard question . . . I know it's definitely not age. I feel when I got to the point that I was physically and financially able to independently take care of myself, I think, that's it. There was no special this happened and I'm a woman now. I feel when I got to a certain level of maturity, and also had the ability to provide for myself that was it.

Then Aaliyah explained when men started looking at her differently and treating her like she was a grown woman. She recalled a story of an adult man asking her if she was “single” when she was just a child.

Aaliyah: Heck, I remember I was eleven, I remember being at a skating rink and I was at the counter ordering something to drink and some snacks, and this guy, obviously, way older asked for my number and if I was single. [I said,] “I’m eleven.” But then I’m matured I don’t want to say early because that’s normal to be developed. I’ve always been tall, too.

Coincidentally, Aaliyah’s menstrual cycle began at age eleven. Because she threw herself into school activities, she recalled reading books about anatomy and knew very well what to expect when she got her period. She also recalled being able to have conversations with her mom about the mensural cycle and sex.

Aaliyah was very thoughtful in her response to how she defined sex. She responded that sex was “any kind of contact involving genitalia.” She went on to explain that “touching” is a sexual act that might be a part of foreplay, but licking and kissing genitalia is sex. Aaliyah was asked if she recalled her first introduction to sex. She replied, “Oh gosh, yes, I remember.” She was then asked if the memory was pleasant and at what age. She initially replied 13 years, then exclaimed, “Wait, this is my introduction to consensual sex,” then confided that her first non-consensual sex was at age six with an older male cousin who performed oral sex and penetrated her. The incident occurred while visiting a relative. When asked if she informed her mother, she said she did but declined to elaborate more.

At age fourteen, Aaliyah got her first job, where she recalls working for a local civic organization that served youth with a work program. Aaliyah’s job was mainly clerical work, which she did after school. She said pridefully: “When I got my first job at fourteen, I’ve never stopped working.” Because Aaliyah mentioned her parents’ struggles to maintain employment, she was asked if she worked to help pay for things that she wanted or for the household, to which she replied, “both.” And while she did not have a “dedicated bill” each month to pay, she contributed by buying household essentials like toiletries or dishes. Most importantly, she explained her earnings relieved her mother of having to pay for things Aaliyah needed or wanted.

On Womanhood/Adulthood

The next set of questions addressed womanhood.

Norwood: What is expected of Black women, what do you expect from yourself, and what do you expect from others?

Aaliyah: I try my best not to have, or put expectations on anybody, regardless of who they are because then I just kind of

set myself up to be frustrated. [B]ecause I can't expect anybody to be, do, think, say anything just because I feel that's what they should do [H]onestly, I feel just as being a Black woman, I expect others to expect less from me, if that makes any sense.

Norwood: When you say "less of you" in terms of your labor, in terms of [what]?

Aaliyah: Everything. At jobs, for example. I really, really, really hate to make it seem like a race thing, but it's just there's no denying it that it exists.[E]ven if you want to say it doesn't, but I feel I have to prove myself, or perform beyond what is expected of somebody that's not a Black female in order to be even just respected or listened to.

Aaliyah follows this comment with a compelling retelling of her experience as a Black woman working in the medical field, where white nursing colleagues and even the patients she attended routinely made her feel incompetent.

Aaliyah: I was a nurse at a hospital, newly graduated, of course. There was me and this group of other . . . women because that's predominantly what's in nursing. So, it was me and this other group of women that came from the same school. We pretty much all knew each other. The school wasn't huge. It was probably a little less than 100 students max. So, it was a fairly small school, and by the time we got to graduation it was even less than that so maybe 60 students. So, we got to know each other very well.

And this group of us ended up at the same hospital, and then there was even another even smaller group of us that ended up at the same hospital on the same unit, or some of us were on the same unit, or on the same floor. It was very obvious. There was me and there was one other African American female and the rest were not, but it was very obvious just coming in the door, us as a group together, and them not knowing anything about us besides what was on the application that it's like they came in, and they just didn't have to work as hard, and what they said was taken at face value and people listened, but for me and the other [Black] girl

We had to prove that we were actually intelligent enough to be there. We had to prove that we knew what we were talking about, for example. I know we were all new, just graduating, coming into there, but I would have to . . . I just lost how I was about to say that, but we would have to prove, like I said, that we were intelligent enough to be there that what we were saying was valid. It was just a constant proving, and proving, and proving and having to work harder and harder and harder just to get the same basic level of respect and consideration.

And that was annoying because it's so crazy. Me and the other African American girl were both in the top 5% of our class. There was one particular Caucasian girl that barely graduated and then when it was time to take boards failed it the first time, and then barely passed it the second time. And easily without question, and this is again information that they wouldn't know because you're not going to put that on the job application, but very easily got promoted before any of the rest of us.

On Motherhood

Aaliyah's first consensual sexual experience took place when she was thirteen years old. Because she enjoyed good and open communication with her mother, she was informed about sex. However, this first incident was unplanned, and Aaliyah was not on birth control pills ("the pill"). This was soon remedied, as with her mother's consent, Aaliyah got on the pill soon after and stayed on it until she was eighteen or nineteen years old. She stopped the pill as a young adult because she was dating a man she loved and wanted to conceive a baby with him. She "eventually" got pregnant. Aaliyah struggled to carry a baby to the end of her pregnancy term.

Aaliyah: Well, we tried like a year before I got pregnant and I got pregnant, but I didn't deliver a live child. In our attempts I had six miscarriages and one ectopic pregnancy. And then I got pregnant with my daughter. And we even had We even went through two rounds of in vitro.

Finally, Aaliyah was able to carry a baby to term, and her daughter was born in 2013. However, the love of her life and the father of her child, Jamal, passed away six months later. Aaliyah believes the multiple miscarriages she experienced were likely connected to her having Polycystic Ovary Syndrome (PCOS). During her pregnancy with her daughter, she had a cerclage and had genetic testing of her amniotic fluid to check for genetic incompatibilities between her and Jamal because she understood the risks of PCOS and its potential to increase the chances of miscarriage.

Aaliyah shared an appalling account of her experience with the medical staff during one of her six miscarriages:

Oh God, it was just, it was so many things that were so hurtful and so inconsiderate. It was just not even funny. Like I had to have a D&C⁴⁶ with my first miscarriage and when I went in to

46. See *Dilation and Curettage (D&C)*, MAYO CLINIC, <https://www.mayoclinic.org/tests-procedures/dilation-and-curettage/about/pac-20384910> [<https://perma.cc/5FHP-AYRG>] (defining dilation and curettage (D&C) as "a procedure to remove tissue from inside your uterus" and are performed "to diagnose and treat certain uterine

have the D&C and they asked you, the questions and one of the questions [was]: “When was the last time you took your prenatal vitamin?” I gave her an exact date She asked me like three other times and I’m like, “Why do you keep asking me that?” She [said], “I just can’t believe that you actually know the date.” . . . I miscarried my child on my birthday. That’s the day that I’m never going to forget [T]hen another thing was when I went back for my [checkup] . . . four to six weeks after the D&C, . . . I got a little tearful and the nurse told me she didn’t understand why I [was] upset. [She implied that] it’s been like a month, and I should be over [the miscarriage].

Aaliyah birthed her son in 2017. Like her first successful full-term pregnancy, Aaliyah also experienced medical complications, including eclampsia, a condition where high blood pressure can result in seizures.⁴⁷ She also discovered an antiphospholipid disorder, an immune system disorder that increases the risk of blood clots.⁴⁸ This disorder did not occur until the pregnancy with her son. Aaliyah shared that the father of her son was not present during his upbringing.

Aaliyah: Oh boy. So, my son, I have no idea who his father . . . is. I was drugged and raped and beaten and left on the side of the road. I went to be seen at the doctor, got Plan B, [and]they did a rape kit. And still three, four months later, no period. [I was] pregnant.

She explained that a cousin invited her to attend a house party where she was drugged, likely from a glass of orange juice.

Aaliyah: I was drinking orange juice. Like just juice. Not even drinking alcohol I just remember waking up on the side of the road in a shirt, obviously battered.

When the hospital official administered the rape kit, they also gave her a pregnancy test. When Aliyah took the pregnancy test, she thought to herself, “I haven’t even had sex . . . in a long time . . . I think I would know if I was already pregnant.” She learned weeks later that she was now pregnant by her rapist.

conditions — such as heavy bleeding — or to clear the uterine lining after a miscarriage or abortion.”).

47. *Eclampsia*, CLEV. CLINIC, <https://my.clevelandclinic.org/health/diseases/24333-eclampsia> [<https://perma.cc/RA2D-6XWA>].

48. *Antiphospholipid Syndrome*, MAYO CLINIC, <https://www.mayoclinic.org/diseases-conditions/antiphospholipid-syndrome/symptoms-causes/syc-20355831> [<https://perma.cc/6Y7Q-KTXQ>].

Norwood: Did you consider an abortion after you learned that you were pregnant?

Aaliyah: I wanted to get an abortion. I really did. I couldn't afford it. And I called Planned Parenthood, and I know sometimes they have funds available for victims of rape and incest. And that's when they were going through all of that funding cutting, and they did not have any funds.

When asked if she contacted any mental health services after the rape, she said she got consistent mental health care for a while. Given the complicated story of how Aaliyah's son was conceived, the interview took a natural turn into the question of what it is like to raise her son.

Norwood: And your son, I mean, what is that like for you?

Aaliyah: I spent my entire pregnancy resenting him and essentially hating him . . . Like he made me feel like . . . I literally had no control of my body.

I didn't have control over getting pregnant. I didn't have control over whether I had to stay pregnant or not. I didn't. Felt like I had absolutely no control over my body at all. Or any say so.

And I spent all my whole entire pregnancy just so hateful towards him. But, once he came out and I was so scared . . . because I didn't want to know what he would look like. But when he came out, and he looked just like me. [There was no way I could not] love him.

When I first saw him and he looked just like me, it just made me realize like no matter where the rest of his DNA came from, [he] is my baby.

So, then I felt so guilty about spending all that time not wanting him and resent[ing] him being inside me . . . I had to have a lot of counseling about that because that just really tore me up.

[T]o be a woman and be a mom, and be capable of literally hating your baby that's growing inside of you, and then see him and love him . . . I hated [myself] for feeling like that . . .

When asked if she ever tried to self-abort, she explained:

I honestly did.

I just couldn't find anything that was really going to be effective or useful. Being in the medical field, I know what particular medications I [would have] need[ed] to do that, and it's . . . not that easy to get access to them But I drank heavily. I even

tried doing cocaine and drinking heavily. It didn't work. I didn't continue to do either.

The cost to terminate her pregnancy was only \$300, but Aaliyah explained she had no one she could turn to help cover this cost, in spite of the horrid circumstances surrounding the pregnancy. When asked about trying to find financial support to terminate the pregnancy, Aaliyah responded:

I don't have much support beyond my mother [W]hen I was with my daughter's dad, it was pretty much just us [W]e were each other's support, and then after he got killed, I was kind of forced to go back and try and have a relationship with my mom, and that's all I have now. And she's on disability, so her income [was] very limited and fixed, and I didn't have a job then. By the time I did get a job it was way too late.

Aaliyah learned that she was pregnant after around twelve weeks. At the time of this interview, July 27, 2019, the Ohio six-week abortion ban, had just passed weeks earlier on April 11, 2019.⁴⁹ When asked if it were possible to have known sooner that she was pregnant, Aaliyah responded:

Probably, if I had taken the test sooner, but I was kind of mentally conflicted with that, because my periods [were] late, but my periods are irregular . . . [and] I got Plan B, so I shouldn't [have been] pregnant.

Aaliyah was then asked about her view on this newly passed abortion ban. She explained:

I feel like that's ridiculous. I feel like that is absolutely, positively ridiculous. [B]ecause even in that case, when I was pregnant with my son, it would have been impossible to know . . . a couple of weeks sooner. [B]ut six weeks? . . . [A]t six weeks, I don't even think you've missed a period yet, or if you have, it's by a week or so? And there's a million reasons for somebody's period to be a week late.

She was then asked if she had reached out to the local Planned Parenthood to ask for emergency support to cover the cost of the abortion. She explained that she did.

Aaliyah: I told the lady . . . that I had been raped, drugged, beaten, and left on the side of the road. [I told her that] I had

49. Gabe Rosenburg, *Ohio's 6-Week Abortion Ban Becomes Law in Ohio*, NPR (Apr. 11, 2019), <https://www.npr.org/2019/04/11/712455980/a-bill-banning-most-abortions-becomes-law-in-ohio> [<https://perma.cc/4JSC-3JL5>].

gotten Plan B from the hospital, and apparently that didn't work, because I'm pregnant. And [I told her that] I [knew] in the past, that they had funds for victims of rape and incest. [I asked them if] they [had] any of those sorts of funds available? And she said no

I did some research. I was looking for some funding or some sort of anything. I even went as far as going on the internet and looking to see if I could order . . . the pill. [I wanted to know] if I could order those online because I know . . . it is available in some countries, but [the] United States wasn't one of them. I even tried that. But you don't know.

Six weeks, that is absolutely ridiculous. And . . . before I would [have said] "I don't believe in abortion." I can't say that I don't believe in abortion. I don't necessarily support it for any and every reason, but the something like that, that's ridiculous. I mean like even if it wasn't something that drastic I still feel like it is my body, or that person's body, and they have the right to choose what goes on with it, even if that involves some growing cells.

She went on to talk about a friend she supported during her time of need for abortion and all the backlash and stigma her friend faced.

Aaliyah: I had a friend that ended up getting an abortion and everybody gave her so much hell. [A]nd I stuck by her because I felt really bad about how everybody was treating her. [And people said], "Oh, so . . . you support abortion?" And I'm like, "No, I don't support abortion. I support my friend who was going through a very difficult situation. And do you think this is a happy choice that she's making?"

Like nobody just decides that they want to do this because it's a fun, or a happy, or just something that they're doing on a whim. For most people if you, if you are considering having an abortion, it's something that you've sat there and thought about in depth, and done some soul searching, and you feel like there's no other way.

When asked if she, too, experienced any judgmental or stigmatic comments, Aaliyah said:

I didn't talk about it [with] a lot of people, but I did mention that I wanted to have an abortion I didn't sit there and tell my whole business about everything that happened behind how I got pregnant. So, there was just so much, "Well you know what you were getting into." . . . Then, "Maybe you should have been on birth control." And [I thought] you have no idea how I even got pregnant It's like, how can you make those statements,

and you know, nothing behind the situation? Like, no, I did not know what I was getting myself into. I did not willingly have sex, and as far as being on birth control, again, if I'm abstinent at the time, why would I be on birth control?

At the time of the interview, several abortion clinics had been permanently shut down in Ohio,⁵⁰ Aaliyah had a thought on this.

Aaliyah: I can't really speak for everybody, but me as a woman, I know, if I feel the need to have an abortion, it is because I have sat there and considered all my options. I have sat there and thoroughly weighed the risks and the benefits . . . [I]t's not even just that, it is a medical procedure, like to have somebody either, I don't know, if you choose to have the pill to take something that still has risks and may not work out as planned, and a lot of possible complications.

But [there has to be a really good reason]to have somebody pry your cervix open, scrape out the inside of your uterus, risking infection, and bleeding, and all that other stuff, for somebody to consider going through that unnecessarily And I feel like so many people just blame it on irresponsibility. Nobody's going to go through all of that just because of, "Oh, I had sex with so-and-so, we didn't wear a condom. I was just thoughtless." You know?

When asked what she thought the impact of these abortion clinic closures would have on her community, she replied:

[Closing abortion clinics] would be a detriment to people who had possibly been through anything like I have been through [I]f they were able to actually afford to do it, that would be a huge detriment. I say I love my son now, but there is still so much emotional trauma and pain that I go through every day and I have to work every day continuing to love my son the way he deserves to be loved . . . I'm willing to do that, but not everybody might have that ability to do that. And this could happen to somebody else.

And they have this kid and they have the intention on wanting to raise this kid, but maybe they just don't have, I don't know, counseling resources And then they just decide, in the midst of an emotional whatever, to abuse that child or kill that child. Like it could, it could be prevented. Both clinics being closed,

50. *Ohio Abortion Providers Note Hardships, Closures in Suit*, ASSOCIATED PRESS, (Dec. 20, 2021, 4:27 PM) <https://apnews.com/article/abortion-health-ohio-john-kasich-planned-parent-hood-b251cc639c98e705fbc4d5c5382adf6a> [<https://perma.cc/NH9P-CJTL>]; *Abortion Clinics in Ohio: Clinic Closures Since 2010*, OPEN (Jan. 2022), https://open.osu.edu/wp-content/uploads/2022/01/OPEN_ClinicMap_January-2022.pdf [<https://perma.cc/6FCS-BVSR>].

that would be a detriment to somebody who really just did not need to be pregnant.

When asked what it would mean for Ohioans if pregnant persons could no longer get an abortion in the state, Aaliyah replied:

If they had it and couldn't get it here. It'd just make it so much more difficult because then you would have to figure out where's the next closest place that I can go. And that's not always an option for people. Not everybody drives. There's no metro bus that's going to take you from your house to wherever in Indiana, or wherever in Pennsylvania, or wherever in Kentucky.

With her medical insurance, Aaliyah continues to see a therapist. She struggles financially. She no longer works as a nurse. She worked at a gas station earning \$10 an hour but they fired her. She explains that she has lived with her mother since the incident and finds obtaining her basic necessities like food, clothing, and shelter challenging. And though she earned her associate degree, she is only one semester away from getting her bachelor's degree. But because she used up all her federal funding, the only way she can go back and finish is to pay out of pocket. To make things more complicated, Aaliyah also exhausted her lifetime 36-month welfare benefits from the state of Ohio.

Aaliyah: I used [my welfare] up between my daughter and my son. [When I got pregnant with my daughter] I had to go on bed rest at 19 weeks . . . I stayed on [welfare] until a couple of months after she was born, and then after her dad passed, then I went, I had to get another job. So, I didn't get any then. And then I had like four months left. So, when I was pregnant with my son and I wasn't working then, I got the last four months of that I had left at the end of my pregnancy with him, so that I could get stuff to bring him home with.

Finally, Aaliyah explained what happened to Jamal, the love of her life:

He basically got set up. Somebody called him to meet him somewhere and then when we got there, people were coming . . . It was like a three-way intersection, and somebody was coming from [every direction], and all of them shot him in the end.

When asked if she was in the car when it happened and if she had witnessed Jamal's murder, Aaliyah affirmed, "mm-hmm."

Aaliyah: Well, he was in the car, but he got out and was [fixing his] Black n Mild to smoke outside the car . . . I saw these people, but I don't know them . . . It was very hard for me to describe what any of them look like.

Cincinnatians are all too familiar with the phrase: “snitches get stitches,” but when asked if she reported the shooting to the police, Aaliyah replied:

Oh yeah, of course . . . I mean even if I didn’t report it, somebody was going to be calling because there was a whole bunch of gunshots and there’s a dead body on the ground.

DISCUSSION

Aaliyah was only 34 years old at the time of her interview but had already experienced a lifetime of traumas. At some point, we both paused to acknowledge all the layers of trauma she experienced.

Aaliyah: We went through my life from early childhood to now, it’s just like one trauma upon another, upon another, upon another, upon another. And most of the time, with very little or no time in between to process any of it.

Layers of trauma and violence are, unfortunately, not atypical.⁵¹ Black women often have to navigate their daily lives through a web of intersecting violence – structural, spatial, and interpersonal.⁵²

One type of interpersonal violence that first appeared in Aaliyah’s childhood but persisted through adulthood is ideological violence.⁵³ Aaliyah’s narration of her childhood demonstrates that preconceived stereotypes about who Black women are, what they are, and their competence mar women’s bodies and identities. Aaliyah discussed how Black girls are often understood to be “ghetto” before others take the time to know them. They are perceived as “ghetto” by others because of how they dress and speak; the preemptive devaluation of their humanity is a relatable reality that most Black people in the United States know all too well.

Society oppresses Black women through economic, political, and ideological means.⁵⁴ At times, Black women resist oppressions, but there are instances when they internalize oppressions.⁵⁵ In resisting ideological

51. See Carolette R. Norwood, *Mapping Intersections of Violence on Black Women’s Sexual Health Within the Jim Crow Geographies of Cincinnati Neighborhoods*, 39 *FRONTIERS (BOULDER)* 97, 97–98 (2018).

52. *Id.*

53. *Id.* at 119 (“Ideological violence refers to being called out of one’s name (that is to say being insulted or redefined in demeaning terms).”).

54. See generally PATRICIA H. COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* (2d ed. 2000).

55. *Id.* at 27.

oppression, Black women will engage in self-definition.⁵⁶ Black women redefine tropes, recognizing their oppositional value in challenging societal norms and values that arbitrarily demonized behaviors or esthetics aligned with Blackness.⁵⁷

One dominant theme in Aaliyah's childhood was the adultification⁵⁸ she experienced from a very early age. The expectation of care for her brother and the habit of working from age fourteen through adulthood are only two examples. Aaliyah also discussed her disappointment with her mother's inability to protect her – both from the molestation she experienced as a six-year-old child and the abuse in her household.

Adultification is intricately connected with the ideological oppression Collins addresses in her discussion of controlling images of Black women.⁵⁹ Perceptions of Black girls as loud, disrespectful, fast-tail, or aggressive are a transposition of the well-known controlling images of Black women as angry, jezebel, or, in Aaliyah's words, "ghetto."⁶⁰ And while these tropes are almost always a disparaging

56. *Id.* at 36.

57. *Id.*

58. Adultification of Black girls, presents itself as Black girls being less innocent, less nurtured, less protected, less supported, and less comforted. Black girls are expected to be more independent and aware of adult topics including sex. Additionally, Black girls are expected to take on adult roles and responsibilities like caregiving for younger siblings, grandparents, or parents. See REBECCA EPSTEIN ET AL, GIRLHOOD INTERRUPTED: THE ERASURE OF BLACK GIRLS' CHILDHOOD (2017); Kimberlé W. Crenshaw et al., *Black Girls Matter: Pushed Out, Overpoliced and Underprotected* (2015) (on file with Columbia Law School Scholarship Archive); Rachel M. Schmitz & Kimberly A. Tyler, *Growing Up Before Their Time: The Early Adultification Experiences of Homeless Young People*, 64 CHILD YOUTH SERVS. REV. 15, 15 (2016); Linda Burton, *Childhood Adultification in Economically Disadvantaged Families: A Conceptual Model*, 56 FAMILY RELS. 329, 329 (2007); PUSHOUT: THE CRIMINALIZATION OF BLACK GIRLS IN SCHOOLS (Women in the Room Productions 2019).

59. See COLLINS, *supra* note 54.

60. See Michael G. Curtis et al., *Transmuting Girls Into Women: Examining the Adultification of Black Female Sexual Assault Survivors Through Twitter Feedback*, 29 VIOLENCE AGAINST WOMEN 321, 321–346, (2023) (“In Black American culture, the fast-tailed girl label (sometimes pronounced fass) is a colloquial term used to describe young girls who have supposedly demonstrated erotic-related behaviors reserved for much older women. This cultural mythos may serve as a significant barrier to Black girls disclosing their experiences of sexual victimization (Hussen et al., 2012). Within the fast-tailed girl mythos, Black girls are seen as sexual aggressors in situations where they experience unwanted or inappropriate attention from older individuals (Amuzu, 2019). Black girls are often positioned as willing to engage in their victimization or are accused of making themselves available for victimization (Amuzu, 2019).”); See Shauna Stuart, *In Her Debut Book of Poetry, Alabama Writer Tania Russell Unpacks the Adultification of Black Girls*, ALABAMA LIFE &

caricature of Black femininity and womanhood, the trope of “strength” until recently was largely understood as aspirational.

Being strong and resilient were largely understood as a desired attribute for Black women and a necessary antidote for withstanding the pressures of white racism.⁶¹ However, due to the groundbreaking work of Black feminist scholars, we now better understand the problematic nature of strength, which essentially masks Black women’s humanity by encouraging them to deny their vulnerabilities.⁶² Being too strong to ask for help is a losing venture. As Aaliyah so eloquently explained, it sets Black women up for “a lapse in mental health, undue strain financially, emotionally, because you’re not supposed to go get help or ask for help because you’re strong. You’re supposed to endure and figure it out yourself and just pull yourself up by the bootstraps and overcome it all.”

Gendered Racism⁶³ and the harsh (not “soft”) bigotry of low expectations was also a prominent theme over Aaliyah’s life course but was most prominent in adulthood and the workplace. Aaliyah’s narration on how society expects Black women to prove over and over again their intelligence and their right to be in professional spaces is a very common experience. Despite being in the top 5% of her class, she felt the need to overperform to get baseline respect. One of the byproducts of white racism on Black people is the “dysmorphia” it creates – the constant worrying about the appearance of (real and

CULTURE, <https://www.al.com/life/2022/09/in-her-debut-book-of-poetry-alabama-writer-tania-russell-unpacks-the-adultification-of-black-girls.html> [https://perma.cc/53TE-96ND] (last updated Sept. 22, 2022, 5:31 PM) (“For a lot of Black women, that use of the word “fast” is familiar. It’s a pejorative term that suggests girls who don’t act innocent enough for their age-- whether it’s wearing clothing or accessories that adults consider “too grown” or “too revealing,” or acting too outspoken, flirty, or friendly-- deserve to suffer repercussions for their perceived adult actions.”); MIKKI KENDALL, HOOD FEMINISM: NOTES FROM THE WOMEN THAT A MOVEMENT FORGOT (2020); NIKKI JONES, BETWEEN GOOD AND GHETTO: AFRICAN AMERICAN GIRLS AND INNER CITY VIOLENCE (2009).

61. Dawn Godbolt et al., *Strong Black Women: Linking Stereotypes, Stress, and Overeating Among a Sample of Black Female College Students*, 53 J. BLACK STUD., 609, 610–611 (2022).
62. See MELISSA V. HARRIS-PERRY, SISTER CITIZEN: SHAME, STEREOTYPES, AND BLACK WOMEN IN AMERICA (2011); CHARISSE JONES & KUMEA SHORTER-GOODEN, SHIFTING: THE DOUBLE LIVES OF BLACK WOMEN IN AMERICA (2003); Cheryl L. Woods-Giscombé, *Superwoman Schema: African American Women’s Views on Stress, Strength, and Health*, 20 QUALITATIVE HEALTH RSCH. 668, 670 (2010); BEAUBOUEUF-LAFONTANT, *supra* note 45.
63. For definition of “Gendered Racism” see Shanice Battle & Denise Carty, *Gendered Racism Among Women of Color* (Oct. 2, 2022), CTR. FOR DISEASE CONTROL & PREVENTION, <https://blogs.cdc.gov/healthequity/2022/10/06/gendered-racism-among-women-of-color/> [https://perma.cc/3F56-9RQG].

imposed) flaws and how others might amplify them. Peter James Hudson explains it best when he wrote, “Part of the problem of black consciousness for Fanon was the encounter with the dysmorphic blackness of the Negro experienced as an abstraction of the black self; part of the fact of blackness was being known through a black racial ‘Other,’ a fictive entity whose presence always precedes oneself.”⁶⁴

The minimizing and dismissal of Black pain while seeking care from medical personnel, is a known form of medical racism that has gotten much attention lately, especially as it relates to Black maternal health.⁶⁵ Implicit bias by medical professionals is well documented and is a problematic attribute that increases Black morbidity and mortality, irrespective of social class.⁶⁶ The attending nurse’s harsh reprimand – “Why are you so upset? You should be over it – it’s been a month now!” following one of Aaliyah’s six miscarriages, is hard to imagine. But what Aaliyah experienced is an unfortunate routine experience for Black women when seeking care in American medical establishments.⁶⁷

Aaliyah’s journey into motherhood was fraught with challenges – from facing infertility and enduring six miscarriages to dealing with pregnancy complications, like PCOS and eclampsia, to being forced to birth a child conceived through rape. Importantly, the mainstream reproductive choice movement often overlooks the issue of infertility.⁶⁸

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64. PETER JAMES HUDSON, *THE LOST TRIBE OF A LOST TRIBE: BLACK BRITISH COLUMBIA AND THE POETICS OF SPACE IN BLACK GEOGRAPHIES AND THE POLITICS OF PLACE* (Katherine McKittrick et al. eds., 2d ed. 2007).
65. See Deidre Cooper Owens & Sharla Fett, *Black Maternal and Infant Health: Historical Legacies of Slavery*, 109 AM. J. PUB. HEALTH, 1342, 1342-45 (2019) (discussing how medical racism within black maternal health is a documented phenomenon); Bani Saluja & Zenobia Bryant, *How Implicit Bias Contributes to Racial Disparities in Maternal Morbidity and Mortality in the United States*, 30 J. WOMEN’S HEALTH 270, 271 (2021); DANA-AIN DAVIS, *REPRODUCTIVE INJUSTICE: RACISM, PREGNANCY, & PREMATURE BIRTH* 76 (2019); Dána-Ain Davis, *Reproducing While Black: The Crisis of Black Maternal Health, Obstetric Racism and Assisted Reproductive Technology*, 11 REPROD. BIOMEDICINE & SOC’Y ONLINE 56, 58 (2020); Geraldine I. Oribhabor et al., *A Mother’s Cry: A Race to Eliminate the Influence of Racial Disparities on Maternal Morbidity and Mortality Rates Among Black Women in America*, 12 CUREUS 1, 1–2 (2020); Johnathon Y. Siden et al., *Reducing Implicit Bias in Maternity Care: A Framework for Action*, 32 WOMEN’S HEALTH ISSUES 3, 3 (2023).
66. KHIARA BRIDGES, *REPRODUCING RACE: AN ETHNOGRAPHY OF PREGNANCY AS A SITE OF RACIALIZATION* 114 (2019); DAVIS, *supra* note 65, at 76.
67. Nia Josiah et al., *Implicit Bias, Neuroscience and Reproductive Health Amid Increasing Maternal Mortality Rates Among Black Birthing Women*, 10 NURSING OPEN 5780, 5781 (2023).
68. Jamila Perritt & Natalia Eugene, *Inequity and Injustice: Recognizing Infertility as a Reproductive Justice Issue*, 3 FERTILITY & STERILITY REPS. 2, 2 (2022).

In contrast, reproductive justice recognizes the essential “right” to conceive and carry a baby to term as a fundamental human right.⁶⁹

Contrary to stereotypes portraying Black women as highly fertile with higher fertility rates than white women, Black women actually have higher rates of infertility (7.2% vs. 5.5% for white women) and are less likely to use in vitro fertilization (IVF) even when socioeconomic factors are considered.⁷⁰ Moreover, Black women who undergo IVF experience lower live birth rates and cumulative live births compared to white women.⁷¹ And like U.S. white women (1.82), U.S. Black women (1.89) fertility rate is below the replacement level of 2.1.⁷²

One of the most poignant parts of Aaliyah’s interview was her discussion of her pregnancy and the birth of her son. The resentment and hatred, but ultimately the love she chose and still struggles to give her son, is compelling. The emotional rollercoaster of the failed attempts to self-abort, the failure to raise \$300 from a familial network who themselves were as economically strapped as she was, and the exhaustion of the clinic’s emergency funds demonstrates the institutional and pre-existing failure of *Roe*.⁷³ Shortly after *Roe*, the Hyde Amendment in 1977 stripped Medicaid coverage for abortion. In *Harris v. McRae*, Thurgood Marshall prophetically declared:

For women eligible for Medicaid — poor women — denial of a Medicaid-funded abortion is equivalent to denial of a legal abortion altogether. By definition, these women do not have the money to pay for an abortion themselves. If abortion is medically necessary and a funded abortion is unavailable, they must resort to back-alley butchers, attempt to induce an abortion themselves by crude and dangerous methods, or suffer the serious medical consequences of attempting to carry the fetus to term. Because

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69. ZAKIYA T. LUNA, REPRODUCTIVE RIGHTS AS HUMAN RIGHTS: WOMEN OF COLOR AND THE FIGHT FOR REPRODUCTIVE JUSTICE 67 (2020).
 70. Melody A. Rasouli et al., *Black Infertility and Social Media Engagement: A Mixed Methodology Analysis*, 3 FERTILITY & STERILITY REPS. 55, 55 (2022).
 71. Luwam Ghidei et al., *Factors Associated with Disparate Outcomes Among Black Women Undergoing In Vitro Fertilization*, 3 FERTILITY & STERILITY REPS. 14 (2022).
 72. Lyman Stone, *Baby Bust: Fertility is Declining the Most Among Minority Women*, INST. FOR FAM. STUD. (May 16, 2018), <https://ifstudies.org/blog/baby-bust-fertility-is-declining-the-most-among-minority-women> [<https://perma.cc/2J9V-VWZ6>]; *Measuring Fertility in the United States*, PENN WHARTON UNIVERSITY OF PENNSYLVANIA (July 8, 2022), <https://budgetmodel.wharton.upenn.edu/issues/2022/7/8/measuring-fertility-in-the-united-states> [<https://perma.cc/E3G4-3XKV>].
 73. See Ed Pilkington, *Ohio Planned Parenthood Fights Back at Frontline of New Conservative Assault*, GUARDIAN (Sept. 8, 2023), <https://www.theguardian.com/us-news/2015/sep/08/ohio-abortion-clinic-planned-parenthood-cincinnati> [<https://perma.cc/ZM3B-U8B5>].

legal abortion is not a realistic option for such women, the predictable result of the Hyde Amendment will be a significant increase in the number of poor women who will die or suffer significant health damage because of an inability to procure necessary medical services.⁷⁴

People already living in poverty tend to have social networks comprised of individuals who are also in similar or worse financial circumstances.⁷⁵ As a result, raising funds, even for critical emergencies, becomes challenging for them. Black women had the highest abortion rates across all income levels, except those below the poverty line.⁷⁶

Being forced to birth while living in a state that commits little financial support to aid indigent mothers and children is an added cruelty. Ohio Works First (OWF) is Ohio's financial assistance component of the Temporary Assistance to Needy Families (TANF) program.⁷⁷ It offers cash benefits to eligible families for up to 36 months.⁷⁸ The shift from Aids to Families with Dependent Children (AFDC) to TANF in 1996 ended guaranteed cash assistance for families below the federal poverty level.⁷⁹ TANF is a "welfare to work" program with time limits and work requirements.⁸⁰ And while the federal government sets the upper limits for assistance to five years, Ohio's limit is three years, with eligibility based on gross income before taxes (for example, a family size of one and two is \$532 and \$719 per month, respectively).⁸¹ To qualify for OWF cash assistance, a household must include a child, and their gross income must not exceed fifty percent of the federal poverty level, which was just \$10,860 per year for a family of three in 2020.⁸²

Aaliyah's story powerfully highlights the multifaceted nature of reproductive justice, extending beyond the realm of abortion. Her experience perfectly exemplifies the complexities encompassed within a reproductive justice agenda. Aaliyah's struggle to make decisions

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74. *Harris v. McRae*, 448 U.S. 337, 338 (1980) (Marshall, J., dissenting).
75. Raj Chetty et al., *Social Capital and Economic Mobility*, OPPORTUNITY INSIGHTS (Aug. 2022), https://opportunityinsights.org/wp-content/uploads/2022/07/socialcapital_nontech.pdf [<https://perma.cc/R97Y-FPZE>].
76. Susan A. Cohen, *Abortion and Women of Color: The Bigger Picture*, 11 GUTTMACHER POL'Y REV. 2, 3 (2008).
77. *See SARAH HUDACEK, OHIO'S CASH ASSISTANCE PROGRAM FAILS TO MEET ONGOING NEED, THE CTR. FOR CMTY. SOLS.* 1–2 (2021).
78. *Id.* at 8.
79. *Id.* at 1.
80. *Id.* at 2.
81. *Id.*
82. *Id.*

regarding having or not having a child, asserting control over her own body, and determining the circumstances surrounding her pregnancies were not entirely within her control. As she declared the rape that led to her second full-term pregnancy, a pregnancy she could not terminate despite it being her “choice,” she poignantly expressed, “I didn’t have control over getting pregnant. I didn’t have control over whether I had to stay pregnant or not. I didn’t. Felt like I had absolutely no control over my body at all.” Her words illustrate the deep lack of agency she faced in making decisions about her own reproductive health and how, for some women, particularly, the materially poor and Black, access to abortion during *Roe* and after was simply not a right for *all*.

CONCLUSION

Birthing Justice has never been a reality for Black women in these United States as painstakingly chronicled in Dorothy Roberts’s *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* or Deidre Cooper Owens’s *Medical Bondage: Race, Gender, and the Origins of American Gynecology*.⁸³ Despite being in the 21st century, as Aaliyah’s case study compellingly highlights, this basic human right remains aspirational. The recent fall of *Roe v. Wade* has prompted reproductive justice advocates to swiftly strategize ways to navigate the newly imposed barriers from the *Dobbs* decision, which restricts women’s legal and medical access to abortion.⁸⁴

A dedicated network of reproductive justice advocates is tirelessly working nationwide to ensure that women, regardless of their location, can still access essential abortion care services.⁸⁵ Key objectives include

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83. See DOROTHY E. ROBERTS, *KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY* (Pantheon Books, 2d ed. 2017) (1997); DEIRDRE COOPER OWENS, *MEDICAL BONDAGE: RACE, GENDER, AND THE ORIGINS OF AMERICAN GYNECOLOGY* (2018).
84. *How Two Leaders Reimagine Reproductive Justice in a Post-Roe World*, FORD FOUND. (Jan. 19, 2023), <https://www.fordfoundation.org/news-and-stories/stories/how-two-leaders-reimagine-reproductive-justice-in-a-post-roe-world/> [https://perma.cc/ST4K-PGK4]; Elisha Brown, *Reproductive Justice Pioneer Loretta Ross on Strategies for the Post-Roe South*, FACING SOUTH (Jan. 26, 2023), <https://www.facingsouth.org/loretta-ross-on-roe-and-reproductive-justice> [https://perma.cc/64RW-YFAM]; see *What It’s Like to Fight for Abortion Rights, Post-Roe*, ACLU (Jan. 30, 2023), <https://www.aclu.org/news/reproductive-freedom/what-its-like-to-fight-for-abortion-rights-post-roe> [https://perma.cc/9SBC-MHLN].
85. *Home*, IN OUR OWN VOICE: NAT’L BLACK WOMEN’S REPROD. JUST. AGENDA, <https://blackrj.org> [https://perma.cc/W4V2-NNA4]; *About Us*, BLACK FEMINIST FUTURES, <https://blackfeministfuture.org/about-us/> [https://perma.cc/66ZZ-XB84]; *About WRRAP*, WOMEN’S REPROD. RTS. ASSISTANCE PROJECT, <https://wrrap.org/about/> [https://perma.cc/6NXU-XWJN]; *Access RJ Removes Barriers and Build the Power of Californians to Achieve Reproductive Justice*, ACCESS REPROD. JUST.,

raising funds to cover travel and procedural costs, along with reviving an underground railroad for reproductive freedom, as previously documented in Janessa L. Bernstein's work.⁸⁶ These endeavors are crucial in safeguarding women from being coerced into being forced to birth.

Ohioans exercised their voting power on August 8, 2023, to maintain a simple majority for potential future constitutional amendments.⁸⁷ Additionally, in the upcoming November 2023 election, voters will decide whether to enshrine the right to a legal abortion in the state's constitution.⁸⁸ In times of uncertainty, it is essential to heed the wise words of Black feminist Mariame Kaba, who reminds us that "hope is a discipline."⁸⁹

With this in mind, I conclude with the poem "Hope in A Weary Throat" by Pauli Murray.⁹⁰

Give me a song of hope
And give me a world where I can sing it.
Give me a song of faith
And a people to believe in it.
Give me a song of kindness
And a country where I can live it.
Give me a song of hope and love
And a brown girl's heart
to hear it.

May we hold onto hope and determination in our pursuit of true Birthing Justice for all women and birthing persons.

<https://accessrj.org> [<https://perma.cc/2BZ2-7XD4>]; ABORTION DEFENSE NETWORK, <https://abortiondefensenetwork.org> [<https://perma.cc/Q2BU-MHJL>] (choose "About Us" from the main page menu).

86. Janessa L. Bernstein, *The Underground Railroad to Reproductive Freedom: Restrictive Abortion Laws and the Resulting Backlash*, 73 BROOK. L. REV. 1463 (2008).
87. Jo Ingles & Karen Kasler, *Ohio Voters Reject Measure That Would Have Made it Harder to Change Constitution*, NPR (Aug. 8, 2023), <https://www.npr.org/2023/08/08/1191679261/ohio-election-results-issue1-abortion-state-constitution-amendment-ballot-voters> [<https://perma.cc/TD6S-ZU6R>].
88. Quinn, *supra* note 37.
89. MARIAME KABA, WE DO THIS 'TIL WE FREE US: ABOLITIONIST ORGANIZING AND TRANSFORMING JUSTICE 48 (2021).
90. PAULI MURRAY, DARK TESTAMENT AND OTHER POEMS (Liveright Publishing, 2d ed. 2018) (1970).

Addendum: On November 8, 2023, Ohioans voted to affirm an amendment to make abortion care a constitutional right.⁹¹

91. Melissa Quinn, *Ohio Voters Approve Amendment to Establish Right to Abortion in State Constitution*, *CBS News Projects*, CBS NEWS (Nov. 8, 2023, 9:50 AM), <https://www.cbsnews.com/news/issue-1-ohio-november-2023-election-abortion/> [<https://perma.cc/3UBU-5SP6>].

