

2019

We Deserve Better: How Hip Hop Perpetuates the Rape Culture of Black Women

Alexandria Johnson

Follow this and additional works at: <https://archives.law.nccu.edu/ncclr>



Part of the [Entertainment, Arts, and Sports Law Commons](#)

Recommended Citation

Johnson, Alexandria (2019) "We Deserve Better: How Hip Hop Perpetuates the Rape Culture of Black Women," *North Carolina Central Law Review*: Vol. 42 : No. 1 , Article 7.

Available at: <https://archives.law.nccu.edu/ncclr/vol42/iss1/7>

This Article is brought to you for free and open access by History and Scholarship Digital Archives. It has been accepted for inclusion in North Carolina Central Law Review by an authorized editor of History and Scholarship Digital Archives. For more information, please contact nperry@nccu.edu.

WE DESERVE BETTER: HOW HIP HOP PERPETUATES THE RAPE CULTURE OF BLACK WOMEN

BY: ALEXZANDRIA JOHNSON

I. INTRODUCTION

“Hi, I’m an African American woman, and if I listened to what hip hop told me that I was, I’d be the equivalent of nothing.”¹ “Nothing,” is just what Ms. Shawana Hall felt like on her 31st birthday.² While celebrating her birthday, Shawana met a middle-aged man, Calvin Ray Kelly, who offered to drive to a party store to buy her a celebratory drink.³ While reluctant, Shawana entered the vehicle amid Kelly’s demands.⁴ This act alone is one that Shawana came to regret for the rest of her life. Shortly after Kelly began driving, he pulled to the side of a highway and ordered Shawana to get into the back seat.⁵ Kelly raped Shawana *three* times in what must have seemed as the longest hour of Shawana’s life.⁶ After the brutal rape, Kelly kicked Shawana out of the car.⁷ Shawana ran to safety, eventually flagging down a police officer to help her.⁸ The officer took Shawana to a local sexual assault program, where she was able to file a report and get examined by a nurse.⁹ Unfortunately, it took ten very long years for Kelly to be tried in a court of law.¹⁰ The case was postponed because Shawana fled the city out of fear, and because of Kelly’s remarks to police officers investigating Shawana’s claim and other claims of sexual abuse.¹¹ Kelly told the police that his interaction with Shawana was consensual and that Shawana was a prostitute that held a grudge after he decided not to pay her.¹² Kelly targeted poor, Black, and vulnerable women who were less likely to be believed by police.¹³ Kelly’s statements casted doubt upon Shawana’s statement, which led police officers

1. See Chakara Conyers, *What Hip Hop Says to a Young Black Woman*, RAP REHAB, (Dec. 1, 2015), <https://raprehab.com/what-hip-hop-says-to-a-young-black-woman/>.

2. See Kidada E. Williams & Danielle L. McGuire, *Raped and left on the road, she said #MeToo. Jurors said ‘No, not you.’*, BRIDGE, (Dec. 14, 2017), <https://www.bridgemi.com/children-families/raped-and-left-road-she-said-metoo-jurors-said-no-not-you> (noting that Shawana’s 31st birthday was in 2008).

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.*

10. *Id.*

11. See Matt Mencarini, *11 rapes, 4 states, 1 suspect: The ‘extraordinarily improbable’ defense of Calvin Kelly*, LANSING STATE JOURNAL, (July 29, 2019, 6:55 PM), <https://www.lansingstatejournal.com/story/news/2019/01/08/calvin-kelly-rape-investigations-memphis-kalamazoo-st-louis/2462538002/>.

12. *Id.*

13. *Id.*

to forego following up on her claim of rape.¹⁴ In the end, Kelly was tried *only* because of a new movement in Michigan that focused on investigating and prosecuting rape and sexual assault through DNA, by testing old rape kits found in abandoned police warehouses.¹⁵ Although the Assistant Attorney General¹⁶ linked Kelly's DNA to a total of eleven reported sexual assault cases between 1985 and 2010, a jury still found Kelly not guilty.¹⁷ This verdict sent Shawana "in a downward spiral that left her feeling discarded and dismissed."¹⁸ Shawana died of an accidental overdose in November of 2017.¹⁹ In Shawana's case, the jury could not overcome the stereotypes of Black women that are perpetuated by rape culture, society, and Hip Hop lyrics. Often, jurors have to choose to either believe the perpetrator or to believe the victim.²⁰ If the victim has any flaws in their background, i.e. drugs, prostitution, poverty, or simply being Black, a jury is less likely to believe the victim over the defendant.²¹ Here, the jury chose to side with Kelly's narrative that Shawana was a promiscuous prostitute that did not deserve to be believed, over Shawana's heartbreaking story that she was sexually assaulted.²² This narrative is not uncommon. Many Black women, like Shawana, do not receive justice or proper assistance following their encounters with sexual assault because of the negative stereotypes associated with their identity.²³

This paper will explore the systemic influences of stereotypes regarding Black women that are derived from the days of slavery, the effect of such stereotypes on today's Hip Hop lyrics, and the legal consequences these stereotypes pose on society. Consequently, this paper will enumerate the effects that Hip Hop lyrics have on the lives of Black women with respect to their reports of sexual harassment and violence. Although Hip Hop lyrics are not the only reason why Black women's claims of rape are rarely taken seriously, the lyrics perpetuate the stereotypes and validate false narratives.

Part II of this paper will examine the history and origins of the stereotypes of Black women, originating from the slavery era. This section will show how Black women have been portrayed to be hypersexual and less deserving of assistance after rape. Part III will analyze Hip Hop lyrics, showing how Hip Hop acts as a medium used to perpetuate stereotypes about Black women. Part IV will reveal Black women's experiences after rape or

14. *Id.*

15. Williams & McGuire, *supra* note 2.

16.

17. *Id.*

18. *Id.*

19. *Id.*

20. Mencarini, *supra* note 11.

21. Williams & McGuire, *supra* note 2.

22. *Id.*

23. *Id.*

sexual assault, connecting their experiences with known stereotypes. This section will also exhibit the hardships that Black women face when it comes to reporting sexual assault to the police, receiving assistance and resources, and dealing with sexual assault at work and in school. Lastly, Section V will propose an alternative to negative Hip Hop lyrics, while motivating society at large to spring into action. In total, this paper is not intended in any way to bash the entire genre of Hip Hop. Rather, it was written to shed light and inspire change to the effects of negative lyrics.

II. THE HISTORY OF STEREOTYPES OF BLACK WOMEN

Black women live in an intersection of gender and race.²⁴ It is important to note how race influences the lives of Black women who are sexually harassed. Equally important is the history of the Black woman's image in society. The stereotypes of Black women derive from slavery and have since been perpetuated in society and Hip Hop lyrics.²⁵

There are two main stereotypes, "Jezebels" and "Matriarchs", that categorize and portray Black women negatively.²⁶ The term Jezebel invokes connotations of women who are very promiscuous, exotic, and treated as sexual objects.²⁷ This stereotype strips Black women of their sexual agency and hypersexualizes them to suggest they are "asking for it" when they are sexually assaulted.²⁸ The term "Jezebel" originated during the slavery era, when slave owners forcibly raped Black women in order to increase the number of slaves they owned.²⁹ Slave owners wanted women slaves to feel less in control over their sexuality because this made them more vulnerable to sexual abuse.³⁰ Meanwhile, slave owners did not face any consequences for sexually assaulting the women, which likely led them to believe that they could get away with rape.³¹ It seems to go without saying that this is how Mr. Kelly must have felt after being found not guilty for raping Shawana,³² and how many Hip Hop artists feel when their albums continue to sell after the

24. Victoria C. Olive, *Sexual Assault against Women of Color*, 1 J. OF STUDENT RES. 1, 6 (2012), <https://jofsr.org/index.php/path/article/view/27/19..>

25. *Id.* at 3.

26. *Id.*

27. *Communities of Color and the Impacts of Sexual Violence*, UNIV. OF MICH. STUDENT LIFE: SEXUAL ASSAULT PREVENTION AND AWARENESS CTR., <https://sapac.umich.edu/article/57> (last visited May 1, 2018).

28. Julia Haskins, *Barriers for Black Survivors*, END RAPE ON CAMPUS, <http://endrapeoncampus.org/eroc-blog/2017/2/23/barriers-for-black-survivors> (last visited Feb. 23, 2017).

29. *Id.*

30. *Id.*

31. See Olive, *supra* note 24.

32. See Williams & McGuire, *supra* note 2.

artist is accused of sexual assault.³³ Scholars have coined the phrase “Contemporary Jezebels,” which describes women who are called “welfare queens,” “hoochies,” “freaks,” and “hoodrats.”³⁴ One can hear most, if not all, of these terms in current Hip Hop songs. These terms allude to the idea that Black women are sexually available, sexually deviant, and that if sexual assault occurs, it is the woman’s fault.³⁵

Additionally, Black women are seen as “Matriarchs.”³⁶ This negative stereotype came about after the description appeared in the Moynihan report.³⁷ In the report, Moynihan stated that Black women were forced to take “a leadership role in the family,” which “emasculated Black men.”³⁸ Soon after, Black women developed the characteristic of being abnormally strong, in part from their unwillingness to conform to traditional female roles, marking them as independent, sufficient, and able to take care of themselves.³⁹ Today, Black women are still seen as the backbone of their families and communities.⁴⁰ Although this stereotype sounds like it empowers Black women, it actually dehumanizes them. Black women often have to choose to stand up for themselves or to stay silent and remain strong for everyone else. As a result, they are not able to take time to take care of themselves.⁴¹ This stereotype prohibits Black women from speaking out after a sexual assault, either in fear of being portrayed as weak or in fear of putting others in harm’s way.⁴² Because of the “Matriarch” stereotype, Black women feel a responsibility to protect members of their community, specifically Black men, and not to enforce negative stereotypes about them.⁴³ For example, when Black men rape Black women, the women feel that they should not report their assault because it will reinforce negative stereotypes about Black men.⁴⁴ Black women also feel that reporting their experience will put Black men in danger.⁴⁵ Emily Bazelon pens, “There is plenty of evidence that black men, in particular, bear the brunt of arrests, convictions,

33. See Shanita Hubbard, *Black Women Love Hip Hop, But It Doesn't Love Us Back*, HUFFINGTON POST (Jan. 28, 2018), https://www.huffingtonpost.com/entry/opinion-hubbard-metoo-hiphop_us_5a6b6162e4b0ddb658c60925.

34. Olive, *supra* note 24, at 3.

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*

40. Haskins, *supra* note 28.

41. Olive, *supra* note 24, at 3.

42. *Id.* at 3-4.

43. Haskins, *supra* note 28.

44. *Id.*

45. Emily Bazelon, *Why I Don't Call the Police*, Michael Brown, Eric Garner, Debra Harrell, *And that's just the latest*, SLATE (Aug. 14, 2014, 3:04 PM), http://www.slate.com/articles/news_and_politics/jurisprudence/2014/08/michael_brown_eric_garner_debra_harrell_just_three_examples_of_why_i_don.html.

and long sentences, out of their proportion to their crime rate.”⁴⁶ Black women know that Black men have to worry about facing not only brutal interactions with police officers but also an unjust criminal justice system.⁴⁷ The stories of Eric Garner⁴⁸ and Michael Brown,⁴⁹ among others, permeate the minds of Black women when facing the dilemma of whether to report sex crimes committed by Black men.⁵⁰ Black women think, if these unarmed Black men can be killed by police for minor infractions, what will happen to the men that they report for sexual assault? With this in mind, Black women must choose either to bear the burden of putting Black men in harm’s way or to internalize their pain. This impossible choice essentially pushes Black women into choosing their community over themselves, reinforcing the ‘Matriarch’ stereotype.

Moreover, the “Jezebel” and “Matriarch” stereotypes shape how the world views *all* Black women. Consistent with these stereotypes, bodies of color are seen as dirty and unworthy of respect.⁵¹ In essence, these stereotypes work to ensure that violence against Black women is not taken seriously because it is not seen as *real* violence.⁵² Consequently, Black women are seen as “rapable” because of the effect that both stereotypes have on the perception of Black women.⁵³ The next section demonstrates how these stereotypes are perpetuated through Hip Hop lyrics.

III. BLACK WOMEN LOVE HIP HOP, BUT HIP HOP DOES NOT LOVE US⁵⁴

Hip Hop enforces both stereotypes of Black women through the lyrics of many rap artists. In Hip Hop, “Black women are treated as a unitary and monolithic entity.”⁵⁵ Likewise, sexism, misogyny, and sexual violence have

46. *Id.*

47. *Id.*

48. See Deborah Bloom & Jareen Imam, *New York man dies after chokehold by police*, CNN, (Dec. 8, 2014, 5:31 PM), <https://www.cnn.com/2014/07/20/justice/ny-chokehold-death/index.html>.

49. See Matt Pearce, *Back Story: What happened in Michael Brown shooting in Ferguson, Mo.?*, L.A. TIMES (Nov. 24, 2014, 6:29 PM), <http://www.latimes.com/nation/la-na-back-story-ferguson-shooting-story.html>.

50. Haskins, *supra* note 28; Olive, *supra* note 24, at 4.

51. *Communities of Color and the Impacts of Sexual Violence*, *supra* note 27.

52. *Id.*

53. *Id.*

54. All Hip Hop is not the same. There are some Hip Hop songs that portray Black women positively. However, this paper is highlighting the negative aspects of Hip Hop and proposing ways for the ‘bad’ Hip Hop artists to do better, since their lyrics are more pervasive in today’s society. I will acknowledge positive Hip Hop artists near the end of this paper.

55. See Iman Forte, *Hip Hop’s Influence on the Image of Black Women in America*, MEDIUM: GENDER THEORY (May 18, 2017), <https://medium.com/gender-theory/hip-hops-influence-on-the-image-of-black-women-in-america-bd73df96c97f>.

been present throughout Hip Hop history.⁵⁶ Hip Hop promotes the physical abuse of women, derogatory terms against women, and encourages the practice of raping women.⁵⁷ Evidence of all three categories can be seen in contemporary Rap lyrics.

A. PHYSICAL ABUSE IN HIP HOP

In “Hey Mister Mister,” Kool G vividly describes himself beating his girlfriend:

Now I gotta to give your motherfuckin ass a beatin
 I punched her in the ribcage and kicked her in the stomach
 Take of all my motherfuckin jewelry, bitch runnin
 I stomped her and I kicked her and I punched her in the face
 Some people crowded around but nobody got out of place⁵⁸

These lyrics undoubtedly reinforce negative stereotypes that society has given Black women and promote the physical abuse of Black women. The song not only reinforces stereotypes but also preserves the belief that Black women are over-sexualized and devalued.⁵⁹

B. DEROGATORY TERMS IN HIP HOP

As mentioned, Hip Hop also promotes derogatory terms against Black women. In “Booty”, Blac Youngsta raps:

Bounce that booty on the floor
 Shake it to you get a little sore
 Show ‘em yo mamma made a hoe

Girl I wanna see you twerk
 I’ll throw a lil’ money if you twerk

I know my bitch love me
 ‘Cause she rub my feet
 Shake that booty, I’ll come visit
 If you thick, I might hit it.⁶⁰

56. See Ayannah Dimas, *Untitled*, MEDIUM (Dec. 12, 2017), <https://medium.com/the-base-line/rap-and-hip-hop-are-the-most-influential-genres-of-our-time-bb14c81d586>.

57. See Naomi Wilson, *How Men in Hip- Hop Perpetuate Mistreatment of Women*, MEDIA MILWAUKEE (Dec. 24, 2017), <http://mediamilwaukee.com/recent-headlines/rape-culture-hip-hop-rap-songs-misogony>.

58. KOOL G., *Hey Mister Mister*, on THE PRE-KILL VOL.2 (Psycho+Logical-Records 2012).

59. Forte, *supra* note 55.

60. BLAC YOUNGSTA., *Booty*, on I’M INNOCENT (Epic Records 2017).

The lyrics from “Booty” also reinforce the Jezebel stereotype, specifically the “Contemporary Jezebel” stereotype. Blac Youngsta says, “Show ‘em yo mamma made a hoe.”⁶¹ A “hoe” or “hoochie” is the modern way of saying Jezebel, which shows that the way Black women are seen by society has not changed much since slavery.

Hip Hop also promotes misogyny and the mistreatment of women.⁶² For example, the lyrics tell men to treat women as objects, not queens, and they encourage men to have many sexual partners.⁶³ In Hip Hop, women are often called “bitch,”⁶⁴ which can be seen in “Booty.”⁶⁵ Similarly, rap lyrics also over-glorify “ass-ets”⁶⁶ and focus on the Black woman’s body and “booty.”⁶⁷ The physical aspects of Black women are used only to sell music.⁶⁸ These characterizations of women are in line with the “Jezebel” stereotype, which describes women as being hypersexual and promiscuous objects.⁶⁹

C. RAPE CULTURE IN HIP HOP

Correspondingly, Black women continue to be portrayed as being promiscuous sexual objects, which influences how they are treated when they want to report sexual assault. This stereotype, coupled with the lyrics from songs like “U.O.E.N.O.” and the history of the devaluation of Black women, makes the public think that it is okay to rape Black women. In U.O.E.N.O., Rick Ross says: “Put Molly all in her champagne, she ain’t even know it. I took her home and I enjoyed that, she ain’t even know it.”⁷⁰

Here, Rick Ross is insinuating that he drugged a woman with the drug “Molly” and took advantage of her while she was under the influence, which is sexual assault. The lyrics are detrimental to Black women not only because they objectify them, but because the lyrics mark *all* Black women as being the same, as “Jezebels.”⁷¹ These lyrics, coupled with the previous lyrics, suggest that it is okay to treat all Black women the same because the songs continue to reinforce the negative stereotypes.. This has a major impact on

61. *Id.*

62. Elizabeth M. Vasily, *Women, Gangs, and Law Enforcement in America: A Critical Race and Feminist Analysis*, 7 GEO. J. L. & MOD. CRITICAL RACE PERSP. 319, 330 (2015).

63. Conyers, *supra* note 1.

64. *Id.*

65. BLAC YOUNGSTA, *supra* note 60.

66. Conyers, *supra* note 1.

67. Forte, *supra* note 55.

68. See Brandie Bentley, Rosaly Maldonado, et al., “Shake Your Money Maker”: An Analysis of Hip Hop music’s effect on the Identity of Black women, SEMANTIC SCHOLAR, <https://pdfs.semanticscholar.org/12c4/18fdb74d66ca84f0509b3cf823c5e2a3f404.pdf>.

69. Communities of Color and the Impacts of Sexual Violence *supra* note 27.

70. ROCKO ET AL., *U.O.E.N.O.*, on GIFT OF GAB 2 (Rocky Road Records 2013).

71. Forte, *supra* note 55.

American culture and society,⁷² especially since Hip Hop is the most influential lifestyle among young people⁷³ and is very reflective of the American culture.⁷⁴

American culture is a rape culture, which normalizes rape and places the blame on women and female sexuality.⁷⁵ This representation also plays a large role in how Black women view themselves.⁷⁶ “Listening to these songs, just like looking at models in magazines and watching commercials on television, instill[s] these expectations as [Black women] grow up. They are nurtured into believing that men can use them sexually with no consequence; that men own their bodies.”⁷⁷ Black women internalize the depicted stereotypes and reproduce behaviors that bring about the negative characterizations.⁷⁸ The lyrics of Hip Hop songs actively reinforce the “Jezebel” and “Matriarch” stereotypes about Black women, making it one of the many obstacles that hinder Black women from reporting and following through with sexual assault.

D. HIP HOP LYRICS INFLUENCE THE SOCIETY

Vulgar Hip Hop lyrics also shape how men view Black women.⁷⁹ The effect can be seen over the nation. In a research study, men on a college campus were shown Hip Hop videos and interviewed afterwards.⁸⁰ The videos ranged from high sexual content to low sexual content and measured the men’s acceptance of objectification of women, rape myth acceptance, gender attitudes, and sexual permissiveness.⁸¹ After being shown the videos, the men shown the high sexual content videos demonstrated a greater objectification of women and a higher level of rape acceptance than those in

72. Chloe Cable, *I Sing of Misogyny and Sexual Assault: Rape Culture in Contemporary American Pop Music*, OTHER FEMINIST, GENDER, AND SEXUALITY COMMONS (2017) https://ir.uiowa.edu/cgi/viewcontent.cgi?article=1070&context=honors_theses.

73. Bentley ET AL., *supra* note 68.

74. Cable, *supra* note 72.

75. *Id.*; Erin Gistaro, *Our Culture is Rape Culture – And We Have to Confront It*, MS. MAGAZINE (Nov. 15, 2017), <http://msmagazine.com/blog/2017/11/15/culture-rape-culture-confront/>; Robert Cox, *Men, Women, Fame, and the Rape Culture In America*, HUFFINGTON POST (Jul. 19, 2017), https://www.huffingtonpost.com/entry/men-women-fame-and-the-rape-culture-in-america_us_596f7a49e4b02700a905eb56; What is Rape Culture? <http://www.wavaw.ca/what-is-rape-culture/> (last visited Sep. 10, 2018); Meagen M. Hildebrand & Cynthia J. Najdowski, *The Potential Impact of Rape Culture on Juror Decision Making: Implications for Wrongful Acquittals in Sexual Assault Trials*, Alb. L. Rev. 1059, 1063-64, (2014-2015).

76. Bentley ET AL., *supra* note 68.

77. Cable, *supra* note 72 at 39.

78. Todd J. Clark, *Ballin in the Boardroom: Changing the Social Context of Sexual Harassment*, 28 J. C.R. & ECON. DEV. 125, 131 (2015).

79. Bentley ET AL., *supra* note 68.

80. Michelle E. Kistler & Moon J. Lee, *Does Exposure to Sexual Hip-Hop Music Videos Influence the Sexual Attitudes of College Students?*, 13 MASS COMMUNICATION AND SOCIETY, 67 (2009) DOI: 10.1080/15205430902865336.

81. *Id.*

the low sexual content group.⁸² In general, the research showed that listening to Hip Hop lyrics affected the men's perception of women.⁸³ These same men are professors, friends, tutors, and the like, to Black women. There is no doubt that the over-exposure of sexualized Black women influences how these men view and interact with Black women daily. This belief affects how Black women maneuver through instances of rape and sexual assault. Professor Clark shares his views on the effect of Hip Hop videos saying,

Because of this depiction of black women, their identity as well as their conceptions of sexual right and wrong can become distorted since the dominant construct is that they are merely sexual objects. As such, the misogynistic and barbaric views that hip-hop culture perpetuates when describing black women causes significant issues of self-identity. For example, because black women are overly sexualized and begin to internalize such depiction, they may be less likely to recognize discriminatory conduct and even if they do, they will be less likely to report it.⁸⁴

This exposure of over-sexualization in Hip Hop also suggests that treating Black women wrongly is okay. Hip Hop rewards this negative behavior by being complicit with the Hip Hop artist's involvement in sexual assault.⁸⁵ Research shows that record sales increase with each police report filed against Hip Hop artists.⁸⁶ For example, rapper XXXtentacion was accused of sexually assaulting a young woman, and the details of the assault were captured in a 120-page deposition transcript.⁸⁷ While the rapper was in jail, his popularity increased.⁸⁸ Other rappers even shouted him out in interviews, songs, and on Twitter.⁸⁹ For instance, rapper Lil Uzi Vert shouted out many Hip Hop artists he supported and respected, including XXXtentacion.⁹⁰ He tweeted "S/o @XXXtentacion," followed by similar tweets to other current Hip Hop artists.⁹¹ In addition, independent artists and fans created "Free XXXtentacion" shirts and a Change.org campaign calling

82. *Id.*

83. *Id.*

84. Clark, *supra* note 78.

85. See Amy Zimmerman, *How Hip-Hop Rewards Rappers for Abusing Women*, DAILY BEAST (Sep. 9, 2017), <https://www.thedailybeast.com/xxxtentacion-kodak-black-and-how-hip-hop-rewards-rappers-for-abusing-women?ref=scroll>.

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

90. See XXL Staff, *Lil Uzi Vert Names Some of the New Rappers He Respects*, XXL MAG (Feb. 20, 2017), <http://www.xxlmag.com/news/2017/02/lil-uzi-vert-names-new-rappers/>.

91. *Id.*

President Trump to release him from jail.⁹² Similarly, rappers like Kodak Black also gained popularity while fighting sexual assault cases.⁹³ If the cases had gone to trial, jurors would have faced the same dilemma as the jurors in Shawana's case. Jurors would have had to choose to believe the victims or believe the rappers who had been rewarded and gained more notoriety after the accusations arose. It is possible that because of this, the rappers would be found not guilty, like Kelly, which would cause women to forego reporting instances of sexual assault and rape.

In other instances, Hip Hop fans have simply turned a blind eye to sexual assault allegations against their favorite rappers. Years ago, Dr. Dre admitted to throwing a lady down a stairway, and Eazy-E even stated, "Bitch deserved it."⁹⁴ However, Dr. Dre was still able to reach a net worth of \$770 million.⁹⁵ Socially conscious rapper, Nas, has even reduced women to sexual objects in his famous song with positive female rapper, Lauryn Hill, saying *if he ruled the world*, he would make women "go down on him."⁹⁶

It is shocking that these misogynistic lyrics have to bypass so many people before the songs are released.⁹⁷ Author, Shanita Hubbard, described the shock she felt knowing Chief Keef's lyrics stating, "You gon' suck my dick fo I kill you," had to pass many people involved with writing, recording, mixing, and production.⁹⁸ She insinuates that throughout the entire process, it is absurd that *no one* thought, "Maybe we shouldn't release this" or even that the lyrics were just wrong. Lyrics like those of Chief Keef help reinforce the negative stereotypes about Black women, which affects how they are treated after experiencing rape and sexual assault. The legal implications of how society rewards rappers are discussed in the following sections.

IV. HIP HOP LYRICS HAVE A REAL-LIFE EFFECT ON BLACK WOMEN

Women internalize the demeaning Hip Hop lyrics and act accordingly.⁹⁹ The stereotypes developed throughout history that Black women are promiscuous and exotic suggest that women are willing participants in their sexual assault.¹⁰⁰ Because of these stereotypes, Black women experience a

92. See Tavian Souder, *Free XXXtentacion from prison*, Change.org, <https://www.change.org/p/donald-trump-free-xxxtentacion-from-prison> (last visited May 13, 2018).

93. Zimmerman, *supra* note 85.

94. Hubbard, *supra* note 33.

95. See Zack O'Malley Greenburg, *The Forbes Five: Hip Hop's Wealthiest Artists 2018*, FORBES (Mar. 1, 2018), <https://www.forbes.com/sites/zackomalleygreenburg/2018/03/01/the-forbes-five-hip-hops-wealthiest-artists-2018/#305ef4c847c1>.

96. NAS, *If I Ruled the World*, on IT WAS WRITTEN (Columbia Records 1996).

97. Hubbard, *supra* note 33.

98. *Id.*

99. Clark, *supra* note 78.

100. Hubbard, *supra* note 33.

higher rate of rape.¹⁰¹ Black women experience intimate partner violence at a rate 35 percent higher than that of White women and 2.5 times that of other races.¹⁰² Moreover, one in five Black women have been raped in their life.¹⁰³ However, Black women are less likely to report their assault for many reasons.¹⁰⁴ Most Black women do not report because of the fear of discrimination, police brutality, and negative stereotyping.¹⁰⁵ The “Matriarch” stereotype that Black women are resilient and exceptionally strong under stress increases their vulnerability and discourages them from speaking out about their abuse.¹⁰⁶ Other Black women do not speak out or report their abuse because they do not think that they will be believed, like Shawana and how she was not believed by her jury.¹⁰⁷ On the other hand, White women report more because they do not have these same fears.¹⁰⁸ White women do not have to deal with the intersectionality of multiple variables such as poverty, location, marital status, a lack of job opportunities, and the distrust of and alienation from public agencies.¹⁰⁹ Because Black women do faces these intersectionalities, they are also less likely to seek social services and feel that they must forgive their rapists.¹¹⁰ The upcoming sections will display the hardships that Black women face when trying to report instances of sexual assault.

A. BLACK WOMEN CANNOT TRUST THE POLICE

Hip Hop lyrics about Black women influence their relationships with the police, which impacts their ability to report sexual assault. Black women distrust law enforcement because they feel that they will not be believed.¹¹¹ This stems, in part, from Hip Hop portraying Black women as promiscuous. Black women may feel that the police have already formed an opinion about them before even hearing their sexual assault claims. Black women also do not trust the police because of the police violence on Black bodies and may feel safer avoiding police entirely.¹¹² “Victims of color may fear facing a biased criminal justice system where their credibility as a victim is doubted

101. See *Domestic Violence Facts & Stats Collection*, Women of Color Network, http://www.doj.state.or.us/wp-content/uploads/2017/08/women_of_color_network_facts_domestic_violence_2006.pdf, (last visited May 1, 2018).

102. *Id.*

103. Haskins, *supra* note 28.

104. *Communities of Color and the Impacts of Sexual Violence supra* note 27.

105. *Id.*

106. *Id.*

107. Olive, *supra* note 24.

108. *Id.*

109. *Id.*

110. *Domestic Violence Facts & Stats Collection supra* note 101.

111. *Barriers for Black Survivors supra* note 28.

112. See Shana L. Maier, *Sexual Assault Nurse Examiners' Perceptions of the Influence of Race and Ethnicity on Victim's Responses to Rape*, 8 (2) FEMINIST CRIMINOLOGY 67 (2012).

or fear an African American or Hispanic assailant may not be treated fairly.”¹¹³ Additionally, Black women do not feel comfortable going to the police because the police often treat Black women like “throwaways.”¹¹⁴ Black women who fit a certain description, are usually not believed by police.¹¹⁵ A woman who has a history of prostitution or drugs will probably not pursue a rape allegation in fear of not being believed by police officers.¹¹⁶ In turn, this increases the victimization of Black women and causes Black women to not report rape or sexual assault.

As a part of a movement in Michigan that focused on investigating and prosecuting abandoned sexual assault cases, a county prosecutor moved to get all of the abandoned rape kits tested.¹¹⁷ However, because most of the kits were from women of color, the prosecutor noted that there was little “political will” to have them tested.¹¹⁸ They also cost a lot of money to test, and even the crime lab personnel wanted to test kits from only “worthy” victims or from those with “legitimate cases.”¹¹⁹ The crime lab personnel stated that they should not waste time on “sketchy” victims.¹²⁰ This refusal to test the rape kits imposes legal consequences for the public at large. If the rape kits were tested soon after the DNA was collected, the results could help prosecutors and police officers catch serial rapists or help populate databases focused on collecting DNA to catch future predators.¹²¹ Moreover, DNA found in the kits could help exonerate a defendant wrongly accused of rape or sexual assault and alternatively could help secure a conviction against someone arrested in a similar crime.¹²² This pre-judgment of “unworthy” Black victims stems, in part, from the images that Hip Hop artists portray in their music and the “Jezebel” and “Matriarch” stereotypes, which comes at a steep cost. Because of this pre-judgment, instances like these go unnoticed and place Black women at an even higher risk of being sexually assaulted. For example, Calvin Kelly admitted to another one of his rape victims that he can escape rape charges by dehumanizing his victims and bringing up their history of drug use and prostitution.¹²³ Kelly bragged that because of the victim’s negative history, police officers would not believe the victim or pursue the rape charges.¹²⁴ Hip Hop artists also paint Black women as

113. *Id.*

114. Williams & McGuire, *supra* note 2.

115. Mencarini, *supra* note 11.

116. *Id.*

117. Williams & McGuire, *supra* note 2.

118. *Id.*

119. *Id.*

120. *Id.*

121. *Id.*

122. *Id.*

123. See *supra* note 11.

124. *Id.*

unworthy when they call Black women derogatory terms and objectify them, which makes it seem like it is okay to treat Black women horribly.

Hip Hop lyrics, however, are only a part of the problem. Many Black women inherently do not trust the police because of the history of anti-Blackness and police discrimination against Black bodies.¹²⁵ This discrimination can be seen in policemen's actions towards the Black population, in general. Black women fear discriminatory practices like those of the Michigan police department and others, including unconstitutional search and seizures, arrests, and killings.¹²⁶

1. Black Women Get Beat Up by the Police

Black women often feel like they get “beat up” by going to the police, when the police are supposed to help them.¹²⁷ In Michigan, the county prosecutor was able to obtain a grant to look into the abandoned sexual assault cases.¹²⁸ During the investigation, the county prosecutor discovered the mishandling of sexual assault cases and high victim blaming by the police.¹²⁹ Poor victims were accused of being prostitutes, lying, “getting what they deserved” for associating with certain people, committing “a wake up and forget,” or being in a situation not really considered a rape.¹³⁰ In Shawana's case, she was asked if she was a prostitute, and she admitted that she drank and did drugs for her birthday.¹³¹ In that case, police engaged in victim blaming, which made Shawana feel like she was unworthy and that her life did not matter.¹³² Hip Hop lyrics do the same when enforcing the “Jezebel” stereotype. Lyrics like “Shake that booty, I'll come visit. If you thick, I might hit it,” in *Booty* by Blac Youngsta, portrays women as being only worthy of sexualization and dehumanization.¹³³ Additionally, Black women experience similar discriminatory practices in school.

B. BLACK WOMEN ARE DISCRIMINATED AGAINST IN SCHOOL

Black women also have a harder time reporting instances of sexual assault in college. When Black women try to report claims, schools often persuade the victims to retract complaints, especially if they are against other

125. See German Lopez, *Police Shootings and Brutality in the US: 9 Things You Should Know*, VOX (May 6, 2017), <https://www.vox.com/cards/police-brutality-shootings-us/us-police-racism>.

126. *Id.*

127. See *supra* note 1.

128. *Id.*

129. *Id.*

130. *Id.*

131. *Id.*

132. *Id.*

133. Blac Youngsta, *supra* note 60.

Black students.¹³⁴ Similarly, the victims experience subtle pressures from the Black community.¹³⁵ The decision not to report stems from “Blackisms,” which are unwritten rules deeply rooted in Black culture and are seen in Hip Hop lyrics.¹³⁶ Some of these “Blackisms” include: “What goes on in this house, stays in this house”; and “protect, don’t expose.”¹³⁷ The push from the Black community to enforce these rules stem from the historical distrust of Whites.¹³⁸ Because of this, Black women who report sexual assault involving Black men will most likely be disavowed by their community.¹³⁹ This also could seem detrimental to some students because many Black students face hardships even getting into college and accessing resources.¹⁴⁰ However, this puts the rape victim in a difficult position. They can either seek help for their sexual assault or be a “matriarch” and put the community before themselves. In fact, when a Black woman victim chooses to go to authorities, she is told to get over it and be strong like a “Black woman is supposed to.”¹⁴¹ This behavior discourages survivors from coming forward. On top of that, even if Black victims spoke out about their assault, research shows that college students perceive a Black victim of sexual assault to be less believable and more responsible for her assault than a White victim.¹⁴² This is because college students are gravely impacted by the influences of Hip Hop in addition to the effects of the deeply ingrained stereotypes of Black women in society.¹⁴³

C. BLACK WOMEN FACE DISCRIMINATION IN RECEIVING RESOURCES

In addition to Black women’s struggle to receive help from the police and in school, Black women also have a hard time when trying to obtain resources to help with their trauma.¹⁴⁴ As a matter of fact, Black women are less likely to seek out social services.¹⁴⁵

134. See Lauren Rosenblatt, *Why it’s Harder for African American Women to Report Campus Sexual Assaults, Even at Mostly Black Schools*, L.A. TIMES (Aug. 28, 2017), <http://www.latimes.com/politics/la-na-pol-black-women-sexual-assault-20170828-story.html>.

135. *Id.*

136. Clark, *supra* note 78.

137. *Id.*

138. *Id.*

139. *Id.*

140. Rosenblatt, *supra* note 134.

141. *Id.*

142. *African-American Women and Sexual Assault Fact Sheet*, MD Coalition Against Sexual Assault, <https://mcasa.org/assets/files/African-American-Women-and-Sexual-Assault1.pdf> (2014).

143. Bentley ET AL., *supra* note 68.

144. See Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 STAN. L. REV. (1991), https://alexu.asian.lsa.umich.edu/courses/readings/Crenshaw_Mapping%20the%20Margins.pdf.

145. *Barriers for Black Survivors* *supra* note 28.

1. Economic Barriers

To begin with, Black women experience financial strains that White women do not.¹⁴⁶ The economic cost of rape starts at \$87,000 and can be as expensive as \$240,776.¹⁴⁷ The economic cost of rape includes the cost of any bills or treatment needed after an act of sexual assault. In *What One Rape Cost Our Family*, the author explains that the cost of rape can include lost wages, cost of treatment centers, lost tuition, reconstruction surgery, rehabilitation aftercare programs, therapist/psychiatrist bills, dermatologist visits, and travel for emergency trips.¹⁴⁸ It is a sacrifice for Black women to report their rape or sexual assault experiences because it can be very expensive.¹⁴⁹ Black women make 69 percent of a man's wages, while White women make 82 percent when both are working full time.¹⁵⁰ On top of that, there are very few resources for low-income people.¹⁵¹

2. Resources Available to Black Women

While there are resources that cater to low-income communities, the entities that provide these resources may not meet the needs of Black women.¹⁵² Women of color are less likely to have their needs met than White women.¹⁵³ Black women who have experienced rape or sexual assault also face other problems that are unique to them.¹⁵⁴ Explicitly, counselors that provide rape crisis services to women of color have to spend funds on other things such as housing and other immediate needs.¹⁵⁵ The agencies that fund the rape crisis centers largely allocate funds to standards of need that cater to White, middle-class women.¹⁵⁶ For example, some of the funding goes toward accompanying women to court.¹⁵⁷ However, Black women's sexual assault or rape cases rarely ever go to court.¹⁵⁸ When Black women's cases do go to court, their cases are less likely to result in convictions and long-term prison terms than cases involving the rape of White women.¹⁵⁹ This result stems from the way Black women are treated by attorneys in rape cases. Historically, attorneys were allowed to attack women's past sexual

146. *Id.*

147. *Id.*

148. See Laura Hilgers, *What One Rape Cost Our Family*, N.Y. TIMES (Jun. 24, 2016), <https://www.nytimes.com/2016/06/24/opinion/what-one-rape-cost-our-family.html>.

149. *Id.*

150. *Id.*

151. *Id.*

152. *Id.*

153. Crenshaw, *supra* note 144.

154. *Id.*

155. *Id.*

156. *Id.*

157. *Id.*

158. *Id.*

159. *Id.*

conduct and moral character.¹⁶⁰ The treatment of Black women in the court room in general, coupled with the stereotypes of Black women, exemplifies why Black women report cases of rape less often than their White counterparts.

3. Mistreatment of Black Women in Courtrooms

Rape shield laws seem to protect women from attacks on their sexual past in courtrooms. However, many attorneys and their clients have found ways to get around them. The federal rape shield statute states,

(a) Evidence generally inadmissible. The following evidence is not admissible in any civil or criminal proceeding involving alleged sexual misconduct except as provided in subdivisions (b) and (c):

(1) Evidence offered to prove that any alleged victim engaged in other sexual behavior.

(2) Evidence offered to prove any alleged victim's sexual predisposition.

(b) Exceptions.

(1) In a criminal case, the following evidence is admissible, if otherwise admissible under these rules:

(A) evidence of specific instances of sexual behavior by the alleged victim offered to prove that a person other than the accused was the source of semen, injury or other physical evidence;

(B) evidence of specific instances of sexual behavior by the alleged victim with respect to the person accused of the sexual misconduct offered by the accused to prove consent or by the prosecution; and

(C) evidence the exclusion of which would violate the constitutional rights of the defendant.

(2) In a civil case, evidence offered to prove the sexual behavior or sexual predisposition of any alleged victim is admissible if it is otherwise admissible under these rules and its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. Evidence of an alleged victim's reputation is admissible only if it has been placed in controversy by the alleged victim.¹⁶¹

This statute, like many state rape shield statutes, was created to protect victims of rape and their sexual history during court proceedings. Prosecutors and victims' attorneys are able to keep out evidence about a

160. *Id.*

161. Fed. R. Evid. 412.

victim's sex life or sexual dispositions. Although defense attorneys are allowed to ask about specific instances of sexual behavior to show consent or that another person is the cause for physical injuries, the judicial process at this point still seems fair. However, attorneys have found ways to get around these laws. Defense attorneys have developed a common tactic, called "DARVO" to attack a victim's credibility.¹⁶²

"DARVO" stands for "Deny, Attack, and Reverse Victim and Offender." The perpetrator or offender may Deny the behavior, Attack the individual doing the confronting, and Reverse the roles of Victim and Offender such that the perpetrator assumes the victim role and turns the true victim -- or the whistle blower -- into an alleged offender. This occurs, for instance, when an actually guilty perpetrator assumes the role of "falsely accused" and attacks the accuser's credibility and blames the accuser of being the perpetrator of a false accusation.¹⁶³

This tactic can be used by indirectly introducing character evidence through testimony by defendants themselves, or exceptions and exclusions to the rules of evidence. Another way that defense attorneys and defendants get around rape shield laws is by flat out attacking the victim's credibility. Federal Rule of Evidence 608 states, "A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character."¹⁶⁴ Either tactic could be brutal to a victim's claim of rape or sexual assault. The mention of Calvin Kelly's victim's history with drug use and prostitution likely corrupted the jury and led to the not guilty verdict, even though this information was probably entered into evidence to attack the victim's credibility. Attorneys could assert that a victim had a reputation for untruthfulness because of their use of drugs. The tactics could also inhibit women from bringing claims against predators in fear of their pasts being outed in public. Additionally, Black victims in these situations have an added layer of hardship, which includes being faced with the public's disbelief that a rape even occurred. Infamous cases, like the *Duke Lacrosse* case, have more than likely tainted the public's mind of Black victims when it comes to reported rapes and sexual assaults.¹⁶⁵

162. Mencarini, *supra* note 11.

163. Jennifer J. Freyd, PhD, *What is DARVO?*, (2018), <https://dynamic.uoregon.edu/jjf/defineDARVO.html>.

164. Fed. R. Evid. 608.

165. See Lara Setrakian, *Charges Dropped in Duke Lacrosse Case*, (April 11, 2007), (In the Duke Lacrosse case, the accused were acquitted of all rape and sexual assault charges made by a Black woman after there was not enough sufficient evidence to prosecute the players. It was also mentioned that the accuser dealt with substance abuse and mental health issues.) <https://abcnews.go.com/US/LegalCenter/story?id=3028515&page=1>. ; Craig Jarvis, *Mangum's*

4. Black Women are Discriminated Against While Seeking Medical Help

Identically, Black women seeking medical help face the same issues and are unable to have their needs met.¹⁶⁶ In a survey about the perceptions of sexual assault nurses, the researchers found that Black women face more challenges obtaining assistance after rape.¹⁶⁷ During the survey, 20 nurses admitted that they treated rape victims who were women of color differently.¹⁶⁸ The nurses claimed that they strived to provide services to the women that they would be more comfortable with.¹⁶⁹ The survey also found that Black women were less likely to admit drinking before rape because of their fear of not being believed.¹⁷⁰ In Shawana's case, she probably felt that she should not have admitted to drinking and doing drugs before the jury because they obviously did not believe her. Similarly, many Black women are not believed when they report abuse in their workplaces.

D. SEXUAL ASSAULT AGAINST BLACK WOMEN IN WORKPLACES

Black women often feel like they are not heard at their workplaces either, especially in the realm of sexual harassment.¹⁷¹ Since Black women do not feel that they are heard, they do not speak out because they have not felt empowered in a long time and fear not being believed.¹⁷² When Black victims do come forward to report an instance of sexual harassment or assault, they face a "never ending attack on their career."¹⁷³ Sexual assault victim Emerald Jane Hunter says, "Being a woman in the workplace has its challenges. And then when you're thick and curvy, your curves feel like a curse. When Black men see you, that's the first thing they see. You're objectified . . . You don't think you're being seen in any other way."¹⁷⁴ In a legal sense, it is also hard for women to prove and pursue sexual harassment cases if they are in a hostile work environment. In order for a sexual harassment claim to be actionable, it must be so severe or pervasive that it alters the conditions of the victim's employment and creates an abusive working environment¹⁷⁵, and not merely be unwelcomed behavior.¹⁷⁶ Author

life: conflict, contradictions, (April 13, 2007), <http://www.newsobserver.com/2007/04/13/44070/mangums-life-conflict-contradictions.html>.

166. Maier, *supra* note 112.

167. *Id.*

168. *Id.*

169. *Id.* at 76-77.

170. *Id.* at 69.

171. Dimas, *supra* note 56.

172. See Jessica Prois & Carolina Moreno, *The #MeToo Movement Looks Different For Women of Color. Here are 10 Stories*, HUFFINGTON POST, (Jan. 2, 2018), https://www.huffingtonpost.com/entry/women-of-color-me-too_us_5a442d73e4b0b0e5a7a4992c.

173. Dimas, *supra* note 56.

174. Prois & Moreno, *supra* note 172.

175. *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 67 (1998).

176. *Oncala v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 80 (1998).

Vicki Schultz exclaimed her discontent of how courts treat sexual harassment cases in comparison to other discrimination cases:

While all complainants must show that the alleged discrimination was based on sex, only hostile work environment harassment victims must prove that the conduct was sufficiently ‘severe or pervasive’ that a reasonable person would find that it created an intimidating, hostile, or abusive work environment. The courts have set an unduly high bar for meeting this standard that prevents many victims from having their day in court, let alone winning . . . So long as harassment makes it more difficult for people to do their work because of their sex or gender, it should be prohibited just like all other forms of discrimination.¹⁷⁷

Moreover, Supreme Court cases *Faragher* and *Burlington Industries* made it so victims of sexual harassment in the workplace have to make an internal complaint or risk being able to recover damages.¹⁷⁸ This deters women from wanting to speak out or bring forth claims in fear of being retaliated against¹⁷⁹ or receiving more unwanted attention. All these legal hardships, coupled with the negative stigmas surrounded by Black women’s sexuality, make it hard for Black women to want to report rapes and sexual assaults.

1. Coping with Sexual Assault in the Workplace

A lot of women adopt ways to cope with sexual harassment in the workplace.¹⁸⁰ When they are touched inappropriately or harassed, they smile and laugh it off¹⁸¹ because Black women have to worry about being retaliated against or shunned. Sandy Hong, a victim of sexual harassment, believes that employers need to recognize how women of color are disadvantaged by being an underrepresented voice.¹⁸² Black women constantly worry about the stereotypes concerning them. Women who have tried to report sexual harassment have been blamed for the attacks, accused of falsifying stories, and even called “hoes” and “gold-diggers.”¹⁸³ Others have been told that they “deserved it” or “wanted it.”¹⁸⁴ Since Black women usually are underrepresented in their workplaces¹⁸⁵, the women have to worry about

177. Vicki Schultz, *Open Statement on Sexual Harassment from Employment Discrimination Law Scholars*, 71 Stan. L. Rev. Online 17, 43 (2018-2019).

178. *Faragher v. City of Boca Raton*, 524 U.S. 775, 806-07.

179. Olivia B. Waxman, *The Surprising Consequences of the Supreme Court Cases That Changed Sexual Harassment Law 20 years ago*, (June 26, 2018), <https://time.com/5319966/sexual-harassment-scotus-anniversary/>.

180. Prois & Moreno *supra* note 172.

181. *Id.*

182. *Id.*

183. Dimas, *supra* note 56.

184. *Id.*

185. Dimas, *supra* note 56.

having support from other people and the status of their job after they come forward. This stifles the number of women that actually report abuse.¹⁸⁶

2. Feeling Powerless in the Workplace

Many women do not report cases of sexual assault because they do not feel like they have the power. Women who came out about Russell Simmons said they were scared because they felt powerless and thought that they would be ostracized at work.¹⁸⁷ This feeling can be even more extreme when a woman of color is accusing a White man of harassment.¹⁸⁸ Victim Shanita Hubbard says, “If it is a white man who is the offender and who has obvious power, who is going to hear us?”¹⁸⁹ Indeed, Lupita Nyong’o’s claims against Harvey Weinstein were, initially, the only claims that were disputed by the producer.¹⁹⁰ Amid accusations from celebrities such as Angelina Jolie, Cara Delevigne, and Ashley Judd, Mr. Weinstein chose to only publicly refute the claims brought by Lupita, a woman of color.¹⁹¹ Not addressing or simply refuting these truthful claims by women of color reinforces the stereotype perpetuated in Hip Hop songs. The derogatory Hip Hop lyrics, along with the overall treatment of Black women by society, tell victims that they do not matter and tell abusers that it is okay to assault, harass, and rape Black women.¹⁹²

The effect of the negative treatment of Black women can be seen by the verdict reached in Shawana’s case:

”The not guilty verdict suggest[ed] that no matter how polished the prosecutor’s arguments were; no matter how strong the DNA evidence was; no matter how many victims there were or how convincing their testimony was, the jurors could not overcome the deeply ingrained rape culture and history of racism that pervade our country and our criminal justice system.”¹⁹³

V. THERE IS STILL TIME FOR CHANGE

However, there is still time to make a change in Hip Hop, which can influence the entire world. In some Hip Hop songs written and performed by Black men, Black women are portrayed as sexual objects or mindless

186. Communities of Color and the Impacts of Sexual Violence *supra* note 27.

187. Hubbard, *supra* note 33.

188. Prois & Moreno, *supra* note 172.

189. Hubbard, *supra* note 33.

190. See Kevito, *Why Did Harvey Weinstein Choose To Dispute Lupita Nyong’o Over the Other Accusers?*, OKAYPLAYER, <http://www.okayplayer.com/culture/harvey-weinstein-choose-dispute-lupita-nyongo-accusers.html>.

191. *Id.*

192. Dimas, *supra* note 56.

193. Williams & McGuire, *supra* note 2.

accessories to men.¹⁹⁴ Nevertheless, Black women who are Hip Hop artists have tried to take back the ownership of women being sexually active.¹⁹⁵ Women artists who have tried to do this include Lil Kim, Nicki Minaj, Eve, Trina, and Cardi B. For example, in “Whip It,” by Nicki Minaj, she says, “Hey you, jump in this ride/ It’s real nice and slippery inside.”¹⁹⁶ These female artists wanted to be the ones to tell their own stories, in their own words, and from a woman’s perspective. Unfortunately, similar efforts to “take back” their sexuality are overlooked by their physical and sexual appeal.¹⁹⁷ Though their efforts are sometimes overlooked, some women Hip Hop artists take an alternate route and try to promote Black women in a positive way.¹⁹⁸ Throughout history, in general, women artists have said it is important to identify the misogyny in Hip Hop and try to pose a threat to the patriarchy by sharing their own feelings.¹⁹⁹ Artists like Nina Simone feels that it is an artist’s duty to reflect the current times.²⁰⁰ If women feel that they are not being represented in an accurate way, it is up to them to change the narrative. Changing the narrative and promoting positive characteristics about Black women could help reverse all the negative effects of the stereotypical lyrics. The positive lyrics could help society view Black women as “worthy” victims, make women more believable when reporting crimes, help eliminate sexual harassment in public places, and change how they are treated when receiving resources. Black women deserve to break free from the old “Jezebel” and “Matriarch” stereotype and develop a new story for themselves.

A. HISTORY OF POSITIVE HIP HOP LYRICS ABOUT BLACK WOMEN

In the 1980s, there was a feminist movement that focused on sexual liberation and women taking back the control of their bodies.²⁰¹ Soon after, rappers like MC Lyte came on the scene and were not afraid to take on topics of sexuality and consent.²⁰² In her song “I’m Not Having It,” she says:

You think you’re all that, No you think you’re all this
With your baby, baby talk, and your

194. Wilson, *supra* note 57.

195. *Id.*

196. Nicki Minaj, *Whip it*, on PINK FRIDAY: ROMAN RELOADED (Cash Money Records, Inc. 2012).

197. Wilson *supra* note 57.

198. See Lindsey Addawoo, *How Black MCs Changed the Conversation Through Hip Hop*, VICE (Mar. 31, 2017), https://www.vice.com/en_us/article/yp9kx5/how-black-female-emcees-changed-the-conversation-through-hip-hop.

199. *See Id.*

200. *See Id.*

201. *See Id.*

202. *See Id.*

“Excuse me miss”
 Well I smooth, and hey look, it’s only right
 I thought that we could get together, and
 Maybe we can . . .
 Yeah sounds good, but guys like you
 Just wanna hit and run
 Look, we’re not the two, and I’m not the one
 So if ya got some thought of taking me to bed
 Kill that! And get a five-dollar crack-head.²⁰³

Songs that did not put down women started to be heard and changed Hip Hop for the better. Other women rap artists made songs that uplifted Black women as well.²⁰⁴ The artists included Foxy Brown, Queen Latifah, and Lauryn Hill.²⁰⁵ In “Ladies First,” Queen Latifah says:

I break into a lyrical freestyle
 Grab the mic, look into the crowd and see smiles
 Cause they see a woman standing up on her own two
 Sloppy slouching is something I won’t do
 Some think that we can’t flow (can’t flow)
 Stereotypes, they got to go (got to go)
 I’m a mess around and flip the scene into reverse
 (With what?) With a little touch of “Ladies First”

Who said the ladies couldn’t make it, you must be blind
 If you don’t believe, well here, listen to this rhyme
 Ladies first, there’s no time to rehearse
 I’m divine and my mind expands throughout the universe
 A female rapper with the message to send the
 Queen Latifah is a perfect specimen²⁰⁶

Empowering songs, like “Ladies First,” meant humanizing a demographic that had long been dehumanized since slavery.²⁰⁷ The same needs to happen today.

203. MC Lyte, *I’m Not Havin’ it*, on *THE FIRST PRIORITY MUSIC FAMILY: BASEMENT FLAVOR NOT HAVIN’ IT* (First Priority Music 1988).

204. Addawoo *supra* note 198.

205. *See Id.*

206. QUEEN LATIFAH, *Ladies First*, on *ALL HAIL THE QUEEN* (Tommy Boy Music 1989).

207. Addawoo *supra* note 198.

B. THE RESPONSIBILITY OF TODAY'S HIP HOP SUPPORTERS

Women Hip Hop and Rap artists need to create music that empowers Black women in order to combat the negative lyrics that are released by men. Since Hip Hop is one of the most influential genres of music, women artists should capitalize by using their voice to change how the world views Black women. If more people heard how great Black women were and did not always have to hear about their sexual abilities, minds would start to change.

Black women can also start holding Hip Hop artists, who sexualize and demean Black women, accountable for their lyrics and their actions. Hip Hop artists should be held accountable for their lyrics, just like they are held accountable for their album sales, sold out venues, and awards.²⁰⁸ The only thing they are not held accountable for are their lyrics and the crimes that they commit.²⁰⁹ A perfect example of this is the current sexual assault claims against R. Kelly. Black women are coming together to make sure that R. Kelly is held accountable for his actions by boycotting his music and concerts.²¹⁰ Some of his concerts have even been cancelled because of his sexual assault accusations.²¹¹ This shows that if women stick together, our voices will be heard and we can make a difference.

Black women must also stop supporting the artists that degrade us. The beats can be catchy, and we might find ourselves wanting to dance to their music. However, we cannot even act like we are enjoying the music because it will only motivate Hip Hop artists to continue to create more demeaning and misogynistic music. Women have to understand that “cash rules everything around music.”²¹² If women stopped supporting these artists, they would have no choice but to listen. Black women and supporters of Hip Hop have to stand up to these Hip Hop artists and demand that they create respectful music. Hip Hop artists do not want to lose their careers, and artists need to know their actions are wrong and affecting many Black women in ways they might not have considered.

Moreover, women who have experienced sexual assault, harassment, or rape, need to share their stories. Power and confidence come in numbers. If one person shares her story, it will empower other women to speak out about their trauma. Women sharing their stories will help show the Hip Hop artists that their lyrics are truly affecting *real* people. Women who have not been sexually assaulted, need to #SayHerName.²¹³ Women should act as allies and advocate on behalf of their sisters who have faced sexual assault. Black women need to show the world that they are tired of being stereotyped and

208. *See Id.*

209. *See Id.*

210. *See Id.*

211. *See Id.*

212. Hubbard, *supra* note 33.

213. Williams & McGuire, *supra* note 2.

only being seen as sexual objects. The women also need to share with the world how serious the effects of Hip Hop music are regarding sexual assault. Black women should publicize that the reinforcement of the negative stereotypes is causing them hardship in every stage of their rape and sexual assault cases.

Black men also have a duty in changing the way Black women are seen. Black men need to actively support Black women in their efforts to change the narrative of stereotypical Hip Hop. They need to act as allies in movements such as the boycott of R. Kelly and the support of the #MeToo movement. Most importantly, Black men have a duty to *listen* to Black women. They need to hear the pain that Black women have been going through for years, in order to understand and empathize with their sisters. After listening, Black men must make a conscious decision to change the way they treat and depict Black women in their everyday interactions and in their lyrics.

Men and women have to work together to end the negative depiction of Black women. It is no coincidence that Black women are hypersexualized in Hip Hop music and by the same token, are sexually abused at a higher rate.²¹⁴ Although there are other larger influences on how the world perceives Black women, such as the history of slavery, Jim Crow, racism, and mass incarceration, Hip Hop continues to contribute to the negative outlook surrounding Black women. Ultimately, Hip Hop is a smaller piece of a bigger puzzle, and by promoting and creating more positive music, we can collectively begin to solve this puzzle.

VI. CONCLUSION

Black women have been demeaned and degraded since the beginning of time. Black women have never seemed to outgrow the Jezebel or Matriarch stereotype. This is evident in current Hip Hop songs like, “U.O.E.N.O.,” “Hey Mister Mister,” and “Booty.” The artists and creators of these songs need to realize how much their lyrics enforce the stereotypes that Black women are “hoes” and “rapeable.” Because of these ideals, Black women are treated differently throughout every part of their sexual assault experience. They are not believed when they try to report rape, sexual assault, and sexual harassment. They are deemed as unworthy of help, and they are discarded because their cases are not seen as real cases. Many Black women are even told to be strong like a Black woman is supposed to be.²¹⁵ It is up to Black women and their allies to influence change in the Hip Hop industry and combat these negative lyrics. Hip Hop artists must then adapt to the change and create music that uplifts Black women. There needs to be

214. *Domestic Violence Facts & Stats Collection supra* note 101.

215. *Olive, supra* note 24.

more music like 2Pac's famous song, "Keep Ya Head Up." In the song, 2Pac says:

And since we all came from a woman
Got our name from a woman and our game from a woman
I wonder why we take from our women
Why we rape our women – do we hate our women?
I think it's time to kill for our women
Time to heal our women, be real to our women.²¹⁶

In the words of 2Pac Shakur, now is the time to heal our women by changing the way we speak about Black women in Hip Hop. By doing this, the world will finally know that it is not okay to victimize Black women through sexual assault, harassment, and rape.

216. TUPAC SHAKUR, *Keep Ya Head Up*, on *STRICTLY 4 MY N.I.G.G.A.Z.* (Interscope Records 1993).

