

REPRODUCTIVE FREEDOM and the

Long Hand of **SLAVE BREEDING**

by JoAnn Wypijewski

I hate liberalism's language of "choice." I always have. Redolent of the marketplace, it reduces the most intimate aspects of existence, of women's physical autonomy, to individualistic purchasing preferences. A sex life or a Subaru? A child or a cheeseburger? Life, death or liposuction? In that circumstance, capitalism's only question is Who pays and who profits? The state's only question is Who regulates and how much? If there is an upside to the right's latest grotesque, multi-front assault on women, it is the clarion it sounds to humanists to take the high ground and ditch the anodyne talk of "a woman's right to choose" for the weightier, fundamental assertion of "a woman's right to be."

That requires that we look to history and the Constitution. I found myself doing that earlier this year, sitting in the DC living room of Pamela Bridgewater, talking about slavery as the TV news followed the debate over whether the State of Virginia should force a woman to spread her legs and endure a plastic wand shoved into her vagina. Pamela has a lot of titles that, properly, ought to compel me to refer to her now as Bridgewater—legal scholar, law professor at American University, reproductive rights activist, sex radical—but she is my friend and sister, and we were two women sitting around talking, so I shall alternate between the familiar and the formal.

"What a spectacle," Pamela exclaimed, "Virginia, the birthplace of the slave breeding industry in America, is debating state-sanctioned rape. Imagine the woman who says No to this as a prerequisite for abortion. Will she be strapped down, her ankles shackled to stirrups?"

"I suspect," said I, "that partisans would say, 'If she doesn't agree, she is free to leave.'"

"Right, which means she is coerced into childbearing or coerced into taking other measures to terminate her pregnancy, which may or may not be safe. Or she relents and says Yes, and that's by coercion, too."

"Scratch at modern life and there's a little slave era just below the surface, so we're right back to your argument."

Pamela Bridgewater's argument, expressed over the

past several years in articles and forums, and at the heart of a book in final revision called *Breeding a Nation: Reproductive Slavery and the Pursuit of Freedom*, presents the most compelling conceptual and constitutional frame I know for considering women's bodily integrity and defending it from the right.

In brief, her argument rolls out like this. The broad culture tells a standard story of the struggle for reproductive rights, beginning with the flapper, climaxing with the Pill, *Griswold v. Connecticut* and an assumption of privacy rights under the Fourteenth Amendment, and concluding with *Roe v. Wade*. The same culture

tells a traditional story of black emancipation, beginning with the Middle Passage, climaxing with *Dred Scott*, Harper's Ferry and civil war, and concluding with the 13th, 14th and 15th Amendments. Both stories have a postscript—a battle royal between liberation and reaction—but, as Bridgewater asserts, "Taken together, these stories have no comprehensive meaning. They tell no collective tale. They create no expectation of sexual freedom and no protection against, or remedy for, reproductive slavery. They exist in separate spheres; that is a mistake." What unites them but what both leave out, except incidentally, is the experience of black women. Most significantly, they leave out "the lost chapter of slave breeding."

I need to hit the pause button on the argument for a moment, because the considerable scholarship that revisionist historians have done for the past few decades has not filtered into mass consciousness. The mass-culture story of slavery is usually told in terms of economics, labor, color, men. Women outnumbered men in the enslaved population 2 to 1 by slavery's end, but they enter the conventional story mainly under the rubric "family," or in the cartoon triptych Mammy-Jezebel-Sapphire, or in the figure of Sally Hemmings. Yes, we have come to acknowledge, women were sexually exploited. Yes, some of the Founders of this great nation prowled the slave quarters and fathered a nation in the literal as well as figurative sense. Yes, maybe rape was even rampant. That the slave system in the US depended on human beings not just as labor but as reproducible raw material is not part of the story America typically tells itself. That women had a particular currency in this system, prized for their sex or their wombs and often both, and that this uniquely



female experience of slavery resonates through history to the present is not generally acknowledged. Even the left, in uncritically reiterating Malcolm X's distinction between "the house Negro" and "the field Negro," erases the female experience, the harrowing reality of the "favorite" that Harriet Jacobs describes in *Incidents in the Life of a Slave Girl*.

We don't commonly recognize that American slaveholders supported closing the trans-Atlantic slave trade in 1808; that they did so to protect the domestic market, keeping the price of human flesh high and thus boosting their own nascent breeding operation. Women were the primary focus: their bodies, their "stock," their reproductive capacity, their issue. Planters advertised for them in the same way as they did for breeding cows or mares, in farm magazines and catalogs. They shared tips with one another on how to get maximum value out of their breeders. They sold or lent enslaved men as studs and were known to lock teenage boys and girls together to mate in a kind of bullpen. They propagated new slaves themselves, and allowed their sons to, and had their physicians exploit female anatomy while working to suppress African midwives' practice in areas of fertility, contraception and abortion. Reproduction and its control became the planters' prerogative and profit source. Women could try to escape, ingest toxins or jump out a window—abortion by suicide, except it was hardly a sure thing.

This business was not hidden at the time, as Pamela details. And, indeed, there it was, this open secret, embedded in a line from *Uncle Tom's Cabin* that my eyes fell upon while we were preparing to arrange books on her new shelves: "If we could get a breed of gals that didn't care, now, for their young uns, . . . I think't would be 'bout the greatest mod'rn improvement I knows on," says one slave hunter to another after Eliza makes her dramatic escape, carrying her child over the ice flows.

The foregoing is the merest scaffolding of one of the building blocks of Bridgewater's argument, which continues thus. "If we integrate the lost chapter of slave breeding into those two traditional but separate stories, if we reconcile female slave resistance to coerced breeding as, in part, a struggle for emancipation and, in part, a struggle for reproductive freedom, the two tales become one: a comprehensive narrative that fuses the pursuit of reproductive freedom into the pursuit of civil freedom."

Constitutionally, the fundamental civil freedom is enshrined in the 13th Amendment. The amendment's language is unadorned,

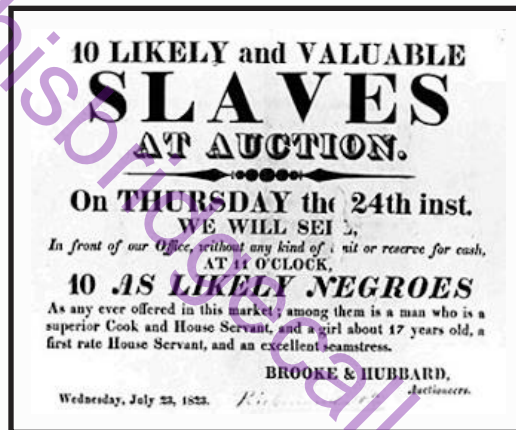
so it was left to the political system to sort out what the abolition of slavery meant in all particulars. In a series of successive legal cases, the courts ruled that in prohibiting slavery the amendment also prohibits what the judiciary called its "badges and incidents," and recognized Congress's power "to pass all laws necessary and proper for abolishing all [of those] in the United States."

Bridgewater argues that because slavery depended on the slaveholder's right to control the body and reproductive capacity of enslaved women, coerced reproduction was as basic to the institution as forced labor. At the very least it qualifies among those badges and incidents, certainly as much as the inability to make contracts. Therefore, sexual and reproductive freedom is not simply a matter of privacy; it is fundamental to our and the law's understanding of human autonomy and liberty. And so constraints on that freedom are not simply unconstitutional; they effectively reinstitute slavery.

The courts and Congress of the 19th century understood contracts, and even a little bit about labor. Women they understood wholly in terms of their sex and wombs, and those they regarded as the property of husbands once owners exited the stage. It is not our fate to live with their failings. It is not our fate to live with the failure of later courts to apply the 13th Amendment to claims for sexual and reproductive freedom or even to consider the historical context out of which the 14th Amendment also emerged. It is not our fate, in other words, to confine ourselves to the pinched language of choice or even of privacy—or to the partial, white-centric history of women's struggle for reproductive rights.

Not long after that conversation in Pamela's living room, the anti-woman spring offensive came on

in full. Texas transvaginal ultrasound mandate went into effect. Virginia lawmakers ended up imposing a standard ultrasound mandate, one of at least ninety-two new regulations or restrictions that states have imposed on abortion since 2011, and one of at least 155 introduced in state legislatures since the start of the year. Rush Limbaugh revealed himself to be astoundingly ignorant of female sexuality. Rick Santorum demonstrated many times over that, for him, no idea policing "the sexual realm" is too outlandish. They and their anti-woman allies have lobbed so many bombs it's easy to get distracted, to assume a posture of defensive, and sometimes politically dicey, defense: *But no federal money*



THEREFORE, SEXUAL AND REPRODUCTIVE FREEDOM IS NOT SIMPLY A MATTER OF PRIVACY; IT IS FUNDAMENTAL TO OUR AND THE LAW'S UNDERSTANDING OF HUMAN AUTONOMY AND LIBERTY. AND SO CONSTRAINTS ON THAT FREEDOM ARE NOT SIMPLY UNCONSTITUTIONAL; THEY EFFECTIVELY REINSTITUTE SLAVERY.

catalogue listed as \$6,000! What personally reverberated was the notion of how society unconsciously uses and disposes of things, most times not thinking of where it ends up afterwards. Ramirez photography evokes a scene from *Examined Life*⁴, where Slavoj Žižek touches upon this notion of social ecology and the effects of globalized capitalism and consumerism, perfectly.

Personally, the *Broom* series represents society, in a globalized world of urbanized cities, *constantly consuming*. As such, society has or feels that need to be cleaning and maintaining a *façade*

up? It ends up where society is headed if it continues to consume and produce needless things—in dumps, out of sight, out of mind, the 99% of society under the control of the 1%...*not* a solution to waste accumulation. Worse, American assimilation has made/makes the Latino/a invisible—something *WE WILL NOT REMAIN*, especially with artists like Ramirez, pointing out society's faults in such simple yet provocative and evocative ways.

Ramirez left the Mexican American and Chicano/a culture something to be proud of in the world of contemporary art. His



of cleanliness because we consume unconsciously. It screams that we dirty the earth with waste and products of nothingness marketed for sale, then used and thrown away, in the hopes of buying more nothingness. Also, it implies “who used these tools of waste maintenance?” Unfortunately, mainstream and popular culture depicts Latinos and other people of color as house cleaners, janitors, and other manual laborers. I cannot say that Ramirez was implying this, but this definitely crossed my mind.

The *Trash Bags* series connects to the *Broom* series immediately; because they are objects used in the accumulation of waste, and because what is swept up and gathered is usually collected in trash bags, to be unseen. The trash bags represent the result of a society fixated on excess and consumption. *Where does it end*

images of simple things depict deep and complex critiques of our country and its culture of consumption. His knowledge and photographic expressions reinforce how an excessive culture of consumerism is detrimental to society and the image world. Through critical art forms like this, others will start to see that the consumption needs to be sustainable, at cost—not for profit, or excessive accumulation. Simply, one *must* be thoughtful, frugal and grateful for the scarce resources that Mother Earth offers humanity still.

Editor's note: Timothy Giddens is a Chicano student at UTSA. This article was originally written for Dr. Josie Méndez-Negrete's class, Latino Cultural Expressions. It was edited for purposes of La Voz. Endnotes for the article are available upon request from: lavoz@esperanzacenter.org

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pays for abortion; women who delay child-bearing are more productive; the Pill eases painful periods; most of what Planned Parenthood does has nothing to do with abortion; contraceptives help against rheumatoid arthritis; Mrs. Santorum might have died under the fetal personhood platforms her husband touts; Sandra Fluke is not a slut...

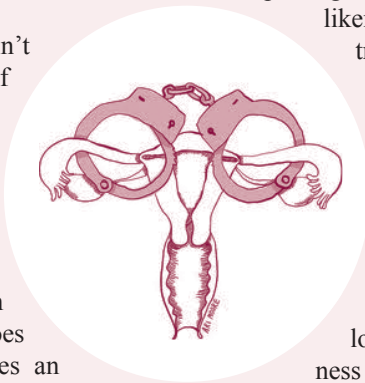
What of it if she were? By any other name, ain't she a woman? A human being? The descendants of slave masters have no more right to control her sexuality and reproductive organs, to deny her self-determination, than did their predecessors. Mother or slut, prostitute or daughter, lesbian or straight or transgender, celibate law student or lazybones who just wants to have sex all day, she and all women are heir in their person to a promise of universal freedom, one that does not make such distinctions but that recognizes an individual's right to her life, her labor, her body, her sexuality and self-possession all as one. Forget trying to shut up a gasbag on the radio; there is basic liberty to uphold.

The preachers and lay men and women now raising the

Personhood banner for their side have taken to calling the fetus and fertilized egg the new slave, and the national movement for their legal personhood the new civil rights movement. The director of Personhood Florida compares himself to William Wilberforce, the nineteenth century English abolitionist. A Catholic priest posting on Planned Parenthood's "I Have a Say" video thread

likens defenders of women's bodily autonomy to slave traders. On their blogs and other propaganda, the foot soldiers of this movement call *Roe v. Wade* a latter-day *Dred Scott* decision; they invoke the 13th Amendment and vow to fulfill its promise.

These people are not stupid and some are sincere, but they are wrong. They pervert morality and history in the guise of honoring both, and thingify women according to the logic of this country's cruelest past. There is another logic, and it calls us to complete the unfinished business of emancipation.



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