

MAKING A PERSON PROPERTY

In 1857, the United States Supreme Court, through the majority opinion of Roger B. Taney, in the case, *Dred Scott v. Sanford* ruled that blacks, “had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold and treated as an ordinary article of merchandise and traffic, whenever profit could be made by it.” According to the Supreme Court, Dred Scott and the rest of the African-American population were not persons, they were property. It would be eight years before their ruling would be reversed, first through the 13th Amendment that outlawed slavery, and then expanded through the 14th Amendment which gave broad rights of citizenship to all persons born or naturalized in the U.S.

116 years after Dred Scott, the Supreme Court once again ruled that a specific group of human beings were not persons, but property under the law. *Roe v. Wade*, argued on much the same lines as *Dred Scott*, remains with us to this day.

From an ideological perspective, there are many connections between abortion and slavery. Both fit the classic “pro-choice” model. ***Against Slavery? Don’t Own a Slave! Against Abortion? Don’t Have One!*** Lost in both equations is the victim, the human being who is made the property of another human being and thereby stripped of all rights of personhood. The mistreatment leveled at both victims is justified on the premise that they’re not really people. They’re sub-human. Justice Taney in the *Dred Scott* decision argued that “it is too clear for dispute, that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted [the Declaration of Independence]” Justice Blackmun, in the *Roe* decision, likewise concluded that the protections guaranteed in the 14th Amendment were certainly not to be extended to unborn children. Thomas Jefferson believed that, “in reason, [blacks are] much inferior [to whites]... and that in imagination they are dull, tasteless and anomalous.”¹ The late Carl Sagan, was fond of comparing unborn children to, “segmented worms,” “fish,” “tadpoles,” “reptiles,” and “pigs”. Dehumanization, in both instances, is the language of abuse.

Slavery and abortion also receive the same kind of “spin” from those who would turn vice into virtue. Thomas Jefferson argued that the most loving thing he could do for his slaves was to keep them enslaved. In the book, *The Constitutional Principles of Thomas Jefferson*, Caleb Patterson writes that “it was Jefferson’s humane feeling for his slaves that kept him from freeing them. To free the ordinary slave was not very different from starting him on the road to starvation. Or as Jefferson put it... like abandoning children.” Today, people argue that the most loving thing an impoverished mother can do for her children is to abort them.

Slavery and abortion are both institutions where those in power have the legal right to abuse or destroy those who are not in power. Slavery and abortion are both institutions with huge financial interests, and slavery and abortion are both institutions defended on the freedom to choose... ***Nobody is forcing you into having an abortion. Nobody is forcing you into owning a slave. Why don’t you let people make their own decisions? Stop forcing your morality on me!***

Despite their many similarities, there are also some real differences. While slavery was not always fatal, abortion almost always is. Where the victims of slavery were publicly visible, the victims of abortion are not. While victims of slavery could speak in their own defense, victims of abortion have no voice. Where

the government was never willing to subsidize slave ownership for whites who couldn't afford slaves, abortion is often paid for with government funds.

Today, many of the people who defend abortion in principle, still try and distance themselves from it in practice. ***I'm personally opposed to abortion, but people should be free to make their own choices.*** If this is your attitude about abortion, if you think you've carved out some morally-neutral middle ground, ask yourself that same question in regard to slavery or lynching. Would you ever dare make the statement that, while you're personally opposed to lynching, you still support the rights of other men to lynch? If there was no middle ground in regard to slavery, there is no middle ground in regard to abortion. The reasons that the Supreme Court reserved itself about Dred Scott are the same reasons it should reverse itself about *Roe v. Wade*. Until they do, we continue to live in a society in which living persons are considered property.

1. Virginius Dabney, *The Jefferson Scandals, A Rebuttal* from Thomas Jefferson's *Notes on Virginia*.