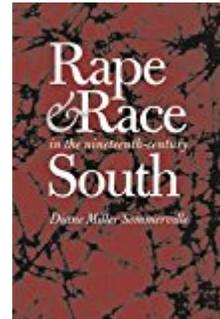




Diane Miller Sommerville. *Rape and Race in the Nineteenth-Century South*. Chapel Hill and London: University of North Carolina Press, 2004. xiii + 411 pp. \$24.95 (paper), ISBN 978-0-8078-5560-7; \$59.95 (cloth), ISBN 978-0-8078-2891-5.



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Rape Myths on Trial

Diane Miller Sommerville's monograph is an ambitious history of rape and race relations in the antebellum and postbellum American South. Through an exploration of the actual legal cases of African American men accused of raping white women, Sommerville deconstructs a number of myths that both white southerners and historians have constructed about race, class, and sexuality. These myths include the absence of slave rapists during the antebellum years, the existence of the "black-beast-rapist," white solidarity when it came to cases of black on white crime, the pervasiveness of vigilante justice in most cases of accused African American rapists, and white southerners' long-standing fear of black male sexuality.

Sommerville opens *Rape and Race in the Nineteenth-Century South* with historian Ulrich B. Phillips's 1918 claim, in *American Negro Slavery*, that during the antebellum years slaves accused of raping white women received fair trials (p. 1). In recent years, historians have rejected Phillips's assertion in the face of the horror of twentieth-century southern lynchings. In the most compelling section of her book, Sommerville argues that Phillips's claims about the legitimacy of slave rape trials were sound even though his motivations were suspect.

Sommerville deconstructs the many historical myths about rape by beginning with the historians' theory that if white southerners saw black men as potential rapists at the advent of Jim Crow, then they must have feared them during slavery as well. She contends that scholars of southern race relations have started with the reality of turn-of-the-twentieth-century lynchings and have extrapolated backwards to locate the roots of racial sexual stereotyping as far back as the first contact between English and African peoples. Historians and laypeople alike have maintained that whites have been obsessed with and feared black male sexuality throughout American history, and, therefore, scholars have looked skeptically at any charges of rape against men of African descent. Historians have concluded that the rape charges were trumped up and that justice was elusive.

In contrast, Sommerville shows that the antebellum South—and even the postbellum South—was not plagued by the racially motivated rape hysteria that permeated the region in later years. White southerners exploited racial sexual stereotypes to justify controlling and terrorizing African Americans during the twentieth century, but employed different strategies during slavery. They did not assume the guilt of slave men and indeed waited

for the legal system to render a verdict. Whites often divided in their support for black male defendants or their white female accusers upon class rather than racial lines. Sommerville also rejects the Civil War as a watershed moment in southern race relations and argues for more continuity between the antebellum and postbellum periods in regard to southern whites' responses to black men accused of rape.

Sommerville's research focuses on records from more than 250 antebellum and Civil War-era slave rape cases, primarily from Virginia and North Carolina. She claims that her book is not a legal history, yet she heavily uses evidence found in court records to explore the validity of rape charges and gauge the reaction of local communities to these trials. She finds that it was most often poor white women who accused slave men of rape. During the antebellum period, unlike the twentieth century, it was not a given that the local white community would support female accusers over black defendants. In fact, the credibility of the accusers was often put on trial as the cases wended their way through the courts. Class and gender bias affected the results and how white southerners viewed them.

Female accusers usually came from the margins of southern society and lived in female-headed households. It was common for women in these circumstances to forge social and economic relationships with neighborhood slaves. When poor white accusers took the stand, elite southern whites were disinclined to believe their stories. Unlike Harper Lee's fictional Mayella Ewell in *To Kill a Mockingbird* (1960), the accusers in antebellum rape cases had to prove to the juries that they were speaking the truth. They were not automatically put on a pedestal of sexual and moral purity, but instead it was often assumed that these economically disadvantaged women were sexually promiscuous unless proven otherwise.

In addition, the antebellum legal standards for proving rape were extremely high. Women had to demonstrate that force was used and penetration achieved. There was no room in nineteenth-century southern law for attempted rape. Nor did girlhood protect accusers from the court's scrutiny. The morality of young girls and even that of their female relatives was put on trial as the court and the community examined their claims. The white males who sat on southern juries and court benches, as well as the governors who ruled on the commutation of rape sentences, wanted to make sure that they got it right. Mens' lives were at stake and they were reluctant to believe the word of women—even when it

was white women accusing black men.

Class and gender prejudice coupled with personal self-interest often led elite southerners to champion slave defendants over their female accusers. Concerned with losing valuable slave property if their slave men were convicted of a capital crime, owners frequently hired attorneys to defend slave men at trial. Sommerville argues that ties of affection and even a sense of paternalism motivated some slaveholders. In addition, many found it difficult to reconcile the idea of aggressively sexual men with their stereotype of docile slaves. Communities often divided, with slaveholders supporting the slave defendant and poor whites siding with the accuser.

There were very few cases of slaveholding women who accused slave men of rape. Sommerville argues that the rapes of poor women and girls were crimes of opportunity. For example, court testimony suggests that poor girls were often attacked when sent away from their homes on errands, and poor white women who lived without men were more vulnerable to rape. Sommerville speculates that slaveholding women rarely were raped because they were more physically protected and were not as likely to travel about on their own. In addition, slaves would have feared retribution from the husbands and fathers of these women. However, Sommerville does not address the possibility that there were some rapes of slaveholding women that never made it into the court system, either because of the fear of shame and dishonor on the part of the victim and her family or because, like so many acts committed by slaves, the punishment was meted out within the confines of the plantation itself.

Sommerville convincingly shows that many of the cases brought by women were legitimate cases of rape. She cautions her readers against accepting the word of African American men over poor white women, believing that twentieth-century cases of falsely accused African American men have led historians to believe that most slave men were innocent. Sommerville acknowledges that some women cried rape in order to cover consensual interracial relationships; even though she cannot know for certain, the legal evidence leads her to believe that many accusations were valid.

Sommerville is at her best when she uses the rape cases to shed light on the social interactions between different classes of antebellum southerners, especially those who left a limited historical record. She argues that the trials are "a window through which to view the day-to-day interactions of southerners, black and white, privileged and poor, and to explore how southerners regarded

one another, at least under the peculiar circumstances of a rape charge” (p. 3). She describes a world where color of skin did not always unify people, where black and white southerners often associated as they ate and drank together, worked together, traded with one another, and engaged in sexual relationships.

Historians have long argued that the Civil War and Reconstruction was a period of transition for the way in which white southerners viewed black male sexuality. Many white southerners themselves believed that the so-called black beast rapist was “the foul daughter of Reconstruction” (p. 237). Instead, Sommerville suggests that there was more continuity between the antebellum and postbellum years than has often been recognized. Slavery and Jim Crow apologists claimed a lack of rape cases during the Civil War as proof that southerners had nothing to fear from their slaves, yet Sommerville found that rape prosecutions continued throughout the war. The legal evidence shows that while slaves were emboldened by their imminent freedom, white southerners by and large prosecuted the cases just as they had before. The greatest differences were that class tensions among white southerners became even more pronounced as the war progressed and slaves were more frequently executed as owners became less concerned with saving property that might soon be free.

White southerners slowly and unevenly began to move toward demonizing black men and embracing lynch law during the postbellum years. At first, elites continued to treat poor white accusers with skepticism and to maintain their paternalistic views of black men. During Radical Reconstruction, whites were most concerned with broadening the range of punishments in rape cases so that juries and judges could circumvent the racially blind system of justice imposed by Republicans and discriminate in the sentencing of convicted rapists based on the color of their skin.

As white southerners chafed under the constraints of their limited political and legal representation, they slowly began to turn to extra-legal justice, but Sommerville shows that the transition was not complete even by century’s end. Individual and community responses to rape cases often still depended on the unique circumstances of each case and the community in which it occurred rather than an overarching belief in black male sexual criminality. But by early in the twentieth century, many white southerners had solidified racial and sexual stereotypes, making it less acceptable for whites

and blacks to engage in consensual sexual relations. It was not long before black men were viewed as sexually deviant and white women were viewed as ladies regardless of their class and educational status.

Sommerville’s evidence does not as effectively support her argument for postbellum continuity, however. She primarily uses court documents to make her case about antebellum and Civil War rape trials, but for the later years she utilizes other types of evidence, such as sentencing records, changes in the law, and novels and newspaper accounts, as she explores the way changes in the law altered southern communities’ responses to accusations. Sommerville claims that she will “deconstruct the rape myth of its political and cultural trappings” (p. 3). Ironically, her postbellum analysis depends on some of the same “cultural” evidence that she criticizes earlier historians for using in their analysis of antebellum rape cases.

The thirty-five-page appendix to *Rape and Race in the Nineteenth-Century South* includes a historiographical essay of the southern rape myth taken from Sommerville’s 1995 *Journal of Southern History* article.^[1] While there is some new information contained in the essay, she repeats arguments that are made in the body of the book. Ideally, she would have integrated the historiography into the book’s introduction, rather than elaborate on the scholarly foundations of her thesis at the completion of the narrative.

In the end, the strength of Sommerville’s argument about the antebellum South outweighs any criticisms of her postbellum analysis. This ambitious and interesting book will force historians to rethink the roots of the rape myth and the solidarity of white southerners. In Sommerville’s estimation, gender and class concerns were crucial factors in interracial rape cases. Perhaps most significant, she challenges scholars of the South to question the notion that southern racial and class relations were set in stone from the earliest years of colonial history and instead approach the study of the South as a series of contingencies. Sommerville asks her readers to imagine that the story of the relationship between black and white southerners might have gone down a different—and perhaps less violent—trajectory.

Note

[1]. Diane Miller Sommerville, “The Rape Myth Reconsidered,” *Journal of Southern History* 61 (August 1995): 481-518.

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