

Partus Sequitur Ventrem

“Partus Sequitur Ventrem — The Rule That Perpetrated Slavery And Legalized Rape”

““That which is brought forth follows the belly (womb)”

This was the legal doctrine that made any child of an American female slave a slave as well. It meant any white fathers had no financial responsibility for their progeny. They were free to rape their slaves at will as there were no laws against that either. With no concern for any children that might come from the forced union. In fact, there was a market for mulatto and octaroon children who would be purchased to work as domestics. Some owners (Thomas Jefferson) used their half-white slaves as their concubines, finding them more attractive the closer they were to white. Sally Hemings was Jefferson’s wife’s half-sister, the product of her father raping a slave. Then again the master might sell their offspring to keep the peace with their wives who might be annoyed at little slave children running around who favor their husbands.

English common law held that a child’s legal status followed the father. Men could be forced to provide at least nominal support for even their illegitimate children. English courts preferred for the fathers to take responsibility, sometimes providing apprenticeships, so the community didn’t have to care for the child. Those laws no longer applied across the ocean. The colonies went rogue and adopted new laws in 1662, freeing them of any responsibility for the tan slave children they were creating. It also kept the number of free black children low as any child born to a female slave was also a slave.

Not talked about in proper society were the children of free white women and black slaves. White women who weren't sure what color the child might be could get a legal abortion those days.

"Cottonwood" was a remedy known to slaves who sometimes refused to have children after being raped or as often as the masters would like. Some women would be forced to have over a dozen children if they survived as death during childbirth was relatively common. The rare slave would be offered their freedom if they produced enough children. Sometimes the dark child of a white woman was abandoned or given away. Usually just sold off although technically they were legally free.

There was a growing population of free blacks in America. By the year 1810, over 10% of blacks in the upper Northern states were free. In Virginia at the same time, just over 7% of blacks were free; mostly through manumission but a few being born to white women. Then cotton increased the need throughout the south for labor and suddenly slaves weren't being freed so much but sold. The price of domestic slaves had gone up because America had made importation of slaves illegal. That move, spearheaded by our old friend Jefferson but envisioned in the Constitution (Article One: Section Nine) was about protectionism and making Virginia slaveholders who had excess slaves rich but harming South Carolina slave owners who had been importing cheaper slaves from Africa.

Partus Sequitur Ventrem is a Latin term but its application was uniquely American. The Founders codified into law a means to further dehumanize those who they enslaved, walking away from all responsibility. Another lesson in American history."

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