

INTERSECTIONALITY AND THE PERPETUATION OF WHITE MALE POWER  
THROUGH INTERRACIAL SEXUAL VIOLENCE

A Dissertation

by

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## ABSTRACT

The purpose of this dissertation research is to investigate the reactions and attitudes of white men, white women, black men, and black women to the sexual violence of enslaved black women carried out by white men. Using an intersectional approach, these reactions and attitudes elucidate the way intersecting institutions of oppression interact and reinforce one another. Whereas most intersectional analysis emphasizes the location and experience of black women, or other oppressed groups, the current study focuses predominantly on the role of dominant groups. Examining the reactions and attitudes of various groups reflects the set of incentives, tactics, and consequences particular to each intersectional location which bolster institutions of oppression broadly by reducing resistance from subordinated groups. Using original sources including diaries, autobiographies, Works Progress Administration slave narratives, court cases and petitions from slavery allows for an analysis of this historical form of exploitation and oppression and the racialized gendered norms that were commonly used to perpetuate power and privilege of the dominant group.

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## CHAPTER I: INTRODUCTION

I can testify, from my own experience and observation that slavery is a curse to the whites as well as to the blacks. It makes the white fathers cruel and sensual, the sons violent and licentious. It contaminates the daughters and makes the wives wretched. And as for the colored race, it needs an abler pen than mine to describe the extremity of their sufferings, the depth of their degradation. -Harriet Jacobs, 1861 p. 81

Harriet Jacobs was the first woman in the United States to write a fugitive slave narrative. Referring to herself as “Linda Brent” in her autobiography, *Incidents in the Life of a Slave Girl* (1861), Jacobs describes the experiences of slavery including accounts of the sexual threats and violence that white men inflicted on enslaved black women. In her autobiography, Jacobs describes several themes that will be discussed in detail throughout the current study. As the opening quote suggests, Jacobs astutely recognized the impact of slavery on all racialized gendered groups who were involved. To fully grasp the role of white male sexual violence against enslaved black women, several of these groups and their relation to sexual violence of black female slaves will be analyzed in detail using primary sources including slave narratives, autobiographies, diaries, court cases and divorce petitions from slavery.

Not only were black men, women and children subjected to torturous, abhorrent conditions including forced labor, physical violence, sexual violence, unsafe living conditions, malnutrition, and other forms of torture, but the oppressive nature of slavery also created a context in which white men, white women, and their children were engaged in dominating behaviors which constantly constructed this environment as well as their social identities (Coard 2005). The toxic environment of slavery influenced the racial and gender dynamics between white men, white women, black men, and black

women, setting the stage for institutionalized racism, sexism, and racialized sexism which continue to make up the fabric of U.S. society today (Feagin 2013aa). The legal system, which upheld the rights of white slaveholding men to own and abuse their property including sexual violence of their slaves, was a central part of the institutionalization of racism and racialized sexism (Feagin 2013a). Additionally, the everyday patterns of behavior, such as the frequent and routine sexual violence of enslaved black women by white men and the racialized gendered framing that coincided with these every day behaviors became institutionalized as well (Essed 1991).

Rape of enslaved black women during slavery by white men was rampant; however, it continues to be a feature of American history which is ignored or disguised by racial framing of white men in terms of their positive attributes and black women as sexually promiscuous (Feagin 2013a; Collins 2004). Although contemporary scholars increasingly acknowledge the fact that this widespread rape occurred, sexual violence against black women by white men remains “one of the most remarked upon but least analyzed themes in the history of southern black women” according to Darlene Clark Hine (1994:37). The current study aims to address this by conducting a thorough analysis for sexual violence in order to understand the motivations for this violence and the role of white men and white women in perpetuating privilege and oppression against enslaved black women.

### **Objective**

Sexual violence of enslaved black women by white men is a part of U.S. history that is rarely discussed in the present day. Although the influence of this rape on racial

and gender identities and inequality is often overlooked, this study shows that sexual violence of enslaved black women was widespread during slavery, occurring systemically as a fundamental form of interaction between whites and enslaved blacks. Rape of enslaved black women by white men can be seen as shaping the meaning of intersectional identities in ways that continue to be salient today.

This study aims to highlight the sexual violence of enslaved black women by white men as a defining feature of U.S. history which influenced intersecting inequality and intersectional identities. To uncover the reality of this rampant sexual violence is to deconstruct the myth of white male virtue and black female promiscuity which continue to uphold the racial hierarchy and legitimize oppression today. When they were written, the political power of slave narratives, testimonies, diaries, and autobiographies often acted as a force of resistance to the exploitation of slavery. Today these documents continue to resist the racialized gendered hierarchies founded during slavery that persist. Highlighting the counterframing and resistance of enslaved black women and men to the sexual harassment and rape by white men, deconstructs the framing of black women as sexually promiscuous and continues to protest the formation of racialized gendered worldviews and institutions that uphold white power and privilege today.

In addition, uncovering the details of this widespread sexual violence against enslaved black women by white men sheds light on the role that both white men and white women played in reinforcing racialized gendered framing and the perpetuation of racialized gendered oppression. This analysis reflects the way intersecting institutions of oppression consist of “intersectional incentives” and “intersectional consequences”

which bolster the systems of oppression by reducing resistance. The concept of “intersectional incentives” is necessary for interpreting the behavior of various groups of privilege and status within an intersectional framework.

In order to analyze the role of white men and white women in the sexual violence of enslaved black women, the following research questions will guide the study: 1. In what ways does sexual violence of black women by white men during slavery impact white men, white women, and black women in terms of identity, status, and power, among other factors? 2. What were the responses (physically, verbally, emotionally) and attitudes of white women, white men, black women, and black men to the sexual violence of black women by white men? 3. What are the impacts of these responses and attitudes of each group on intersecting institutions of oppression that can be conceptually determined?

### **Frequency of Interracial Rape during Slavery**

#### *African and “Mixed-Race” Population*

Reflecting how widespread this rape actually was, previous research has estimated the frequency by incorporating data from the 1850’s and 1860’s Census and the Work Projects Administration slave narratives. The first twenty Africans were brought to the British colonies of North America in the early 1600’s. The slave population grew rapidly due to the slave trade and natural births. Demographers consider slave fertility to have occurred at “unusually high” rates in North America. The fertility rate within the slave population was comparable to free whites in the 18<sup>th</sup> Century and “above those of slaves elsewhere” (Engerman and Gallman 2000:334). After the slave

trade closed in 1808, the U.S. slave population grew at a “rate of over 2 percent per annum;” however, even while the transatlantic slave trade was in operation, natural increase accounted for most of the growth in the slave population (Engerman and Gallman 2000:344). In the 1850’s white women had an average of seven children each, while black women had an average of seven to eight children each. For white women, the number of children born began decreasing in the early 1800’s, while black women’s rates of childbirth are estimated to have declined starting around the 1850’s.

Explanations for the rapid natural increase in the slave population include debates regarding forced breeding as well as environmental factors, such as the crops and nutrients available to slaves (Engerman and Gallman 2000).

By 1860, 3,950,546 slaves were counted in the U.S. Census Slave Schedules. The U.S. population of free individuals at this time was 27,167,529 of whom 393, 975 owned slaves. On average each slave holder owned approximately ten slaves, with only one slaveholder, Joshua J. Ward of South Carolina, owning over 1,000 people as slaves. Fourteen slave holders owned between 500 and 999 people in 1860. Thomas Blake summarizes these findings, determining that “1 out of 7,000 free persons, held 20-30% of the total number of slaves in the U.S.,” according to the 1860 Census Slave Schedules (2001:1). It is important to note that even owning one healthy slaved laborer was extremely valuable to a white man due to the amount of capital that could be generated and exploited (Feagin 2013a).

The first official record of the interracial population in the U.S. was documented by the 1850 Census, which determined that 406,000 people were “visibly ‘mulatto’” out

of 3,693,000 African Americans, or about 11% (Thompson-Miller & Feagin 2008:53). Similarly, Baker estimates that in 1860, about 10% of enslaved children were mixed-race and the father was white in “*one out of every six*” black enslaved “female-headed households” (2008:72). Since interracial marriage and sex were illegal through the 19th Century, the large number of mixed-racial births suggests sexual coercion and rape were “pervasive in the southern slavocracy” (Baker 2008:71; Thompson-Miller & Feagin 2008).

Thelma Jennings (1990) also documents the large number of mixed racial births due to the routine practice of rape during slavery. Rather than an anomaly, interracial sex was “a frequent occurrence that involved whites of all social and cultural levels” against enslaved black women (1990:60). In her analysis of 514 female slave narratives, “sixty-three, or 12.26 percent commented on interracial sex” and 35% of these were “directly involved,” meaning their fathers were white men or the fathers of their children were white men (Jennings 1990:60-61). However, care should be taken when attempting to generalize from this sample of slave narratives. Because the rape of slaves was a topic of interest among abolitionists who were warning of the cruelties of slavery, the frequency of rape is possibly overrepresented in slave narratives written by ex-slaves around the 1860’s, particularly those published independently of the government WPA slave narratives.

In contrast, because the interviewers recording the WPA slave narratives were most commonly white men, the topic of rape and sexual violence is highly sensitive, and the interviews were conducted and regulated locally, incidents of sexual violence against

slaves were likely underrepresented in the WPA slave narratives overall. Some interviewers encouraged the respondents to provide positive responses regarding their slave masters, while others edited the narratives to omit information they believed was inaccurate. Overall, the interviews conducted for the WPA slave narratives did not routinely follow the rules of scientific inquiry involved in qualitative methodology today, such as remaining unbiased as a researcher, reducing leading questions, and not modifying the responses or omitting information after the interview. The editors rarely recorded everything about “miscegenation and sexual promiscuity” as they were often “squeamish about but fascinated by” these topics (Blassingame 1977: xxviii). In the 1,060 WPA slave narratives interviewed and recorded by black scholars, discussions of miscegenation as well as other topics like hatred towards whites, resistance, family customs, and child labor were more common than in those recorded by white scholars (Blassingame 1977). For these reasons, quantifying the experiences of sexual violence and mixed racial births based on slave narratives offers limited generalizability. Nevertheless, the fact that incidents of sexual violence do arise in the narratives with some frequency, and the reports of many slaves throughout narratives, diaries, and biographies, regarding the widespread rape they have witnessed or experienced on slave plantations must be considered in relation to the significant numbers of mixed-race individuals living in the U.S. by the 1850’s.

At least in substantial part, the mixed race population in 1850 reflects the outcome of the widespread sexual violence against black women by white men through the 18<sup>th</sup> and mid-19<sup>th</sup> Centuries. Moreover, the pricing of female slaves based on skin

tones provides further evidence of the value white men placed on black women's sexual appeal (Kotlikoff 1979). On the auction block, lighter-skinned female slaves were sold for an average of 5 percent more than darker-skinned female slaves while skin tone did not influence the pricing of male slaves (Kotlikoff 1979). Kotlikoff is cautious to interpret this distinction in pricing as sexually based, explaining that the data is inconclusive; however, regression analyses fail to support other possible hypotheses, such as the notion that lighter-skinned women were preferred by whites as house workers for the status or prestige the skin tone may have offered (1979:516). Furthermore, some female ex-slaves specifically reported that their master told them they were purchased for sexual purposes (see for example Picquet 1861:18). Historians have estimated that "at least 58% of enslaved women between the ages of 15 and 30" were raped by white men during the Antebellum period (West 2006:1). Rape and sexual assault of enslaved black women by white men were so frequent during slavery in large part because the legal system did not generally consider rape of these women a crime.

### **Definitions & Legal Implications of Rape and Sexual Violence**

#### *Definitions and Rape Law*

Laws on rape during slavery enabled the extensive sexual violence of enslaved black women to go unpunished. The definition of "rape" has changed throughout U.S. history, and is differentially applied based on the race and gender of the victim and offender. Whereas "rape" is a commonly used term today for current acts of forced sexual activity, the term was not regularly used during slavery to refer to sex which was forced or coerced, particularly for sexual acts involving white men and black women

(Block 2006). The changing definition of rape, whether in everyday conversation or legal definitions, complicates the study of this phenomenon. Explicating the current and former legal and social definitions of rape helps to clarify the potential ambiguities that arise due to the use of historical data for this study.

Prior to 2011, the Uniform Crime Reports, which are recorded by the police force, defined forcible rape as “The carnal knowledge of a female forcibly and against her will. Rapes by force and attempts or assaults to rape, regardless of the age of the victim, are included. Statutory offenses (no force used—victim under age of consent) are excluded” (Bureau of Justice Statistics 2012). This original definition limited itself to female victims, and was not altered until December 2011 when it was expanded to include male victims and a broad range of actions involving penetration. The new definition refers to rape as “Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim” (2012). However, the “effect of this definition change will not be seen in reported crime data until after January 2013. Data reported from prior years will not be revised” (2012). For the current study, “sexual coercion” and “rape” will both be analyzed as dimensions of sexual violence. To “Coerce” is to “constrain or restrain (a voluntary or moral agent) by the application of superior force, or by authority resting on force; to constrain to compliance or obedience by forcible means” (Oxford English Dictionary 2012; coerce, v.).

### *Interpretations of the Definition of Rape*

The accurate way to measure an incident of rape is a contested issue among contemporary criminologists because of the distinction between legal definitions of rape and self-identified acts of rape. In one study, Russell (1984) found that although 14% of the women participating described being involved in experiences that “fit the legal definition of rape, only 7% of these women labeled these acts as rape,” suggesting that many women do not view rape in the same way as criminologists and the legal system (Britton 2011:94). This lack of reporting is due in great part to misperceptions regarding what constitutes rape. Because rape myths in American culture exaggerate rape committed by strangers and under-report rape committed by friends, acquaintances, and intimate partners, many women may not view date-rape as “rape.” Or they may interpret rape by their husbands as “normal or justified” due to the perceived rights men hold within the institution of marriage (Britton 2011:93). To account for this discrepancy, scholars often use behavioral definitions of rape that ask respondents general questions regarding whether they had sex against their will, rather than using the term “rape.” For the purposes of this study, sexual activity that fits the UCR legal definition of rape as of December 2011, or the behavioral definitions included on surveys associated with having sex against one’s will, even if the victim does not label the act rape, will be included as “rape.”

When analyzing acts of rape during slavery, additional concerns arise with regards to interpreting the definition of rape. Some may argue that certain master-slave sexual relationships were consensual for both participants, and therefore, not rape.

However, sexual relationships between masters and slaves involved an overt power dynamic. Although some female slaves may have given consent to a sexual relationship with their master, it remains that slave masters had property rights over the slaves and because these women did not have access to legal protection of any personal rights, ultimately they did not have the choice to resist unwanted advances. The power differential protected by the legal and social systems of the time provided slave masters with the ability to punish these women for making the wrong “choice.” While these features of power and coercion may not have been explicitly stated by the master as overt acts of force, the dynamics of this relationship were obvious to all involved as is reflected in a passage by Margaret Douglas in 1860. She states,

The female slave, however fair she may have become by various comminglings of her progenitors, or whatever her mental and moral acquirements may be, knows that she is a slave, and, as such, powerless beneath the whims or fancies of her master. If he casts upon her a desiring eye, she knows that she must submit; and her only thought is, that the more gracefully she yields, the stronger and longer hold she may perchance retain upon the brutal appetite of her master (Douglas cited in Childs 1860:28-29)

This study will examine incidents of sex between white men and black enslaved women which appear coercive and forced. Incidences involving “rape” or “sexual coercion” will be analyzed for this study. Slave masters held the power to severely starve, whip, beat, or kill enslaved women with impunity if they refused to sexually submit, making the relational dynamics between slave masters and slaves highly coercive at best in most cases.

The power dynamics which influenced sexual relations during slavery are also reflected in the racial and gender disparities associated with legal protection and

punishment for rape during slavery, Jim Crow, and Reconstruction. During the slave era, force was considered a normal part of sex and women were expected to resist. Rape only occurred when a white man forced himself on a white woman and she never gave up resistance, ultimately charging that she was raped. The norms around sex and rape in the 19<sup>th</sup> century reflect the privilege of white men and the difficulty for even white women to affectively convict men of rape (Block 2006). Race of the victim clearly affected the ability to convict someone of rape as well. White men convicted of raping white women received sentences of 10-20 years in prison or death, while rape by a white man against a black woman was generally not viewed as a crime until the Civil War ended (Gabbidon and Green 2009). Moreover, black men accused of sexually violating a white woman through the act of rape were sentenced to death through lynching for years after the Civil War. The definition of “rape” used by the white men carrying out lynchings was loose and often based on little evidence, reflecting the highly discriminatory protections offered by the criminal justice system (Gabbidon and Green 2009).

During Reconstruction, legal statutes and rape laws were modified to appear race neutral. Black women began using the courts to file rape charges at much greater rates; however, sexual assault of black women was not taken seriously by many men during Reconstruction. Furthermore, after the Civil War, courts began adjusting laws to account for the race of the offender. Since capital punishment had been a common sentence for rape during slavery in most Southern states, legal statutes had to be modified to ensure white men would not be sentenced to death for rape after slavery was abolished. Initially “[o]nly Arkansas, Louisiana, and North Carolina retained the death penalty for all

rapists” after the war (Sommerville 2004). Eventually the rape laws were changed, providing a wide range of five years to life-in-prison, or the death penalty as punishment for rape, and removing attempted rape from the category of capital crime. This range allowed courts to maintain race neutral laws on the books while allocating discriminatory race-based sentences (Sommerville 2004).

The justice system upheld the right of white men to rape black women during slavery and the right of judges to prosecute black and white men differently for the same crime during Reconstruction. Today, the legal definition of rape and sexual assault continue to provide protection to women of all races. Nevertheless, many rape victims, particularly black females, do not report rape for similar reasons to those during Reconstruction and Segregation (Williams 1986). In the 1980’s, the typically white male agents of the legal system often harassed and blamed victims of rape, making it difficult for women of all races to feel as though they could rely on the criminal justice system for protection (Estrich 1987). Furthermore, “black women may be less likely to report rape by white men” since the legal system has a history of punishing white men less severely for rape than black men (Williams 1986:3). Although legal advancements in protection against rape are significant and necessary, the efficacy of the courts in delivering race-neutral sentences in addition to a variety of social factors, limits the actual protection from rape that these laws provide.

#### *Rape Laws in the South during Slavery*

Virginia received the label of “‘mother’ of American slavery” because it was among the first states in the nation to construct legal definitions of race and prohibitions

of interracial sex and marriage (Higgingbotham & Kopytoff 1989:1). It has been referred to as a “leader in the gradual debasement of blacks” and a “pioneer in these areas [interracial sex and marriage] of law both before and after the Civil War” (1989:1). The Virginia courts explicitly denied slaves rights to own property and to make contracts, but did not directly state whether slaves had personal rights which rape could violate. However, “[n]o 18<sup>th</sup>-century Virginia court whose records have survived convicted a white man or a slave of raping a female slave” (Higginbotham & Kopytoff 1989:41). Through the actions of the courts and the absence of convictions for the rape of slaves, Virginia ultimately claimed that slaves did not have personal rights that deserved protection against acts like rape.

While Virginia’s slave laws indirectly represent a lack of legal protection for female slaves against rape, laws varied between the slave states. For instance, in 1859 Mississippi explicitly stated in “George v. State, 37 Miss. 316, 318-20...that rape of a female slave under the age of ten by a slave was not a crime because English common law did not recognize slavery and thus recognized no rights of slaves and Mississippi extended no such rights through legislation; all rights in slave rested with master” (Higginbotham & Kopytoff 1989:41). The defense attorney in this case argued that “The crime of rape does not exist in this State between African slaves...their intercourse is promiscuous” (Sommerville 2004:65). In Mississippi, rape of female slaves was not a crime, regardless of the status of the offender. The justification for failing to criminalize the rape of slaves in this case was based on the notion of sexual promiscuity of “African slaves,” or the notion that enslaved black women were unable to be raped because they

were always interested in having sex (2004:65). This stereotype has followed black women and continues to justify sexual abuses against them into today (Richie 2012). Mississippi represents one of the harshest and most direct laws against any protection of slave rights regarding rape (Sommerville 2004). Despite the variation in Virginia and Mississippi law on rape, the outcome for the victims of rape was similar between the states, providing no protection from this form of sexual violence.

While laws differed throughout the Southern slave states, a general consensus exists among historians that enslaved black females had few opportunities to use the courts to defend themselves from sexual violation from any men until the Civil War ended. This was true not only because of legal statutes, but also because of the conditions of slavery that hindered access to the courts, and the use of various tactics by whites to discourage black women from filing charges (Sommerville 2004). The legal system created a context in which the vulnerability of black women to sexual violence by white men was high. This lack of legal protection played a central role in shaping the daily experiences of enslaved black women and white men. The legal system protected the racial hierarchy by granting white men rights over their property and protection from slave resistance while failing to offer any protection or rights to enslaved black women. Laws that refused to recognize the rape of black women as a crime and that dictated the condition of children to follow that of their mother enabled white men to conceal their sexual violence and coercion against female slaves.

## **Euphemistic Language around Rape**

The language used to refer to rape and enslaved black women who were victimized, whether in the legal system or in general was often evasive, allowing white men to shift responsibility from themselves onto enslaved black women. Euphemistic language provided a strategy for concealing one's sexual behavior and responsibility for sexual coercion with enslaved black women. Concealment was an essential dimension of the coercion and rape among slave masters and their slaves. Indeed, social approval or disapproval often depended more greatly on whether or not a man was able to conceal his sexual misconduct with female slaves than from avoiding the behavior all together (Clinton 1982). Euphemisms that assisted in the concealment or shifting of responsibility complicate the analysis of rape of enslaved black women.

While court cases involving divorces and inheritance disputes, such as those described by Kent Anderson Leslie, provide substantial evidence that some white slave holders were interested in more than sexual exploitation of the black women whom they enslaved, this should not be confused with attempts to conceal incidents of rape and sexual violence through terminology associated with affection, love, and relationships (Leslie 1996). Anthony W. Neal notes the "reluctance to call it rape" among historians writing about slavery today, as in the past. Instead of reporting the frequency of rape of female slaves by their masters, these scholars used phrases like "sexual relations," "committed miscegenation," "seduced girls," "patronized prostitutes," among others (Neal 2009:52-53). This euphemistic language maintains the illusion of white virtue and excuses white male behavior. Instead, revealing the reality of white male actions, few

historians like Nathan Irvin Huggins, Peter Kolchin, and David Bryon Davis refer to sexual relationships between slave masters and slaves as rape which elucidates white American history and white male identity as deeply intertwined with sexual violence (Neal 2009).

However, historians are not the only people to use euphemisms for sexual coercion and rape. During slavery, white men and white women often referred to sexual violence against slaves as merely sexual encounters or relationships. Modesty regarding sexual discourse was typical for the time period, with minimal explicit descriptions of sexual acts or rape in order to preserve the white social norms and decorum (Block 2006). Nevertheless, the emphasis on modesty likely served a variety of white male interests, one of which being the ability to evade responsibility for sexual coercion and rape through the lack of details of a sexual encounter and the use of euphemisms. The terminology often placed blame on the female slaves for their sexual involvement, freeing white men from responsibility. For example, the terms “concubine,” “prostitute,” “jezebel,” “wench,” and “mistress” were common ways of alluding to voluntary participation in sex with white men. Many of these terms carried illusions of hypersexuality and deviance that reduced black women to the single dimension of their sexuality and shifted responsibility away from white men and onto black women (Collins 2004; Work Projects Administration 2006a; 2006b).

### **Voices of Enslaved Black Women and Men and Resistance**

Despite the ability of many white men to conceal the sexual violence they executed upon enslaved black women, and the extensive rape that occurred with the

support of the legal system, many women and men resisted this rape. African American women such as Ida B. Wells began organizing resistance against rape in the 1870's with anti-lynching efforts. Through their campaigns, "[t]hese activists challenged the deep-seated ideas about the innate promiscuity of Black women and attempted to protect African American men from false rape allegations" (West 2006:2). Activism and resistance from black men and women against rape by white men can be seen even earlier in slave narratives, diaries, and autobiographies.

### **Organization of the Chapters**

The theory of intersectionality is based on the notion of various locations within institutions of oppression (Collins 2004; Crenshaw 1991). Experiences of oppression, stereotypes, and framing differ based on one's location within this "matrix" of oppression (Collins 2004). Furthermore one's standpoint will differ based on his/her location (Collins 2004). Each standpoint offers a unique piece of the puzzle for understanding the experience of sexual violence as well as the way in which institutions of oppression work together, creating incentives and consequences for each group. For this reason, the chapters in this dissertation are organized largely around racialized gendered group classifications as they are socially constructed. Chapter II describes the empirical and theoretical foundation on which this study was developed. Chapter III describes the data collection process and thematic content analysis that was employed as the methodological approach of this research. Chapter IV analyzes court cases which involve enslaved black women who were sentenced to death, often for attempts to injure

or kill their masters as resistance to sexual violence and other abuses. The racialized gendered framing of enslaved black women, white men, and white women is analyzed.

In Chapter V, the perspectives and behaviors of white boys and men with regard to sexual violence against enslaved black women are explored. This chapter analyzes the role sexual violence of enslaved black women played for these white males as well as the strategies and justifications they employed to maintain their position at the top of the racial sex-based hierarchy, the most privileged and powerful location within the intersecting institutions of oppression.

Next, Chapter VI focuses on the perspectives and experiences of white women in relation to sexual violence, which elucidates additional dynamics between black women and white women. Focusing on the location of white women is important for understanding the notion of incentives and consequences within the intersecting forms of oppressions. White women play an intermediary role, which highlights the interplay between racial and gender oppression more clearly than an analysis of other groups. Chapter VII describes black male and female perspectives of sexual violence by white men targeting black women and raises additional themes regarding “slave-breeding,” resistance, and counterframing; topics which appear less frequently in the white accounts of sexual violence. Chapter VIII focuses on rape cases during Jim Crow Segregation, highlighting the continued racialized gendered framing of black women who are victims of rape by white men. This chapter reflects the persistence of stereotypes and practices around interracial sexual violence against black women well after slavery was abolished.

By incorporating the perspectives from each group, unique themes appear creating a well-rounded picture of the experience of sexual violence against black women as it relates to various racialized gendered groups in society. Furthermore, the organization of the chapters in this way allows for various pieces of the intersectional puzzle to be placed together to understand how they work together to reinforce each other, maintaining whiteness and white male power and privilege. The Conclusion includes a summary of the findings as responses to the research questions, implications for practice and theory, and suggestions for future research.

## CHAPTER II: DEVELOPING UPON INTERSECTIONAL THEORY

Analyzing sexual violence against black women by white men requires clarification of the definitions for concepts like race, gender, sexuality, rape, and intersectionality as well as a description of other studies conducted on this topic. The discussion of previous research and definitions directs the current project and provides a theoretical basis from which to begin analyzing sexual violence targeted at black women by white men. Because of the nature of this topic, the current study incorporates concepts and perspectives from a variety of disciplines including studies of race, gender, criminology, and intersectionality. First, feminist criminology and feminist theories of rape will be discussed. While many of the concepts used in feminist criminology theories of rape are consistent with the approach of the current study and several will be applied throughout the analysis, the limitations of this perspective for the scope and aim of the project analyzing the historical sexual violence of black women by white men are discussed. Key theories and concepts that will be applied to this study include the conceptualization of race and gender as socially constructed institutions, the concept of racialization, systemic racism theory, the white racial frame and counterframe, intersectionality, and systemic gendered racism. In addition to describing these theories, an account of previous scholarship which focuses on sexual violence against black women in the U.S. throughout slavery will be discussed in order to point out the important contributions of these works to the current study while also describing the limitations of previous analysis. From here, systemic gendered racism and intersectionality will be described as theoretical approaches which encompass the

structural dynamics and complexity of social roles, behavior, and attitudes that will be analyzed in this study. Lastly, the aim of this study is to contribute to intersectional theory with developments generated from the analysis of primary documents relating to sexual violence by white men targeted at enslaved black women. These theoretical contributions will be summarized at the end of this chapter followed by research questions that guide the study.

## **Feminist & Feminist Criminology Theories on Rape**

### *Introduction*

Conflict and critical criminologists often focus their analysis on the legal system in order to describe the way crime is constructed in the interest of the dominant group to the detriment of subordinate groups (Quinney 2001). From this perspective, white elite men who have access to creating and enforcing legislation have manipulated the law to suit their interests at the expense of blacks. The case of sexual violence and rape of black women is a clear example of this perspective. Since rape of black women was not considered a crime by most states or courts white men could carry out their desires for status, power and sex at the complete expense of black women with no consequences for themselves. In addition to this critical approach, criminologists have analyzed and theorized about several dimensions of rape including both psychological and social factors which contribute to gendered violence.

Historically, psychological perspectives on rape dominated the discourse regarding this crime. From a psychological approach, rapists were viewed as possessing a mental disease which led to their criminal behavior (Glueck 1925; Scully & Marolla

1984). However, because few rapists are diagnosed as psychotic when committing rape, and because the likelihood of rape varies across time and place, recognizing the role of social factors is essential to understanding sexual violence (1984; Sanday 1981).

Literature on rape and sexual violence in the social sciences today focuses on concepts of patriarchy, sex-role stereotypes, and cultural contexts to understand the purpose of sexual violence and why the majority of rape offenders are male and victims are female. For example, in 2009, 93% of the 76,864 people arrested for rape and other sexual offenses were male (Britton 2011:3). While men are frequently victims of rape as well, rape is one of the few violent crimes that women are more likely to be victims of than men (Britton 2011; National Crime Victims' Rights Week 2013).

#### *Routine Activities Theory*

Routine activities theory is widely used among criminologists today for understanding victimization. From this perspective, daily activities and routines place an individual in more or less vulnerable positions for victimization. The three features which must converge for victimization to occur include motivated "*offenders, suitable targets, and the absence of capable guardians against crime*" (Cohen & Felson 1979:588). This theory proposes that those individuals who regularly spend their nights out at bars are more exposed to potential violent offenders who may assault or rape them. However, as Britton explains, this approach is inadequate for understanding domestic violence against women and sexual abuse that occurs within the home. Marriage and cohabiting are difficult routine activities to avoid for many women, unlike other activities, such as going to a bar (Britton 2011). Moreover, the reason men are

significantly more likely to rape than women is not explained by this theory, but rather assumed. Routine activities theory correlates the likelihood of rape with the behavior of individuals; however, within contexts like Slavery and Jim Crow segregation, as well as certain contexts in contemporary society, social institutions and ideologies increase the likelihood of rape regardless of individual behavior. Today, research demonstrates a lack of capable guardianship in terms of police protection for youth of color (Rios 2011). Latino and black youth living in Oakland, California described their experiences being criminalized by police officers, with their behaviors scrutinized and regulated, while at the same time they received little support or protection from victimization from these officers (Rios 2011). Focusing primarily on male youth, Rios's analysis does not discuss the lack of guardianship that exposes young women of color to violence, particularly with the issue of sexual violence. Equating the absence of police and legal protection to the lack of guardianship offers a valuable perspective for the current study on the rape of black women historically.

#### *Techniques of Neutralization*

Focusing on offenders rather than victims, the “techniques of neutralization” theory allows for an understanding of how rape offenders perceive their actions and their victims. Sykes and Matza (1962) developed these techniques of neutralization to describe the various conceptual strategies individuals use that enable them to carry out a crime. Scully and Marolla (1984) applied this theory to convicted rapists, finding patterns in the justifications and excuses they used to reduce blame, responsibility, and guilt for their crimes. They found that many convicted rapists placed responsibility on

the victims by claiming they were seductresses who were asking for sex. This evidence demonstrates the learned behavior involved in rape. Individuals have to learn techniques for neutralization, justifications, and excuses in order to carry-out the deviant acts. Furthermore, stereotypes of women as seductresses can be tied back at least to the Victorian era, signaling a relationship between institutions of gender and learned behavior of rapists.

Williams connects racial and gender stereotypes to “techniques of neutralizations” in order to analyze justifications used by men who rape black women. Rape offenders in this study used the following techniques: “A. denial of responsibility, B. denial of injury, and C. denial of the victim” to neutralize the rape of black women (Williams 1986:8). She explains that these techniques not only allow the rapists to carry out the crime, but also “influence the social and legal reaction to rape” since these definitions may be used by all members of society when interpreting the occurrence of the rape (Williams 1986:9). Denial of responsibility for the rape of black women is reflected in the justification of this act due to the black woman’s “sexual nature...and ‘moral looseness’” making her irresistible to male sexual impulses (Williams 1986:10). With regards to “denial of injury,” a variety of myths are utilized including the idea that “sex in any form is always pleasant,” which is particularly useful against black women because of their perceived hypersexuality (Williams 1986:11). Denial of the victim involves making the victim into someone deserving of the crime. The sexualization of black women in addition to their degradation as property during slavery makes the denial of the victim easier for the rapist (Williams 1986:12). The white racial framing of black

women has a deep-seated history including stereotypes, ideologies, narratives, emotions, and imagery such as those discussed by Williams, which emphasize deviant sexuality (1986). As she points out, this white racial framing permeates the minds of judges, juries as well as the general public, creating an environment which overlooks and often permits the rape of black women by blaming them for their victimization. These adapted techniques of neutralization coincide with the notion of white racial framing, both of which are applicable for the current study analyzing sexual violence of black women.

### *Sex-role Stereotyping Theory*

Another theory emphasizing the offender's motives and the role of culture is sex-role stereotyping theory. This theory refers to male dominance exercised based on the cultural notion that women are passive and weak, whereas men are aggressive and strong (Carroll 2009). These stereotypes give men a sense of entitlement to women's bodies because of their perceived natural dominance over women.

Evidence supports sex-role stereotyping, finding three predominant factors that explain the motives of convicted rapists. These include, "anger at women...a need for power over women..., and underlying feelings of insecurity about masculinity" (Lisak & Roth 1990:268-269). Raping due to a "need for power over women" relates to the sex-role stereotype that males should have power over women and have a right to exercise that power. Like other studies on sexual assault, scores on scales that measure hostility towards women, dominance, masculinity, and underlying anger or feelings of being hurt, as well as sex-role stereotyping, were all significantly higher among rapists than the control group (Lisak & Roth 1990:274). Sex-role stereotyping and victim-blaming are

factors that increase the chances of rape within a society; however additional factors have been determined to be characteristic of rape-prone vs. rape-free societies as well.

### *Masculinity and Crime*

Incorporating the notion of male dominance into an understanding of crime, James Messerschmidt's (2013) theory of "crime as structured action" views masculinity as central to a significant amount of criminal activity. Crime can be viewed as a strategy for performing masculinity, particularly within contexts which disrupt one's ability to perform their gender, sex, or sexuality in a way that is appropriate for the situation and that the person had intended. Since a large portion of crime is committed by young boys and men, understanding the way men are socialized to perform masculinity in the face of challenges to their gender and sexuality provides a key insight into criminal activity. Not all men engage in crime as a way to establish masculinity. Instead, certain contexts and factors create constraints for individuals to perform socially appropriate acts of masculinity, leading them to rely on aggression, violence, and crime as a way to uphold their masculine performance. This idea is especially useful for the current study for understanding the motivations and reactions of white males in regard to sexual violence of black women. Messerschmidt uses an intersectional approach in his structured action theory of crime, including race, class, sexuality, and gender as mutually constituting institutions, each of which may or may not be salient within a given context (2013).

For example, Messerschmidt interprets the lynching of black men who raped white women during the Reconstruction Era as an example of performing and reinstating hegemonic white masculinity. The rape of white women by black men is a disruption to

white masculinity, threatening white men's ability to protect their wives, which was an important element of white masculinity. Although Messerschmidt also acknowledges the rape of black enslaved women by white men during slavery, referring to this violence as another example of hegemonic white masculinity because of the overarching power of white men, he does not thoroughly analyze this form of violence from a racialized gendered perspective. Whereas Messerschmidt's theory emphasizes the importance of threats or challenges to one's masculinity and sexuality and crime as a response to those threats within particular social contexts, rape of black women by white men during slavery may be better interpreted as a normal, or non-deviant, path to achieving successful masculine performances for middle and upper class white young boys. Messerschmidt's notion that gender performances are constrained and enabled by social structure influencing crime is an advantageous approach for the current study; however, the current analysis will demonstrate that gender performances of masculinity need not always be disrupted or threatened in order for violence or crime to result. Instead, during slavery white masculinity provided a common incentive for white boys, frequently among the upper class, to carry out sexual violence of black enslaved women as a normal pathway to achieving masculinity (Messerschmidt 2013).

#### *Rape-Prone vs. Rape-Free Societies Theories*

More broadly looking at social contexts, rape is more common when certain structural elements are in place. Contexts considered "rape prone," are those in which men have greater economic, political, religious and cultural control than women (Sanday 1981). Additionally, within rape prone contexts violence is often seen as an appropriate

way to handle conflict and sex is viewed as a way for men to demonstrate their masculinity (1981). Rape “is not randomly distributed,” instead some people and groups are more at-risk for becoming victims of rape than others, and certain groups in the population are more likely to commit the act of rape than others (Britton 2011:103). Overall, societies with greater gender inequality and more acceptance of violence have an increased likelihood that rape will occur, reflecting the combination of structural and cultural factors that impact rates of sexual violence.

The notion of rape-prone vs. rape-free societies can be applied within societies as well (Britton 2011). From the perspective of the United States, certain social contexts are more rape-prone than others, such as the military and fraternity houses (Britton 2011). Similarly, looking back throughout American history, slavery can be seen as an extremely rape-prone context where gender inequality was large, and the inequality between white men and black women in particular was immense. This contextual approach to rape elucidates the social structures and cultural characteristics that increase the likelihood of sexual violence. Radical feminists view sexual violence as “endemic and epidemic” and therefore, a part of the fabric of a “masculinist culture” that will be not be eradicated until gender inequality is eliminated (Atmore 2003:18). Similarly, some feminists view sexual violence as a practice which upholds “compulsory heterosexuality,” or institutionalized heterosexuality (Rich 1980). The patriarchal, heterosexual institutions and masculinist culture that create a rape-prone context in the U.S., especially for black women historically, provide a backdrop for understanding the

specific ways sexual violence assisted in constructing and reinforcing racialized gendered norms and in perpetuating white male privilege and power.

Furthermore, the purpose of rape often depends on the context. Within a civilian scenario, in which rape occurs between two members of the same state, rape may play the role of maintaining obedience of one's wife or subjugation, while the act of rape within the context of war, known as "martial rape," can be seen as a form of terrorism and domination (Card 1996; Lerner 1986). Within the context of war, rape domesticates women as well as men with whom they are associated, training them to be fearful and obedient of the enemy, and eventually to be conquered (1996:7). Additionally, in war rape of women is described as a symbolic "castration" of the men living in a patriarchal society while also degrading the women (Lerner 1986:80). Martial rape can also be seen as a form of genetic imperialism, where colonizers impregnate women of the colonized group, disrupting family solidarity. In contrast, civilian rape functions to produce and maintain "female heterosexual dependency and service" by making women feel as though they need men for protection from the constant threat of rape (1996:7). As a consequence, women may serve men "through misplaced gratitude for a 'protection' that is mostly only a withholding of abuse" (Card 1996:7).

Sharon Marcus describes a similar theory regarding the role of rape. She explains,

masculine power and feminine powerlessness neither simply precede nor cause rape; rather, rape is one of culture's many modes of feminizing women. A rapist chooses his target because he recognizes her to be a woman, but a rapist also strives to imprint the gender identity of 'feminine victim' on his target (Marcus 2002:172)

Rape is a mechanism used to feminize women because of the sexual subordination inflicted through the act, which tells women they may be used against their will for the benefit of men. Furthermore, this act reinforces the idea that one of the primary ways women are useful is through their bodies, not only as objects to be subordinated to reaffirm masculine power, but also specifically for sexual satisfaction of male desires. This concept, as well as the majority of the rape literature within the social sciences focuses primarily on the roles of gender, sexism, and patriarchy. Discussions of interracial rape revolve primarily around the myth of the “black male rapist” and white female victims, leaving factors associated with racism that affect black female victims out of the analysis (Collins 2004; Davis 1998).

The advantages of using a contextual approach are numerous; however, sexual violence against black women can be understood as more than a result of masculinity, compulsory heterosexuality or sexism. Sexual violence against black women also embodies a significant racial component in terms of the access white men had to black women, the benefits associated with sexual violence for white masculinity, the racialized gendered framing of black women and white men, and the racialized gendered roles of white women in perpetuating this violence. For this reason, an intersectional theory which allows for these complexities is necessary.

#### *Adding Race to the Discourse*

Filling this gap by adding in factors like race and racism is essential for understanding the myriad roles of rape. For example, adding to Marcus’s conceptualization, rape not only feminized black women but it also racialized them and

their male counterparts while simultaneously reaffirming the identity of white men and women in terms of their own gender and racial statuses. Although a thorough understanding of rape requires emphases on both gender and race as important factors influencing the opportunity, purpose, and meaning of rape, many feminist and race theorists have overlooked the racial dynamics involved in sexual violence against black women.

The lack of attention paid to the experience of interracial rape involving black women as victims and white male offenders likely occurs for a few reasons. Third wave feminists have accurately critiqued prior feminist theory for possessing a white middle-class bias (Tong 2009). Issues relevant to women of color were often neglected, explaining why theories of rape tend to center around gender, sex, and sexism, leaving large gaps in terms of the role of racism in the experiences of women of color. Feminist scholars, like Brownmiller, discuss interracial rape in the context of white women being raped by black men (1993). However several feminist studies, including Brownmiller's, focusing on rape have been criticized for reproducing racist ideologies and reinforcing stereotypes of black men as the typical racist (Davis 1983; see for example Brownmiller 1993; Russell 1974). Many second-wave feminists attempted to deconstruct the stereotyping of black men as rapists in their work; however, interracial rape of black women by white men is rarely the central topic for studies on sexual violence (Davis 1983; hooks 1999).

Many race theorists also neglect the topic of sexual violence of black women. Race theories have focused predominantly on issues pertaining to people of color

generally, and often this “general” perspective defaults to the experience of men; such as comparisons of white and black men’s legal rights throughout history, access to economic and political power, and victimization and incarceration rates, among other issues. An intersectional approach considering the differences in black women’s experiences compared to those of white men, for example, would accentuate greater racial and gender disparities than are often discussed. This approach would also highlight unique struggles for racial and gender equality that are overlooked with basic comparisons (Britton 2011; Collins 2004). Failing to discuss the interracial rape of black women by white men perpetuates a silence that maintains a stereotyped image of white purity and black feminine promiscuity that are still prevalent today (Feagin 2010; West 2006).

While many feminist theories would benefit from the incorporation of race theory, race theories would also gain insight from additional conceptualizations of gender and sexism. Before describing intersectional approaches which combine simultaneous discussions of racism and sexism, a discussion of race and gender as socially constructed institutions is offered in order to include additional concepts that will be important to a study on sexual violence of enslaved black women by white men.

### **Racism Theory**

Central to an examination of sexual violence of black women by white men are the concepts of race, racism, gender, sexism, racialized gendered norms, and racialized sexism. Today race and gender are commonly understood by scholars to be social constructs with no fixed or essential meaning. Instead, social meanings are attached to

variations in things like skin color and genitals. Society, and generally the dominant group in society, determines the appropriate behavior and racial or gender performances to be associated with each biological trait. Differences in behavior and style then become justifications for inequality. In turn, social inequalities based off of these constructed categories of race and gender reinforce the belief in vast biological differences between Whites, Blacks, Latinos, Asians, and Native Americans as well as between men and women, as opposed to recognizing these differences as culturally defined. Perceptions of biological difference are not only present among mainstream members of society. Theory on race and racism has historically relied on biological explanations as well (Bonilla-Silva 2006; Collins 2004; Feagin 2013a; Lindsey 2010).

From the late 18<sup>th</sup> to the mid-20<sup>th</sup> Century, biological conceptualizations of race dominated. Scientists argued that racial categories were fixed including physical features, cultural characteristics, and morality that were passed biologically from one generation to the next. Africans were distinguished by skin color, hair texture, nose shape, savagery, and uncivilized culture, all of which Western scientists of the late 19<sup>th</sup> Century claimed as innate characteristics of the African race. Various European and North American researchers attempted to verify the biological categorization of races until the development of genetics, which allowed for scientific evidence to prove “there is no causal relationship between physical or genetic characteristics and cultural characteristics” in the mid-1900’s (Miles 1989:37).

Although science-based notions of race persist within everyday conversations and scientific research, since World War II many race scholars view “race” as a social

construct (Collins 2008; Feagin 2013a; Miles 1989; Omi & Winant 1986). From this perspective, race has no essential, fixed, or biological qualities. While racial categories are socially constructed and malleable, varying based on the socio-historical context, race remains a salient concept because of its role in structuring social relations and institutions (Feagin 2013a; Omi & Winant 1986). Furthermore, race not only influences the way individuals and groups are perceived, but also influences material outcomes including the unequal distribution of goods, services, and power (Feagin 2013a; Omi & Winant 1986).

The institutional racism perspective, emphasizing an unequal distribution of resources to the advantage of whites and the disadvantage or exclusion of people of color, is disputed by Robert Miles. Miles argues that racism should be understood solely as an ideology. In this sense, racism refers to “a particular form of (evaluative) representation which is a specific instance of a wider (descriptive) process of racialization” (Miles 1989:84). Racism involves the discourse that racializes or categorizes individuals into groups based on perceived biological characteristics. Racism may influence decisions, but remains analytically distinguishable from a concept of exclusionary practices. Within this framework, institutional racism is a useful concept only when racist discourse is silenced yet “institutionalized” within a new discourse or persistent exclusionary practices (Miles 1989:85).

In the context of enslaved black women subjected to rape by white men, racialization refers to the way meaning is applied to racial groups through discourse, which can be applied to the analysis of the racialization of black enslaved women as

sexual commodities through sexual violence and racialized gendered framing that are linked. The discourse around sexual violence, including reactions and commentary from white men, white women, and white youth serve not only to racialize black women as a subordinate group within the racial sex-based hierarchy but also racialize white men and white women as virtuous and superior. The specific concept of racialization is applicable to the current analysis.

In addition to the utility of racialization as a concept, institutional or systemic theories of racism are necessary for emphasizing the material experience of racial oppression. Central to their analysis, institutional or systemic theories of racism include exclusionary acts and the institutions that reproduce exclusion, including laws that exclude black enslaved women from seeking protection from sexual violence perpetrated by white men. A purely ideological approach neglects the fact that race has a material basis and outcome distinguishable from the ideology that supports it. However, enslaved black women were not only represented or framed sexually but also experienced very real material oppression including rape and other forms of physical abuse which was possible because of the legal exclusion they experienced. Moreover, in addition to other material experiences of racial oppression, such as enslavement, the material oppression involved in sexual violence racialized and gendered enslaved black women reflecting the tightly intertwined relationship between material and ideological racism and gendered racism.

Systemic racism theory utilizes an institutional level framework centering on economic and political power (Feagin 2013a). This theory is fitting for the current study

which focuses on material racial oppression at its core with a white racial frame that legitimates this oppression. However, as opposed to emphasizing economic oppression and the unjust enrichment and unjust impoverishment which began during slavery and continues through to today, the current analysis focuses on the material racialized gendered oppression of sexual violence during slavery and the white racial and gendered framing that legitimated the institutionalized violence. Like systemic racism theory, the legal system is understood to be the backbone of racial oppression and gendered racism which allows for economic exploitation, a lack of political representation, and during slavery provided white men with the access to rape enslaved black women with few consequences to themselves. The racial hierarchy, or racial sex-based hierarchy, is another dimension of systemic racism theory that is essential for analyzing racialized gendered oppression of enslaved black women and the perpetuation of white male privilege and power. Additionally, the alienated social relations discussed in systemic racism theory can be applied to the experience of enslaved black women who lost almost all control over their bodies because of a legal system which made them property of white men and failed to criminalize rape and thus offer them protection from white male sexual violence (Higginbotham & Kopytoff 1989; Roberts 1997). Resistance forces change in systems of oppression and racialized gendered framing, and this notion as well as the concept of counterframing will be applied to the experience of enslaved black women (Feagin 2013b).

The white racial frame is a theory that coincides with systemic racism theory, explaining the white created stereotypes, ideologies, imagery, narratives, emotions,

language accents, and tendencies to discriminate rationalize racial oppression for whites and legitimate their economic and political power by framing themselves as superior and people of color as inferior (Feagin 2013b). Various particular white racial frames are used in different socio-historical contexts, and the specific white racial framing that was used by Southern whites during slavery will be described throughout this study.

Additionally, the white racial frame can be expanded to include the white racialized gendered framing of white women, white men, black women and black men during slavery, which includes the racialization and gendering of these groups that happened intersectionally. The intersecting racialization and gendering of enslaved black women, white men, and white women through the sexual violence of slaves is bolstered by white racialized gendered framing of the women and men involved (Feagin 2013b).

Counterframing refers to the critical racial framing developed by people of color as a framework for interpreting and navigating the social world in a way that resists the dominant white racial framing imposed upon them. Counterframes acknowledge the accomplishments and positive features of people of color in a way that resist white dominant portrayals (Feagin 2013b). Both the white racial frame and counterframing will be important concepts for the current analysis. All of the dimensions of systemic racism, including the white racial frame and counterframing, are interrelated. They function together to contribute to a large system of racialized oppression, referred to as “systemic racism” (Feagin 2013a). This theory has been expanded by Adia Harvey Wingfield to discuss systemic gendered racism, which will be discussed in more detail later in this chapter.

The combination of material racialized gendered oppression of sexual violence against enslaved black women by white men, and the white racialized gendered framing that worked to legitimate this racial oppression can be understood as a type of “racial project” (Omi & Winant 1986). For Omi and Winant, a racial project simultaneously includes a representation or interpretation of race relations and racial groups as well as an effort to redistribute resources along racial lines (1986). In the case of sexual violence against enslaved black women, legal rights for black women to their own body and sexuality and the ability to use the court system to defend their physical selves as well as their humanity were resources that were redistributed along racialized gendered lines in a way that reinforced their material oppression of sexual violence. Additionally, the representation, or white racial framing, of them as property, as naturally inferior, as hypersexual, and as undeserving of freedom or legal protection from exploitation, physical and sexual abuse supported the legal system’s racial distribution of legal rights. In contrast, based on their racialized gendered framing, or racial-gender representations, white men were framed as civilized and superior and thus entitled to legal protections and privileges such as the right to hold property and exploit humans as slaves sexually and physically.

In addition to systemic racism theory, the white racial frame, and racial projects, Philomena Essed’s theory of everyday racism assists in conceptualizing the routine sexual violence against black women by white men. Essed argues that racism involves more than ideologies and structures. Racism also includes the everyday behaviors of individuals that are influenced by the structure and ideologies of racism. The

reproduction of racism occurs through the everyday, routine experiences of racism while daily attitudes are associated with the ideologies of racism (Essed 1991). Consistent with Essed's theory, Omi & Winant discuss the process of racial formation in which "social, economic, and political forces determine the content and importance of racial categories" and the racial meanings which shape them (1986:61). All three scholars agree on the centrality of race in structuring society, which cannot be "reduced to some broader category of conception" such as class (Omi & Winant 1986:62). Data derived from slave narratives and diaries can be analyzed from this theoretical framework because of the focus on everyday actions and attitudes as social forces that shape racial institutions and form representations of racial categories.

## **Gender**

In addition to an institutional level analysis of racism, a structural approach to sexism is also necessary for understanding the routine sexual violence against black women. A theory of "gender as a social structure," like the economy or political sector of society, was developed to contrast earlier conceptualizations of gender as an individual biological or learned outcome (Risman 2004:429). Social structures influence individuals by constraining and facilitating certain behaviors, and reinforcing social norms. Moreover, two of the defining features of social structures are an ideology to legitimate the structure and power as an organizing force (Risman 2004). As a social structure, gender is viewed as a social construct created to demarcate difference in order to justify inequality. Similar to other social structures, like race or class, gender influences informal individual behavior. For example, while individual actions are "a

function of interests, the ability to choose is patterned by the social structures” (Risman 2004:432). In addition, the “cultural component” of gender is a deeply embedded cognitive dimension influencing interactional expectations (Risman 2004:433). Individuals within a society take for granted certain perceptions regarding men and women as categories of gender, which influences their individual interests and their interactions with individuals and social structures (Risman 2004).

Others use the concept “social institution,” referring to enduring social arrangements which include repetitious behaviors that limit and facilitate action, to refer to the social structure of gender (Martin 2004:1256). Social institutions can be defined based on twelve criteria. Social institutions are social, endure throughout time and place, include repetitive or recycled practices, “constrain and facilitate behavior/actions,” have social relations shaped by norms, expectations, and procedures, are reconstituted by “embodied agents,” are “internalized by group members as identities and selves,” contain an ideology which legitimates the arrangement of itself, include contradictions and conflict, are constantly changing, are organized based on power, individuals and institutions “mutually constitute each other,” and institutions are interrelated to one another as well as the state (Martin 2004:1256-1258). Gender meets all of the criteria of being a social institution, and research benefits from viewing gender in this way because it emphasizes the social character of gender as opposed to an essentialist, biological perspective of gender. Moreover, understanding gender as a social institution forces scholars to examine the power and conflict that surround gender, highlighting the unequal distribution of resources and privileges based on gender lines (Martin 2004).

Lorber discusses a similar notion of gender as a structure, involving both a notion of internalized ideas as well as a structural dimension (2012). Systemic sexism signifies the perpetuation of male and masculine privilege at the expense of women. This institutionalized sexism centers around the “material reality of human reproduction and sexuality” as well as women’s emotions, as foundational to the oppression of women (Feagin 2010:xiii; Lorber 2012). Systemic sexism involves the gender order in social practices and institutions that enable men to dominate women. Inequality between males and females is supported by the social construction of gender, which includes the idea that men and women are inherently different in terms of their capabilities because of their physical anatomy. Essentialist gender ideologies justify gender inequality by claiming that women and men are naturally more suitable for distinct jobs and tasks based on physical status, mental capacities, and hormones, despite the absence of supportive evidence (Lorber 2012).

Gender ideologies also influence the likelihood of rape for women and the responses of rape by society. Biological characteristics associated with masculinity have been framed as justifications for male dominance, including sexual violence. For instance, even in the 21<sup>st</sup> Century, published academic work argues that men rape because of a biological predisposition to do so as an attempt to reproduce offspring, placing responsibility on uncontrollable biological factors as opposed to social influences or personal choices (Wilson, Thornhill, Palmer 2000). In addition to harsher punishments for rape, the authors call for women to dress in ways that reduce their sexual appeal, further removing any responsibility from the offender and failing to

recognize the social construction of gender, which influences the sexual appeal of various styles and gender performances (Wilson, Thornhill, Palmer 2000).

In an effort to deconstruct the notion of gender as biological, thus deflating ideologies which justify rape of women by men, this study views white women and black women as belonging to socially constructed categories of race and gender. Moreover, because this study uses an intersectional approach, the concept of racialized gendered roles, performances, and norms will be used throughout the analysis to refer to the combination of constructed racial and gender roles which cannot be delineated as resulting from either race or gender (Glenn 2002).

Feagin (unpublished) has strongly suggested that, as with systemic racism, there is a firm foundation of systemic sexism or patriarchal domination in U.S. society as well. This systemic sexism is also rationalized and perpetuated by a powerful male-centered gender frame that parallels the white racial frame. In it, the male subframe positions men as superior, and the female subframe positions women as inferior – both with many dimensions of stereotyping, prejudice, narratives, emotions, etc.

### **Research on the Rape of Black Women**

The rape of black women is increasingly referred to in scholarship on race, gender, and slavery; however this topic continues to be under-developed in analysis and theory (Hine 1994). Research on the rape of black women takes a variety of forms including historical reviews of slavery, segregation, or the Civil Rights Movement in which rape is one component of a larger analysis (Genovese 1976) or the primary focus (McQuire 2011), biographical studies of one person's life or one family's experiences

across multiple generations (Alexander 1992; Leslie 1996; Murray 1999). Each of these formats offers insight into the historical context surrounding the rape of black women by white men.

Eugene Genovese (1976) meticulously describes the interdependent relationship between blacks and whites within the institution of slavery and the paternalistic approach of whites in their domination of blacks. His discussion of sexual relationships between masters and slaves utilizes his general framework to argue that “The intimacy of the Big House and of the paternalistic master-slave relationships in general manifested itself as acts of love in the best cases, sadistic violence in the worst, and ostensible seduction and imposed lust in the typical” (Genovese 1976:414). While Genovese acknowledges the large mixed-race population, he argues that “many of the original sexual unions had been other than rape and debauchery” (1976:415). Instead, “much of the plantation miscegenation...varied from seduction to rape and typically fell between the two,” while slave resistance kept rape “to a minimum” (1976:415). Although evidence supports Genovese’s claims that various types of sexual relationships did indeed exist between white masters and black slaves, ranging from relatively romantic intimacies to sexual violence, his assumption that “seduction and imposed lust” were “typical” and rape was rare, is not sufficiently supported by other data (1976:415). This claim is refuted by many scholars and accounts from former slaves themselves throughout slave narratives and diaries (Anderson 1992; Blassingame 1977; Jennings 1990; Leslie 1996; Roberts 1997; Work Projects Administration 2006a).

Despite Genovese's white-male-rescuing and generalizations regarding the typical sexual encounters between masters and slaves, he does offer important evidence regarding various practices of whites in acquiring enslaved women for sexual purposes (Bracey 2010). For instance, markets in which "fancy-girls" were sold, such as New Orleans and Louisville, attracted wealthy plantation-owners, "or more likely their unmarried sons" interested in purchasing girls who were "young, shapely, and usually light in color" (Genovese 1976:416). Northern abolitionists, appalled at the unfair treatment of the women and particularly lighter skinned women, would write about these disgraceful practices to support their cause of ending slavery. However, in the South, where these markets were viewed more as a "curiosity of upper-class life," men would flaunt their wealth by purchasing attractive women for around \$5000, which was much higher than the average price of a slave (Genovese 1976:417). The racial and class dimensions involved in using black women to perform white manhood are evident in these descriptions.

Not all white men had the same opinion regarding sexual relationships with slaves or freed black women. Some, including David Dickson of Georgia, Marcus Winchester and Ike Rawlins of Tennessee, openly engaged in relationships with enslaved black women as their "mistresses." While others, like Henry Hughes of Mississippi, referred to this behavior as a "heinous" act "against the law of nature" and the law of God (Genovese 1976:418). Haller Nutt concurred writing, "Above all things avoid all intercourse with negro women. It breeds more trouble, more neglect, more idleness ...such intercourse is out of the question—it must not be tolerated" (Genovese

1976:421). Another slave owner wrote, “Every effort should be used to prevent that sexual intercourse, which degrades the master and is the cause of the discontent of the slave...” to an audience of slaveholders (Genovese 1976:419). Despite the differing opinions, records of these disputes offer further evidence of the widespread sexual exploitation of slaves by white men in the South. Between the public purchasing of attractive enslaved women, the occasional flaunting of romantic relationships with a black mistress, and the incidents of sexual coercion and force on the plantations and farms, the practice of sexual violence against black women by white men was a culturally salient phenomenon for Southerners. Although concern over this behavior was due to the threat of miscegenation and immoral sexual behavior on the part of whites as opposed to the violation of black women, the salience of the phenomenon speaks to its role as a common feature of white culture in the South.

Taking a closer look at some of the specific cases of sexual violence in the South, the life of Amanda America Dickson provides a unique outcome of slave rape. Julia Dickson, a slave who belonged to Elizabeth Dickson was raped by Elizabeth’s son, David. This sexual violence resulted in the birth of Amanda America Dickson. When Amanda was born, Julia was thirteen years old and David was forty. As Leslie explains, “According to the African-American Dickson family oral history, Julia never forgave David for the rape, for forcing her to have sex with him at such an early age,” or for what he referred to as having “let his foot slip” (1996:Kindle location 475-479). In this historical description, Leslie provides important insights into the complexities of race and family. Despite Amanda’s legal status as a slave during her youth, David left her the

majority of his estate when he died. Although this decision was heavily disputed for years by his relatives, the Georgia Supreme Court sustained the will, making Amanda Dickson the wealthiest black woman in the South after the Civil War (Leslie 1996).

Adele Logan Alexander, the descendent of a mixed-race couple involving a white man and a black woman, tackles an historical analysis of her family that contradicts one-dimensional assumptions about race, slavery, and segregation (1992). Alexander's family lineage includes the Hunt family, who lived in Georgia as a free family of color. Although illegal, the sexual relationship between Susan Hunt, a free black woman, and Nathan Sayre, a wealthy white man, resulted in three children and a relatively rare family unit. Alexander points to Sayre and a few other white men in Georgia who remained unmarried in order to live romantically and have a family with women of color as evidence of alternative family structures which blurred the strict racial dichotomy of the time. Like David Dickson, Sayre cautiously drafted a will to ensure his estate would go to Susan Hunt, and not be overturned by relatives who would attempt to claim he was not of sound mind when drafting the will. Families like the Hunts, although rare, force scholars to acknowledge the complex social arrangements and relationships involved in early American history, as opposed to an over-simplistic assessment of white over black and male over female relations. Alexander explains that families with alternatives structures like these were often hidden from official view. These families would avoid census records or tax rolls in order to protect their lifestyles through secrecy, making it especially important for scholars to use other sources of data

like diaries and personal correspondence to analyze these family histories (Alexander 1992; Painter 1992).

Situations like Susan Hunt's, which likely involved a complex romantic relationship between a free black woman and a wealthy white man, are described as rare and include substantial evidence backing the idea that the relationship was not purely coercive. However, for the cases examined in the current study, because there is minimal discussion of a consensual relationship, other than in the divorce petitions in which white women have an incentive to frame the enslaved black women as mutual participants in an "affair," this study assumes that all these cases included significant degrees of law-backed coercion, most centrally violence and the threat thereof. The examples throughout this study do not include any descriptions of enslaved black women who were given their freedom or willed any assets from the white men who violated them, such as the case of Susan Hunt.

For those cases which were overtly exploitative, scholars such as bell hooks (1999), Ida B. Wells-Barnett (1895), Patricia Hill Collins (2004), and Kimberlé Crenshaw (1991) provide perceptive analyses and a theoretical foundation from which to develop. Black women suffered many unique forms of oppression under slavery because of their location at the intersections of the institutions of racism, sexism, and classism/enslavement. Racially they were framed as strong physical laborers while their sex was perceived to suit them for domestic tasks (Collins 2004; hooks 1999).

Sojourner Truth is recorded as describing this contradictory framing of black women. Sojourner Truth, originally named Isabella, was born a slave. She is considered

one of the “two most famous African American women of the nineteenth century” (Painter 1996). She gained her freedom around 1827 and began working as an abolitionist and feminist, describing the intersectional experiences of black women who suffered from both slavery and sexism (Painter 1996). In her famous speech, Truth emphasizes the contradictions inherent in the stereotypes of womanhood compared to her own abilities as a woman. However, her speech and biographies must be interpreted with caution since she was unable to read and write and therefore relied on others to accurately tell her account. Multiple versions of Truth’s “Ain’t I a Woman” or “On Women’s Rights” speech exist, including a transcription by Frances Gage which she wrote over a decade after the speech was given as well as a version by Marcus Robinson who was a friend of Truths and worked closely with her during the transcription process (Siebler 2010). Arguably because Frances Gage had more “cultural power” than Robinson, her version has become the legendary speech by Truth, despite the fact that Robinson’s version is likely more accurate to the wording and intent of Truth (Siebler 2010:512). Because Robinson transcribed the speech soon after Truth delivered it and because they worked closely together, this version will be used here. In Truth’s speech according to Robinson she explains,

...I have as much muscle as any man, and can do as much work as any man. I have plowed and reaped and husked and chopped and mowed, and can any man do more than that? I have heard much about the sexes being equal. I can carry as much as any man, and can eat as much too, if I can get it. I am as strong as any man that is now...(Robinson 1851:1)

The perception of women as fragile and dependent upon men to assist them in their physical affairs is based on a belief in a biological difference between the sexes;

however, the contradictory framing of black women as capable of immense physical labor underscores the weakness of this stereotype. Through her assertions Truth illuminates the physical strength and potential of the female sex. Similarly, Ida B. Wells-Barnett, activist and scholar, critiques the contradiction in white male behavior towards women. She writes of the cruelty exerted by white men onto black women in early American history. Referring to the white motives involved in lynching black men after slavery ended, such as the interest in protecting white female purity, Wells-Barnett states,

To justify their own barbarism they assume a chivalry which they do not possess. True chivalry respects all womanhood, and no one who reads the record, as it is written in the faces of the million mulattoes in the South, will for a minute conceive that the southern white man had a very chivalrous regard for the honor due the women of his own race or respect for the womanhood which circumstances placed in his power...Virtue knows no color line, and the chivalry which depends upon complexion of skin and texture of hair can command no honest respect (1895:Kindle Location 125-140).

As early as the 1800's women like Sojourner Truth and Ida B. Wells-Barnett recognized the unique social status of black women and the need to critique white men for the labels they imposed on themselves and blacks (Robinson 1851; Wells-Barnett 1895). Embodied in the white-created racialized gendered framing and roles of black women were the inconsistencies inherent in the stereotypes of white and black womanhood and white manhood.

Despite the framing of black women as strong and physically capable, the racialized gendered framing of black women as domestically suitable and less threatening than black men created circumstances in which black women were more likely to reside, work, and occupy white spaces such as the slave master's home. Within

these white spaces, whites were able to supervise black women's behavior more carefully and white men had increased sexual access to the women. In addition to the paradoxical role black women played in terms of their perceived domestic and physical abilities, they were sexually stereotyped in a unique way from other racial and gender groups. Both black men and black women were framed as hypersexual; however, black men were often stereotyped as aggressive and forceful while black women were stereotyped as seductive and promiscuous (Collins 2004; Feagin 2010; Hine 1989).

To reinforce these stereotypes of sexuality, black women were abused in a variety of sexual ways beyond explicit rape. For instance, stripping black women of their clothes before whipping them was a regular practice of humiliation, particularly within a Victorian context in which white women showed very little skin. Whipping black women naked and showing their naked bodies on the auction block not only emphasized their sexual vulnerability and sexually objectified these women, but also gave white men and women a reason to blame black women for being seductive and hypersexual compared to the pure, white women covering themselves at all times. Furthermore, often as a result of sexual violence, pregnant enslaved women underwent brutal treatment, punishments, and exhausting labor regardless of health concerns (Collins 2004; hooks 1999).

As for the explicit rape and sexual violence that enslaved black women faced, hooks makes many important observations concluding that sexism is equally significant to racism in terms of the experience of black women within the U.S. The sexual abuse and racial framing that occurred during slavery continued through Jim Crow

Segregation, despite the attempts of some black women to meet the unrealistic standards of white womanhood which had developed in the 1800's. Black women attempting to fit this standard were often insulted and harassed by white men and sexual violence and stereotyping persisted. These damaging effects did not end with the abolition of slavery as hooks notes that

the rape of enslaved black women was not simply that it 'deliberately crushed' their sexual integrity for economic ends but that it led to a devaluation of black womanhood that permeated the psyches of all Americans and shaped the social status of all black women once slavery ended (1999:54).

Referencing the media, she relates the images of black women as whores, sluts, and prostitutes portrayed today to the degradation that occurred during slavery and segregation (hooks 1999).

Hooks also describes an important critique of scholarship on the rape of black women, describing the way black men have often been framed as the victims of this violence. In addition to disrupting the family structure and emasculating black men by taking away the ability to perform traditional patriarchal roles, scholars also frequently argue that black men were unable to protect their wives and daughters from sexual violence by white men. The inability to protect black women is described as further emasculating black men and "reducing them to an effeminate state. Implicit in this assertion is the assumption that the worst that can happen to a man is that he be made to assume the social status of a woman" (hooks 1999:23). In line with this argument and in order to maintain a reasonable scope of analysis, the current study acknowledges the detrimental effect that sexual violence had on all blacks during slavery, men and women, but will focus primarily on black women as the victims of sexual violence against

themselves. Analysis of the rape of black men and the effects of sexual violence of black women on black men can be found in the work of scholars like Thomas Foster (2011) and Debra Gray White (1999). Certainly the psychological abuse and sexual abuse towards black men are significant to an analysis of race, gender, sexuality, and intersectionality; however, they are not the predominant focus of the current study.

### **Agency & Resistance**

Equally important to an analysis of oppression is a discussion on agency. Black women and men resisted domination in a variety of ways throughout slavery and Jim Crow Segregation. Darlene Clark Hine describes strategies of resistance used by many black women during and after slavery (1994; 1989). Enslaved black women resisted slavery as an institution by abstaining from sexual activity as much as possible in order to avoid bringing additional children into a life of enslavement. Additionally, some enslaved black women performed abortions on themselves after being sexually exploited, demonstrating control over their bodies in ways that masters could not prevent. The third form of resistance that Hine identifies is infanticide. All of these acts not only undermine slavery but demonstrate the enslaved black women's rejection of "their vital economic function as breeders" (Hine 1994:34).

Despite the fact that many black women migrated out of the South after slavery ended, they continued working as domestic laborers and continued enacting their agency. Hine views this migration as a form of resistance from the context in which black women were regularly sexually abused in slavery. Black women developed what she refers to as a "culture of dissemblance," in which out of necessity they maintained a

silence around their experiences with sexual violence and rape in order to retain some control over their self-image (Hine 1989:912).

Through her interviews with black women working as domestic servants after slavery, Bonnie Thornton Dill also finds several examples of resistance. In their relationships and interactions with employers, black female domestic servants often employ self-determination and various degrees of control over their labor. Unlike slavery, within this context, women have the ability to quit working for a family, which gives them some power. Choosing to use this as leverage to create better working conditions served as a form of resistance, reflecting another way that black women improved their own situation despite the discrimination they continued to face (Dill 1994).

Pauli Murray (1999) describes pride as another form of resistance to the abuses of slavery such as rape. As the descendant of slaves, Murray tells the story of Harriet, her great-grandmother who was raped regularly as a slave belonging to Marry Ruffin Smith in North Carolina. Mary's brother, Sidney Smith, was the first to aggressively rape Harriet and continued his behavior nightly until his brother, Francis, physically attacked him out of jealousy. After Cornelia was born from this rape, Francis began regularly forcing himself on Harriet resulting in three more children. Despite these abusive conditions that led to her birth, Pauli's grandmother, Cornelia, chooses to be proud of her white ancestry. While the cause of Cornelia's mixed-race identity could easily create discomfort or disgust, since sexual violence was the impetus, Cornelia instead uses pride in her half-white identity as a way to disassociate herself from the

negative framing forced on blacks through slavery. Although she perpetuates the idea of black inferiority, this allows her to deny the idea that she is inferior so that she can feel deserving of equal treatment. The mindset and emotions affiliated with pride enable her to develop her own self-image. This pride, as well as the pride of her Grandfather Fitzgerald who fought in the Civil War to end slavery, create a familial context in which Pauli is raised to see herself as strong, deserving, capable, and proud. She went on to play a significant role in the Civil Rights Movement as an activist who fought to desegregate the University of North Carolina, organized protests against segregated restaurants, was arrested for violating the segregation laws on public buses, in addition to cofounding the National Organization for Women (NOW) (Murray1999).

Accenting the importance of family traditions and a deep history of racial oppression, Brooks analyzes several personal narratives and oral histories of black women to discuss forms of resistance. In South Africa and the U.S., black women resisted racial inequality, forming political organizations and labor unions in the interest of ending racism and sexism. Her analysis centers on resistance, underscoring the variety of ways black women have demonstrated agency and independence from the constraining economic, legal, and political structures impeding them (Brooks 2002).

### **Instability of the Rigid Race Relations**

In addition to research emphasizing resistance, scholars like Rothman examined interracial sex between white men and black enslaved women to argue for the instability in seemingly rigid race relations. Despite laws against interracial sex, the white public was generally tolerating of sex between white men and black women during Slavery, at

least to some degree. Rothman argues that this tolerance simultaneously sustained and challenged slavery and racism as institutions in the South. White Virginians allowed for flexibility within an apparently inflexible system of race and interracial relations (Rothman 2003). Although whites failed to recognize the instability in their own racial supremacy the meaning of race was consistently unstable (2003).

Focusing merely on racism, the sexual behavior of whites does indeed seem paradoxical; however, from an intersectional perspective, the unique racialized gendered framing of black women made the experience and rationalizations for their oppression distinct. Black women need not be inferior to white women in terms of their sexuality because their sexuality is what further objectified them within their unique intersectional location as black women. In contrast, the framing of white women as pure is one reason they held a social status some degree above that of black women. Although, as described by Rothman (2003), interracial sexual encounters may have created unstable racial lines, the coercive commodification of black women as sexual objects also functioned to reinforce slavery and racism, ultimately upholding racialized gendered framing which bolstered the power of white men in the oppressive institution of slavery. The complexities involved in an analysis of interracial sex during slavery require a theory which accounts for the nuances in experiences of oppression and motivations for oppression, such as intersectional theories do.

### **Intersectionality**

The concept of “intersectionality,” originally developed by Kimberlé Crenshaw, refers to the need to “account for multiple grounds of identity when considering how the

social world is constructed” (1991:283). Each category of identity must be understood as mutually constitutive as opposed to functioning independently of one another (Glenn 2004). Crenshaw’s definition of intersectionality continues to be the basis for other intersectional theories today and is the basis for the current study’s analysis (Collins 2004; Glenn 2004; Wingfield 2008).

Intersectionality is the umbrella term for theories which include the perspective that various forms of oppression including race, gender, class, sexuality and others overlap, or intersect, creating distinct experiences of systematic oppression and discrimination. Collins’s black sexual politics and black feminist thought theories, and the theory of systemic gendered racism provide examples of various intersectional theories (Collins 2004; Collins 2008; Wingfield 2008). Research and theory that has incorporated a racial and gender analysis often takes an intersectional approach towards understanding race. For instance, as opposed to the notion that racism is the central oppressive force for black women, bell hooks identifies sexism and racism as inseparable influences in her own experience, and in the lives of black women generally (hooks 1981). Other intersectional approaches include work by the Combahee River Collective, which describes the rape of black women executed by white men as a form of “racial-sexual oppression” used for “political repression” (1997:65). Black women have a historically negative relationship to the political system of the United States because of their subjugated position in “two oppressed racial and sexual castes” (Combahee River Collective 1997:64).

In *Black Sexual Politics*, Patricia Hill Collins develops an intersectional theory in which she discusses the central role of sexuality in reinforcing various forms of oppression (2004). She states, “Perverting the power of the erotic by manipulating ideas about sexuality has been and continues to be an important dimension of oppressions of race, gender, class and sexuality” (Collins 2004:51). Manipulating sexuality, by crafting a white normative standard which included heterosexuality, “appropriate” sexual behaviors, and “proper” desires compared to black sexual deviance, has been used to justify racism throughout history. This justification is accomplished by claiming that black sexual deviance is reflective of their uncivilized nature. Black sexual deviance may take myriad forms, one of which is the stereotype of a hypersexual black female engaged in sexual intercourse with white men, which was used to justify rape against black women.

Using a black feminist perspective, like that offered by Collins’s black feminist thought (2008) and Crenshaw’s structural intersectionality (1991), the criminologist, Beth Richie, develops “The Violence Matrix” to understand the vulnerability and experiences of black women violently victimized by men (2012:133). Along the horizontal axis, the violence matrix includes the types of male violence that women experience: physical assault, sexual assault, and emotional manipulation, which may all be interwoven at times. Emotional manipulation is intended to be broad, encompassing threats and tension within a social environment as well as emotional abuse. On the vertical axis the matrix includes the various contexts in which these forms of violence occur including intimate households, communities, and the state. In the case of white

male sexual violence during slavery, many of the dimensions of this matrix are applicable. Richie acknowledges that intimate households refer to the close physical proximity of individuals as opposed to traditional relationship or family structures (2012).

Nagels argues for a relationship between race, ethnicity, and sexuality as well (2003). Boundaries of race and ethnicity can be understood simultaneously as sexual boundaries with fears and stereotypes associated with racism often carrying an undertone of sex and sexuality (Nagels 2003). Nagels describes the way her parents moved her from a predominantly black school to a white school around the time she began menstruating and wearing a bra as an example of the “sexually loaded” framing of racial boundaries (2003:29). In every society there exists a “dominant or hegemonic sexuality that will define socially approved men’s and women’s sexualized bodies” including in terms of race (Nagels 2003:8). From this perspective, black enslaved women can be understood as part of the hegemonic sexuality for white men during slavery, despite the fact they had to publicly conceal their behavior, privately it was rampant signally an internalized notion of approval for many white men. Sexuality is a powerful tool for establishing distinctions between the races and rationalizing oppression based on these differences because sex is connected so closely to natural instincts, essentializing racial categories and reducing an awareness of the social construction of race (Collins 2004).

Unlike Collins intersectional theory which is primarily interested with developing a collective “black feminist thought” to empower black women, Kimberlé Crenshaw’s structural inequality (1991), Adia Harvey Wingfield’s systemic gendered

racism (2008), and Glenn's (2004) description of intersectionality emphasize institutional intersectionality. Structural intersectionality emphasizes the interactions between multiple forms of oppression on various levels simultaneously to contribute to systemic inequality. From this perspective, the needs and vulnerabilities associated with the identities of individuals who are socially located at the intersections of various types of oppression remain invisible and unaddressed. For example, based on an individual's economic, racial, and gendered status, he/she will experience greater disadvantages when exposed to sexual violence. Black women who are raped experience additional victimization through a lack of resources available to them compared to white women since counseling agencies are required to allocate funds based on standards of white middle class women. This standardization can "hinder the ability of counselors to address the needs of nonwhite and poor women" (Crenshaw 1991:1250). Throughout various institutions, black women's needs are continuously overlooked, leading to unique forms of discrimination based on one's intersecting location within the systems of race, class, gender, and sexuality.

Like Crenshaw as well as other race and gender scholars, Glenn accentuates "social constructionism" as key to analyzing race and gender intersectionally to interpret the way "gender is racialized and race is gendered" (Bonilla-Silva 2006; Collins 2004; Crenshaw 1991; Feagin 2013a; Glenn 2004:7). The processes of racialization and engendering, particularly as they intersect and work together in racialized gendered identities, assist in understanding the malleable meanings of racialized gendered identities of black women, white women, black men, and white men. The meanings and

associated material consequences of these identities change based on social, legal, and political contexts and time periods. As socially constructed categories, race and gender are not unstable or entirely open to interpretation. Instead, race and gender are relational, relying on referents for meaning and gaining meaning from material conditions and representations. Socially constructed categories which intersect, like race, gender, and class, are constituted by power, including hierarchical attributions and disparities in resource allocation. The concepts Glenn uses for her analysis include “*representation*” or the use of “symbols, language, and images to express and convey race/gender meanings” (2004:12). Representations can be understood as similar to the concept of “framing,” wherein racial and gendered meanings are applied through emotions, narratives, imagery, stereotypes, and language (Feagin 2013b). “[*Micro-interaction*” or the “application of race/gender norms, etiquette, and spatial rules to orchestrate interaction within and across race/gender boundaries and *social structure*—rules regulating the allocation of power and resources along race/gender lines” are two other concepts central to Glenn’s analysis (2004:12). Each of these concepts is pertinent to the study of sexual violence against enslaved black women wherein the social structures of the legal and political systems deprive black enslaved women of the right to protect themselves from rape, racialized gendered norms reinforce white men’s incentives to rape enslaved black women and white women’s motives to ignore the violence, and various terms and images of black women reinforce their sexually degraded status and stereotypes of them as prostitutes to justify this violence (Glenn 2004:12).

Also employing an institutional focus on intersectionally, Adia Harvey Wingfield combines the concepts of “systemic racism” and “systemic sexism” to describe the racist and sexist structures and stereotypes which influence the ability for groups to succeed in the economic sphere (Feagin 2013a; Wingfield 2008). Based on the idea and phrase “gendered racism” developed by Philomena Essed (1991), Wingfield uses the term “systemic gendered racism” to describe the intersectional experience of oppression (2008). This concept closely parallels Crenshaw’s concept of structural intersectionality. The primary difference in these concepts is the theoretical foundations which each scholar relied upon. Wingfield bases her theory off of systemic racism theory, which focuses on political and economic institutions at the center of a broad system of unjust enrichment and unjust impoverishment (Feagin 2013a). Crenshaw uses critical race theory, primarily critiquing the legal system and laws, as well as feminist analyses of sexual violence and rape to arrive at a concept of structural intersectionality based on victimization and oppression institutionalized in the law. Both concepts emphasize an institutional perspective, and recognize the role of intersectional oppression in social institutions beyond the scope of their particular research. However, Wingfield, Crenshaw, and Collins all focus primarily on groups who are oppressed, namely black women, emphasizing their differential experiences based on intersections of race, class, and gender. Very few intersectional studies have examined the location of white men and the intersectional privileges and power that disproportionately sit atop the racialized gendered hierarchy. The current study uses an intersectional approach, which like Wingfield (2008), Crenshaw (1991), and Collins (2004) views oppression as

simultaneously gendered and raced, but unlike these theorists, focuses predominantly on the way intersecting forms of oppression perpetuate the privileges and power of the dominant group.

The intention behind using an intersectional perspective is not to divide people of color along gender lines, or describe some identities as more oppressed than others, but rather to more accurately analyze the oppression experienced by different groups of people and the privileges and power experienced by white men and white women. Because gender and racial oppression intersect they can be understood as mutually constructing one another in a complex “matrix of domination,” referring to the way in which institutions of oppression are organized within a given society (Collins 2000). One form of oppression is difficult to eliminate without eliminating all forms of oppression because they are intricately constructing one another (Collins 2000; Wingfield 2008).

### **Developing Concepts: Intersectional Incentives, Tactics, and Consequences**

Adding to intersectional theories broadly, and specifically to systemic gendered racism theory, the current study contributes three concepts: intersectional incentives, intersectional tactics, and intersectional consequences. These concepts assist in understanding the way intersecting institutions work together within a racial sex-based hierarchy to create incentives and consequences for individuals and groups whose behavior ultimately reinforces the overarching system of oppression. Because previous research using systemic gendered racism theory primarily emphasized economic oppression supported by the legal system and white racial and gender framing of women

of color, the current study will expand the empirical evidence for this theory to describe oppression in the form of sexual violence targeted at black enslaved women. The current analysis describes the way the U.S. legal system set the stage for white men to oppress black enslaved women through sexual violence as well as detailing the role of racialized gendered framing and racialized gendered norms that enabled and incentivized sexual violence against black enslaved women by white men. Additionally, whereas most intersectional theories have analyzed the experiences of oppression and the needs of women of color, this study concentrates on the generation and reproduction of intersectional white male power through the exploitation of others, particularly black women (Crenshaw 1991; Collins 2004; Wingfield 2008).

Beyond the empirical support offered in the study, the concepts developed in this analysis including “intersectional incentives,” “intersectional consequences,” and “intersectional tactics” contribute to systemic gendered racism theory. These concepts were largely developed based on the data and analysis of white men and white women, including information from black women and men about whites. Diaries, narratives, court cases, and other recorded accounts from slavery have been analyzed to develop these concepts in order to add to intersectional theories.

From the intersectional perspective used in this study, institutions of oppression will be analyzed as a system containing “intersectional incentives,” “intersectional tactics,” and “intersectional consequences” particular to one’s location with regard to race, class, gender, and sexuality. **Intersectional incentives** refer to the motives for behavior which are unique to one’s identity location and/or are enticements based on the

advantages of adhering to one or more institutions of domination and oppression. For example, intersectional incentives may include the advantages associated with upper class whiteness, such as recreational pleasure or leisurely entertainment that motivates one's behavior. An intersectional incentive associated with white masculinity may be the motivation to lose one's virginity, partake in traditionally white masculine social behaviors for approval of peers or parents, or become a white man with all of the respect and privileges associated. Intersectional incentives associated with white femininity may include motives to uphold the proper image of the family's household, remain pure and a virgin, or gain protection from white men. Intersectional incentives include motivations to perform the social norms associated with one's racial and gendered roles as well as more specific incentives associated with privilege and domination. While some advantages come with performing white femininity, some consequences are reinforced in this process as well because of the intersection of sexism with racial privilege. Unlike other general incentives for behavior, an intersectional perspective of incentives highlights the intersection of institutions like race, class, and gender and the benefits of using these systems at the expense of others. An individual can also be understood as having an "intersectional commitment" in his or her whiteness, white masculinity, or white femininity and thus perform based on expectations associated with their racialized gendered roles due to the incentives attached to the role.

**Intersectional tactics** refer to the distinct approaches for responding to an experience of oppression, discrimination, or domination that are based on one's identity location and the affiliated intersectional incentives, intersectional commitment, and

intersectional consequences. Some intersectional tactics may include strategies for avoiding consequences of behavior while shifting the weight of these consequences more heavily onto subordinated groups. Other intersectional tactics may include those strategies which assist an individual or group in performing racialized gendered roles or achieving the benefits associated with intersectional incentives.

**Intersectional consequences** refer to detriments that are unique to one's identity location and/or consequences that reinforce oppression associated with a particular intersectional location. Negative consequences are often concentrated more heavily among subordinated groups, compared to white men who experience a large degree of incentives for oppression with minimal consequences to themselves. Instead, the intersectional consequences can be understood as varying degrees of harm and disadvantage to subordinate groups, which will be unique based on each group's intersectional location. For instance, while the rape of black women by white men is most detrimental to black women who experience the physical and emotional trauma, fear, or humiliation as well as the racialized gendered framing and degraded status associated with the act, this sexual violence also indirectly effects black men and white women by reinforcing their racial and gendered statuses and inferiority compared to white men. In this sense, the intersectional consequences of rape of black women are experienced at a variety of intersectional locations in differing ways. An analysis including the intersectional incentives, tactics, and consequences is important because it provides insight into the way intersecting institutions of oppression maintain themselves, bolstering one another and reducing resistance from various groups based on their

location and the incentives and consequences that are affiliated with that position in the racial sex-based hierarchy.

Like the notion of “patriarchal bargains,” individuals can be understood as strategically using systems of power to their advantage without disrupting the system itself when they are motivated by intersectional incentives (Kandiyote 1988:274). The white women’s struggle for rights has been deeply intertwined with race, often in somewhat of a patriarchal bargaining manner. Newman (1999) describes the way white women used notions of western, white superiority as a strategy for gaining the right to vote. In the process of obtaining civil rights and moving closer to the fully-respected status of white men, white women reinforced the institution of whiteness and thus of racism (Newman 1999).

However, more than the concept of patriarchal bargaining, the notion of intersectional incentives and consequences views individual and group behavior as advantageous with regard to one form of domination and privilege while disadvantageous in terms of multiple forms of oppression simultaneously. A white woman’s actions may benefit her in terms of white privilege while disadvantaging her in terms of sexism and disadvantaging black women and black men in terms of gendered racism and racialized sexism. This concept is also based in part on the idea of the “psychological wage” of whiteness, in which groups reach for the benefits associated with a certain type of domination, like the feeling of superiority and positive social treatment associated with whiteness (Du Bois 1962:700). However, the incentives which groups reach for are not only based on status-related benefits of whiteness, but also the

status associated with white femininity and white masculinity as intersectional locations of varying advantage. The benefits of these intersectional locations are not purely advantageous as in the case of performing whiteness, but rather often come with various expenses because of their intersectional nature. For instance, the advantages of meeting white feminine standards come with the advantage of whiteness and the cost of reproducing white sexism.

This theory builds off of Collin's (2008) notion of mutually constructing institutions of oppression, Crenshaw's (1990) institutional-level focus on intersectionality and the concept of "locations" of experience within these institutions, and Wingfield's (2008) concept of systemic gendered racism. Whereas these intersectional theories focus on the oppressed group, Feagin's (2013) theory of systemic racism and the white racial frame emphasize the generation and justification of economic, political and social power and privilege for whites. Combining these theoretical approaches, leads to a unique perspective on intersectional theory in which the perpetuation of white power and privilege is central to the analysis.

Sexual violence provides an important focal point for analysis and theory linking systemic racism, white racial framing, and intersectional theories. As Patricia Hill Collins thoroughly describes in her book *Black Sexual Politics*, sexuality is the site of various intersections of oppression (2004). Incidents of sexual violence against black women by white men, as well as discussions of white attitudes, behaviors, and institutionalized processes associated with sexual violence are important sites for studying intersections of oppression and the white power perpetuated at these sites. As

opposed to implicitly assuming whites are the actors of oppression and focusing solely on subordinated groups, this approach will directly link acts of oppression to those responsible and will allow for an analysis of cultural and structural strategies for executing and maintaining white power and privilege.

### *The Racial Hierarchy*

During slavery, white men held a position of power which not only allowed sexual violence against enslaved black women, but also enabled them to create laws to legitimize and incentivize this practice. Their position within a racial and sex-based hierarchy offered daily privileges to exploit and punish slave labor, as well as political and legal power to enact legislation. Furthermore, sitting atop the racial-sex hierarchy, white men were more likely than white women or blacks to possess wealth, which could be used in courts to ensure they would not be fined for “trespassing” or violating another man’s property .

The racial hierarchy is traditionally viewed as supporting whites at the top, forcing blacks and Native Americans to the bottom, and arranging Asians and Latinos in the middle. One variation on this racial hierarchy is referred to as “triangulation,” which includes a horizontal spectrum of “foreignness” to describe the unique experience of Asians (and Latinos), in addition to the vertical light-skinned privilege and power axis (Kim 2003). Blacks and Native Americans were the first in the white racial frame to be seen as “foreign;” that is not new to the white racial frame with Asians and Latinos (Feagin 2013b).

Regardless of whether one chooses to use triangulation or a traditional racial hierarchy model, these concepts require some modifications from an intersectional perspective. Since racism does not refer to a comprehensive experience of all people of color or all whites, an intersectional model is necessary to delineate the discrimination of men and women of color and the privileges and power of white men and women. The current study utilizes the racial hierarchy, and the notion of the deep foundation that has led to the power, privilege, and wealth of whites at the expense of blacks, but adds an intersectional lens to account for the variety of experiences that differ based on sex for these groups. Because this study focuses on blacks and whites, the discussion of the racial sex-based hierarchy will be limited to these racial groups for this paper.

In the same way that intersectional theory has revealed a variety of forms of oppression specific to various groups of people that were previously overlooked; this approach also allows us to uncover additional dimensions of white male power and the way it is perpetuated that are often missed. White male power as a relational concept, functions differently against specific groups of people but must maintain certain static qualities as well. Furthermore, the differences in the way white male power functions against one group compared to another assist in perpetuating white male interests at the expense of each group.

By taking an intersectional approach, the interactions between the attitudes and actions of white men and those of white women are viewed as reinforcing each other as they become institutionalized. For instance, the location of white men above white women, the roles required by these positions, and the interests associated with each

position create situations and events in which white women may be inclined to uphold the racial hierarchy to protect their white privilege at the expense of their gendered subordination. In this sense, white women would be perpetuating their own disadvantaged gendered status at the same time they reinforce the oppression of black women and men. The actions and attitudes of white men and white women may differ significantly while still interacting to uphold systems of oppression that are deeply intertwined. Applying an intersectional theory, the role of white women can be seen as instrumental to the oppression of people of color, strengthening whiteness in general and white masculinity because of her relationship to white men and his ultimate authority over white women and people of color. Furthermore, based on the concepts of performing gender and “everyday racism,” the current theory views the attitudes and actions of white men and women as occurring on a micro-level that is eventually institutionalized through repetition (Butler 1988; Essed 1991).

An important dimension of this theory is that this racial sex-based hierarchy is part of the foundation of the institutions and culture of the United States. Today the racial sex-based hierarchy continues to oppress black men and women in unique ways while it empowers white men distinctly from white women. The institutionalized framing, ideologies, language, behaviors, and legal policies that perpetuate the racial-sex-based hierarchy today began as individual actions, terms, and thoughts during colonization and slavery and have persisted into today with some modifications. One of the central practices that initiated the racial-sex-based hierarchy was sexual violence of women of color by predominantly British (later to be called “white”) men who had

colonized the North American territories and utilized slave labor to generate wealth and construct a powerful national economy. The routine sexual coercion and rape of women of color by white men was a unique form of power because it involved physical force as well as sexual violation, which allowed for control of black women's bodies and labor as well as psychological, and sometimes spiritual, control of these women. Moreover, sexual violence degraded black women in terms of their race and sex, while bolstering the status of white men on both accounts. The devalued position of black women was not only because of their forced role as laborers and alienation from their labor, but also from the degradation associated with using their bodies for reproduction and objectifying them sexually, likening this group of humans to animals and objects and distinguishing them from their male counterparts within the institution of slavery and female counterparts within the institution of sexism. With black women experiencing degradation of such severity, the slightly elevated status and experience of other oppressed groups may have reduced resistance from other groups against white male power. As bell hooks explains, "in terms of the sexual politics of rape," what this racialized sex-based hierarchy meant during slavery and continues to mean today "is that if one white woman is raped by a black man, it is seen as more important, more significant than if thousands of black women are raped by one white man" (1999:53).

### **Significance of this Theoretical Contribution and Research**

The empirical contribution offered in this study demonstrates the utility of systemic gendered racism theory for analyzing additional forms of intersectional oppression, beyond contemporary economic oppression, such as rape of enslaved black

women by white men during slavery. The legal system and racialized gendered framing that is central to systemic racism theory and systemic gendered racism theory is viewed as fundamental to the rape and sexual violence of enslaved black women perpetrated by white men. As the legal background provided in Chapter Four depicts, because the rape of enslaved black women was not criminalized, children's legal status as free or enslaved followed that of their mother, and the courts upheld racialized gendered framing of black women in various court cases, sexual violence by white men was permitted and incentivized.

In addition to the empirical contribution, the concepts of “intersectional incentives,” “intersectional tactics,” and “intersectional consequences” add to intersectional theories at large and systemic gendered racism specifically. From this perspective, oppressive behavior, especially executed by dominant or intermediary groups like white men and white women, can often be understood as being motivated by intersectional incentives. Intersectional tactics offer a way to interpret the behavior of various groups, particularly dominant groups, in terms of the intersectional incentives or intersectional consequences which their intersectional location affords them. Intersectional consequences assist in understanding the way that a single behavior by an oppressor may have repressive and discriminatory outcomes which are distributed differently to various subordinated groups, while frequently leaving the dominant actor unharmed and thus free to continue similar behaviors.

Broadly, these concepts can be understood as working together, reinforcing intersecting institutions of oppression by incentivizing various groups to enact

dominating behavior and avoid oppressive consequences. Analyzing institutions of oppression as intersecting helps to explain how oppression is so resistant to change. Understanding not only that sexism, racism, classism and other institutions intersect, but also that each intersectional group comes with incentives and consequences for behaving and reacting in particular ways based on their locations within the racial sex-based hierarchy is essential for understanding the persistence of systems of oppression. By recognizing the nuanced intersectional experiences, incentives and consequences of groups as well as the tactics they engage in to achieve these incentives and avoid consequences allows us to better explain the way institutions of oppression bolster each other at their intersections and ultimately reproduce the power and privileges of the dominant group. Intersections of oppression incentivize individuals and groups to dominate others to avoid additional oppression themselves and reduce potential resistance or destruction of the broad system of oppressions.

Although this study focuses on sexual violence against black women by white men, the concepts developed from this work can be applied to other sites of exploitation as well. By analyzing the incentives and consequences associated with each location within the intersections of race, class, gender, sexuality, among other institutions of oppression, the ways in which these institutions reinforce each other at their intersections can be analyzed across various social contexts. This approach sheds light on the role of various groups in perpetuating the oppression of others in order to maintain the privileges or power associated with their own group. In this sense, whites do not simply oppress blacks, nor do white men oppress black women. Instead, for instance, the sexual

exploitation of black women by white men is incentivized by racial, gender, and class institutions of power, which intersect to create their own norms and privileges associated with white maleness (as opposed to whiteness), and this exploitation is reinforced by white women who have incentives in perpetuating their white privilege while simultaneously reinforcing sexism against themselves.

### **Conclusion**

The intersectional theoretical approach influences the methodology of this study which involves the exploration of themes and patterns at various intersectional identity locations. For example, the primary sources from and about white men were analyzed for patterns regarding their involvement in sexual violence of black women, the practices they employed, the attitudes they held, and the way they perpetuated racialized gendered framing of black women and themselves as white men. In the same vein, the primary documents written by or about white women were explored for themes detailing white women's reactions to sexual violence of black women by white men and their attitudes towards miscegenation in general. Data from and about black women and men were analyzed together to seek the perspective of those most victimized by the sexual violence of white men in question. The insight of black women and men is essential for underscoring dimensions of sexual violence that both white men and white women would be too ashamed to ever discuss or write about, even abolitionists. Moreover, black women and men offer descriptions of their own feelings and experiences as well as expressions of agency, topics which whites would not have access to or were less likely to discuss.

## **Research Questions**

Previous scholarship focusing on sexual violence of black women answers several questions with regard to this topic including the variety and complexity of the relationships between white men and black women during slavery, some of the responses to rape and forms of resistance employed by black women, and the devaluing impact of rape on black womanhood. Because of the scope of these studies, primarily framing their analysis around black women, or a single black woman, major research questions linger. Additionally, feminist criminology offers crucial perspectives on the role of sex-role stereotyping, social contexts, patriarchy, and masculinity for understanding the crime of rape. Nevertheless, a deep analysis of the way sexual violence targeted at black women by white men affects white men and white women remains to be thoroughly investigated. The responses and attitudes of white men and women to this sexual violence, and the way these reactions maintain and reinforce intersecting institutions of oppression need to be examined in order to develop upon a broad perspective of systems of power and privilege that influence, and are influenced by, sexual violence.

The research questions for this study include: 1) In what ways does sexual violence of black women by white men during slavery impact white men, white women, and black women in terms of identity, status, and power, among other factors? 2) What were the responses (physically, verbally, emotionally) and attitudes of white women, white men, black women, and black men to the sexual violence of black women by

white men? 3) What are the impacts of these responses and attitudes of each group on intersecting institutions of oppression that can be conceptually determined?

## CHAPTER III: METHODS

### **Intersectionality Methods**

The most recent work on intersectionality focuses on three primary aspects of intersectional discourse which include development and application of intersectional theory to empirical research, political tactics using intersectionality, and the methodological approaches available for intersectional investigations. Despite debates over the methodological possibilities and difficulties of studying intersectionality, Cho, Crenshaw, and McCall (2013) push for the incorporation of multiple approaches and foci in intersectional analysis. These leading scholars in the area of intersectionality envision a broad field of intersectionality as opposed to a singular method or approach to this area of analysis.

Most intersectional feminists and theorists use intersectionality as a mechanism for moving away from previous approaches which focused predominantly on white women and gender without consideration of other forms of oppression. Methods for studying intersectionality have become an issue of contention for some scholars (Cho, Crenshaw, McCall 2013; McCall 2005; Shields 2008). But as McCall explains, the difficulty of measuring intersectionality “mirrors the complexity of social life” (McCall 2005:1772). She calls for approaches which include complexity in order to most accurately analyze the intricacies of society. For instance, “anticategorical complexity” refers to the approach which deconstructs and rejects social categories completely (McCall 2005:1772). On the other end of the spectrum, “intercategorical complexity” uses categories strategically adopting “analytical categories to document relationships of

inequality among social groups and changing configurations of inequality among multiple and conflicting dimensions” (McCall 2005:1772). Falling between these approaches is “intracategorical complexity” (McCall 2005:1772). Not all intersectional methods fit into these categories and many approaches blend two or more of the approaches simultaneously.

The current study fits best within the intracategorical complexity approach, the most commonly used method of intersectionality. This method focuses on a particular social setting, ideology, or social group and seeks to illuminate the complexity of their experiences based on one dimension of each of the multiple intersecting forms of oppression in question. From this perspective, socially constructed group labels are used as a starting point from which to explore a particular group based on their race, gender, class, or sexuality while these labels are also challenged (McCall 2005). Additionally, the intersectional approach used in this study is based on Crenshaw’s notion of structural intersectionality as opposed to a focus on subjectivity and identities (Crenshaw 1991; Cho, Crenshaw and McCall 2013). Although identities are important to an analysis of structural intersectionality, these identities must be analyzed within the well-institutionalized context of power as a result of the racial-gender hierarchies and framing imposed on groups (Cho, Crenshaw and McCall 2013; MacKinnon 2013).

This study will explore the impact of sexual violence targeted at black women on racialized gendered identities as part of the larger institutionalization of oppression. Focusing on the dominant group, the analysis will emphasize the intersectional location of white men, which is the most powerful location within intersecting institutions of

oppression. Using an intracategorical approach, I will acknowledge and categorize my data based on the socially constructed salience of the racialized gendered groups of black women, white men, and white women. From there, the analysis will reflect the constructed nature of these intersectional labels and describe their relationship to power and oppression. After classifying the data based on socially constructed intersectional categories, I will use thematic content analysis to locate themes which will elucidate the complexity of social life and allow for an analysis of the impacts of sexual violence and responses to sexual violence on the perpetuation of power and privilege.

### **Research Design**

In this exploratory study of sexual violence of black women by white men, I conducted a thematic content analysis using primary sources from U.S. slave states. Since data pertaining to sexual violence or rape of slaves is very specific and relatively scarce, any primary source documents which could be located that discuss sexual relations between white men and black women from the period of 1619 to 1865, when slavery was abolished with the ratification of the 13<sup>th</sup> Amendment, were used. Furthermore, the regional focus was not limited in order to ensure as much data regarding sexual violence of black women by white men could be used. The analysis and discussion focus primarily on slavery with a smaller portion focusing on the sexual violence of black women during Jim Crow Segregation, included as a description of the continuation of racialized gendered framing and norms and the associated perpetuation of power and privilege.

*Data Collection: Locating Primary Sources for Sexual Violence of Enslaved Black Women*

The data sources used for slavery include diaries of slaves, ex-slaves, free blacks, white male slave masters, white male legislators and other white male commentators, and white female slaveholders or mistresses, Work Projects Administration (WPA) Slave Narratives, court cases and petitions for divorce. These documents were located using a variety of techniques.

Consulting several librarians at Texas A&M University, including Rebecca Hankins, Bill Page, and Joel Kitchens was an essential first step in beginning to locate documents related to the topic of sexual violence against black women during slavery. These librarians offered suggestions for digital libraries and physical libraries to explore for resources as well as several key terms to consider using as search terms. Based on his own work involving rape and domestic violence in the 1800's in Texas, Bill Page suggested the following key terms: amalgamation, brute, mixed blood, mixing of the races, outrage, nameless crime, and white father. As I continued the process of collecting documents associated with this topic, additional search terms were added to this list to be used when examining primary texts from digital libraries and collections.

The collection of data started with secondary sources which have discussed sexual violence or rape of enslaved black women such as work by Eugene Genovese (1976), Catherine Clinton (1982), Angela Davis (1983; 1998), Thelma Jennings (1990), Kent Anderson Leslie (1996), Patricia Hill Collins (2004), bell hooks (1999) to seek out primary sources they might have used. In cases where primary sources were described,

the research often attempted to locate the original document. Additionally, collections of primary sources from slavery, such as Blassingame's (1977) extensive collection, *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies* and Lydia Child's *Slavery: A Patriarchal Institution*, were examined for discussions relating to sexual violence and rape of black women by white men. Well known diaries like Harriet Jacob's *Incidents in the Life of a Slave Girl* (1860) and Mary Boykin Miller Chesnut's *A Diary from Dixie, 1823-1846* (1865) and the famous court case about a woman named Celia who was raped by her master, in the trial titled "Celia, A Slave, Trial" (1855) were located and analyzed.

The majority of the data were located digitally. The WPA Slave Narratives were available for download through Gutenberg.org. These narratives were searched using the suggested key terms above as well as "sex, rape, blood, force, mean, abuse, white, light, bright, mulatto" without much success at locating discussions of sexual violence. This is likely due to the fact that the slave narratives were collected by a predominantly white male staff of interviewers who were from each local area. Participants thus had incentives to avoid discussions of the ill-treatment they experienced at the hands of white men. Interviewers may be familiar with the families in question or may be offended personally by negative comments about slave masters in the local area. In Georgia and Arkansas there were a few black interviewers working on the WPA project, but the predominantly white staff likely had a significant impact on the interview process and the willingness of participants to discuss their feelings about slavery and the white people who held them in bondage. Lastly, rape and sexual violence are sensitive topics

to discuss in general, making it even less likely for these discussions to appear in the WPA slave narratives (Blassingame 1977).

Moreover, the WPA interviewers did not employ the same methods or standards of qualitative analysis that would be used today. These interviewers often used leading questions to encourage participants to say positive things about slavery and reduce the negative descriptions of their experiences. The interviewers often left out information regarding experiences which they did not believe or desire to include in the narrative. Interviews were not transcribed verbatim and were clearly edited, which vastly affects the reliability of the data. For example, studies have shown that in the Virginia slave narratives, 100 to 1200 words were removed from the original typescripts of several narratives of men and women (Blassingame 1977).

However, rape and sexual violence do manage to appear in some slave narratives. Recall that Jennings searched through over 500 of the slave narratives and found that approximately 12% of them included a discussion of mixed race ancestry or children (1990). In order to locate these specific narratives the following search terms were used in a Google search: “Slave Narrative rape/miscegenation/amalgamation.” Results which were from reputable sources, such as reports from educational associations or documents held in digital libraries were saved for analysis. When excerpts could be located through this approach, the full document was then searched in the downloaded collection of WPA slave narratives.

In addition to the WPA slave narratives, diaries from slaves, diaries from white men and white women, court cases, as well as slave narratives which were written

autobiographically by former slaves independently of the work projects administration were located using the following search terms in Google: Digital Collection/Digital Library/Online Collection and rape of slaves/miscegenation/interracial sex slavery/abuse of slave.

The slave narrative genre, referring to those narratives published by former slaves, contains some limitations for analysis. Because this genre includes narratives written and published by abolitionists, as opposed to the WPA slave narratives published by the government, a clear interest in ending slavery is evident throughout the narratives. The negative details of slavery were often underscored. With the aim of abolition in mind, a common motif of the slave narrative genre was to rely on Judeo-Christian notions of morality and sin (Campbell 2010). Using religious morality as leverage for the abolitionists' goals is arguably one reason the sexual violence of enslaved black women is frequently discussed in slave narratives. Moreover, the word choice and descriptions of incidents of sexual violence may be influenced in narratives like that of Harriet Jacobs (1861) or the diary of Fanny Kemble (1844), among several others who held strong interests in abolishing slavery. However, slave narratives also offered an avenue for fugitive and newly freed slaves to express their liberation, declare their humanity, and counter the racial stereotypes to which they were subjected (Blight 2009). For this reason, many of the experiences of sexual violence described by former slaves can also be read as an attempt to express the harsh realities of slavery which had been denied and overlooked by many whites for centuries in the interest of maintaining racial prejudices against black women and myths of white male virtue (Blight 2009).

If other primary or secondary sources referred to a source that could offer additional data for this research, the researcher frequently sought out the resources of the digital collection, *Documenting the American South* at the University of North Carolina, Chapel Hill to locate the primary source in question. The *Documenting the American South* collection holds a large portion of the full text documents from slavery that were used for this study including narratives written by slaves and diaries by blacks and whites.

The petitions for divorce were initially located by conducting a search in Google using the terms “Digital Collection and Divorce Husband with Slave.” The University of North Carolina, Greensboro has a large, representative digital collection of the divorce petitions associated with slavery in their Digital Library on American Slavery (2009). From this source the divorce petitions provide a summary and some brief excerpts from the full text document. Initially, to locate specific petitions dealing with a white man who was sexually involved with a black woman, the search terms used in this Digital Library included: adultery, amalgamation, criminal, criminal connection, criminal intercourse, female slave, fancy maid, illicit, illicit intercourse, miscegenation, mulatto, negro woman, prostitute. Although some of these terms are offensive and problematic, such as the terms mulatto and negro, because of the time period in which the divorce petitions were filed these terms tend to appear in documents related to this topic and to slavery in general and therefore had to be used to locate such documents.

In order to access the full text of the divorce petitions, I visited the Library of Congress in Washington, D.C. with financial support from the Texas A&M University

Women and Gender Studies program. With the assistance of the librarians at the Library of Congress I was able to locate several divorce petitions on microfilm. These petitions were copied and saved to be analyzed as data.

Data from the Jim Crow era primarily includes legal cases involving incidents of sexual violence or rape from 1865-1965 from any U.S. state. Lexis Nexis Academic was used to locate these legal cases. This regional and temporal focus is intentionally very broad because initial attempts to search through Lexis Nexis Academic for legal cases involving the rape of black women by white men during this time period yielded minimal results. Despite access to the courts after slavery was abolished, black women still had several incentives to avoid pursuing legal recourse against the actions of white men. Threats to their physical safety or that of their families', including terrorism from groups like the Ku Klux Klan likely prevented many black women from seeking legal action against rape offenders. Additionally, the racialized gendered framing of black women by white male judges which frequently framed black women as responsible for the rape, also likely deterred many women (Williams 1986). While several black women used the Freedmen's Bureau to report crimes of rape and sexual abuse by white men, the vast majority of these documents are not available digitally and would require travel to several state archives throughout the country as well as a significant amount of time spent in each archive, significantly limiting the ability to use these documents for the current study.

The court cases available through Lexis Nexis Academic are all appeals; therefore, the key terms, "defendant is a white man" and "rape," were the most

successful at locating cases regarding this topic. Limiting the search to cases which occurred between the years of 1865 and 1965 ensured the crimes and decisions were part of the historical context of informal and formal segregation. Southern and Northern states were included in the sample. Cases that were linked to other similar cases were also examined and incorporated if they involved a white man accused of raping a black woman. The other search terms which were previously attempted, but rarely yielded any results include: “rape” or “carnal” and “black woman” or “negro/negress.”

The following cases were used: Jaffe v. Deckard in the Court of Appeals of Texas; Hodnett v. The State in the Supreme Court of Georgia; The People, Respondent, v. Harold Hume; The State of Kansas, v. Lester McCrady; The State of Ohio v. Tuttle.

### **Procedures & Analysis**

Thematic content analysis is employed for all the data throughout each time period. Content analysis is distinguished by three characteristics. This method is grounded in empirical evidence and involves an exploratory process in which text is analyzed and interpreted (Krippendorff 2013). Although content analysis can be conducted from a variety of perspectives, the social constructivist approach will be used for this study, which analyzes discourse in an attempt to “understand how reality comes to be constituted in human interactions and in language, including in written text” (Krippendorff 2013:22). Also from this approach, my standpoint as a white woman influences my interpretations of the data, and is viewed as an important dimension of qualitative methodology. All standpoints offer subjective perspectives on the analysis in question. While this standpoint does not allow for a deep, intimate understanding of

sexual violence and rape as black women experience it, interpreting the experiences of white women is more in-line with my standpoint.

Examining the diaries of slaves, ex-slaves, free blacks, white male slave masters and white female mistresses in addition to WPA Slave Narratives, and divorce petitions, the researcher located themes and patterns which emerge pertaining to the role of sexual violence targeted at black women by white men, and the responses of white women, white men, black women, and black men to this sexual violence. Responses were all categorized by racialized gendered group first. The data was primarily grouped by the person writing or discussing the rape of black women. For example, data from the WPA slave narratives were generally classified as black experiences and perspectives. The data from diaries written by white women were generally categorized as white women's experiences and perspectives. And diaries or comments from white men were categorized similarly for white men's experiences and perspectives. Data *about* each group influenced these categories. For instance, many slave narratives provided data about white men and their actions or their behavior toward their white sons, which were then categorized under the white men's experiences and perspectives. This initial categorization is based on the notion of intersectionality and the intent of this study to examine the way one's location affects his or her incentives to behave in a particular way with regard to sexual violence, in addition to influencing the consequences of his or her actions.

## **Determining Themes**

After this initial categorization, the data excerpts were read several times in an attempt to discern common patterns and themes. Topics and terms which arose several times throughout similar or differing data sources were noted to be themes. For example, in the diaries of white women and narratives of black enslaved women and black enslaved men reference to the silencing of white women appeared several times. Each record alluded to this silencing using different phrases or terms, but all suggested a similar theme. Mary Chesnut stated, "...every lady tells you who is the father of all the mulatto children in everybody's household, but those in her own she seems to think drop from the clouds, or pretends so to think" (1984:42), while an anonymous former slave described in the WPA narratives that he witnessed a young enslaved girl who "...had to go with him, and his wife didn't say nothin' bout it" (Oliphant & Booth 1937:292-293). Finally, Harriet Jacobs explains that "Southern women often marry a man knowing that he is the father of many little slaves. They do not trouble themselves about it. They regard such children as property...passing them into the slave-trader's hands as soon as possible, and thus getting them out of their sight (1861:55). Jacob's example demonstrates the practice of white women silencing their husband's actions by hiding any evidence of the behavior, such as the resulting children. These excerpts are each discussed in more detail in Chapter VI. The repetition of this behavior among white women throughout various data sources suggests the regularity of this practice and thus makes it significant to an exploration of the reactions white women expressed toward the sexual violence of their husbands. For all themes described in this project, a similar

strategy of analysis was used in which I read through excerpts, organizing each into large categories before comparing them for more specific patterns. Patterns were coded with key terms, such as “White women silence” for the example above. Most excerpts that contained a topic that was repeated two or more times were included in this paper; however, occasionally excerpts that became too redundant or offered little additional information were omitted.

A “constant comparative method” was employed in which codes were compared to new and previous data to determine compatibility, modify, or develop codes (Glaser 1965). Codes were reflected on and notes, or memos, were taken to interpret the relationship of the codes to each other and to the research questions (Glaser 1965). Later the codes and themes were examined to ensure they fit with the research questions of the project. Although some topics were repeated throughout the data and thus emerged as themes, if they were not associated with the research questions for this project they were omitted from further analysis.

Based on the repetition of the following topics throughout the narratives, data on or by white men was initially categorized into these categories: Recreational use of sexual violence, learned behavior of sexual violence, white masculinity and sexual violence, light-skinned preference. Eventually the *learned behavior* and *white masculinity* categories were collapsed and included in a broad category on white sons, the recreational use of sexual violence was used in the category on white sons and in general discussion throughout the chapter on white men.

One example of the process of analyzing the data is reflected in the discussion of white male sons. Data pertaining to sons of slave master's was found in diaries, slave narratives, and a trial pamphlet. A subcategory titled "white sons" was created within the broader "White Men's Experience and Perceptions" category. After putting all of the data from any source that pertained in some way to white men and white sons in this category, additional sub-categories were explored. The actions and attitudes of white men and white women in relation to their sons and sexual coercion and violence of black women were created into categories. Then, the concept of the intergenerational transmission of white masculinity was developed based on this data and the concept of intergenerational transmission of wealth from systemic racism theory.

The data categorized as Black Women and Men's Experiences and Perspectives had the following subcategories: Routine/widespread rape and violence, Resistance, Light-skinned preference, White women's reactions, and "Breeding." Eventually the light-skinned preference and white women's reactions were transferred to white men's and white women's categories respectively. The White Women's Experience and Perspectives category included subcategories of the following: jealousy, abuse/physical punishment to slave, ignoring husband's behavior. Eventually, the subcategory "abuse/physical punishment to slave" was expanded into a subcategory called "secondary abuse." The subcategory of "agency" was added to this category as well, after locating the divorce petitions. Within each of these subcategories for all racialized gendered groups, the racialized gendered norms and framing of white men, white women, and black women were explored and noted.

### **Three Analytical Concepts: Intersectional Incentives, Tactics, Consequences**

After working with these subcategories and beginning to write about their relationship to each other and to the theory of intersectionality, the three primary concepts of analysis were developed. The interplay between intersectional theory and the data led the researcher to develop three primary categories of analysis which include intersectional incentives, tactics, and consequences. All of the formerly coded themes pertaining to the reactions, behavior, attitudes, and relational dynamics of the dominant racial group, white men and white women (such as the silence and denial of white women, white women's punishing of black enslaved women, the recreational use of sex by white men, intergenerational transmission of white masculinity from white parents to white sons, among several other themes) were each fit into the broad concepts of intersectional incentives, intersectional tactics, or intersectional consequences.

These three concepts make up the developments in intersectional theory which this study aimed to achieve. Because these concepts allow for the inclusion of the experiences and perceptions of the dominant groups, white men and white women to varying degrees, the analysis is able to incorporate a discussion of the way white men and white women perpetuate their privilege and power based on intersectional oppression, which is uncommon in intersectional work. Additionally, these concepts emphasize some of the ways intersecting institutions of oppression bolster one another and reduce resistance at each intersectional location.

### *Procedures for Jim Crow Segregation*

Similar to the procedures used for the data pertaining to slavery, the legal cases during Jim Crow Segregation were initially categorized under the same racialized gendered groups. The white judges' responses to sexual violence of black women by white men were explored for racialized gendered norms and framing of black women and white men. Because of the lack of white female voices in the court records analyzed for this study due to the sample of data, this section focuses only on the racialized gendered framing of white men and black women.

## CHAPTER IV: INSTITUTIONALIZATION OF WHITE MALE PRIVILEGE AND RACIALIZED GENDERED NORMS THROUGH SELECT COURT CASES

### **Introduction**

The U.S. legal and economic system set the stage for examining the intersectional incentives, tactics, and consequences associated with sexual violence targeted at black women. The economic and political spheres are particularly important to an analysis of racism and racialized sexism because these institutions delineate the powerful from the relatively powerless groups in society. These institutions can determine the distribution of resources and rights necessary to meet basic human needs. Capitalism, slavery, constitutional rights, as well as the denial of rights to blacks, not only enabled white men to carry out sexual violence against black women during slavery, but at times incentivized this behavior. These institutions can be seen as context for intersectional incentives and intersectional consequences of sexual violence against black women and as intersectional tactic used by white men to maintain their white masculine privilege, power, and virtuous image despite their actions. Decisions made in the court cases using in this study were carried out by white male judges and reflect the intersectional incentives these men had to preserve the image of white male virtue at the expense of reinforcing stereotypes of enslaved black women. Additionally, these white male judges experienced intersectional incentives to uphold the rights of white male slave owners by placing severe consequences on any resistance by enslaved black women in order to preserve the social institutions and racialized gendered framing which

legitimize their domination of the legal system involving significant decision-making power.

Since the colonies declared Independence in 1776 and the white elite adopted the U.S. Constitution in 1787, white property-owning Christian men have been in the top position of political and economic power. This position allowed them to incorporate their interests as white elite men into the founding documents and subsequent laws, creating the precedent upon which future legislation would be determined. The direction of the nation's economic and political institutions was crafted in these early years leaving women, people of color, and poor or non-Christian white men without political representation. Specifically, fifty-five white elite men, most of whom owned slaves or benefitted from the institution of slavery indirectly, were responsible for drafting the U.S. Constitution (Feagin 2013a).

As an economic system, capitalism is inherently exploitative prioritizing profit above all else. The motive of generating profit above the value of the labor incentivizes cheap or free labor. Since value is created by labor, paying the laborer the equivalent of a commodity's value would be fair; however, this leads to no surplus or profit for the capitalist, or owner of the means of production. The capitalist must steal the labor, or exploit the laborer, paying him/her less than they deserve in order to make money. From this economic framework slavery offers ample opportunities to create surplus by denying laborers (slaves) any rights to the product of their labor, or any aspect of their life (Marx 1887).

Slavery, as a significant component of the North American capitalist economy, was protected in several articles of the constitution because it was extremely beneficial to white capitalists (Feagin 2013a). Moreover, most white members of society benefited from slavery. The national wealth generated and stolen from slave labor from the early 1600's to the 1860's is estimated to be around \$1 trillion (Feagin 2013a). Almost "one fifth of all national wealth in the United States was in the value of enslaved African Americans alone, about \$3 billion" (Feagin 2006:19). Elite and ordinary whites in the North and the South profited from the slave industry earning a living in occupations such as

overseers on slave farms and plantations, sailors on slave ships, slave-catchers who chased enslaved runaways, small farmers who grew agricultural products needed on slave plantations...lumber workers who cut timber for slave ships, fishers who traded fish meal to U.S. and Caribbean plantations, [and] local and federal government workers policing enslaved runaways (Feagin 2010:27).

For more than two hundred years, a large portion of the United States economy revolved around and depended upon slavery, creating large incentives for most whites to preserve the institution. Despite the Civil War and the abolition of slavery in 1865, many features of racial oppression have remained into the present day including a racial sex-based hierarchy, discrimination based on race and racialized sexism, racial and racialized gendered framing, and white privilege and power (Feagin 2013a).

Protection for white men's legal rights to rape and sexually violate slaves was embedded in the structure of U.S. society. In addition to protecting slavery and the economic benefits associated with this exploitation, legal decisions aimed at denying rights to all blacks, court decisions which frame black women as prostitutes, and cases

which overlook sexual violence and the right to defend oneself from rape form the foundation of the U.S. legal system which enables and incentivizes sexual violence against black women among other abuses. White men have instituted a variety of laws and made legal decisions which shift responsibility for their misconduct away from themselves and onto the black women who are most often the victims of white abuses.

Systemic racism theory is based on the idea that the economic, political, and legal systems of the United States are central to racial oppression, including the development and persistence of unjust enrichment for whites and unjust impoverishment for people of color (Feagin 2013a). Correspondingly, the intersectional theory which stems from systemic racism theory, systemic gendered racism theory, views the economic, political, legal and other institutions as generating and reproducing gendered racial oppression which affects black women in powerful and unique ways compared to other racialized or gendered groups (Wingfield 2008). Access to resources and rights varies based on racialized gendered group status and therefore affects ones opportunities for economic success, political representation, safety and protection from violent crime like sexual violence, among other things. The political and legal context which shapes the rights of black women and limits their protection from violence also plays a role in generating and reinforcing stereotypes, ideologies, and framing of people of color and whites. This racialized gendered framing evident in court cases assists judges and juries in perpetuating the interests of white men, and at times white women, at the expense of people of color. Furthermore, by upholding white male interests and disregarding the needs and interests of black women, intersectional incentives for white male violence are

created by the court system and are allowed to flourish. The firmly white-controlled legal institution is one of many institutions that use racialized gendered norms and framing to create intersectional incentives for white male sexual violence against black women, particularly those women who are enslaved or disenfranchised.

One of the primary ways that sexual violence against black enslaved women by white men was promoted in the court system was through intersectional consequences. By shifting the detrimental consequences of rape away from the top of the racial sex-based hierarchy and towards the bottom, black enslaved women who are victims of rape not only experience the degrading sexual violence itself, but also are charged and executed if they resist this sexual violence. Both the sexual violence and potential execution reinforce the extremely constrained options for black enslaved women, the sexually degraded and disenfranchised racialized gendered status, and systemic gendered racism in general. In contrast, the downward shift of intersectional consequences allows white men to carry out this sexual violence without fear of any legal charges, damaging his reputation, reinforcing white male stereotypes, or a subjecting himself or other white men to a degraded status. The racial sex-based hierarchy affords white men the position of privilege and power to determine the stereotypes and racialized gendered framing which is formalized in court decisions and institutionalized in everyday practices.

### **The Law and Racial Inferiority**

Leon Higginbotham, a leading legal scholar of race, argues that Supreme Court cases advance a “precept of [black] inferiority” and white superiority, on which the United States legal system is founded (1996:xxv). Beginning in the 1600’s, elite white

male legislators expressed a likeness between blacks and livestock. Into the mid-1800's, Supreme Court Justices declared through the *Dred Scott v. Sandford* case that “[blacks] had no rights which the white man was bound to respect” officially institutionalizing the lack of legal recognition and representation afforded to blacks (Higginbotham 1996:xxx). The precept of black inferiority advanced by Supreme Court Justices throughout U.S. history protected the institution of slavery generally, and specifically guaranteed the rights of white men to own, exploit, and abuse blacks at their will. Incidents involving violence against slaves or freed blacks occurred prior to 1857; however, *Dred Scott v. Sandford* not only sanctioned the practice of denying blacks the right to manumission or freedom, but also formalized and enabled any type of abuse or violence by whites against blacks by removing the right of blacks to legally defend themselves against a white man.

In addition to a precept of black inferiority generally, the U.S. Supreme Court Justices asserted a precept of inferiority associated with black womanhood. In *Robinson v. Memphis and Charleston Railroad Company* of 1883, Sallie Robinson and her husband sued the railroad company for not allowing her to ride in the “ladies’ car” despite the fact that she had purchased a first-class ticket, which allowed white women to ride with their escorts in this car. Since Sallie Robinson was with her apparently light-skinned nephew, the conductor claimed in court that he assumed Sallie Robinson was a prostitute with a white man intending to engage in “illicit” behavior (Higginbotham 1996:103). The trial judge acknowledged the conductor’s perception of Sallie Robinson as a potential prostitute, arguing that whether or not the conductor was correct, “the

conductor in fact and in good faith believed that she was a prostitute...” and therefore the railroad “company is not liable for this penalty” (1996:103). Stereotypes associated with black female sexuality and prostitution swayed the legal system to uphold discrimination in public accommodations. *Robinson v. Memphis and Charleston Railroad Company* highlights the inferiority associated with black womanhood and the inability for black women to be considered “ladies” by whites. Instead, black women are framed in terms of their sexuality as prostitutes, emphasizing the racialized gendered framing of black women which is unique from the racial framing of black men and the racialized gendered framing of white women.

The inferiority of black womanhood was formally established by white judges and juries in early court decisions, leaving a shameful imprint on one of the most highly esteemed U.S. institutions. Moreover, because the U.S. legal system operates based on precedent, these early court cases are fundamental to the continuing legacy of legal discrimination against black men and women. These cases reflect the 1800’s U.S. court system’s general perception of black women as inferior and as prostitutes.

Framing black women as prostitutes in order to alleviate charges against white men for sexual violence is a consistent theme throughout U.S. history. Reversing the blame for sexual violence from the white male aggressors onto black women who are victimized incentivizes sexual violence against black women by institutionalizing stereotypes which relieve white men of any negative consequences. The practice of framing black women as prostitutes in order to avoid charges of rape, or win a divorce case, appears in divorce petitions from slavery (see Chapter VI), court cases and

newspapers throughout segregation (McGuire 2011) and even continues to be used against black women who are victims of rape and sexual assault today (Richie 2012).

Blacks had little access to the court system during slavery, which perpetuated a silence around the violence and abuses they were experiencing. Many abuses against blacks were not criminalized, and therefore do not appear in court records. Based on a critical criminology perspective, laws were created to criminalize behavior of the subordinate group, such as Slave Codes (Quinney 2001). Moreover, the *lack* of laws against violence and rape which would have punished whites serves the interests of the dominant group as well. Some violence against slaves, such as those involving dismemberment or murder of a slave, was occasionally brought to the courts, however locating incidents of sexual violence against black enslaved women within court records remains very difficult (Cox 2000).

One of the few avenues available for locating recorded violence of masters against slaves in court documents resides in those cases in which slaves were convicted of murder or violence against masters as resistance to abuse. However, these cases are still uncommon in court records. For instance, one in-depth study investigating records of slaves in the Virginia county court cases found that “less than one-tenth of 1 percent” of the slave population in Virginia appear in court records for killing a white person, one of the most likely crimes that would have made it to court (Schwarz 1988). Moreover, property crimes by slaves were more commonly reported in court records than crimes against people, both of which were rare (Schwarz 1988:144; Morgan 1998).

Because sexual violence and rape against black enslaved women were not criminalized during slavery, few court records exist which describe this form of abuse (Roberts 2007). Although the number of court cases available regarding sexual violence of black women provides a limited reflection of the magnitude of this violence, the cases that are available offer qualitative depictions of the framing of black women and sexual violence. Other forms of data, such as slave narratives and diaries which will be discussed later, provide additional qualitative data describing the magnitude of the widespread, common practice of sexual violence against black women that does not generally make it to the court.

Failure to criminalize rape of black women by white men speaks to the white male dominated structure of the legal system, white masculinity and entitlement, and the white racialized gendered framing of blacks. Black women's rights to their bodies and sexual labor were stripped in order that white masculinity and entitlement be upheld through sexual advantages and economic gains in the form of reproducing slaves. The legal system formalized this hierarchy of rights, maintaining white male privileges. Furthermore, the legal system assisted the white racialized gendered framing of white men and black women by failing to record the frequency of sexual violence that would have framed white men as cruel, unvirtuous men, and black women as victims of rape as opposed to seductresses, jezebels, or prostitutes. The omission of rape cases involving black enslaved female victims and white male perpetrators during slavery enables white men to rape black enslaved women with no legal consequences. White men have no

legal resistance to this sexual behavior, and thus their sexual or economic interests can reign.

Despite the gap in court cases regarding rape or sexual violence against black enslaved women by white men, the impact of the legal system on sexual violence is very apparent. Intersectional incentives and a lack of consequences for white men carrying out rape of black enslaved women are evident in the law. The U.S. legal system “reinforced the sexual exploitation of slave women in two ways: it deemed any child who resulted from the rape to be a slave and it failed to recognize the rape of a slave woman as a crime” (Roberts 2007:29). Under English common law, on which the American legal system is based, offspring followed the condition of their father in terms of freedom or enslavement. However, the U.S. legal system instead adopted the Roman law with regards to children, which “dictated that the child should follow the condition of the mother” ensuring that white men fathering children with their female slaves would not be held responsible for the act (Leslie 1996: kindle location 91). The white fathers would not only be free from guilt of adultery or miscegenation since knowledge of the patrilineage was not required, but they could also gain economically from the reproduction of slave laborers. Increased laborers would result in more exploitation for profit or the ability to sell the slave at auctions for a large sum of money (Jennings 1990).

### **Court Cases Involving Sexual Violence against Enslaved Black Women**

The court cases described in this section provide context for analyzing the behavior of white men and white women with regard to the sexual violence of enslaved

black women. Without the support of the legal system, white men could not have carried out their sexual, economic, social, and psychological desires on the bodies of these women. Instead, the United States system of law includes the protection of white men's rights to property and specifically to own humans as property (Higginbotham 1996). Moreover, enslaved black women were not given the legal right to use the courts to defend themselves against most abuses from whites, including against rape or sexual violence. Ultimately, the U.S. legal system, including various court decisions, is a pillar of support on which the racial and sex-based hierarchy depends. Intersecting institutions of oppression and systemic gendered racism rely on the legal system to carry out oppression and to distribute privilege and power to the dominant group. Without the backing of the legal system, much racialized gendered oppression could not occur. Additionally, the legal system at times incentivized the rape of enslaved black women and paved the way for white men and white women to pursue other intersectional incentives in white masculinity and white femininity, as will be discussed.

The legal system also provides background for analyzing the racialized gendered norms and behaviors of whites and blacks with regard to sexual violence. The racialized gendered framing of the judges and the decisions of the courts to overlook sexual violence in favor of white privilege and at the severe expense of black women sets a precedent for interactions between whites and blacks. Furthermore, these formalized decisions establish standards for acceptable white male behavior in relation to black women.

Records included in this chapter were located using the LexisNexis Academic database, the Texas A&M University library search engines for articles, and online search engines like Google and Google Scholar. Secondary sources, including scholarly articles and books which described the execution of black enslaved women for the conviction of murder of their masters or other white family members, were used to find original court cases involving interracial sex with enslaved black women by white men (see for example Baker 2008; Lee & Hofstra 1999). Any court cases whose original records could be located that focused in part on white men sexually involved with black enslaved women was used for the study.

Many of the court cases in which sexual violence by white men targeted at black women is apparent involve resistance from black women. Examining court cases in which black women were executed for murdering their white masters, in defense of themselves, provides evidence of the overlooked crime of rape. Even when the enslaved black women in these cases were defending themselves against sexual violence from their white male masters, they are executed for murder while the violence against them is disregarded as a mere detail in the story. In some cases, enslaved women “reacted violently to sexual brutality” resisting by whatever means possible (Baker 2008:72). If, as Angela Davis explains, rape of slaves represents a “fundamental dimension of the social relations between slave master and slave” and the interest of the master in exerting complete control over female slaves’ bodies to demonstrate property rights over all blacks, then the resistance of black enslaved women to sexual advances represents a fundamental breakdown in these social relations (Davis 1981:176). For this reason, the

severe punishments for black enslaved women resisting sexual violence, such as the death penalty, can be understood as an attempt by white men to maintain their ultimate control over all blacks and retain the institution of slavery at large.

There are at least 165 known cases of slave women executions during slavery; however, not all of these cases include evidence of any rape. Black enslaved women “mostly strangled, clubbed, stabbed, burned, shot, poisoned, or hacked to death their White masters...” often describing the treatment of the master as a cause; although in many cases the motive for the murder is not recorded (Baker 2008:66). Several cases exist in which black women were convicted of poisoning their master’s food even when this poisoning occurred unintentionally because of food preparation standards of the time. The frequency with which black women killed whites out of resistance or defense for sexual violence is difficult to assess because the motives for murder were not always clear and the number of homicides which were convicted in court are likely under-representative of the actual rate (Baker 2008). Legal responses to the murder of white men by slaves suggest the role of the law in protecting white male privilege and the institution of slavery generally. For example, Virginia outlawed both conspiracies to rebel and to murder a white person in the same laws which existed from 1723-1865, requiring equivalent punishments for each (Lee & Hofstra 1999). Resistance from slaves and threats to white men were equated with a threat to the entire system of slavery, reflecting how closely tied white privilege was to the institution of slavery.

Analyzing the execution of black women historically, Baker explains that most murder by these women was executed against “White masters, mistresses, overseers, and

even their owner's children" (2008:67). In antebellum Virginia, 241 slaves were convicted for killing Whites; of these cases, slaves "murdered 119 of their masters or members of their masters' families and 122 other Whites, including persons of authority, overseers, hirers, and constables" (Baker 2008:66). The targets of these violent acts, whites with authority over them, speak to the incentives for these black men and women to commit murder to end their own suffering and oppression, or to seek revenge for cruel treatment. Cases like that of Eve, who was burned alive in Virginia for "poisoning her master Pater Montague with a glass of milk" or Jenny who was hanged for poisoning her master in Maryland in 1770 do not include a description of the motives for these murders, limiting the ability to analyze potential sexual violence that may have resulted in their decision to poison their masters (Baker 2008:66). However, these cases do demonstrate the role of the courts in sentencing black enslaved women for murder regardless of the treatment they endured and their limited options to resist in ways others than physical harm or murder towards their masters, overseers, and others.

The tortuous punishments, like burning women alive, attest to the courts' desire to suppress resistance of slaves and violence against whites, preserving the master-slave relations in which the master has complete control and rights over the slave (Davis 1981). Moreover, these cases depict the resistance of black women and their ability to defend themselves with the limited options available to them. The court cases which do describe the motives of the enslaved women convicted of murder will be analyzed as additional evidence of resistance, counterframing, and the racialized gendered norms that upheld the racial sex-based hierarchy, shifting consequences of sexual violence onto

black women and reinforcing intersectional incentives of white men to rape black enslaved women.

### *Josephine*

The cases of a few enslaved black women shed light on the relationship between sexual violence, resistance, and the courts. One such case involves Josephine, an enslaved woman who was charged with murdering her master's daughter, Lelia Virginia Jones. The court records of this case include evidence of sexual intercourse between the master and Josephine (*Josephine [a Slave] v. The State* 1861).

Josephine is described as having light complexion, and was purchased in New Orleans in 1857 by Lafayette Jones. Another slave, Elsey, was the mother of Lethe, who was the mother of a "mulatto child" about eighteen months old. Mr. Jones is suspected of being the father of both, another instance of incestual sexual violence. During the trial, Mr. Jones was asked "Have you, before the said 27<sup>th</sup> February, 1857, for some years been in the habit of sexual intercourse with the said woman Lethe, the daughter of Elsey, and are you the father of her mulatto child?" Followed by the question, "Have you, before the 27<sup>th</sup> February, 1857, for some time been in the habit of sexual intercourse with your said slave Eliza, who is to be a witness in this case?" (*Josephine [a Slave] v. The State* 1861:1). Next he was asked "Did you, in New Orleans, and on the afternoon of the day before the day on which you whipped defendant as aforesaid have sexual intercourse with her?" (1861:1) The State objected several of these questions and Mr. Jones did not answer them.

The day of the poisoning, February, 27, 1857, Mrs. Lafayette Jones complained to Josephine about the poorly cooked breakfast that she had prepared. When Josephine responded “impudently and saucily,” she told her husband who proceeded to whip Josephine. Later, Josephine prepared dinner for the family (Josephine [a Slave] v. The State 1861:1). Tea was served at which point those drinking the tea became ill and began vomiting; “Before dinner was over the child commenced vomiting, and so continued for several hours, when she died” (1861:2). The others survived. A doctor examined those who were sick, and eventually a chemist inspected the tea pot, both concluding that the illness appeared to be caused by arsenic.

In Judge Handy’s Opinion to the court, he claims that the State’s objections to the questions asked of Mr. Jones regarding sexual intercourse with Josephine are in fact relevant to the case, and thus the “court erred” in the former case (Josephine v. The State 1861:3). However, Judge Handy’s argument for the relevance of these questions attests to his perception of the sexual relationships between white men and black women during the time. As opposed to seeing this relationship as one of force, domination, and violence, his statement suggests that Josephine would have been content and would have had “no malice to lead her to commit the crime” if she was involved in a sexual relationship with Mr. Jones (1861:3). The judge explains,

On the contrary, it is insisted, in behalf of the plaintiff in error, that the testimony sought by the question was relevant, with reference to the point of motive on her part to commit the crime, and tended to show that if the witness was in the habit of sexual intercourse with her...whilst she was in his family and about the time of the poisoning, that she was not discontented with her condition and could have had no malice to lead her to commit the crime; and that it was calculated to rebut the testimony on the part of the State, introduced for the purpose of showing her discontent with her condition, and

of thereby laying the foundation for malice on her part. In this point of ...view, and for this purpose alone, we think that the question was competent and should have been allowed by the court, leaving it for the jury to determine whether, if answered in the affirmative, it was a sufficient answer to the imputation of malice on her part against Mrs. Jones, on account of the chastisement which she had caused to be inflicted upon her, or perhaps on account of the alleged sexual intercourse of her husband with the prisoner; or against Jones himself in consequence of his having chastised her on the morning of the poisoning and thereby changed her alleged kind feelings to those of revenge against him (1861:3).

The judge's argument for including questions regarding sexual intercourse between Mr. Jones and Josephine is based on his assumption that black women involved in sexual relations with white men have not only agreed to participate in that sexual relationship but also are happy to be involved. It is only after being whipped as punishment for the poor cooking that Josephine may have "changed her...kind feelings" towards the Jones family, seeking revenge. The possibility that Josephine would seek revenge for the sexual violence she may have been incurring is not part of the judge's perspective. Other evidence suggests Josephine was very discontent from the beginning of her relationship with Mr. Jones. Earlier in the court records, Mr. Jones notes Josephine's resistance to his purchasing her in New Orleans. She was unwilling to leave the city, crying and making a scene, which Mr. Jones claimed was due to the fact that someone had taken her jewelry. Mr. Jones also remarks that Josephine did not maintain the same "life and sprightliness" once she was moved to Mississippi (Josephine [a Slave] v. The State 1861:2). She had only been at the Jones home two weeks before this incident occurred. Josephine's desire to avoid moving to Mississippi with Mr. Jones and her continued state of dissatisfaction suggest that the judge is incorrect in assuming Josephine was content with her relationship to Mr. Jones and the sexual intercourse he is suspected of having with her.

Judge Handy's perspective on the sexual relations between black enslaved women and white slave masters reflects the white framing of these encounters. Failing to recognize the lack of power of the women, particularly as black enslaved women, white men often saw these sexual encounters as mutual. If anything, the excerpt from Judge Handy's opinion suggests that he views black enslaved women forced into sexual relations as not only carrying out their duty as women or slaves but enjoying partaking in this sexual experience with white men, maintaining the assumption that whiteness is superior. The judge's perception, like other whites, is not surprising because of the legal and social context of the time. Within the dominant understanding of the law and cultural norms during slavery, even white women had limited legal rights with regard to rape from their husbands. The notion of giving any woman rights to refuse sex from white men who have legal authority over them as masters or husbands is not present in the minds of most white men of the time, as evidenced in this judge's statements. Instead, from the white male dominant perspective these white and black women have no choice but to accept sexual advances of the white men in their lives. Despite differing opinions among men and women of color and white women who often enact and witness resistance to sexual violence, white men are the only members of society with access to make formal legal decisions, setting the moral standards for the entire society.

The discussion of sexual intercourse between Mr. Jones and Josephine does arise in this court case, which may be considered positive compared to ignoring these interactions between slave masters and slaves. However, the judge frames this sexual behavior based on racialized gendered stereotypes and fails to see any element of

coercion enacted by Mr. Jones. Instead, the representation, or framing, of black enslaved women as “content” to engage in sexual intercourse with white slave masters maintains the myth that white men are sexually desirable to all women and black women are sexually promiscuous and therefore desirous of the sexual attention of white men, such as Thomas Jefferson argued in his “observations” of blacks and whites (2012:47). These myths enable the judge to quickly overlook the possibility that Mr. Jones played a role in the death of his child by provoking Josephine to poison his family. Instead, the convenient racialized gendered framing of Mr. Jones pleasing the black enslaved woman through his sexual coercion allows for a shift in blame away from him and towards both Mrs. Jones and Josephine. In this sense, Judge Handy’s decision to openly discuss the sexual intercourse between Mr. Jones and Josephine is ironically made to be used against women and to the advantage of white men.

Maintaining the assumption that Josephine was happy to have sex with Mr. Jones, the judge views the poisoning as possibly resulting from jealousy and tension between Mrs. Jones and Josephine. Judge Handy directs the line of inquiry, based on racialized gendered framing of black enslaved women and white men, in a way that avoids questions which might indict the white man or suggest his lack of virtue. In contrast, the intersectional consequences of judge Handy’s presumptions leave few possible outcomes for the case, viewing Josephine and possibly Mrs. Jones as primarily responsible for the poisoning. As a white woman, Mrs. Jones is viewed as potentially instigating the poisoning by punishing Josephine out of jealousy caused by Josephine’s “affair” with Mr. Jones. Mrs. Jones role reflects the intersectional consequences of

sexual violence experienced by white women who do not have the same privilege or power as white men. She is considered part of the problem of the poisoning, while her husband's sexual violation of Josephine remains in the background. Nevertheless, Mrs. Jones, as the white wife of a white man, is still framed as a victim overall and the most detrimental consequences are felt by Josephine who is accused of murdering the family member with no acknowledgement of the abuse she faced.

Mr. Jones is not made to feel guilty for his behavior because he is framed by a figure of authority, Judge Handy, as doing a favor for Josephine. Mr. Jones can continue behaving similarly to other female slaves knowing that the legal system, symbolized by Judge Handy, approves of his behavior and possibly even sees it as benevolent. In this sense, Judge Handy's discussion of sexual intercourse between Mr. Jones and Josephine incentivizes white men like Mr. Jones to continue engaging in sexual coercion of black enslaved women.

### *Celia*

One of the more well-known cases involving the murder of a slave master by a female slave explicitly demonstrates the role of sexual violence leading to murder. Celia, an enslaved woman was bought by a white man, Robert Newsom when she was about fourteen years old. Newsom is described by historian, Melton McLaurin, as a man who was respected in his Callaway County community in Missouri for his hard work, affluence, and his contributions to his children (McLaurin 1991). In 1850, Newsom purchased Celia in Audrain County and raped her on his way home. Based on records regarding Celia's moral standards as well as the rarity with which slaves under the age of

fifteen engaged in sexual activity, it is probable that this was Celia's first sexual encounter. As McLaurin describes, this initial rape established the dynamics between Celia and her new master, instituting her role as his sexual property (1991). Sexual violence was carried out against Celia for the five years that she lived in the Newsom household and she had at least one of his children (McLaurin 1991).

Newsom had two white daughters, Virginia and Mary, but no records exist regarding their reaction to their father's behavior with Celia. Newsom's son, David, was a teenager at the time. David observed, and possibly partook in, the sexual force against black enslaved women by his father. Celia formed a romantic relationship with George, another of Newsom's slaves. However, Newsom ensured primary access to Celia by separating her from the male slaves and making her sleep in a cabin close to his home (McLaurin 1991).

Jefferson Jones, a witness for the prosecution, describes Celia's statements regarding the murder of Robert Newsom.

...She said the old man (Newsom, the deceased) had been having sexual intercourse with her. That he had told her he was coming down to her cabin that night. She told him not to come, that if he came she would hurt him. And then got a stick and put it in the corner. He came down that night. There was very little fire in the kitchen cabin. When she heard him coming, she fixed the fire to make it a little light. She said his face was low over her, and he was talking to her when she struck him. He did not raise his hand when she went to strike the first blow, but sunk down on a stool towards the floor...Said that George had told her that he would have nothing to do with her if she did not quit the old man...(Jones 1855:1).

It is clear from this statement that the physical violence Celia exerted on Robert Newsom leading to his death was a result of the much recurring unwanted sexual violence against her. In order to resist Newsom's sexual force, Celia threatened him

verbally and told him not to come to her cabin. Presuming it was his right as the property owner, Newsom disregarded Celia's interests, and any natural rights to her body, to perpetuate his own interests and satisfy his sense of entitlement as a white property-owning man.

In the court records, those defending Celia use arguments such as the unlikely ability to destroy an entire adult body overnight or the fact that Celia was intending only to hurt, rather than kill, Newsom. They also describe the possibility that Celia felt threatened when Newsom's arms rose up after the first strike, causing her to strike him again which ultimately led to his death. Newsom's demands for sex of Celia are mentioned throughout the trial by the witnesses, but they appear to be described more as a motive for Celia's actions as opposed to providing the context for her act of self-defense. These demands for sex are described as details in the story, but not as Newsom's unfair, immoral, or cruel treatment toward Celia justifying her revenge.

Judge Hall instructed the jury that a self-defense claim could not be made on Celia's behalf because "the defendant had no right to kill [Newsom] because he came into her cabin and was talking to her about having intercourse with her or anything else" (Hall 1855). On October 10, 1855, the jury found Celia guilty of first degree murder. Celia was eventually hanged to death for this act of resistance against the man who had raped her for years (Linder 2011).

Before the night of the murder, Celia had told Newsom's daughters "she would hurt him if he did not quit forcing her while she was sick," asking for their help against their father (Powell 1855). Whether they reacted to this request or not is unknown. The

fact that Celia consulted the white daughters in the hopes that they would assist her in stopping their father attests to the complex relationship between black enslaved women and white women during the time. Although the daughters may have refused to help, Celia felt compelled to discuss the sexual abuses she experienced on account of their father as well as her desire for it to stop. Perhaps Celia felt any potential risk associated with telling the daughters was worth taking in these dire circumstances. Reaching out to these young white women reflects the fact that Celia saw some possibility of working with these young women, despite lines of race, enslavement, and familial ties, to assist her against the rape of a white man. Celia's recognition of these young white women as potential allies, even if only out of desperation in the moment, reflects the theoretical possibility of white and black women working together, supporting each other's interests, against white male sexual violence. However, during slavery the reality in many instances was that white and black women were strictly divided across lines of race, enslavement, familial or marital ties and thus failed to recognize the potential power associated with coming together to resist white male dominance. Because white male oppression is experienced intersectionally, black women and white women have unique experiences of oppression and differential statuses within the racial sex-based hierarchy, making the commonality of sharing the same oppressor difficult to recognize. Instead, as discussed in more detail in Chapter VI, white women and black women were often pitted against each other because of the intersecting institutions of race and gender and racial sex-based hierarchy which allowed white men to evade responsibility for their

abuses and remain invisible, leaving the women to focus on conflict between themselves.

The case of Celia and the judge's decision to convict her of first degree murder exemplify the legal system's establishment of white male privilege to sexually exploit black enslaved women and the system's complete disregard for any rights of black enslaved women to their own sexuality. Overlooking the sexual violence and rape, the judge fails to see Celia as a victim enacting self-defense. Her rights to her body and sexuality are entirely dismissed, making a formal statement that these belong to her white master as part of his property rights. This court decision established that black enslaved women had no rights to defend themselves against rape or sexual violence and reinforced the total control of white men over all aspects of a slave's life and body. The judge's decision to hang Celia perpetuated white male privilege and power to sexually exploit enslaved black women with no legal repercussions. The hanging of Celia was symbolic, sending a message to the free and enslaved public. White men received the message that they could rape black women constantly for several years with impunity, while black women received a threat to any act of resistance against their master's sexual advances. These legal decisions helped shape the intersectional consequences of sexual violence by shifting all blame onto the black enslaved women who are victimized and removing any stain from the white men who rape them. This shift of consequences allows white men to continue sexually assaulting enslaved black women whenever they choose. Other intersectional incentives for white men to rape enslaved black women, like those which will be discussed in Chapter V, are able to flourish with no legal

resistance because of cases like this which shift the consequences of rape from white men onto black enslaved women.

*Sarah*

In July 1818, Dr. Robert Berkeley and his wife, Julia, were living in their home known as Rock Hill in Frederick County, Virginia. They owned thirty-seven slaves, several of whom had attempted to run away, suggesting the especially severe conditions of life as a slave at Rock Hill (Lee & Hofstra 1999). On May 12, 1818, when Dr. Berkeley entered the cabin of one of the slaves, Randolph beat him with a club. Berkeley begged the slaves nearby to stop Randolph, but no one did. Sarah and London, other slaves who were in the room were collaborating with Randolph, and eventually four other slaves, Harry, Robin, Barnaba, and Tom gathered together to discuss how to dispose of the body. They decided to burn it. This group of slaves includes men and women, and it is difficult to know the specific abuses or forms of violence that Berkeley used against his slaves, leading them to resort to murder. However, Lee and Hofstra point out that “Sarah’s leadership of the conspiracy and murder suggests that she may have been the victim of sexual exploitation or suffered the severance of an important kinship tie, both leading causes of antagonism between masters and slaves” (1999:62). Additionally, Sarah was described by another slave as the most “pleased” of all the conspirators to see Berkeley dead. Upon the decision to burn his body, Sarah stated, “The Devil is dead and we will burn him!” (Lee and Hofstra 1999:45). To Sarah, the evil acts that Berkeley had inflicted on her and the other slaves likened him with the most cruel and sinful entities imaginable.

When the slaves began their trials in Winchester on May 25<sup>th</sup>, Joseph Tidball and sixteen other white male justices were present for the various trials of each slave. All of these men, except two, owned slaves and were members of the upper class. They averaged nine slaves each, with a range of two to twenty-seven slaves. Some ordinary whites complained of the wealthy, elite representation in the courts stating that they “considered their own interests alone,” but for this case many whites in the community were primarily concerned with punishing the slaves and finding Randolph, one of the conspirators who had run away (Lee & Hofstra 1999:56). During the trial, James Davis and Ezekiel White spoke of the humane character of Dr. Berkeley, ensuring the public of his kindness towards his slaves and upholding the notion that this white man could not have deserved to be murdered by his slaves. The court determined that Sarah and the other slaves who were directly involved were guilty of murder and were hanged on July 10, 1818 in the courthouse square (Lee & Hofstra 1999).

The motives for the murder in this case are left unclear; however, in all of the testimonies from each slave, Sarah appears to play a leading role in organizing the conspiracy. Her view of Berkeley as the Devil suggests he treated her in some inhumane and cruel way, which possibly involved rape. Despite the cruel treatment that these slaves incurred, they had little opportunity to voice this perspective above that of the white male witnesses who claimed Berkeley treated “his slaves with utmost humanity and, indeed, *excessive* indulgence” as the Richmond *Enquirer* described in the news of the trial (Lee & Hofstra 1999:63). This image of Berkeley fits with the white racial framing of slave masters who were paternalistic and kind towards their slaves. The judge

and the local newspaper perpetuate this image of white virtue and paternalism which serve to deny the experience of enslaved black women and men and frame their acts of resistance and self-preservation as unjustifiable murder.

Like the earlier cases, criminalizing the enslaved black victims of abuse provides white men with the legally designated privilege to carry out physical and sexual abuse of their slaves. The consequences of white male actions move down the racial sex-based hierarchy, leaving white men free to act in their own interests, while subordinated groups, in this case black enslaved men and women, receive the weight of the charges. Because of their legal status as property, the black men and women who were enslaved had no opportunity to defend themselves from the abuse of master's in any legally supported manner. Their options were to submit to all abuses by white men, or risk being charged and executed for injuring or killing a white man out of resistance or self-defense. Under such extreme circumstances, white men most commonly were able to act on any intersectional incentives to sexually violate or physically harm their slaves knowing that the legal system would support them.

### *Celia*

Another woman named Celia was enslaved in Jacksonville, Florida in the mid-1800's. She also killed her master, Jacob Bryan. Jacob Bryan was Celia's father and likely the father of four of her children (Shipman 2002). The incestual relationship between Bryan and Celia and her children is suspected as the cause of Celia's actions (Baker 2008). She was convicted of manslaughter and hanged in 1848, making her the first woman executed in Florida. Like Celia of Missouri, the claim of self-defense

against sexual force and rape did not justify the act in the eyes of whites or reduce the severe capital punishment for her actions.

### **Conclusion**

Because enslaved black women did not have legal protection against rape or sexual violence, particularly when perpetrated by white men, few legal records exist which describe enslaved black women as victims of rape by white men. Moreover, black women and men had minimal access to the use of the white dominated court system in general due to their legal status as slaves. The lack of access to the legal system, and the absence of court cases in which enslaved black women charged white men with sexual violence or rape, is evidence of systemic gendered racism. The few legal documents which discuss this rape of black women are those in which the black woman is accused of murdering a white person or divorce petitions from white women (see Chapter VI). Despite the limited availability of legal records pertaining to the rape of black enslaved women from this time period, the cases described here do offer some important insight into the racialized gendered framing of black women and white men. They provide context for understanding the incentives and consequences associated with sexually violent acts for white men and resistance to these acts for black women.

Because some of the only options for enslaved black women to defend themselves from rape of white men involved executing their own physical or verbal force against white men or running away, they were left with no legal protection and instead could be criminalized for this behavior. Rather than being protected as a victim of rape, the constraints on these women caused them to be framed as the criminals who

were threatening white men and the system of slavery. The fact that court cases from slavery which discuss the rape of enslaved black women by white men are predominantly those in which a black woman is executed after being charged with murdering the man or a member of family highlights the severely distorted “justice” system. Sexual violence against enslaved black women is overlooked in order to maintain white male virtue and convict black enslaved women of murder. This reflects the role of the dominant white racial frame which emphasizes a pro-white virtue subframe as contrasted by the anti-black framing involving a lack of virtue. The justice system’s decisions also reinforced the idea that sexual violence perpetrated by white men onto their black female slaves was completely acceptable and any resistance towards this violence was punishable by death.

These court cases reflect the intersectional incentives white male judges experienced due to their positions as white men in positions of significant power over others. Judges in these cases had incentives to preserve the pro-white subframe which emphasizes the virtuousness of white men because of the legitimacy this offers themselves. In order to preserve these notions, rape or coercion by white men onto enslaved black women is not even considered in the case. The sexual activity is assumed to be mutual. Moreover, in cases like that of Celia from Missouri, the judge has an intersectional incentive to preserve the rights of white male slaveholders against the resistance of slaves. Protecting the institution of slavery and the rights of white men as slave owners was an essential role of the court system, and is evidenced by the judges in this case who direct severe consequences against those who resist.

The framing of enslaved black women as the property of white men and as hypersexual helps justify white men's sexual abuses against them, leaving black women entirely guilty of any acts of self-defense. Since black women's right to defend themselves was not protected by the legal system during slavery, they could not physically protect themselves from physical or sexual abuses of their masters. The descriptions of many of these black women suggest they were miserable as the victims of sexual abuse in contrast to the image of black women as desirous of the sexual attention of white men. However, the judges in some of these cases clearly assume that black enslaved women are happy to engage in sexual intercourse with white men.

These court cases also evidence several examples of significant black agency as demonstrated through the resistance of black enslaved women despite their extremely disadvantaged situations. The U.S. legal and economic system created a context in which black women had very limited options for resistance and protection. At the bottom of the racial sex-based hierarchy, black women are at an extreme disadvantage in terms of avoiding rape of white men who legally own them. Nevertheless, many of these women resisted the white men attempting to rape them, protecting themselves from further sexual degradation and physical abuse as well as challenging the racialized framing of black women as hypersexual.

These physical acts of resistance often came with the detrimental consequence of a court sentence to the death penalty. These court sentences reinforced the institution of slavery by bolstering the master's ultimate control of slaves and threatening other slaves against future attacks on their masters. These intersectional consequences of resistance

demonstrate the severe constraints of being an enslaved black woman within the intersecting institutions of oppression during slavery, the limited options black women had, and the ability for the systems of oppression to continuously perpetuate themselves. Despite the fact that white men were the actors instigating rape of black enslaved women, the negative consequences of this violence shifted down the racial sex-based hierarchy onto the black women and men. After being violently victimized, these enslaved black men and women attempted to defend themselves and were further punished or killed as a result, while the white men who perpetrated the original crimes received no legal charges or disgraces to their reputation. As opposed to white men gaining the stereotype of “rapist” during slavery, based on the frequent, recurring rape they perpetrated on black enslaved women, black women and men were stereotyped by whites as hypersexual and prostitutes, reflecting the privileges associated with positions of legal authority and the racial sex-based hierarchy in general.

However, resistance by black enslaved women also demonstrates tremendously meaningful acts of agency that continue to challenge racialized sexism today. Although many black enslaved women likely understood the consequences of defending themselves physically against sexual abuse by white men, they defended themselves anyway. These examples continue to represent choice and agency even amongst the most severely oppressive conditions, providing inspiring examples of courage for oppressed groups today. Moreover, these black women’s examples of resistance continue to challenge the racialized gendered framing of black women as sexually promiscuous. For those who would argue today that black women could not be raped

because they were never sexually satisfied or always happy to engage in sexual behavior with white men during slavery (or today), these brave women stand in stark contrast to that myth. Because modern-day notions of black female promiscuity rely on a tradition of stereotypes which emerged during slavery, these women's acts of resistance also continue working to fight against the current racialized gendered framing and representations of black women as sexually promiscuous. In this sense, despite the extreme constraints and devastating consequences that black women like Josephine, Celia, Sarah, and Celia among others faced, their agency and resistance has outlived the consequences established by various white male judges in the 19<sup>th</sup> Century.

## CHAPTER V: WHITE MASCULINITY AND WHITE SONS

...thousands are ushered into the world, annually, who—like myself—owe their existence to white fathers, and, most frequently, to their masters, and master's sons. The slave-woman is at the mercy of the fathers, sons or brothers of her master. The thoughtful know the rest. – Frederick Douglass, 1855 p. 60

### **Introduction**

The practice of sexually violating enslaved black women was common among white men, particularly those of the upper class who had access to these women. Despite the extensive nature of this violence, and this common white male practice, it was considered appropriate to keep the behavior somewhat discreet (Clinton 1982). To uphold social expectations of modesty and purity as well as the image of white male virtue, the rape of enslaved black women was not commonly discussed in public. Appearing to uphold this tradition, information regarding the sexual behavior of white men towards enslaved black women is frequently hidden from our history as well. The behavior of white men in the U.S., including the Founding Fathers, is portrayed as virtuous and moral, regarding these men as upstanding characters of which American citizens should be proud. The lesser told history involves Thomas Jefferson's sexually coercive relationship with Sally Hemings and the rape of several enslaved women at Mt. Vernon among George Washington's family (Feagin 2013a; Wiencek 2012; Wiencek 2003). The ability to disguise this sexual behavior behind power and an image of white virtue, allows white men to uphold myths of white male morality, superiority, and thus legitimates white male power in the United States.

In Wiencek's (2012) research on Thomas Jefferson, he unearths the history of Monticello that is frequently hidden. Wiencek provides statements from Jefferson's supporter and one statement from his granddaughter Ellen Randolph which described the common practice of rape of the Monticello slaves. One person familiar with the household explains, "In gentlemen's houses everywhere, we know that the virtue of unfortunate slaves is assailed with impunity....is it strange, therefore, that a servant of Mr. Jefferson's, at a home where so many strangers resort...should have a mulatto child? Certainly not." Ellen stated that "There were dissipated young men in the neighborhood who sought the society of the mulattresses and they...were not anxious to establish any claim of paternity in the results of such associations" (as cited in Wiencek 2012:217). Rape and coercion of enslaved black women were not only common among wealthy white families but they were also complex.

John Wayles, Martha Wayle's father, had six children with the mixed-race slave "Betty" Hemings. When Thomas Jefferson and Martha married, Betty was inherited by Jefferson. One of Betty's six children was Sally Hemings, who tended to Jefferson's private suite, and with whom he eventually had enslaved children of his own (Wiencek2012:17). Martha's husband had coercive sexual relations with her half-sister, reflecting the extremely fuzzy delineation between blood lines and slave-status (Wiencek 2012). In 1998, DNA tests demonstrated a likely biological lineage between Thomas Jefferson and Sally Hemings. On September 1, 1802, James T. Callender of the *Richmond Recorder* described this relationship in an attempt to degrade Jefferson. Callender explained the "well known" fact that their president keeps a "concubine"

named Sally and “...By this wench Sally, our president has had several children. There is not an individual in the neighborhood of Charlottesville who does not believe the story, and not a few who know it...” (as cited in Wiencek 2012:192).

Despite newspaper articles and attacks on Thomas Jefferson’s character for his sexual relations with Sally Hemings, most of which were from political opponents, discussions of his immoral character are frequently pushed to the background today. Instead, many whites deny the DNA results, arguing that it must have been another member of the Jefferson family who was sexually involved with the Hemings, and fight to maintain an image of Thomas Jefferson that is consistent with their ideas of white male virtue. The same is true for George Washington whose family reflects a similar complex arrangement delineated by slavery and shaped by sexual coercion.

At Mt. Vernon, two of George Washington’s slaves are suspected of being Martha Washington’s half-sister and her grandson. William Costin may be Martha’s grandson as a result of Martha’s son, John raping Ann Dandrige (Feagin 2013a; Wiencek 2003). Wiencek also argues that the enslaved black boy, West Ford, was possibly George Washington’s brother’s son as a result of rape with one of the enslaved black women (Wiencek 2003).

Despite the image of righteousness and morality that these prominent white Founding Fathers crafted of themselves and the United States, the details of their history suggest rampant violation of the rights of other humans. Specifically, these white men and their family members engaged in sexual violence and coercion of black women who were their slaves, possibly out of a sense of entitlement and perhaps to reinforce their

sense of status as wealthy white men. As evidence throughout this chapter suggests, sexual violence of enslaved black women played a central role in defining white masculinity and preserving white gender roles during slavery, however, strategies were necessary for upholding the appropriate image of white men while carrying out this sexual violence in order to ensure the stability of the racial sex-based hierarchy.

### **The White Family and White Gender Roles**

Many race and gender scholars agree that all U.S. institutions assist in the perpetuation of racial and gender oppression by providing support and incentives for privileging whites over blacks, including the economic transfer of wealth, the legal and political entitlement to maintain resources within a family, and to engage in status-augmenting behavior like sexual violence against women of color (Feagin 2013a; Bonilla-Silva 2006; Block 2006; Lipsitz 1998, Mueller 2013). Like the social structures of the economic and legal institutions, during slavery the institution of the family incentivized sexual violence against black women by white sons. Legal and familial institutions as well as cultural norms provide context for sexual violence against black women, highlighting the incentives white men had to engage in this behavior.

In this chapter, I analyze the sexual violence of black women from the intersectional location of white men. I present the context in which white gender norms are transmitted from parents and siblings to white sons, incentivizing sexual violence against black enslaved women. Additionally, some incentives for white parents to encourage their sons to engage in sexual violence against black women are discussed. Social norms, as part of the micro-interactions among white boys, and the notion that

sexual violence can be used as a rite of passage into white male adulthood serve as incentives for young white men to begin engaging in the rape and sexual exploitation of black women. As one dimension of the social reproduction of racism, the “intergenerational transmission of white masculinity” from parents to children is a crucial mechanism for perpetuating systems of gendered racism throughout several centuries (Feagin 2013a). Analyzing the abuse of black women from the perspective of the “intergenerational transmission of white masculinity” shows the relationship between intersecting institutions of oppression and the way these institutions bolster one another by creating incentives for oppression based on one’s identity-location and the consequences of acting on these incentives for various subordinated groups; consequences which vary based on the intersectional location of the victim.

In addition to describing parental encouragement, intersectional incentives, and the general practice of transmitting white masculinity to sons, I argue through the example of white sons that the oppression of black women, and particularly sexual exploitation, was crucial for the maintenance of white gender norms. Sexual violence against black women was incentivized by the institution of sexism which relies on white gender norms as justifications for sex disparities in privileges, rights, and power. Therefore, white sexism acts as an intersectional incentive for white men to engage in sexual violence against black women.

After discussing the cultural expectations of white masculinity that were often transmitted through the family, I focus on white men generally in the context of intersectional incentives, tactics, and consequences. The intersectional incentives white

men had to engage in sexual violence as well as the intersectional tactics they used to reduce negative potential consequences for their own power and privilege are discussed. Consequences of this sexual violence were deflected to groups below them in the racial sex-based hierarchy. By engaging in these tactics white men reconciled and rationalized their cruel behavior towards black women with the desire to identify, and be identified, as good white Christian men. The white masculine norms associated with rape and the tactics used by these white men include the socially accepted use of force and sexual abuse to reinforce the degraded status of others and heighten the status of white men, practicing “courtship” rituals to justify rape and punishment and maintain the illusion of “white gentlemen,” losing one’s virginity and regularly engaging in sexual intercourse, the sense of entitlement to the bodies and sexual labor of others, and opportunities for leisure or recreational rape. Sexual violence and the strategies used by white men and boys enabled them to perform white masculinity in ways that maintained their appearance of embodying white virtue and further legitimated their status and the status of white women above blacks by supporting the racial hierarchy in general (Feagin 2013a). The position of white men, the incentives for sexual violence, and the practices associated with sexual violence reflect the processes used by white men to reinforce their masculine identity, justify their actions, and legitimate their identity as white men to perpetuate their power.

Using a variety of data sources throughout this chapter offers the advantage of incorporating excerpts with distinct audiences and intentions in mind, therein creating a more complete picture of the attitudes and practices associated with the sexual violence

of enslaved black women by white men. For instance, newspaper articles with a public audience in mind may avoid offensive or colloquial language while also discussing topics of broad interest, such as the paternal relationship of a Congressman to a female slave (Child 1860). In comparison, diaries, which are frequently written for more narrow audiences, might include language that is more conversational and less socially acceptable as well as perceptions regarding race, gender and sexual coercion of slaves that may be more private than those announced in newspapers. Autobiographies, narratives, and interviews involving formerly enslaved blacks provide the unique opportunity to gain the perspective of blacks who often had little access to other sources of documentation, such as the court rooms, legislation, and newspapers. Narratives written like autobiographies by former slaves also have the advantage of space. As opposed to the limited time involved in the interviews with former slaves, and therefore limitations in scope, these autobiographical narratives are able to cover several themes in more detail. Moreover, perhaps because of the additional space or the freedom to discuss any topic without the constraints of an interviewer's questions, the autobiographical narratives often include more highly emotional commentary and accusatory language compared to other interviews with former slaves (Jacobs 1861; Douglass 1855; Northup 1853). However, this is not to say that negative or accusatory language does not appear in some WPA narratives and interviews from other sources. Narratives and diaries written by abolitionists, like the autobiographical narratives of former slaves, provide descriptions of the negative aspects of slavery with a direct intention of abolishing the institution. While some may argue this can lead to exaggerations of the harsh conditions

of slavery, this data can also be seen as offering a perspective which contradicts the mainstream perspectives of race and slavery more regularly found in the media.

Secondary sources are also used in the analysis when they offer examples of original excerpts from slavery that could not be found in other ways. Due to limited access to many original documents from slavery, researchers often need to travel to various libraries to collect copies of the data which are frequently unavailable digitally. In cases where useful quotations were found in secondary sources, but the original documents were unable to be located due to time and resource constraints, the secondary source was used in place of the original document. Together these data sources allow for various perspectives on slavery to be elucidated and analyzed for a more complete description of the sexual violence targeted at black enslaved women by white men.

### **Incentives Created by Context: Intergenerational Transmission of White**

#### **Masculinity**

The white racial patriarchal framing, white masculinity, and the associated behaviors and attitudes are not innate to white people or white men. Instead, white boys learn the cultural norms of being white men which influence their micro-interactions with other whites and blacks and incentivize sexual violence through the process of socialization. The legal system has supported the socialization of whites throughout generations. More specifically, the social reproduction of racism occurs on the formal, macro- level of the law by enabling exploitation and violence of people of color as a right to whites, and by stripping people of color of their rights to defend themselves or engage in civil discourse. Because sexual violence against black women was not

criminalized or punished in any way by the courts, this sent a very real message to all whites that the behavior was acceptable by white social standards (Higginbotham 1996; Higginbotham & Kopytoff 1989). Behavior enabled by the law influences the messages white families can transmit to their children over the generations, such as the notion that white men are entitled to sexual exploitation and violence of black women. Furthermore, in a variety of ways white parents taught their children that sexual violence against black women was appropriate, therein incentivizing their children to partake in this behavior as a rite of passage into adulthood and to meet basic social expectations for white men of their social class.

This process of learning white masculinity involves a variety of sources including peers, siblings, teachers, relatives, and parents. The specific process of the socialization of ideas, attitudes, and behaviors related to white masculinity passed from one generation to the next will be referred to as the “intergenerational transmission of white masculinity.” The notion of the “intergenerational transmission of white masculinity” is derived from the concept of the “intergenerational transmission of wealth,” developed by Joe Feagin (2006) which refers to the process of passing wealth from white parents to their children, maintaining an economic advantage over people of color for generations after the originally accumulated wealth from slavery and exploited labor. In addition to wealth, families pass expectations for behavior and attitudes, or norms, to their children who continue passing these behaviors in modified forms to their offspring. This process allows for elements of white masculinity developed during slavery to be maintained for generations, despite the abolition of slavery and the evolved

social context. The intergenerational transmission of white masculinity occurs through the process of learning and transmitting attitudes, opinions, and “definitions” towards one’s identity and the identity of others. Transmitting white masculinity throughout the generations is essential to the reproduction of white racism, which includes particular practices of domination, albeit modified throughout time, as well as attitudes and white racial framing which justify that domination (Feagin 2013a).

Performing whiteness and masculinity, like all social roles, results from learned behavior as opposed to inherent characteristics associated with race or sex. All social norms, including those particular to one’s role are shaped by a variety of forms of informal social control, such as praise for what is considered appropriate behavior and disdain or ostracism for inappropriate behavior. A white male is expected to hold certain attitudes and behave in particular ways, of which conformance results in praise from peers, parents, siblings, or strangers. Learning theory is based on this notion of rewards and punishments which guide a person’s behavior and attitudes (Sutherland 1947; Akers 1996). All time periods and contexts have their own norms for each role. Those for white men during slavery were shaped by their social environment, including their relationship to slaves. The racial and gender dynamics of the early centuries in the U.S. South influenced the developmental stages of young white boys as they grew into adult white men, learning the behaviors and attitudes of their fathers and peers and adhering to expectations from all whites.

In the case of white males growing up in the South, slavery may have had indirect or direct effects on their conceptualization of themselves and society. For those

raised by slave-holding fathers, or who had access to friends' slaves, the effect of slavery on their notion of "self" and their own white masculinity was likely most direct. As noted by former slaves and whites, white sons often sexually violated female slaves in the same way as their fathers. Examples of these comments are discussed throughout this chapter.

In addition to providing a variety of insights into the racial and gendered dynamics of sexual violence, Harriet Jacobs recognizes the role of white male youth in the rape of black enslaved women. As an autobiography, *Incidents in the Life of a Slave Girl* offers insights into slavery from the perspective of a former female slave. Through her in-depth research into the life of Harriet Jacobs, Jean Fagan Yellin confirms that Jacob's autobiography was in fact a piece of non-fiction written by Jacobs (2004). The white abolitionist, Lydia Maria Child's, name was on the work as the editor because Jacobs published it pseudonymously and therefore many people suspected that Child was actually responsible for crafting and writing a fictitious story of slavery until Yellin confirmed Jacobs as the author (Yellin 2004). *Incidents in the Life of a Slave Girl* not only offers the intriguing story of a strong woman who escaped from slavery but also provides important descriptions of the reality of slavery, particularly the reality as experienced by an enslaved woman. Jacobs was born into the system of U.S. slavery in 1813 in Edenton, North Carolina, and was taught by her first mistress, Margaret Horniblow how to read, write and sew, a rare educational opportunity for slaves. When she was eleven years old, Margaret Horniblow died and Harriet became the property of Mary Matilde Norcom, Horniblow's niece who was about five years old at the time.

Mary's father, Dr. Norcom, who is referred to as "Dr. Flint" in the autobiography, held rights over Harriet because of Mary's age. Since the age of twelve, Dr. Norcom sexually harassed Jacobs, including whispering vulgar statements to her, telling her she must do whatever he wishes, and regularly attempting to get her alone in a position where he could sexually violate her. Jacobs worked adamantly to avoid his sexual violence throughout these years. Eventually, she became "romantically" involved with another prestigious white man with whom she had two children. The status of her partner forced Dr. Norcom to leave her alone. However, the father of her children would not agree to free the children as Jacobs requested, so she devised a plan to run away and go into hiding in 1835. She hid in a crawl space at her grandmother's house for seven years before escaping by boat to the North and beginning work as a house servant in New York where she reunited with her activist brother and two children (Andrews 2004; Jacobs 1861; Yellin 2004).

Jacobs's work will be referred to for a variety of important insights throughout the current study. As a woman who was enslaved and experienced sexual harassment from a white slave master, Jacobs understood the sexual abuse associated with racialized gendered power relations during slavery. Not only does she have a personal and deep understanding of the degrading role of verbal sexual violation, but she also witnessed the general patterns of white male behavior in relation to enslaved black women. One brief example of Jacob's recognition of white male behavioral patterns is in the following excerpt, "...slavery is a curse to the whites as well as to the blacks. It makes the white fathers cruel and sensual, the sons violent and licentious" (1861:81). Jacobs recognized

that not only white masters, but also their sons are engaging in the sexual violation of female slaves. The similarities in behavior towards slaves among white fathers and sons reflects the socialization of young white boys to treat enslaved black women as their fathers do. Training of sons to engage in sexual violence against black women can be understood as part of the intergenerational transmission of white masculinity.

*Incentives: Encouragement to Rape*

Teaching white masculinity and the norms which incentivize sexual violence against black women took both direct and indirect forms. For example, some white men directly taught their sons about their acceptance of raping slaves and the logistics of accomplishing this task. Direct teaching and learning is evidenced in this excerpt stated by a former slave, “Bird” Walton who explained what happened to Ethel Jane, an enslaved teenager. “Marsa br[ought] his son, Levey down to the cabin. They both took her—the father showing the son what it was all about—and she couldn’t do nothing ‘bout it” (Stevenson 1996:138).

Northern white men, like Frederick Law Olmstead, visiting relatives in the South reflected on the sexual messages being passed to white sons on the plantations. Olmstead, concerned with the prevalent sex between white men and slaves in the South explained, “I tried to get my brother to send them [his sons] North with me to school. I told him he might as well have them educated in a brothel at once, as in the way they were growing up” (Schneider & Schneider 2007:86).

Despite the fact that premarital sex was morally opposed by most white males and females in the South, black women presented an exception to this ethical standard

(Carpenter 2005). While some mothers may have been appalled or offended by their son or husband's sexual relationships with slaves, they tended to stay quiet about these feelings or blame the black women for being too promiscuous (Stevenson 1996:138). Moreover, examples demonstrate that not just fathers, but also entire families would encourage the sexual violation of black female slaves by their white sons, such as the example of Charley and his mother.

In the footnote of a trial pamphlet for the murder of a white woman, Maria Bickford in October 1845, Bickford's lover, Albert Tirrell, described an incident in which another man insulted Maria by claiming she should be sold at an auction like some of the lighter-skinned slaves, noting she may become a "bed-favorite" for some man (Tirell 1845:13). In reference to this comment directed at Maria, Tirrell adds a footnote which describes the routine behavior of white sons on plantations and the involvement of their parents. Although this information is found in a trial pamphlet and thus may be viewed as having a biased intention, this particular excerpt is offered as contextual information to explain the insult. Similarly, this footnote offers contextual information for the current analysis, depicting the role of white sons and their parents in the sexual coercion of black enslaved women. Tirell notes,

One of the "noblest mothers of Virginia," in 1844, purchased three attractive mulatto females, and placed them in a cottage near the family mansion, for the exclusive use of an only son—assigning as a reason why she did it, that it would "make Charley stead!" Is there a God in heaven? (1845:13).

This passage highlights the role of mothers, in addition to fathers, teaching their white sons to use black women for recreational or status-augmenting purposes. In this case, the mother purchased three women for her son to use for sexual gratification and to

make him “steady.” This purchase not only transmitted a message to her son of her approval, as a white woman, of such behavior, but also her view that sexually violating black women was an appropriate way to serve his needs as a white man. Parents like Charley’s shaped a context in which young white boys learning about their social roles had an incentive to engage in sexual violence against black women to fulfill the expectation of them based on their identity as young white men of high socio-economic class.

Another instance highlights the same practice by parents in which “One family eager for a marriage between a young man in his twenties and a much younger girl arranged for him to maintain a black mistress until his fiancée reached marriageable age” (Schneider & Schneider 2007:86). Perhaps this arrangement was considered as a way to ensure the “uncontrollable” male sexual urges would not be imposed on white females, which may have been destructive to white relationships in the making. Additionally, this form of sexual activity was considered appropriate for young white men who were viewed as entitled to use black female slaves sexually. One performance of white entitlement can be seen in the use of black women as sexual objects for white young men’s gratification. Some black enslaved women, like the black mistresses in the examples above, appear to be purchased solely for sexual purposes which taught young white men the acceptable way to view black women in their lives. As opposed to viewing these women as potential romantic partners, friends, or other individuals who could be given respect, white men are taught to objectify black women entirely. White men learn early on that black women can be purchased, used for sexual gratification, and

abused in order to achieve whatever they desire. Perceiving and treating black women in this way is not only normalized but incentivized. One primary intersectional incentive for white boys to engage in the sexual violation of enslaved black women is the desire to meet parental and social expectations of behaving like a white man. Social expectations of white young men during slavery, particularly those held by one's parents, encourage the sexual violation of black enslaved women. Failure to meet these expectations is likely similar to the failure of meeting many social norms, which can result in ridicule or social isolation. Moreover, parental approval and assistance in the sexual exploitation of black enslaved women by white sons transmitted a sense of white male entitlement from one generation to the next and the framing of black women as available for sexual exploitation.

These parental tactics can be understood as strategies for maintaining white bonds and white privilege. In order to prevent the white boy in the previous example from potentially devastating his relationship with his future white wife, a black woman is forced to satisfy his sexual desires. The white parents have an intersectional incentive in whiteness to encourage their son to engage in sexual violence against black women in order to prevent the dissolution of white marriageable ties.

Some fathers would "save" black women for their sons as the example of Hattie in Octavia Albert's *The House of Bondage or Charlotte Brooks and Other Slaves* demonstrates. Using interviews and first-hand accounts from former slaves, and interpreting and recording these accounts as a former slave herself, Albert is able to provide details of slavery that remain untouched by whites. Any potential for a white

interviewer to modify the accounts of former slaves or influence the responses is removed because of these factors. Albert was born into slavery in the 1850's, and eventually wrote the biography of Charlotte Brooks titled *The House of Bondage*, in which she details the horrors of slavery through interviews with Charlotte and other people who lived through slavery (Albert 1988). Lorendo Goodwin, or "Aunt Lorendo" as she is referred to in the biography, is one of those she interviewed. Before slavery was abolished, Lorendo lived on a plantation with several other slaves including a woman named Hattie. Albert asked if Hattie was married, to which Lorendo replied no, "Hattie had two children by her master's son...Hattie wanted to get married to one of the men on the place, but the master would not let her, because he wanted her for his son" (Albert 1988:72). Asserting his ultimate power, the white father decides that Hattie is not allowed to marry someone of her choice and determines the future sexual behavior of his son. By reserving a female slave for his son, the white father very directly transmits his expectations to him. Most specifically, sexually "preserving" this woman reflects the white father's expectation that his son will be (hetero) sexually involved with an enslaved black woman. In addition to transmitting his expectations, as the head of the household, the white father also creates the physical conditions which enable the sexual violation of Hattie by his son. The desire to achieve his white father's expectations of transitioning from white boyhood to white manhood through the sexual "development" associated with violating Hattie creates an intersectional incentive for the white son to engage in this behavior. Not only does the father's facilitation make it easy for his son to engage in sexual violence of enslaved black women, but also this facilitation teaches his

son the “appropriate” ways for performing white masculinity. When his son reaches this age of white manhood, he not only is able to fulfill the sexual expectations of white masculinity, including being sexually active, but he can also uphold the illusion of his white male entitlement to exploit others. Both the sexual violation of enslaved black women and the sense of entitlement to this violence can be understood as performances of white masculinity for the time period. The desire to uphold social norms of white masculinity, particularly those held by a white father figure with intimate and social power create an intersectional incentive for white sons to engage in sexual violence of black women.

### **Incentives: Social Norms and Virginity**

In the 1800’s, white gender norms aided in the perception of whites as superior to blacks and white men as superior to white women. Expectations for behavior, including sexual behavior, reinforced the racial sex-based hierarchy by creating the illusion of inferiority of blacks and white women compared to white men, and thus their dependency on white men. As previous scholars have noted, this dependent relationship was not unidirectional. White men were highly dependent upon the degradation and oppression they inflicted on blacks and white women as performances of white masculinity which bolstered their status as white men (Block 2006). For black and white women, the forms of degradation and norms on which white men depended for their heightened status differed significantly and in ways that assisted white women in maintaining their higher racial status over black women. Moreover, a double standard in

gender norms pertaining to sexual behavior of white women and white men existed during the 1800's, which also perpetuated white male status.

During slavery, white norms associated with Christian virtue dictated that white men and boys should practice constraint against their sexual desires; however, a contradictory belief in the sexual needs of men lingered into the 1890's. Despite restrictive social norms, the belief that men required sexual intercourse to preserve their health and masculinity persisted through the 19<sup>th</sup> Century. White women, conversely, were expected to remain virgins, sometimes prohibited from behaviors like hand-holding or kissing in addition to refraining from sex (Carpenter 2005). Despite these incompatible gender expectations, coerced intercourse with black women allowed white boys and men to achieve the sexual release they believed was essential to their masculinity while simultaneously protecting their white wives' purity.

Upholding white women's purity was not only important for creating a distinction between black women and white women, but it also provided white men with an opportunity to behave as protectors to their innocent white wives, an important dimension of white masculinity. This dimension was particularly crucial for white men because it reinforced the illusion of a unidirectional dependency of white women, who were incapable of protecting themselves, on white men as the patriarchs. Through the sexual violation and negative racialized gendered framing of black women, the positive framing and social expectations for white women and men could be maintained and achieved without disrupting white gender roles. In this sense, sexual abuse of black women by white men enabled the perseverance of white gender norms. Various

dimensions of the norms of white men with regard to sexual behavior, and the process through which these norms were passed to white sons, will be discussed in this chapter with descriptions of the way oppression and framing of black women and white women in contrast to white men were used to uphold whiteness and white male power.

*Intersectional Incentive: Virginity*

Losing one's virginity allowed white boys to begin moving into white manhood. The intersectional incentive of achieving white manhood was likely a strong motivator for behavior, including sexual violence against enslaved black women, since the status of "white man" offers the greatest respect from family and community members. The identity of being a white man, particularly for those who have higher socio-economic status, includes holding the potential for the most power and privilege at the top of the racial sex-based hierarchy. White youth, due to their age, do not have the same access to economic or political power and resources and are not held in equal esteem as white adult men. The ability to transition from white boys to white men through their sexual behavior, including the loss of virginity, offers a key intersectional incentive for white male youth to engage in sexual violence against enslaved black women. Although this intersectional incentive in achieving white manhood is broad, encompassing the potential for material resources and immaterial privileges, its impact on young white boys was likely very strong, reflected in the fact that many partook in the sexual violation of enslaved black women in order to lose their virginity as a step towards white manhood.

White masculine norms incentivized violent actions against black enslaved women while also providing justifications for white male behavior based on myths regarding their sexual needs. One dimension important to white masculinity in the 1800's was virginity, or lack thereof. Laura M. Carpenter explains that

Some fathers 'proudly sent their sons off to bawdy houses to establish their masculinity'; and early sex surveys found that a sizable minority of men in the late 1800's had paid to lose their virginity before marriage, though moral decency required that they did so discreetly (2005:56)

Social class among whites creates an important intersectional dimension with regard to sexual violence and behavior of white boys as well. As this passage alludes to, lower class white women who were prostitutes out of necessity were sexually violated by many white boys interested in enacting white masculinity. Framed in terms of gender, race, and social class, these poor white women were not viewed in the same way as upper class white women whose purity required the protection and approval of white men. However, in the South, wealthy white adolescent males appear to have hired prostitutes less frequently than Northern males because of the "captive black women at their disposal" (Glover 2007:128). Other scholars have reiterated that "[i]n many cases, enslaved black women were the first sexual partner for Southern white males. She was unable to refuse her master, his sons, and his overseers" (Wade 1998:21). Historian, Page Smith, also recognized the use of slaves in taking young white men's virginity, explaining that most initial experiences of sexual intercourse for white men were with slave girls (1970).

Access to the bodies and sexuality of enslaved black females gave white adolescent males the opportunity to complete what might be considered the first step to

achieving white manhood. The intersectional incentive in achieving white manhood through the loss of virginity was directed upon black enslaved women as well as lower class white women. For many white southern men, the abuse and exploitation of the black female body allowed them to accomplish the transition from a white boy's body to a white man's body, as socially and personally interpreted, through the act of sex (coerced or forced). To be perceived socially, and identify oneself, as a white man with the associated respect, privileges, and sense of entitlement provided an intersectional incentive for this behavior against black enslaved women and white lower class female prostitutes. During slavery, the meaning of being a "white man" was constructed through sexual abuse and violence against "others," especially black women or economically disadvantaged white women. Fathers and mothers who encouraged their sons to lose their virginity to prostitutes or slaves sent the message to their sons that this step towards white manhood should be taken regardless of the consequences for the women involved.

Indeed, these women were merely objects to serve the needs of white men, including achieving their full manhood. Moving towards white manhood through a process involving the sexual violation of white and black women can be seen as a forced exchange, particularly for enslaved black women who had no choice in the matter. In this forced exchange, the white man violates the black woman's rights to her own body in order to advance his "self" into white manhood. Respect and human rights are taken from the black woman in order to add to the white man. This forced exchange exemplifies the dependency of white masculine identity upon the degradation of racialized gendered "others."

Furthermore, white men using black women to lose their virginity reflects the broader theme in which white masculinity was only possible because of the role of black women as subordinate and available for sexual abuse during slavery. Without this role of the black woman, white men would not have been able to achieve full masculinity as it was defined, white women would have been forced to debase their purity, or white gender roles would have been forced to change. Changing these white gender roles would likely entail increasing similarities in sexual behavior among white men and women; however, increased similarities would be detrimental to the maintenance of the institution of sexism as it relies heavily on distinct gender performances to create the perception of vastly divergent sexes with unique characteristics and abilities (Lindsey 2010). Therefore, the racialized gendered framing of black women as promiscuous and lacking of the same feminine qualities as white women, as well as her degraded racial status enables white men to carry out their gender roles in a way that maintains sexism, racism, and racialized sexism.

Preserving white gender roles acts as an intersectional incentive for white boys and men to carry out sexual violence against black enslaved women as well as lower class white women and prostitutes. White youth during slavery were socialized to view sexual promiscuity as impure and immoral, yet essential for white male health. By relegating their impure behavior onto the most marginalized and oppressed groups in society, often through coercion and rape, white males preserve the illusion of the purity of the white race and particularly of upper class white females. As two intersectional incentives, white boys are motivated both by the notion that they must lose their

virginity and regularly engage in sex for their health and to achieve white masculinity. These two incentives are intersectional because they are associated with interests in reinforcing and performing whiteness and white masculinity as forms of domination as well as gaining the associated privileges with this oppressive status and identity. Moreover, white boys had the additional intersectional incentive to avoid disrupting white gender norms and risking the purity of the white race as it was represented. This intersectional incentive influences who the victims of their sexual behaviors will be, protecting white upper class women through a desire to preserve the image of the entire white race as virtuous and pure. Primarily victimizing black enslaved women and white female prostitutes is an intersectional tactic used by white boys and men to achieve their intersectional incentives in white masculinity. This tactic of seeking out marginalized groups without a powerful or respected voice in society allows white men to keep their sexual behavior discreet, thereby reinforcing the myth of white morality and their own reputation in the community. Additionally, offspring that result from this sexual violence can remain hidden and dissociated with the white fathers, which is largely possible because of the law that determines children to follow the status of their mother (Roberts 1997). Black enslaved women and lower class white women receive the intersectional consequences of this intersectional tactic, suffering the sexual violence, the associated degradation in terms of racialized gendered status and gendered class status, and the responsibility for any potential offspring.

### **Intersectional Incentive: Recreational Use of Rape by Sons**

As important as losing one's virginity was as a precursor for fulfilling the standards of white manhood, the sexual exploitation of female slaves did not stop for sons after the initial act. Instead, the routine sexual violence of enslaved black females resulted in an ongoing performance of white masculinity, continually reaffirming whiteness and masculinity, and the intersecting dominating dimensions of these identities. The continual performance of white masculinity through sexual violation of black female slaves was not always consciously asserted as such. Instead, many white men viewed these acts as recreational. The enjoyment associated with recreational activities can be understood as one incentive for the sexual violence white boys and men executed upon black enslaved women. Moreover, the recreational enjoyment of sex can also be understood as an intersectional incentive for white men who were the only social group during slavery that could carry out this behavior without being negatively stereotyped or framed. Both black men and women were stereotyped as hypersexual regardless of their actual sexual activity, and white women were viewed as impure and disgraced if they had premarital sex or appeared to desire sex too much (Collins 2004; Carpenter 2005). Therefore, the recreational enjoyment involved in the sexual coercion of black enslaved women without any social consequences helped to define white masculinity as distinct from white femininity or black masculinity. Because this behavior, and the associated social approval, is distinctive of white men alone, performing it reinforces the racialized gendered identity of white boys and men. Additionally, this recreational performance signifies privileges associated with white

masculinity, including the privilege to have sex and sexually exploit others and the privilege to enjoy leisure activities. Since labor was largely carried out by lower class individuals and slaves deemed to be of low status, leisure was a symbol of high social class and status. Performed as a type of recreational activity at times, sexual violence against enslaved black women was one way for white men to perform their status.

At the very least, the sexual practices among white sons and their view of this behavior as recreational appear common. In an interview with Robert Smalls who had been enslaved in South Carolina, the interviewer asks about the sexual activity of white sons with the female slaves. The interviewer inquires, “Suppose a son of the Master wanted to have intercourse with the colored women was he at liberty?” To which Smalls responded,

No, not at liberty, because it was considered a stain on the family, but the young men did it. There was a good deal of it. They often kept one girl steady and sometimes two on different places; men who had wives did it too sometimes, if they could get it on their own place it was easier but they would go wherever they could get it (Blassingame 1977:382).

Although convenience and access seem to play an important role in influencing the rampant sexual exploitation of black women by white men during slavery, as this passage indicates, white sons and married men would often go “wherever” in order to satisfy themselves sexually and socially. Legal access to black enslaved women’s bodies knew no boundaries in the South, and the desire to exploit these white privileges led men to forsake convenience in order to accomplish their sexual goals. Many letters and narratives highlight the role of this sexual violence and coercion as recreational, a dimension of white privilege which bolsters white male social status.

The recreational use of sex implies an element of privilege; privilege to possess time for leisure and the ability to be entertained as opposed to being the entertainer/laborer. Furthermore, the recreational use of sex reflects the use of exploitation for sheer entertainment, as opposed to exploitation to fulfill one's own basic needs. Indirectly, white men engaging in the sexual exploitation of black female slaves reinforced the dominance and privileges associated with being a white man by advancing their frivolous interests over these women's humanity. Even with few economic benefits, white men sought out opportunities to sexually exploit female slaves, suggesting that not only was sexual gratification an incentive for their behavior, but also the social and psychological status of being white men served as an intersectional incentive.

The following passage reflects the recreational use of female slaves for sex as well as the transmission of attitudes that encourage such behavior among siblings. A young man, William Ball, advised his brother to find a female slave to use for recreational sex. He wrote a letter to Isaac telling him that he, "ought now to get a play thing...to amuse you at a leisure hour when sitting by a fireside on an evening" (Ball cited in Glover 2007:128). Underlying the explicit message, William Ball advises his brother to consider female slaves "play things," objectifying them and forcing them into the position of entertainers to "amuse" him, as if he is entitled to this position of leisure above these women who must labor to entertain their audience. The term "plaything" has been used since at least the mid-1600's to refer both to "an item to be played with; a toy" as well as "A person, thing, etc., treated as something to be played with" (Oxford

English Dictionary 2013; plaything, n.). These definitions of “plaything” when applied to a person, can both be understood as belittling, subjecting the person in question to the role of someone else’s thing to be played with.

Ball also suggests in this passage that his brother has reached an appropriate age at which to begin performing his white masculinity in a more advanced way. He explains that his brother “ought now” engage in these behaviors, reflecting the notion that sex with female slaves is expected, or at least approved of, for white boys of a certain age. Sexually exploiting female slaves by forcing them to submit to one’s leisurely interests, is described almost as a subtle rite of passage in adolescent development towards white manhood.

The following passage reflects the sexual abuse of black women by white sons as a routine practice in the South. One gets the sense from this excerpt that these boys sexually violated black women as a recreational afternoon activity, purchasing women for these purposes as a hobby. In the footnote of the trial pamphlet previously mentioned, the author notes

It is no unusual thing at the South to see the son of a slaveholder going to a slave-auction, for the purpose of buying a beautiful and accomplished female, (whom slavery condemns to the shambles of vice,) to be appropriated to his sensual gratification. Many of these young men are not more than sixteen years old when their parents allow them to begin these hellish practices. Nay, more than this: Young men often go into the cotton and rice fields, in the open day, and commit acts—of the most revolting libertinism on the helpless girls, who are compelled to labor fifteen hours a day, under the rays of a Southern sun... (Tirrell 1845:13)

These examples shed light on the sexual abuse of black women for the recreation of white men. At times this recreational activity was used as a way for white boys to progress to white manhood while in other instances it appears that the abuse occurred for

the mere pleasure of the white boys. In both instances, black women are exploited, their needs and desires neglected, for the gain of white men. Furthermore, these descriptions do well to depict the experience of the white boys involved, at times providing names to signal their identity as individuals. In contrast, the examples provide little identifying description of the black women involved with these boys and their experiences. The sexually violated women are described anonymously, in vague groups of which one will be chosen, denying these women of any individual identity. By implying that the victim could be any black woman, the woman's perspective, feelings, and needs are more easily denied and overlooked.

### **Intersectional Tactic: Raping Lighter-Skinned Enslaved Black Women**

During both the slavery and Jim Crow eras, lighter-skinned black females were often used for the most intimate forms of violence, and their attractiveness was frequently noted throughout the diaries, narratives, newspapers, divorce petitions, and other documents analyzed in this study. Preference for lighter-skinned enslaved women ensured that white men, through their sexual exploits, would not upset the racial hierarchy in which whiteness was always superior. The lighter-skinned preference of white men reaffirmed the notion that the most intimate acts of sexual violence, (which were likely perceived simply as sexual intercourse in the mind of the white slave master), were reserved for those viewed by the white mind as most attractive, and thus those who appeared most similar to whites (Johnson 2009).

The attractiveness of these “bright mulattoes” offered an additional justification for sex and rape (Child 1860). White men were viewed as having difficulty controlling

their own powerful sexual desires at the time, relying on their wives to regulate their sexual behavior within the white household (Clinton 1982). The physical and sexual attractiveness of the exotic “mulatto” could therefore be considered too powerful to resist, offering an excuse for rape and sexual coercion with slaves. This aligns with Williams’s techniques of neutralization as applied to black women, and specifically the “denial of responsibility” used in contemporary American society by rapists who argue that the victim was just too irresistible (1986:10). This justification would serve to excuse sexual violence as well as adultery while also maintaining the notion of white superiority built into the racial hierarchy.

John Ferdinand Dalziel Smyth (1784), an Englishman visiting America during the early 1770’s, discusses the beauty of “mulattoes” in his memoir. Traveling in Maryland, Smyth noted the “female slaves, who are now become white by their mixture. There are at this time numbers of beautiful girls, many of them as fair as any living, who are absolutely slaves in every sense” (Smyth 1784:181). In this case, Smyth clearly associates whiteness with beauty as if they were synonymous. Moreover, he notes the oddity of slavery coinciding with whiteness (and beauty).

As part of the white racial frame, whose construction had begun as early as the 1600’s, fairer skin was viewed by whites as more attractive. This is likely a primary reason that lighter skinned black female slaves appear to be sexually exploited at higher rates than women of darker complexions. In addition, as a visual reminder of the history of sexual assault, the light skin of these black women is a marker, signaling to white masters their degraded and sexualized status as black women. The lighter skin signifies

the support of a community of white males and a history of this practice of sexual violence against black women.

In his diary, James Davidson offers important insights into the way white men think about sexual violence and interracial relationships with black women (Davidson & Kellar 1935). Unlike official court documents, data from diaries provides a more personalized and sometimes informal perspective of white men because of the perceived audience. The authors of diaries often seem to be solely writing for themselves, or possibly family members and close friends, as opposed to court cases in which the audience is a judge, jury, or community members, and the information is provided with a direct interest and intent. In the case of diaries the intent may simply be to retain memories, perspectives, and feelings of a new place or people, often making them less biased and more descriptive of general details as opposed to those which only apply to the case at hand. Nevertheless, diaries provide insight into the racialized gendered perceptions of those who are observing and writing since there is no requirement to attempt to be objective.

Davidson shares his impression of the lighter-skinned, mixed-race female slaves who were frequently known to be sold for sexual purposes. Officially, white men claimed they purchased these women for other domestic services; however, other white men in attendance at these auctions generally understood the sexual motives behind the procurement (Johnson 2009). Davidson refers to his observations traveling through Louisiana. He explained:

I had often heard of the beauty of quadroons. I found them pretty. They are a virtuous and amiable looking people, and have the appearance of being virtuous:

but they are generally prostitutes and kept mistresses. Young men and single men of wealth have each a quadroon for his exclusive use. They are furnished with a Chamber and a sitting room and servants, and the comforts and elegancies of life. It generally costs from \$1,500 to \$2,000 a year to keep a quadroon. I am informed that the quadroon is faithful to a Proverb in these attachments. Married men in this City are frequently in the habit of keeping quadroon” (Davidson & Kellar 1935:348).

First, the language in this passage is noteworthy. Davidson describes the sexual exploitation of mixed-race female slaves as a practice of “keeping” the women. This term was used as slang for maintaining someone for sex, as described in a dictionary of American slang (“**Keep** someone v. phr To support and maintain someone for sexual purposes...” (Chapman 1986:243). However, this slang use of the term “keep” can be understood as a derivation from the formal use of the term “keep,” which throughout slavery and prior to it has meant “to preserve, maintain” as well as “guard, defend, protect...save” in reference to a person or a thing (Oxford English Dictionary 2013:Keeping, v.). The concept of “keeping” significantly softens the reality of sexual abuse, but also emphasizes the woman’s position as a possession of the man. The word “habit,” which has been used since at least the late 1500’s to signify “custom” and the “frequent repetition of the same act until it becomes almost or quite involuntary” speaks to the repetitive, unthinking quality of the act of purchasing, housing, and raping these women as if it were an unquestionable right that white men held (Oxford English Dictionary 2013:1; habit, n.). Davidson describes the attractiveness of the mixed-race women sold to be used as sexual slaves, noting that they appear “virtuous: but they are generally prostitutes and kept mistresses.” According to Davidson, the light-skin of these women would nearly fool someone into viewing them as white, or virtuous women;

however, the reality of their black ancestry pegs them as forever prostitutes. Despite the fact that these women are made into “prostitutes” by white men who sell them to other white men for sexual exploitation, they are labeled as “prostitutes” as if they were choosing to carry out this practice, thus justifying the severe sexual exploitation executed upon them.

Several aspects of Smyth and Davidson’s remarks support the notion of white male intersectional incentives for sexual violence, and intersectional tactics which deflect negative intersectional consequences onto black women to ultimately bolster the white male identity. First, the exploitation of lighter-skinned black women is a tactic used by white men to uphold the perception of whiteness as always superior, including in terms of attractiveness. Although the accessibility of black women, due to their enslaved status and lack of legal rights, made them an easy target for white men and their sexual desires, this behavior is inconsistent with white racial and gendered framing of blacks as inferior and unattractive. In order to reconcile this inconsistency between their sexual actions and their white racial and gender framing, white men could claim lighter-skinned black women were the most desirable black women because they resemble whites. The consistent theme of exploiting lighter-skinned black women or “bright mulattoes” in the original data is likely a result of the fact that these women had a resemblance to whiteness *and* were accessible because of their enslaved status and lack of legal rights. White men did not need to disrupt their racialized gendered framing in order to continue their sexual endeavors. Moreover, these women are not only the most commonly described victims of sexual violence of white men in the original data, but

they are often placed in a special category as “exotic.” Their rare or exotic beauty offers an exception to the rule of racialized gendered framing, which ensures that the rule is maintained for the rest of the population of blacks and whites. In order to engage in sexual violence of this accessible target, white men developed and used the tactic of raping lighter-skinned black women and fetishizing them as exotic.

Second, the normalcy with which white wealthy men carry out sexual exploitation of black women creates an intersectional incentive for the behavior. Not only does the practice of purchasing black women for the purposes of sexual exploitation appear common, which would encourage white men to engage in “normal” social behavior, but also it was more frequent among wealthy white men. The desire to be perceived by other white wealthy or powerful men as similarly wealthy created an intersectional incentive for many white men to purchase enslaved black women and use them for sexual exploits. This intersectional incentive can be understood as a motive in meeting the racialized gendered status of being a white man as well as the economic status of wealthy white men. A desire to be perceived by other white men as wealthy encouraged white men to purchase expensive slaves for sex. Indeed, Johnson notes the practice of white men displaying their wealth at slave markets in New Orleans by openly purchasing expensive enslaved women for sex in front of the other men at the markets (Johnson 2009). The desire to be perceived by other white men as adhering to the “normal” sexual practices of white men and as wealthy were two intersectional incentive for sexual violence against black enslaved women.

Third, the intersectional tactic of framing black women as prostitutes serves as a justification for the appalling behavior of the white men involved. Although white men were the actors of the sexual exploitation, incentivized by a desire to achieve sexual satisfaction and improve their status as wealthy white men, the intersectional consequences of this sexual violence are shifted to the black women through the racialized gendered framing of them as prostitutes. Whereas the intersectional consequences of such behavior could have been negative racialized gendered framing of white men as un-virtuous or sinful, by transferring the negative framing to black women white men can evade responsibility. The intersectional consequences of this racialized gendered framing cause black enslaved women to be further degraded by the negative stereotyping of them as prostitutes in addition to the sexual abuses they are forced to experience. Additionally, labeling black enslaved women as prostitutes allows white men to frame their sexual encounters as mutual, claiming that the woman is involved in a mutual exchange as part of her profession or identity as a prostitute. In contrast white men are actually purchasing women who were originally forced into slavery in order to use them sexually by raping or coercing them.

### **Intersectional Tactic: “Courting” as a White Masculine Ritual**

Davidson’s passage also highlights a peculiar practice of white men, in which they offered gifts, jewelry, or special rooms in the house to a female slave with whom they desired to have sex. According to some, this bribery took place in order for masters to transform the relationship into one of prostitution (hooks 1999). Additionally, this bribery may have served the interest of white men in maintaining the image of their

white racial patriarchal role as “gentlemen.” In this sense white men worked to racialize themselves, performing rituals of white masculinity to overshadow their immoral sexual behaviors. Offering gifts created a sense of courtship. The response of a female to these courting practices was not significant to the men, but rather the practices can be understood as a ritual of white masculinity, or an intersectional tactic for achieving the benefits of whiteness and white manhood. The positive notions associated with “courting” allow white men to regularly carry out interracial sexual violence under the guise that they are upholding appropriate social decorum. This intersectional tactic enables white men to perform white masculinity through interracial sexual violence, while simultaneously allowing them to maintain a positive image of white masculinity. The guise of “courting” reframes sexual coercion, forcing the power dynamics between white men and enslaved black women to the background and making the sexual encounter appear more similar to the well-established and accepted interaction between white men and white women. This intersectional tactic creates the illusion of an equal playing field for white men and black enslaved women involved in the sexual encounter. “Courting” practices frame the sexual encounters as if they are occurring on the basis of a potential exchange; a gift in exchange for sex.

Since the practice of courtship is arguably a form of seduction, or a bribe, used on white women and black women, the ritual of offering presents cannot be viewed as a sign of respect towards the woman involved. To the contrary, courtship can be viewed as a symbol of power, in which a man attempts to exchange monetary goods or services for that which the woman has to offer: romance, intimacy, or sex. In this sense, the use of

courtship by white men on black slaves does not contradict the notion that sexual intercourse was forced on enslaved black women. Like white women, black female slaves became part of the power dynamic of courtship utilized routinely by white men to gain access to what they believed was their right, particularly after they had paid for it.

The “courting” practice, in addition to acting as a ritual of white masculinity, provided a rationalization for sexual violence. When a woman refused a present, the slave master could become enraged, using the emotion of anger and the notion of respect to justify a reaction of sexual violence (or physical violence as a threat to engage in sexual violence in the future).

One description of this “courting” practice is offered by Harriet Jacobs. In *Incidents in the Life of a Slave Girl* (1861), Jacobs describes the sexual burdens she faced as a slave and provides evidence of the “courting” process used by white men on black female slaves. Referring to black enslaved women in general, Jacobs explains, “When she is fourteen or fifteen, her owner, or his sons, or the overseer, or perhaps all of them, begin to bribe her with presents. If these fail to accomplish their purpose, she is whipped or starved into submission to their will” (Jacobs 1861:79). Jacobs’s description emphasizes the limited opportunities for black enslaved women to avoid sexual violence. If the women refuse to submit to the “courting” practices, they are ultimately forced into sex through physical punishments. Moreover, this highlights the role of “courting” as merely a tool for exerting power and coercing women under the mask of “gentleman-like” behavior. Ultimately, the “courting” practice likely provides white men with a sense of justification in whipping or starving women who refuse their “kind” gestures.

A fugitive slave, whose name remains anonymous, describes the white male ritual of “courtship” in relation to the intense desire of black women to avoid sexual contact with the white slave owners in a speech given in Brooklyn by Lewis Clarke and recorded by Lydia Maria Child in the mid-1800’s.

Oh, how often I’ve seen the poor girls sob and cry, when there’s been such going on! Maybe you think, because they’re slaves, they ain’t got no feeling and no shame? A woman’s being a slave don’t stop her having genteel ideas; that is, according to their way, and as far as they can. They know they must submit to their masters; besides, their masters, maybe, dress ‘em up, and make ‘em little presents, and give ‘em more privileges, while they whim lasts...” (Blassingame 1977:157)

When female slaves rejected the gifts of a slave master, he would often force himself on her regardless, highlighting the fact that this courting practice was not about attracting a black female into choosing the white man as a mate, but rather about demonstrating white masculinity through symbolic acts of chivalry.

The experiences of a former slave, Madison Jefferson, are described below including the practice of physical violence as a consequence for black female slaves who reject the sexual advances of the white masters. This passage reflects the extremely limited options black women had under slavery to resist sexual exploitation by their masters. Moreover, even when physical violence, like whipping, or threats against one’s family are “chosen” in place of sexual violence, often the women are ultimately raped as well.

Women who refuse to submit themselves to the brutal desires of their owners, are repeatedly whipt to subdue their virtuous repugnance, and in most instances this hellish practice is but too successful-when it fails, the women are frequently sold off to the south. Madison’s young master, albeit a member of the Methodist church, punished a young woman on the estate repeatedly on this account, and at

length accomplished his purpose, while she was in a state of insensibility from the effects of a felon blow inflicted by this monster (Blassingame 1977:221).

Harriet Jacobs reaffirms the use of threats and punishments to coerce enslaved women into sexual intercourse.

Sometimes, when my master found that I still refused to accept what he called his kind offers, he would threaten to sell my child. 'Perhaps that will humble you,' said he. Humble me! Was I not already in the dust? But his threat lacerated my heart. I knew the law gave him power to fulfill it; for slaveholders have been cunning enough to enact that 'the child shall follow the condition of the mother,' not of the father; thus taking care that licentiousness shall not interfere with avarice (1861:76).

The accounts of slaves and whites reflect the tactics used by white men to force and coerce female slaves into sexual intercourse while attempting to preserve their own sense of a positive white male identity, reflecting their intersectional commitment to whiteness. "Courting" practices enabled white men to see their coercion and force as an act of gentlemanly seduction as opposed to rape. Furthermore, "courting" practices allow white men to rationalize force against these women as fair since they have given the women an option to politely accept a gift in exchange for sex. The "courting" practices as rituals for performing white masculinity as pure, kind, and fair reinforce the notion of white superiority and legitimate the racial sex-based hierarchy. The resistance of some enslaved black women reflected in their refusal to submit to the "courting" of white men demonstrates black agency as well. White men created a scenario which makes enslaved black female agency and resistance appear unjustified against their sexual advances, thereby reflecting an effort by white men to reduce resistance and black female agency.

## **Conclusion**

Within intersecting institutions of oppression, white men experience a location at the top of a racial sex-based hierarchy. In this position, sexual violence against black women is incentivized through the law, economy, cultural norms, and the family. Acting on these incentives leads to various intersectional consequences. In order to reduce potentially negative consequences for themselves, white men used a variety of intersectional tactics to maintain their image as virtuous, white Christian men and deflect the consequences onto groups below them in the racial sex-based hierarchy. As a result, white masculinity, and the privileges and power associated, were upheld through sexual violence and the associated intersectional tactics while the degraded status of black women, black men, and white women was reinforced.

White gender norms, family encouragement to rape, and legal and economic support, created a context which enabled and incentivized sexual violence against black women by white boys and men. For instance, white men could perform white masculinity by engaging in sexual violence against enslaved black women. Losing their virginity and taking advantage of recreational sexual violence were ways white men could perform their racialized masculinity. Through this behavior, white boys promoted an image of themselves as fitting with the normal standards of white masculinity. These performances resemble the behavior of young men in urban settings today. Jody Miller finds in her sample of youth in contemporary urban neighborhoods that some young men view the sexual harassment and coercion of black female youth as a way to “get a image, a name” for themselves among their male peers (2008:59). Additionally, like the

importance of losing virginity as a rite of passage for some young white boys during slavery, Miller finds in her contemporary study that some young men today view gang raping black women as a way to bond with other males and transition into young male adulthood (2008). Parallels in the sexual violence of black women during slavery and today, suggest the continuing importance of gender norms for incentivizing rape and sexual violence.

During slavery, white gender norms were upheld and transmitted intergenerationally through the purchasing of black enslaved women for sexual purposes of sons and teaching young white men to sexually exploit black women. Despite a paradoxical double standard in white gender norms regarding sexual promiscuity and premarital sex, the sexual violence of black enslaved women and underclass white women as prostitutes enabled white gender norms to persist. Because white gender norms are essential for maintaining white sexism, sexual violence by white men against black women can be seen as a bolstering white sexism. Likewise, white sexism can be understood as an intersectional incentive for white men to engage in sexual violence of enslaved black women, encouraging them to partake in this behavior as a way to preserve racialized gendered norms of white female purity and engage in health-promoting behavior among white men as they perceived it (Carpenter 2005). From this perspective, white men gain sexual gratification as well as a feeling of status and entitlement which reinforce their identity as white men. At the same time, intersectional tactics of directing their sexual entitlement towards enslaved black women and white female prostitutes allows white men to uphold the gender norms of upper class white

women who are expected to remain virgins until marriage. Moreover, as an intersectional consequence, this sexual behavior of white men reinforces the sexually degrading stereotypes associated with black women, reproducing the ideologies and racial framing which protect their racialized-gendered status at the bottom of the racial sex-based hierarchy. The institutions of racial, gender, and class oppression work intricately together, with instances in which they avoid disrupting one another and instead bolster each other to ultimately serve the interests of white men in preserving racism, sexism, and racialized-sexism, and the interests of white women in preserving racism and white privilege.

The specific intersectional tactics associated with sexual violence that white men used allowed them to reconcile their desired positive identity and racial framing with their actual behavior. For instance, raping lighter skinned women preserves key notions of the racial hierarchy and white racial frame, which view whiteness as superior and more attractive, and thus more deserving of prestige and privileges. This intersectional tactic of a light-skinned preference which was enacted by white men was driven by intersectional incentives, or motives associated with dominance in whiteness and white masculinity. Preserving the racial sex-based hierarchy and its legitimating white racial (and gendered) frame are essential to the continued procurement of white male power and privilege.

Additionally, the “courting” practices carried out by white men upon black enslaved women assist in perpetuating the positive racial-gender framing of white men as kind, virtuous gentlemen. These “courting” practices frame sexual coercion and

exploitation executed by white men as part of a mutual exchange in which the enslaved women have the freedom of choice. The reality, of course, is that enslaved black women had no legal rights to defend themselves against rape or the severe punishment and abuse that could be inflicted upon them for “choosing” not to engage in sex with a white man (Higginbotham 1996; Higginbotham & Kopytoff 1989). White men used the intersectional tactic of “courting” enslaved black women to obtain the intersectional incentives in white male identity by performing white masculine rituals and masking the power dynamics involved in their sexual coercion of slaves.

Sexual violence and the strategies used to carry out this violence were transmitted from parents to children intergenerationally. Because of the sexual norms surrounding white masculinity and a belief in the need to lose one’s virginity during young adulthood, white boys were often encouraged by their parents, peers, or siblings to sexually violate black enslaved women. The intergenerational transmission of white masculinity, including the transfer of norms, attitudes and the adoption of the white racial frame, as well as teaching the physical acts of sexual violence and rape, was an important mechanism for maintaining cultural and formal institutions of white privilege and power during slavery. White boys were informally taught that becoming a white man involves having sex with women, and often enslaved black women or white female prostitutes. Becoming a white man also meant having the ability to enjoy leisure time involving a subordinate woman’s sexual labor as his recreational entertainment. Above all, white boys were encouraged to see themselves as sexually entitled to the bodies of women, particularly black women and marginalized white women. Embodying the

identity of a white man, the most privileged and powerful identity in the U.S. society, acted as a central intersectional incentive for sexual violence. This status and identity could be attained in part through the process of sexually violating black enslaved women for the upper-class boys in the South. The esteem as well as potential economic and political privileges and resources that are associated with being identified and perceived as a white man created a significant intersectional incentive to engage in sexual violence of black women.

Several of these themes described throughout this chapter, and the interrelationship between white men, white women, enslaved black women and black men, are depicted in the one of a kind fictional film, *Mandingo* (Fleischer 1974). The use of female slaves for wealthy white sons to lose their virginity and regularly engage in sexual intercourse, the encouragement of fathers to partake in this behavior, and the deflecting language used for enslaved black women who were sexually violated were all themes highlighted in this film (Fleischer 1974). For instance, after marrying a white woman, Hammond, a white man who is the main character in *Mandingo*, determines that one of his slaves, Ellen will be his “bedside wench” (1974). Learning to sexually exploit enslaved black women through his family expectations and the direction of his father, Hammond continues this practice after he is married by electing Ellen as his sexual slave. The relationship between Hammond and his wife, Blanche is ruined from the beginning not because he is sexually violating another woman whom he owns, but because Blanche is accused of being impure for having premarital sex with another man and for desiring sex with her husband. The double standard in white gender expectations

and the power and privilege of white men to carry out their sexually promiscuous lives with no consequences to themselves permeates this film. Moreover, white wives like Blanche are left with little recourse other than to exert their power over slaves. This is depicted throughout the film in Blanche's physical abuse of Ellen and her rape of the enslaved man, Mede, both of which are portrayed as arising from her jealousy and sexual deprivation caused by her husband (Fleischer1974). The strained dynamics between white women, white men, and enslaved black women who are victims of sexual violence will be evidenced and discussed in more detail in Chapter VI.

## CHAPTER VI: WHITE WOMEN'S REACTIONS TO SEXUAL VIOLENCE OF ENSLAVED BLACK WOMEN

### **Introduction**

Scholars have argued that misogyny developed out of a contradiction between sexual desires and social norms (hooks 1999; Rogers 1968). During the Victorian era, sexual feelings were generally viewed as sinful, but white men continued to engage in sexual acts with their slaves, which some have argued created feelings of guilt among men. To reconcile this guilt, white men blamed black women for being seductive and degraded all women as the objects of their guilt-ridden lust (hooks 1999). As white culture transitioned away from adhering to strict Christian doctrine, white women were viewed as pure, virtuous people as opposed to the previous stereotype of seductive temptresses, as long as they did not express sexual desires. This transition in white womanhood coincided with the “mass sexual exploitation of enslaved black women,” which hooks argues is related as much to misogyny as racism (hooks 1999:32). The relationship between white womanhood and the rape of black women occurred simultaneously “just as the rigid sexual morality of Victorian England created a society in which the extolling of woman as mother and helpmeet occurred at the same time as the formation of a mass underworld of prostitution” (hooks 1999:32). The modified framing of white women allowed white men to use black women sexually and degrade them for this abuse with racialized gendered stereotypes, leaving the purity of whiteness intact. Additionally, as hooks points out, class is equally important here. Lower class white women were also discriminated against and sexually exploited as prostitutes

thereby creating a class distinction in racial and gendered purity. Upper class white women became the exemplars of white purity while lower class white women could be sexually exploited by white men (hooks 1999).

The racial and gendered framing of black women continued the tradition of blaming women for men's sexual lust and guilt but altered the blame into a combination of racialized and gendered terms. This socio-historical context reflects the interplay between the intersecting oppressions experienced by white women and black women because of the labeling and actions of white men. Moreover, this interplay creates incentives for white women to protect their whiteness and white femininity in order to maintain their heightened status above black women, preserving the oppressive institution of whiteness at the expense of gender and racial equality.

The descriptions of white women, usually known as someone's "wife" in these examples, reflect the dynamics between black women and white women during slavery. The relationship white men had to white women and black women influenced this relationship between the two groups of women. Dynamics like these shed light on the manipulative role of the dominant group, white men, at the top of the racial sex-based hierarchy, enabling them to influence conflict among two subordinate groups while experiencing minimal consequences themselves. Conflict reduces opportunities for finding shared interests among subordinate groups, such as potential similarities in some experiences of abuse that they might have in common. As a result, this conflict between the two groups of women perpetuates the interests of white men who are able to alleviate their own responsibility and avoid involvement in a conflicting relationship by pitting

two other groups in conflict. Rarely, is there an example of a white woman punishing her husband, except in cases where a white woman argues with her husband, petitions for divorce, or threatens to leave if he does not sell the female slave with whom he was sexually involved to another plantation or state. This is often a severe punishment to the slave who has to leave her children, husband, or other friends and family behind.

The role of white women in the context of sexual coercion and violence against black female slaves exemplifies the way intersecting oppressions bolster one another through intersectional incentives in whiteness and white femininity, reducing resistance and perpetuating the power and privilege of the dominant group. The conflict created between white women and black women is one of the most apparent examples of the way these intersecting oppressions divide groups and reduce resistance against the dominant group. In addition, white men take advantage of their position at the top of the racial -sex based hierarchy by sexually exploiting black women and committing adultery against their wives whenever they please. Because of the dependency of white women on white men, white women have an intersectional incentive to ignore the adultery and sexual violence executed by their husbands or to blame the black women instead of the white men. Because of systemic gendered racism and the intersecting institutions of oppression, intersectional tactics associated with achieving whiteness and white femininity were advantageous to white women in some ways and detrimental to them in others.

Committing adultery with black women is advantageous for white men compared to using other white women in this way for a variety of reasons, including the lack of

legal ramifications, the ease of access, the extreme power differential that makes coercion easier, and the racialized gendered framing of black women as hypersexual, which enables a shift of blame for the sexual act onto the victim. Many of these dimensions enable white men who engage in sexual violence or coercion with black women to continue their marriage with their wives with little resistance.

Although many, if not most, white women blamed the black women instead of their husbands for these sexual acts, several white women filed divorces against their husbands claiming adultery with a slave or black mistress as one of the reasons. Hundreds of divorce petitions were filed by white women mentioning this behavior among their white husbands. Some select petitions also include white men claiming that their wives have engaged in adultery with male slaves; however this appears less frequently. In addition to these divorce petitions, slave narratives, autobiographies, and diaries from whites and blacks discuss the relationship between white women and black women created by the sexual actions of white men, highlighting the intersectional incentives of white women to partake in the domination of black enslaved women and the reinforcement of white sexism.

### **Intersectional Tactics and Intersectional Incentives: Language Used by White Women in Petitions for Divorce**

One form of documentation in which the widespread rape, sexual coercion, and other sexual relationships (all arguably associated with at least some degree of coercion) between black female slaves and white men is frequently reported is in divorce petitions to the courts submitted by white women. The University of North Carolina at

Greensboro digital archives began a “Race and Slavery Petitions Project” in 1991 in which the Project Director and editor, Loren Schweningen collected petitions related to slavery from fourteen state archives and approximately 160 county courthouses. After traveling through the South photocopying these documents, Schweningen added hundreds more petitions from various courts and counties. He estimates that there are about a quarter of a million petitions relating to slavery throughout the South. Due to this massive volume and time and monetary constraints, several criteria were developed to limit the documents collected for the project. “Every major geographical region within each state is represented...All accessible petitions written on behalf of or by slaves and on behalf of or by free blacks from the selected counties were included...All accessible petitions written by slaveholding white women seeking divorce or alimony from the selected counties were included” (University of North Carolina Greensboro 2009:1). The nearly 3000 legislative petitions and about 14,500 county court petitions represent about half of all of the counties in the fifteen southern states, 606 of 1,127 counties in 1860 making this a very thorough representative sample of petitions relating to slavery (University of North Carolina Greensboro 2009).

In particular, this project provides a representative sample of slaveholding white women seeking divorce throughout the southern slave states. Of the slaveholding white women who petitioned for divorce, the large number of reports of adultery and “illicit connections” with black female slaves provides a very rough estimate of how widespread sexual coercion and violence of black enslaved women by white men was. This data provides a conservative estimate of the rate at which white men engaged in

sexual exploitation of their female slaves because it does not include any incidents which white women chose to ignore, deny, or at least not mention in a petition. Many white women did not divorce their husbands, regardless of their sexual behavior with enslaved black women, reducing the representation of these petitions to a small segment of the white female slaveholding population. One 1889 New England Divorce Reform League report found that 9,937 couples were divorced in 1867 compared to 25, 535 in 1886, suggesting a relatively low rate of divorce during this time period (Jost and Robinson 1991). This sample leaves out women who did not petition to divorce their husbands and the instances of sexual exploitation of black enslaved women that were executed by unmarried white men or teenagers. The sample may not be used to determine the percentage of white married men who engaged in sexual violence or “adultery” with black enslaved women because only those marriages involving divorce petitions are included; however, these accounts do provide a minimum rough estimate of the number of white married men in the fifteen southern slave states who engaged in sexual coercion, violence, or exploitation of black enslaved women.

Examining the 706 petitions for divorce by slaveholding white men and women included in UNCG’s “Race and Slavery Petitions Project,” the terms used to search for petitions discussing sexual relations between white men and black enslaved women are those that have been associated with this behavior throughout the original data found for this study and include: criminal, illicit, intercourse, adultery, and mulatto. “Criminal” and “illicit” often appear in conjunction with “connection” and “intercourse” throughout court records and are more commonly found in petitions or court cases to refer to sexual

encounters and violence than other types of original documents found for this study. “Mulatto” has been found to be commonly associated with sexual exploitation of black women during slavery throughout this study because of the preference for mixed-race enslaved women who were often referred to using the derogatory term “mulatto” and children from these exploits who are described as “mulatto.” After locating petitions with these terms, the summaries were read closely to determine if in fact a white man was sexually involved with an enslaved black woman. Multiple petitions from the same family were only counted once.

In total, 94 petitions for divorce discuss white men sexually involved with black women. Of these 94, at least 80 involved enslaved black women. In three cases the petitions explicitly state that the women involved were free and in one case the white man was adulterous with a free black woman and an enslaved black woman. In the remaining ten cases, the black women are referred to ambiguously, without reference to their status as either free or enslaved.

Within these petitions several patterns emerge, including the euphemistic language women and the courts used with regards to their husband’s actions towards the black enslaved women and servants. Euphemisms are one intersectional tactic used by white men and white women to achieve certain benefits at the expense of others. The euphemisms used for rape and sexual violence function to preserve an element of white virtue among white men and allow white women to be framed as the victims as opposed to the black women who were sexually violated. Because the petitions were submitted in an effort to divorce one’s husband, the white wife is consistently framed as the victim of

abuses by the husband, including his sexual violation of enslaved women. Throughout the divorce petitions, black women are framed as the tool of abuse used by the perpetrator (white men) against the victim (white women). Language as an intersectional tactic in the divorce petitions forces the intersectional consequences onto black women. White men were often framed negatively in the divorce petitions as well, but were merely understood as anomalies among white men for their immoral pursuits involving adultery or severe abuse. Therefore, the intersectional consequences faced by white men involved in the divorce petitions are experienced individually, with the judge and white women framing the white men as if they have failed to behave like morally typical white men. In contrast, the consequences of black enslaved women are not only to be victims of sexual coercion but also to be frequently framed using racialized gendered language that reinforces degrading stereotypes of enslaved black women as seductresses or hypersexual. White women also experienced the intersectional consequences of their language in the divorce petitions, framing themselves in terms of white gender norms and thus reinforcing white sexism. An overarching intersectional consequence of the racialized gendered framing of white men, white women, and black enslaved women in the language throughout these divorce petitions is the repeated ignoring of the sexual violence by white men against black women who are enslaved. Overlooking the sexual coercion and violence involved in the white men's "affairs," allows the violence to continue at the dire expense of black enslaved women, often framing them as the ones who are responsible.

The language used by white women when petitioning to divorce their husbands reflects the intermediate location of white women in the racial sex-based hierarchy, their limited options and strategies available because of their location as white women, as well as the detrimental consequences for themselves and black women due to the constraints of the institutions in which they are operating. The intersectional tactics used by white women were injurious to the racialized gendered framing of black women and often had negative consequences for themselves in terms of racialized gendered framing as obedient or subordinate white women. Moreover, the intersectional incentives for using these tactics are apparent in the white women's requests for property, slaves, and rights to their children, in addition to a divorce from their husband. Economic incentives and the social norms of the time enabled white women to use racialized gendered framing of black women, white women, and white men in micro-interactions, such as divorce petitions, to their advantage. For white men, the racialized gendered framing is often perpetuated through their description of their husband as having failed at achieving his ideal status as a virtuous white man. For white women, their presentation of themselves as innocent, affectionate, passive, white feminine women assists them in gaining access to material wealth in the divorce outcome; however, it also perpetuates the intersectional consequence of reinforcing white sexism. Lastly, white women perpetuate the racialized gendered framing of black women as sexually loose and willing to engage in "affairs" with their husbands by ignoring the actual coercion and force employed by white men.

This petition from a white woman, Margaret Garner, in Mobile, Alabama in 1841 demonstrates the racialized gendered framing of white women and the reinforcement of white gender norms. The petition states that Margaret had evidence that her husband “had taken a mulattress to the bed of your Oratrix and had carnally Known the said mulattress ... your Oratrix calmly remonstrated with the said Thomas Garner” (Garner 1841:1).

Although this language holds the husband responsible as an actor, “tak[ing] a mulattress to the bed,” the phrase reduces notions of coercion and violation against the woman with whom he had sex. The term “mulattress” was an extremely negative word used to refer to mixed-race individuals during this time period. “Mulattress” and “mulatto” are associated with the term “mule” which is a cross-bred animal between a horse and a donkey. These terms indicate the white racial framing of blacks as being more closely associated with other animals compared to white humans (Sollors 1997). Additionally, the phrase “carnally Known” in this passage avoids acknowledgement of coercion and rape.

Also noteworthy in this passage is the inclusion of the statement “your Oratrix calmly remonstrated with the said Thomas Garner” (1841:1). Margaret Garner reinforced her identity as a proper white woman who only “calmly” responds to her husband’s violation of their marriage. If she had reacted violently or aggressively, stepping out of the appropriate behavior for white women, she likely would have been perceived negatively by the judge, reducing the likelihood that the divorce would be granted in her favor. Instead, Margaret employs an intersectional tactic of framing, or

representing, herself in white feminine terms in order to benefit from the protection and approval of the judge associated with white feminine submissiveness. As an intersectional consequence, Margaret reinforces the notion that white women are dependent upon white men.

Mary Jackson (1806) used a similar tactic when petitioning for divorce from her husband Joseph Jackson in Greene County, Georgia in 1806. Mary's petition begins with a description of her loyalty and obedience to Joseph. Mary Jackson

lived with said Joseph Jackson as his lawful wife and performed all the duties incumbent on her by the matrimonial connexion and treated her said husband the said Joseph with respect and affection and rendered due obedience to all the lawful commands and wishes of the said Joseph but her said husband the said Joseph forgetful of his marriage vow to love and to cherish your petition hath alienated his affection from your petitioner and attached himself to [a] negro woman the property of the said Joseph and from the said first day of January aforesaid hath until the present time lived in the habitual indulgence of an illicit and carnal commerce with the said negro woman and daily commission of adultery or [illegible word] with the said negro woman" (Jackson 1806:1).

Obedient to her husband and the institution of marriage, Mary represents herself as fulfilling the expectations of white womanhood including her willful subordination. Ironically, she does this in order to gain independence from her husband. While she might be able to relinquish her dependency on a man who treats her with very little respect, even banishing her from his home at one point, she likely remained financially dependent on other white men throughout the remainder of her life, such as her father or a new spouse. Moreover, Mary's insistence on her obedient character reinforces the racialized gender norms and roles that ensure white women's dependency on white men. As a micro-interaction, Mary uses the norm of white women as obedient in order to reaffirm the racial boundaries between her and black women or white men. Re-

establishing these boundaries enables her to represent herself as an unthreatening white woman in need of white male assistance. This example demonstrates the way the court system and legal institution are deeply intertwined with institutions of racism, sexism, and classism, creating a seemingly inescapable, paradoxical situation of oppression.

The presence of a white man, often also a slaveholder, as the judge in all of the decisions for divorce is one feature of racism and sexism that is embedded in the U.S. court and legal systems during Slavery. Additionally, the racialized gendered norms which are taken for granted and adhered to by most members of society, including those developing the laws and enforcing them in courts like the white judges in these divorce cases is another feature of racism, sexism, and classism within the legal institution.

When Mary attempted to use the courts to evade marriage, another white male dominated institution of which she had been subordinated and treated poorly, she was forced to rely on racialized sexism in order to escape. However, this only reinforced the racialized gendered norms and framing of her and other white women which ensures her dependency and subordination to other white men and white male dominated institutions that she will continue to encounter. In other words, escaping the oppression of one white male dominated institution required the reinforcement of other forms of oppression. This is the way intersecting institutions of oppression and systemic gendered racism function, reproducing themselves and reducing resistance. Institutions of oppression permeate all spheres of society including the ideological sphere and function in a way that ensures the evasion of one form of oppression requires the support of another. Since these

institutions intersect and bolster one another, the support of one ultimately serves to support all the institutions.

Had Mary described herself as unresponsive to Joseph's wishes or resistant to her role as a wife, she likely would have been forced to stay married to her husband. The lack of female judges and the interest of white men to preserve their power over women made the route of complete resistance to racialized gendered roles and to the institution of marriage a likely unsuccessful avenue. For Mary to portray herself outside of the white feminine standards after the divorce was granted, she would likely have reduced her chances for financial support from other male relatives or a new husband. The lack of access to economic opportunities kept Mary in a position of economic dependence, which further guaranteed her adherence to racialized gendered norms and framing of herself as obedient. The material and ideological conditions forced Mary into a paradox in which she had to reinstate racialized gendered norms of white femininity, whether she agreed with them or not, in order to gain some independence and control from her husband.

In her description of the sexual relationship between her husband and his slave, the euphemistic language Mary uses masks the idea of rape or sexual violence and promotes instead the idea of white male entitlement. The words "habitual indulgence" suggest the frequency with which Joseph engaged in these sexual encounters with his slave as well as the framing of this act as extravagant and excessive. This extravagant behavior was possible because of his position as a white man with money and time for leisure. Instead of an image of violence or cruelty, the image provoked from the

description of his “habitual indulgence” is positive, provoking images of status and wealth. He is framed through this euphemistic language as a man who is successful enough to have time for leisure and entitled enough for sex whenever he pleases. Moreover, he “daily commissions” adultery, portraying him as possessing authority without presenting this behavior as too forceful like the following words might have: attack, force, violate, rape. While the phrase “daily commission” implies the husband’s active role in the sexual relationship with the black enslaved woman and an element of authority in the ability to command the adulterous acts, the phrase also avoids any description of the position and opinions of the black enslaved woman. The word “commission” implies that the husband merely had to request or command the enslaved woman to have sex with him, neglecting the possibility of physical force or threats that may have been used. Lastly, while the term “commerce” was possibly more common during the early 1800’s, particularly within formal settings like a court petition, the connotation of the word suggests a trade or exchange as if the enslaved woman involved agreed to participate.

Lerona Ann Foster petitioned for divorce from her husband Robert L. Foster in 1858-1859 in Noxubee County, Mississippi. In this petition, racialized gendered norms of white female dependency and black femininity are used as intersectional tactics for achieving the economic incentives of gaining and protecting her assets. In the petition Lerona asks for \$21,500, half of Robert’s property value which includes 30 slaves worth \$30,000 (Foster 1858).

In addition to his abusive behavior towards her, one of the reasons for the divorce was adultery. Lerona Foster explains, “Robert has fallen into the arms of adultery with his own slave a mulatto woman named Jenny & others which he lives [illegible] in breach of his marriage” (Foster 1858:2). The phrase “fallen into” likely has at least two possible interpretations. Lerona Foster portrays Robert as having fallen from grace, sinning through adultery, and thus failing to uphold his white virtue. However, the phrase also suggests passive participation on the part of Robert who falls into the “arms” of adultery with an enslaved mixed-raced woman. While Lerona Foster does not directly implicate Jenny as a seductress, this language suggests Jenny’s active role in the adultery. Her open arms catch, or reach for, Robert as he falls from his white virtue helplessly. The enslaved mixed-race woman is indirectly portrayed as a temptress seducing this white man into sin and away from his potential white purity. Robert’s relationship with his slaves “and others” is described as “adultery” implying that the women want to be involved and neglecting to acknowledge the lack of choice for enslaved women like Jenny (Foster 1858).

Because Robert Foster has become abusive at times, Lerona Foster explains to the court that she is afraid of him, stating that she “cannot return home except at the peril of her life” and she has therefore “sought refuge in her father’s house” (1858:2). Logistically, Lerona relies on another white man in place of her husband when he fails to provide her with a safe home. The replacement of Robert with her white father serves to convince the judge of her innocence and worthiness of the divorce and assets because of

the image she reinforced of herself as a dependent, obedient white woman in need of the protection and financial support of white men.

The same year as Lerona Foster's divorce petition was being debated, Caroline Dungan petitioned from divorce from Jacob Dungan in Claiborne County, Mississippi. Caroline explains that her husband "committed the crime of adultery with a certain negro slave" and for the last year has lived "openly and notoriously...in adultery with said negro slave, with whom he has constantly committed, and still does daily commit, the crime of adultery" (Dungan 1858:1). Again this passage indicates the only crime committed by Jacob Dungan as one of adultery. Even as these white women petitioning for divorce attempt to negatively portray their white husbands as sinful, abusive, and drunk in order to defend their decision to divorce, they fail to see and describe the adulterous relationships with slaves as a form of violence and cruelty executed by their husbands. The force, coercion, and abuse that go into the sexual encounters between white men and black enslaved women as well as the purchasing of slaves solely for sexual purposes could all be used to challenge the reputations of these white men. However, the absence of this discussion in the petitions evidences the way these sexual relationships were framed during the time period. White people did not regularly see sex between white men and enslaved black women as a problem of coercion or violence. The force and threats used by white men to engage in these sexual relationships was considered appropriate by the general white public since most whites bought into the legitimacy of white entitlement and property rights. White men could use force and

sexual abuse towards black enslaved women and white women would read this behavior as adultery instead of as sexual violence.

The following examples also reflect the inability for white women to see the sexual violence inherent in the “adultery” committed by their white husbands with black female slaves. Martha A. England Harvey sought a divorce from Joseph A. Harvey in Noxubee County, Mississippi in October of 1855. She first portrays her own innocence and white purity explaining that she

lived with her said husband with all due fidelity towards him, and never violated her plighted faith or marriage vow. But your Oratrix would state and charge that her said husband the said defendant, not regarding the sanctity of the marriage relations, but in violation of its most sacred duty towards her, and in contraction of that most solemn pledge has committed the crime of Adultery with a certain negro girl named Mary, the slave of said defendant...(Harvey 1855:1).

Martha cleverly juxtaposes her white feminine virtue with her husband’s sinful, adulterous behavior to support her petition. Framing herself as loyal to her husband and to the “sacred” institution of marriage, Martha depicts an image of herself consistent with ideal white womanhood, reflecting the intersectional incentives in white femininity. In contrast, she frames her husband as someone who took advantage of her loyalty and innocence by violating his “duty towards her” suggesting he has failed to live up to the expectations of white masculinity including white male virtue and protection of white women (Harvey 1855:1). Martha’s petition to divorce was granted.

The white male judge, in a position of power over many other white men, has the ability to delineate virtuous white men from those who have disgraced their white male roles. By making these distinctions and supporting white women who wish to divorce their husbands, these judges are able to preserve a white male standard and reinforce the

notion that most white men are able to achieve their racialized and gendered expectations. Moreover, in cases where husbands have failed to live up to the expectations of white virtue, the judge serves as a protector of white women taking over for the failure of their husbands. In this sense, the act of white women divorcing their husbands is not seen as resistance to sexism, but rather as a request for help and a transfer of dependency from husbands to judges.

The following petition also uses the deflecting language of “adultery” suggesting the only crime committed was the violation of marital agreements. Alzanouth Whitehead petitioned for divorce from her husband James H. Whitehead in Adams County, Mississippi in March of 1853. James Whitehead is accused of “adulterous intercourse with the said Emily,” a slave, which is also referred to as a “guilty connexion with the said Emily” as opposed to any description of forced sexual slavery or violence (Whitehead 1853:2).

James H. Whitehead purchased a “negro woman named Emily...making her his mistress, and that since said purchase the said James H. Whitehead...now lives with said negro woman in open & notorious adultery” (Whitehead 1853:1). The petition continues describing the power dynamics between Alzanouth and Emily. In this excerpt, the critical power that white men have over all subordinated groups allows them to determine and manipulate the power dynamics of the other groups such as white women and black women. Although the formal legal system and judge may not approve of James H. Whitehead’s choice to manipulate the dynamics between his white wife and

his black mistress, his ability to do so within the household is apparent throughout this petition. James Whitehead has

given to said Emily, precedence over your Oratrix [Alzanouth] in the management of his household affairs. That on the 29<sup>th</sup> day of December last your Oratrix...while moderately correcting her servants in the presence of said James H. Whitehead and the said negro woman, Emily, received a blow from the said Emily inflicted by her in a fit of anger. The first impulse of your Oratrix was to punish the said Emily in a manner suitable to the offense. And as your Oratrix was about to do so, the said James H. Whitehead in a very angry and menacing manner interposed on behalf of said Emily and raising [illegible stick?] over your Oratrix threatened to kill her if she laid her hands upon or attempted to punish or correct the said Emily (Whitehead 1853:2).

The ability of white men to manipulate the degree of power that their white wives and black female slaves possess supports the concept of the racialized gendered hierarchy in which white men determine the power of other groups and have the ability to take that power away when it suits their interests. Although white women typically had more power than black women, and particularly black enslaved women, this power only existed because white men granted it to them. Similarly, while it was not typical, black enslaved women could potentially have power over white women within a household if a white man decided he wanted it that way. This granting of power normally served as a tactic for reinforcing the intersecting institutions of power by giving white women the feeling of superiority and certain privileges of whiteness above blacks. The extra power to punish slaves and have an element of control over others reduces the desire for white women to resist their subordinated status and decreases the likelihood that they will see commonalities among the struggles and experiences of oppression of slaves. In the particular case of James Whitehead, reversing the power dynamics between his white wife and black slave highlights the overarching power that

he ultimately possesses and the actual lack of power white women had. As this example demonstrates, the power of white men is not solely based on race or a racial hierarchy but rather on race and gender in a racialized gendered hierarchy.

However, this disruption of racialized gendered roles between white women and black enslaved women could have been detrimental to the majority of slaveholders and the racialized framing that bolstered the institution of slavery throughout the U.S South. Therefore, Alzanouth can use her husband's manipulation of the racialized gendered hierarchy as a defense in support of her divorce, appealing to the judge who, like most white men, would likely have an interest in maintaining the racialized gendered hierarchy as it stands and therefore in protecting the status of white women above black women. The petition to divorce, gain custody of their children, and acquire her slaves was granted by the judge.

In defending herself as an innocent woman, Alzanouth explains that "during the time she lived with the said James H. Whitehead and cohabited with him as his wife, she had four children by him...And that during that time she conducted herself with propriety, managed the household affairs of her said husband, with prudence...and at all times ..her said husband with kindly[illegible] and forbearance" (Whitehead 1853:1).

In the 1833 petition from A.D. Williams in Petersburg, Virginia, racialized gendered framing of white women and white men is used in order to accomplish the goal of divorce and protection of her property. Williams claims that her husband, Henry Williams, not only engaged in adultery but did so "with the lowest class of females & of all colours" including an openly adulterous relationship with a black woman, Betsy

Elbeck (Williams 1833:1). Two witnesses testified on behalf of Mrs. Williams, reaffirming Mr. Williams association with Betsy Elbeck and confirming that Henry Williams did not live up to the expectations for a white man.

The Hon. John F. May, Judge of the Circuit Supreme Court of Law & Chancery for the Town of Petersburg questioned the witnesses for the plaintiff, Mrs. Williams asking “Has he, Mr. Williams...done any thing towards the support of his wife and children?” to which the first witness responded “He never has to my knowledge.” Later the judge asked, “By whom has the family of the Williams been supported, the children clothed and educated...?” The witness responded, “Mrs. Williams herself, one of their daughters is now at a boarding school in the Carolinas and the expenses paid by Mrs. Williams.” The next witness, Peter Gaines, was asked about Mrs. Williams behavior toward her husband by the defendant’s counsel “What do you know of the general conduct of Mrs. Williams toward her husband, was it that of a kind and affectionate wife, or otherwise?” To which he replied,

she appeared to [illegible word] him respectfully and willing at all times to let him have his way. At the table, when I sat with them, he acted sometimes very well at other times very rudely. On one occasion, when at dinner, he was very much displeased, and said you damn’t Bitch you have nothing for us to day, but bacon and collards...(Williams 1833:1)

He provided this description of Mrs. Williams as a defense to her character, portraying her as having ideal feminine qualities including complete respect for her husband despite his rude behavior towards her. While this portrayal allows Mrs. Williams to accomplish her goals of divorce and retaining her property, it does so at the cost of approving of and reinforcing women’s subordinate role to white men.

In addition to his rude behavior, Mr. Williams' character is questioned throughout the transcript. Financial support for his wife and children is central to the judge's opinion of Mr. Williams' character. By asking questions regarding the clothing and education of the children and wife, the judge reinforces the expectations for white masculinity. Mr. Williams becomes an example of failure to perform white masculinity appropriately, thereby bolstering the idea that most white men do provide financially for their wife and children and act kindly towards them. The failure of Mr. Williams to meet the expectations of white manhood allow the judge to side in favor of Mrs. Williams, protecting her in a way that her husband could not. The judge covers up the dent in white virtue left by her husband.

In 1845, Elizabeth Stacy petitioned to divorce her husband in a Montgomery, Alabama county court. This divorce petition was summarized as follows:

...Six months later, he abandoned her to live with a twenty-five-year-old black woman named Charlotte, one of the slaves Elizabeth claims to have brought to their marriage. Elizabeth asserts that she owned Charlotte and her two children at the time of her marriage to William Stacy, as well as another female slave named Diana, all of which slaves and their increase are now being held by William. She charges that all the slaves have been "seduced" away by her husband, who purchased a house and lot in Montgomery with her money (Stacy 1845:1).

In this petition, Elizabeth Stacy claims her husband "seduced" the female slaves. Like Margaret Garner, Stacy's language holds her husband responsible as the initiating actor of his sexual activities, but fails to acknowledge the abuse and violation exercised against the females involved. Instead, seduction implies that the husband was able to evoke desire in the women, speaking to an eventual mutual agreement.

In 1848 in Montgomery, Alabama, Susan Mary Cox Wray, a white woman, responded to her husband, Albert Wray's, divorce suit explaining that he started "a promiscuous illicit intercourse with his own negroe wenches and continued ... so long as complainant and defendant resided together, say for the space of fourteen years" (Wray 1848:1) The description of the petition continues, "Albert had in fact a special relationship with a female slave named Mary, a seamstress, who, Susan claims, bore him four 'mulatto' children" (Wray 1848:1).

This petition documents the deflecting term "wench" used at times by whites like Susan to negatively frame the enslaved woman coerced by her husband, and blames the victim rather than holding the white man accountable. Moreover, the term "wench" creates and perpetuates a stereotype of black women as promiscuous, legitimating rape and sexual coercion against them (Williams 1986).

Other women filing for divorce because of their husband's affairs with female slaves include Lucy Burwell who in addition to a divorce from her husband John Burwell requested part of "her husband's estate" including "some 30 slaves or more" (Burwell 1856:5). At one time, John stated in the presence of his children "that he would not share her bed that night, but would occupy a different room" with "the female slave aforesaid, who remained in the room with him during the night" Lucy is also convinced that John fathered two children by this enslaved woman (1856:5). After describing the violent abuse John has executed against Lucy she states,

Nor is this...by any means the greatest evil resulting from this said charge in her husband's habits and disposition...and with humiliation to add that he has...disreputable intimacy with one of his own female slave...he has become in the indulgence of this illicit and adulterous intercourse, that the actual presence

of his wife and children has been insufficient to control him by a very [illegible] occasion he actually announced to your oratrix in the presence of their children both son and daughter that he would occupy a different room; and there in the presence of them all required the attendance of the female slave aforesaid, who remained in the room with him during the night. The girl has within a few years just been the mother of two children the offspring of a white father, and your oratrix has...to believe and does believe they are the children of her husband. Consequence of this degrading connexion her said husband has ceased to treat her with ...affection...and your oratrix no longer feels herself safe in his house” (Burwell 1856:2).

For Lucy, the most “evil” act her husband can do is not physical abuse to her but humiliation. And this significant degree of humiliation comes from the fact that her husband chose to engage sexually with a black enslaved woman instead of herself. The open act of adultery is one cause of humiliation while the race of the woman likely further embarrassed Lucy as a white woman who previously believed she was superior to black female slaves because of her racial status and her status as a free woman. However, as this example reflects, the status of white women could easily be stripped if a white man wanted. The black woman’s status was not necessarily raised in this case since she was still forced to labor as his property, and specifically “required” to sleep with John (Burwell 1856:2). John’s announcement to sleep with the enslaved black woman also reinforces her degraded status as his sexual object or property. In this case, the white woman’s status has been debased while the black woman’s status may only have been raised in terms of sexual appeal, but not in terms of actual power or control over herself or others.

John’s decision to manipulate Lucy’s status as a white woman is evident in other examples throughout the petition as well. On one occasion her husband

choked her and then shook her violently on each side of her face and your oratrix was then in the house with her little children above, and feeling that the presence of another, alike merely a slave would have some protection to her, she managed to escape to the kitchen. Her husband ordered his slaves to pursue her and...in obedience to his order one of them, a boy, Enoch, actually offered to lay his hands on her, but was deterred by her resistance (Burwell 1856:2-3)

By granting slaves the permission to control Lucy, he effectively alters the power dynamics between them. John strips Lucy of any power she once had over the slaves by using the slaves against her. His orders trump any authority she had over them, and temporarily give the slaves leverage over her. Like the example of Alzanouth and James Whitehead the overarching power of white men is apparent here including the ability to manipulate the degree of power of subordinate groups and shift their position and status within the racialized gendered hierarchy.

The power and privilege of whiteness and the intersectional incentives in white femininity permeate the divorce petitions submitted by white women. The desire for white women to portray themselves as obedient, subordinate, and calm in the face of their husband's sexual "affairs" is an attempt to achieve the racialized gendered standards of white womanhood. Representing themselves as white feminine women, those seeking a divorce were often able to garner support from the judge to accomplish their goals of a divorce and gain the economic resources and rights to children that motivated them. As opposed to interpreting white women's divorce as a move towards independence from the constraining system of white sexism, many of the cases allude to the fact that white women were able to successfully divorce their husbands based on the perception that the white male judge was rescuing or protecting them from the failure of the white husband. Relying on this subordinating representation, white women

reinforced their own oppression in order to achieve certain benefits such as safety from an abusive husband and the intersectional benefit of material resources.

In addition to the reinforcement of white sexism through the representation of white women in terms of white feminine norms, the intersectional consequences of the language used in the divorce petitions was often directed at black enslaved women. White women framed the victims of their husband's sexual coercion and violence as seductresses or individuals who were mutually interested in engaging in sexual violence. As an intersectional tactic, the racialized gendered framing of enslaved black women as seductress and sexually promiscuous allowed white women to frame themselves as the innocent victims of adultery as opposed to focusing attention on the sexual victimization of the slave. Not only did this have the intersectional consequence of reinforcing stereotypes of black womanhood but it also allowed for the perpetuation of ignorance and denial of the actual rape and sexual violence being perpetrated onto black enslaved women by white men.

### **Additional Data Sources & Analysis on White Women**

White women who did not petition for divorce because of their husbands' sexual behavior against black women reacted to this sexual violence in a variety of ways. Documents describing these reactions range from diaries written by white women, especially abolitionists, WPA slave narratives, an additional slave interviews collected by the abolitionist Benjamin Drew (1856), and autobiographical narratives from former slaves. Some of the personal narratives or autobiographies which will be used throughout this chapter include those written by Harriet Jacobs (1861), Frederick

Douglass (1855) and Solomon Northup (1853). Each of these autobiographical narratives includes first-hand observations from black men and women remarking on white men and white women during slavery. Moreover, these authors provide perceptive analyses of the tense relationships between white men and white women created by the sexual exploitation of enslaved black women. Slave narratives and autobiographies offer perspectives on white women and men that may not be evident to even white women protesting slavery and sexual violence of black female slaves. As Du Bois's concept of the "veil" depicts, oftentimes blacks are able to understand themselves and whites in more depth because of their subordinate status which requires a strong understanding of those oppressing them. In contrast, whites, as the dominant group are often unable to see themselves from the same perspective because they do not need to and because it provide little advantage to themselves (Du Bois 1903). Narratives and interviews regarding white women from the perspective of former black slaves offer additional insight into the behaviors and reactions of white women.

Nevertheless, diaries written by white women reflect the intersectional incentives they had in whiteness as well as the intersectional tactics they used to reach for these material and psychological incentives. Additionally, the negative consequences of these intersectional tactics were experienced by both white women and black enslaved women, as reflected throughout the narratives and diaries. These data sources can all be used to garner an image of the various reactions white women had to their husbands' involvement in sexual activity with enslaved black women and the influence of these reactions from an intersectional perspective. Most importantly, using a variety of data

sources and seeking patterns across these varied sources allows for themes in the reactions of white women to the sexual violence of enslaved black women to be unearthed. The repetition of certain phrases, terms, or behaviors throughout one or more types of data reflected a potential theme for further analysis. These patterns in language and commentary were examined to determine whether or not they fit with the scope of the research questions. Those patterns that answered the questions regarding white women's reactions to the sexual violence of enslaved black women by white men and the influence of these reactions on intersectional privilege power and oppression are discussed throughout this chapter.

### **Intersectional Tactic: Ignoring Sexual Violence of Black Enslaved Women and Associated Incentives**

Narratives and diaries evidence mixed perceptions of white women's feelings and responses to this sexual involvement and violence. However, the most common feelings described are jealousy and anger and the most common responses of white women to the sexual coercion and violence executed by their husbands onto black enslaved women are silence and punishment to the black woman involved. Those instances in which white women ignored their husbands' actions or remained silent with regard to their behavior must be interpreted from an intersectional perspective which views white women in an intermediary status within the racial sex-based hierarchy. Constrained by white sexism, white women have limited options for influencing their husbands' behavior or resisting their decisions. The lack of legal ramifications for the rape of black women limits the ability for white women to act out against white men's

sexual violence of black women. Additionally, the legal right of white men to abuse their wives further lessens white women's power to resist sexual abuse of black women by white men (Lemon 1996). At the same time, white women have the privilege to overlook and ignore the sexual abuses their husbands inflict on black enslaved women because of their status as white, providing a sense of distance from the victims of their husbands' actions. All of these factors create a context which incentivizes white women to ignore or remain silent about their husbands' sexual attacks on black women.

This first example from an unnamed participant in the WPA slave narratives describes white women as helpless to the situation of their husbands' involvement with black women, able to "say nothin' 'bout it."

In them times white men went with colored gals and women bold. Any time they saw one and wanted her, she had to go with him, and his wife didn't say nothin' 'bout it. Not only the men, but the women went with colored men too. That's why so many women slave owners wouldn't marry, 'cause they was goin' with one of their slaves. These things that's goin' on now ain't new, they been happenin'. That's why I say you just as well leave 'em alone 'cause they gwine to do what they want to anyhow. . . (Work Projects Administration 2006a:1).

He describes another role of white women here, which is to engage in the sexual involvement with black men. Black men could become the object of sexual coercion and rape by white women in the same way as black women, due to their lack of access to legal repercussions, and constant threat of other punishments. The notion of white women engaging in sexual coercion of black men is discussed much less frequently than the coercion of black women by white men, and is more common in records of people of color than in the records of white people.

Harriet Jacobs (1861) reiterates the practice of white women remaining silent with regard to their husband's sexual coercion and involvement with black enslaved women. Based on her own experience, she explains,

My master was, to my knowledge, the father of eleven slaves. But did the mothers dare to tell who was the father of their children? Did the other slaves dare to allude to it, except in whispers among themselves? No, indeed! They knew too well the terrible consequences. Southern women often marry a man knowing that he is the father of many little slaves. They do not trouble themselves about it. They regard such children as property, as marketable as the pigs on the plantation; and it is seldom that they do not make them aware of this by passing them into the slave-trader's hands as soon as possible, and thus getting them out of their sight (1861:55).

The economic incentive for white women to ignore their husband's sexual coercion and rape of black enslaved women is evident in this passage. As Jacobs has witnessed, white women attempt to sell the offspring of their husbands not only to evade the pain, jealousy or potential humiliation that is associated with their husband's "affair," but also for financial gain. The financial and emotional incentives for white women to remain silent around these issues, allows white husbands to continue their sexual assaults on enslaved women with minimal resistance. Additionally, Jacobs suggests the severe intersectional consequences associated with resisting white male sexual behavior and the resulting children. Physical punishment, additional sexual violence, and separating families were all mechanisms for ensuring white men could continue their sexual coercion and rape of black enslaved women with no confrontation from slaves or their wives (Jacobs 1861).

Another woman who describes white women's silence and denial of their husband's sexual coercion is Mary Chesnut (1884). Chesnut was a wealthy and

relatively powerful white woman and diarist from South Carolina who wrote about white women, white men, slaves and the Civil War. She was born in 1823 to a politically involved family. In 1840, Mary Chesnut married James Chesnut, Jr. who was elected to the Senate in 1858. James Chesnut was active in the secession efforts, assisting in the drafting of secession documents and eventually becoming a general. The Chesnuts moved several times to various locations in the South throughout the Civil War, and Mary's connection to James offered her access to information regarding the war (Muhlenfeld 1989). As her comments reflect, Mary Chesnut was involved with very elite white men and women while she was also aware of the experiences and cruelties of slavery. In the following excerpt, Mary depicts white women's denial or decision to overlook their husband's behavior,

Men and women are punished when their masters & mistresses are brutes & not when they do wrong--& then we live surrounded by prostitutes...God forgive *us*, but ours is a *monstrous* system & wrong & iniquity...This *only* I see: like the patriarchs of old our men live all in one house with their wives and their concubines, and the mulattoes one sees in every family exactly resemble the white children--and every lady tells you who is the father of all the mulatto children in everybody's household, but those in her own she seems to think drop from the clouds, or pretends so to think (Chesnut 1984:42).

Chesnut's description of white women pointing fingers at other families while overlooking their own husbands' actions speaks to the importance of upholding an appropriate image of one's self and family within the community. The negative opinions of others could be dismissed by denying the adultery and sexual violence by their husbands against enslaved women. The intersectional incentive in representing oneself as meeting the standards of upper class whiteness, including the moral ideals of sexual loyalty within marriage, are evident in the white women's denial of her husband's sexual

behavior. In the process of saving face as a married woman, this denial assisted white men in continuing their sexual exploits by providing an incentive to their wives to ignore and deny their behavior for them. This perpetuated the intersectional consequence for enslaved black women who would continue to be sexually victimized without the protection from one person in the household, the white wife, who may have resisted her husband's behavior under other social, legal, and political circumstances.

The next example offers evidence of the overarching power of white men within these contexts. A former slave from Georgia was interviewed as part of the WPA slave narratives. Recall that the WPA slave narratives likely leave out many details of slavery which portray the institution or whites negatively due to the local white men conducting the interviews and the lack of scientific rigor involved which enabled interviewers to bias the questions and omit responses (Blassingame 1977). Nevertheless, this excerpt alludes to the harsh reality of slavery, particularly for young enslaved women. The participant also provides an account of the white wife of his master whom he witnessed first-hand as unable to protest her husband's sexual actions towards the young female slave.

. . . Now sometimes, if you was a real pretty young gal, somebody would buy you without knowin' anythin 'bout you, just for yourself. Before my old marster died, he had a pretty gal he was goin' with and he wouldn't let her work nowhere but in the house, and his wife nor nobody else didn't say nothin' 'bout it; they knowed better. She had three chillun for him and when he died his brother come and got the gal and the chillun. (Work Projects Administration 2006a:1).

Silencing white women created an open path for white men to carry out their sexual desires on other women. Silence was produced by fear, signaled by the phrase, "his wife nor nobody else didn't say nothing' 'bout it; they knowed better." This fear

was due at least to the distinct power dynamic and white women's dependency on white men for financial security. At most, this was because of the possible threats or force from the husband insisting that his wife remain silent.

Physical force and abuse against white women was common during this time, as evidenced in divorce petitions as well. During the 1800's, a variety of state courts declared that a man had the right to execute "moderate chastisement" of his wife "in cases of emergency," such as the Mississippi Supreme Court in 1824 in *Bradley v. State* (Lemon 1996:35). In 1874, The Supreme Court of North Carolina determined that although a husband should not have the right to "chastise his wife...if no permanent injury has been inflicted, no malice, cruelty nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze and leave the parties to forget or forgive" (Lemon 1996:37). Maryland declared wife-beating a crime for the first time in the U.S. in 1882; however, in many cases throughout the U.S. men were not punished for this crime (Lemon 1996). For example, domestic violence cases were transferred to family courts instead of criminal courts in New York in 1962, ensuring men would receive much less severe punishments for crimes against their wives (Martin 1976). In addition to physical violence, marital rape was held as an exemption to rape laws until the 1970's when some states began criminalizing the behavior (Lemon 1996).

Because white women had little legal recourse for physical punishment or rape from their husbands and they were financially dependent on white men, they had a strong incentive to oblige their husbands, approve of their behavior, and remain silent when he felt it was necessary. The following incident found in a petition for divorce

describes threats and punishments associated with white women's attempts to stop their husband's sexual exploitation of black women. Granted, Martha Evans, the white woman from North Carolina involved in this case, was likely less interested in protecting the black woman from her husband's sexual assaults than in protecting her own interests in keeping her husband from committing adultery against her. In 1834, Martha Evans divorced David Evans due to adultery, abuse, and several assaults. One notable incident she relayed to the courts occurred in 1832. Martha found David "in the act of attempting to gratify his criminal desires on a negro woman" using physical force. She tried to intervene and stop him; however, David grabbed Martha "and inflicted on her such a beating that she was nearly helpless for a week." He told Martha the next morning that he wished he had killed her (1834:PAR21283404).

The intersectional incentives for white women to approve of the sexual violation of black women by their white husbands was possible because of the institution of racialized sexism in which white women are often at the mercy of their white husbands because of the lack of legal and economic power and protection they hold. Laws upholding men's rights to abuse their wives ensure many white women will remain silent towards their husbands' sexual assaults against black enslaved women. Racialized sexism not only creates a dynamic in which white women are dependent upon white men economically and have little legal or political rights, but also allows white women to feel disconnected from the experiences of black women, leading to reduced resistance to white men's sexual coercion and rape of black women. At this juncture, in which white women could have resisted the sexual violence of their husbands targeted at black

women, the threats made by white men to their wives and the implicit consequences associated with the institution of racialized sexism, reduced the potential for resistance among white women, and instead incentivized their silence and/or approval. The white male dominated legal system created an intersectional incentive for white women to overlook their husband's sexual coercion of enslaved black women by subordinating white women's rights to protect themselves from their white husband's abuse. The legal subordination of white women's rights allows white men to limit the types of behavior white women can engage in through physical threats and abuse, making the incentive to remain submissive and silent something that is reflective of the intersection of white women.

### **Intersectional Tactic: Punishing Black Enslaved Women for Husbands' Actions**

Despite the incentives for keeping silent and ignoring the sexual violence inflicted on black women by their husbands, some white women resisted the sexual behavior of their husbands by punishing the black women involved. While punishment towards black women can be seen in some ways as a form of agency enacted by white women who are resisting their social roles as passive and gentle women, it simultaneously reflects their intermediary status in the racial sex-based hierarchy and the systemic gendered racism that constrains their power. Limited in their ability to punish their husbands because of legal and economic incentives, white women had much more access to punish the victims of their husbands' abuse, black enslaved women, without severe consequences for themselves because black enslaved women were below them in terms of status, power, and legal rights within the racial sex-based hierarchy. In addition,

this punishment is one way for white women to reinforce their feelings of superiority and their status and domination above enslaved black women. White women engage in the project of racialization of enslaved black women through the physical abuse, verbal degradation, and selling of the enslaved offspring. This project racializes enslaved black women by distinguishing their inferior racial status from the also subordinate status of white women; moreover, this form of abuse was carried out specifically onto enslaved black women, making it a racializing and gendering them simultaneously. In the data collected for this study, white women carried out two primary forms of punishment against enslaved black women who their husbands had sexually exploited. These included selling the enslaved black woman or the children that resulted from the sexual exploitation, and physical and verbal abuse.

*Selling Enslaved Black Women or their Husbands' Enslaved Offspring*

One form of punishment that white women ultimately executed upon enslaved black women with whom their husbands' were sexually involved, was to sell the women or their children to other plantations, separating families in order to conceal their husband's sexual behavior and their own humiliation. As previously noted, Harriet Jacobs witnessed white women selling off the enslaved children of their husbands as a way to make a profit as well. Frederick Douglass, a writer and abolitionist, describes the pattern of white masters selling their enslaved offspring and splitting up families, to appease their white wives. Referring to the children, he explains,

What is still worse, perhaps, such a child is a constant offense to the wife. She hates its very presence, and when a slaveholding woman hates, she wants not means [she doesn't lack methods] to give that hate telling effect. Women—white women, I mean—are IDOLS at the south, not WIVES, for the slave women are

preferred in many instances; and if these idols but nod or lift a finger, woe to the poor victim: kicks, cuffs, and stripes are sure to follow. Masters are frequently compelled to sell this class of their slaves out of deference to the feelings of their white wives; and shocking and scandalous as it may seem for a man to sell his own blood to the traffickers in human flesh, it is often an act of humanity toward the slave-child to be thus removed from his merciless tormentors (Douglass 1855:59).

Douglass's description emphasizes the terrible conditions created by white women for enslaved children of the white masters. As he explains, some of these white women have many opportunities and strategies for punishing or harming the enslaved children at their will. The white wife's status is degraded through the sexual violence of black women because of the adultery that occurred. The relationship between white women and the enslaved offspring of their husbands reflects the struggle that white women experienced attempting to negotiate their status as superior to people of color while also being degraded themselves through their lack of power relative to their husbands. The black women who were violated, as well as the children in this case, are a reminder of the adultery of their husbands, causing them to be a "constant offense" to the wife. Punishment to the children and victimized enslaved women can be seen as the attempt to reinforce the racialization of enslaved blacks in order to secure a racially superior position as white women in their intermediary location. White women exist and engage within a system that affords them enough power to racially subordinate others while also enabling white men in their lives to consistently degrade them as white women. In Douglass's description, children who are sold are often saved from additional punishments or abuse from the white wives who are resentful of their husbands'

behavior. However, selling children was often destructive and emotionally devastating to families who were separated as well.

The next excerpt is from a collection of narratives of former slaves who escaped from the United States into Canada. Benjamin Drew, an American abolitionist, collected interviews from these former slaves. One of his informants describes a similar scenario involving the conflict between white women, black enslaved women, and white men resulting in the selling of their children. William Thompson who was formerly enslaved in Virginia and escaped to Canada where he was interviewed by Benjamin Drew explains,

I knew a man at the South who had six children by a colored slave. Then there was a fuss between him and his wife, and he sold all the children but the oldest slave daughter. Afterward, he had a child by this daughter, and sold mother and child before the birth. This was nearly forty years ago. Such things are done frequently in the South. One brother sells the other: I have seen that done (Drew 1856:137).

The selling of children or the sexually victimized women as punishment was especially detrimental for many enslaved women and men who were forced to be separated from their children, other family members, or friends. Thompson's description of the incident between the white husband and wife reflects the way tension between white women and white men was alleviated by selling enslaved children. Although the white husband created the tension between him and his wife by sexually exploiting the enslaved black woman, his solution to his marital quarrels involves an intersectional consequence for the enslaved black woman and children. The white husband evades marital problems and an angry wife as a consequence of his sexual actions by forcing the consequences further down the racial sex-based hierarchy. Moreover, the white woman

avoids feelings of marital betrayal and tension through her husband's decision as well. Both the white man and white woman are alleviated of the intersectional consequences of his behavior because they are able to benefit from the privileges and power associated with whiteness which allows them to maintain a positive public image through the selling of enslaved children, and thus the damaging of the enslaved family and associated emotional pain. The consequences are intersectional for the enslaved black family that is sold and separated because the consequences are associated with a position at the bottom of the racial sex-based hierarchy which involves legal status as property and a general lack of power to determine where they live and with whom. Moreover, the separation of families reinforces the stereotype of blacks as having broken families and thus bolsters the white racial framing of blacks and the associated degradation of them as a group (Feagin 2013a).

Benjamin Drew, like Frederick Douglass, was interested in ending slavery. Drew was also interested in providing an account of slavery from the voices of former slaves. As his publishers advertised, through these interviews Drew anticipated creating "one of the most effective Anti-slavery arguments" that existed (Jewett & Co 1856:iii). The publishers and Drew took pride in accurately recording the slaves' testimonies, explaining in the Publisher's Advertisement, "As for the statements of the Fugitives from Slavery, they speak for themselves" (Jewett & Co 1856:iii) and in the Author's Preface that "While his informants talked, the author wrote: nor are there in the whole volume a dozen verbal alterations which were not made at the moment of writing..." (Drew 1856:vi). This collection of interviews, with its emphasis on accuracy, allows the

former slaves to speak for themselves, and includes negative descriptions of whites and of slavery. Drew provided slaves with an opportunity to describe these negative experiences, unlike the WPA slave narratives which often discouraged harsh critiques of slavery (Blassingame 1977). Therefore, Drew's collection of slave narratives, including the previous passage by William Thompson, is useful for analyzing sexual violence, which may not have been as commonly reported in other types of interviews.

In 1860, a "Correspondent of the Wheeling Intelligencer" in Virginia stated a similar scenario, backing the notion that white women often encouraged their husbands to sell the offspring that resulted from the sexual coercion of enslaved black women. He explained,

On my way from Washington to Richmond, not long since, I found in the cars a negro trader, with half a dozen sons and daughters of the descendants of Ham, whom he had purchased in Maryland, and was on his way with them to the New Orleans market. I was particularly struck by the beauty of a white girl, about seventeen years old, with white, rosy, transparent complexion, finely chiselled features, and auburn tresses. I concluded she must be the young and handsome daughter of the trader; but he told me he had paid \$1200 for her up in Maryland, to a man whose wife had become jealous of her. This story fully explained the mystery of the gold rings that hung from her ears and encircled her fingers (Child 1860:27).

Punishing enslaved black women who are victims of white male sexual violence by separating their families did more than simply appease the white wife. This form of punishment also allowed white men to conceal their behavior, by sending enslaved children who looked like them to other parts of the country. Additionally, the white women could uphold the image that their husbands were not having an affair, reducing the humiliation that might otherwise ensue.

The following caption described by a correspondent from the New York Tribune in St. Louis, Missouri in October, 1859 provides additional evidence of a white man selling his daughter to appease his wife. “A Mississippi gentleman” purchased several slaves, one of whom was a light skinned young woman. “She was the child of a handsome mulatto woman, and her father was the Hon. Mr. \* Member of Congress from this State.” The correspondent continues in reference to this female slave explaining that,

She came with her master down the river in a steamboat, and among the passengers was her father. He conversed with her owner about her, and said he would have bought her himself, were it not for his wife. I had this information from the owner of the girl. She was kept in a slave-pen on Sixth street, and was visited by numbers, who learned her history. Here was a child of tender age, apparently white, driven off with a gang of slaves to a distant land, never again to know a mother’s love, but to be thenceforth the victim of a tyrant’s lash or lust, while her father, in the august Senate of the United States, declaims of Liberty! (Child 1860:28).

Within this passage is an overt example of a white man selling a slave to meet his wife’s desires. In addition to selling her, it appears that the enslaved girl had been left in a “slave-pen” to separate her from the household, including her mother. The correspondent recognizes the appalling situation in which the young woman will either be subjected to “lash or lust.” He astutely declares the hypocrisy in the white man’s actions with his final remarks of the passage; paralleling the contradiction of other white male politicians’ behavior and declarations of equality and freedom, such as Thomas Jefferson (Feagin 2013b; Wienceck 2012). Public, and especially political images, were allowed to be very different from private behaviors for these white men. They were privileged to hold positions of decision-making power while also holding people in bondage, and carrying out some of the most unvirtuous abuses upon them, both

privileges that were made possible by a legal system founded on myths of white male virtue, intelligence, and superiority (Coard 2005; Feagin 2013a).

While white men and white women could benefit from selling the enslaved children or the women who were sexually victimized; however the intersectional consequences lay on the enslaved families that were destroyed. The emotional devastation and familial disruption that were caused by the separation of families, merely to stop a fight over jealousy and humiliation, were significant consequences that enslaved families had to face because of their lack of legal rights and the desire of whites to maintain their virtuous image in society.

### *Physical Abuse*

In addition to selling enslaved children or victimized women and separating them from their families and friends, white women also reacted to their husband's sexual coercion of enslaved black women with physical abuse to the women. This secondary abuse which followed the initial sexual violation is evidenced in a collection of slave narratives, *Once a Slave: The Slave's View of Slavery*, edited by Stanley Feldstein (1971). Summarizing a narrative about Maria, a young enslaved woman, Feldstein describes the additional physical abuse that Maria experienced from the white woman of the household after being sexually abused by the white man of the household.

Maria was a thirteen-year-old house servant. One day, receiving no response to her call, the mistress began searching the house for her. Finally, she opened the parlor door, and there was the child with her master. The master ran out of the room, mounted his horse and rode off to escape, 'though well he knew that [his wife's] full fury would fall upon the young head of his victim.' The mistress beat the child and locked her up in a smokehouse. For two weeks the girl was constantly whipped. Some of the elderly servants attempted to plead with the

mistress on Maria's behalf, and even hinted that 'it was mass'r that was to blame.' The mistress's reply was typical: 'She'll know better in the future. After I've done with her, she'll never do the like again, through ignorance'" (Feldstein 1971:132) In this incident, Maria not only experiences the sexual violence from the master but also the physical violence from the mistress. The sexual violence dictates to Maria that she has no rights over her own body, particularly with regard to those aspects of her body which are often considered most personal. Violating a person's body in such a personal way communicates a message of rights and ownership on the most fundamental level. A black female slave who is coerced or raped is treated as the sexual property of the master, lacking rights or ownership over her own body.

Furthermore, in cases involving white wives of the slave owners, the aftermath of the sexual violence leads to additional physical punishment. These scenarios offer white women an opportunity to demonstrate power over female slaves through the use of physical force and status. Failing to recognize the responsibility of the slave master, who possessed any real choice in the sexual encounter, all resentment and blame is placed on the slave. In Maria's example, the fleeing of the white husband and abuser is quite literal as well as symbolic. The white man, who has the power to sexually coerce or rape Maria, therein creating tension between his wife and the young woman, also has the ability to leave and avoid all consequences. His absence creates a space in which only Maria remains as a target for the wife's anger and punishment.

Within this context, white and black women are pitted against each other because of the white man's actions. While class and racial divisions exist between white and black women regardless of the relationship between a slave master and his female

slaves, the (hetero)sexual violence enacted by a white man against a black female slave reinforces the racial divisions between white women and black women by creating jealousy and conflict, therein bolstering sexism by further dividing women across racial lines.

Another brief example from the WPA slave narratives depicts the role of white women. Richard Macks had been enslaved in Maryland. He describes a neighborhood incident from his days of enslavement in Maryland involving a white wife's reaction to the sexual violation of a black enslaved girl. Macks states,

..There was a doctor in the neighborhood who bought a girl and installed her on the place for his own use, his wife hearing it severely beat her. One day her little child was playing in the yard. It fell head down in a post hole filled with water and drowned. His wife left him; afterward she said it was an affliction put on her husband for his sins...(Work Projects Administration 2004b:1).

Macks notes the physical abuse carried out by the white woman after learning of her husband's behavior. However, as in several examples, the wife directs this punishment at the girl who was purchased for sexual purposes as opposed to her husband who had the choice, resources, and legal rights to carry-out the behavior. The white woman's intersectional position affords her the ability to project the intersectional consequences of her husband's actions onto the enslaved black girl by physically punishing her and reinforcing her status as a black woman who is a slave compared to the status of the white woman who has power over her.

The narrative of Solomon Northup, a former slave, is written like an autobiography which offers insights that the WPA slave narratives and other interviews with former slaves do not include (1853). As an autobiographical narrative, Northup has

space to write extensively about the details of his experience as a slave. He can cover several topics and themes, which may not be asked in an interview by a white person. One theme that is more apparent in autobiographical narratives like Northup's is the description of cruel masters treating innocent slaves abhorrently, such as the experience of Patsey. Patsey was described by Northup as a "light-hearted girl" having a "pleasant temper," who laughed often in her younger years. She was enslaved by a white man who raped her and his wife who felt severe jealousy and anger towards her. Patsey experienced several forms of punishment due to the white master's sexual desires and actions. In addition to the sexual abuse and rape, her resistance to this violence, and the jealousy of the master's wife created a situation in which Patsey had no escape from violence and punishment. Whether she resisted or not, she would be whipped by one of the white people who owned her, and frequently sexually abused.

...Patsey wept oftener and suffered more than any of her companions. She had been literally excoriated. Her back bore the scars of a thousand stripes – not because she was backward in her work, nor because she was of an unmindful and rebellious spirit, but because it had fallen to her lot to be the slave of a licentious master and a jealous mistress. She shrank before the lustful eye of the one, and was in danger even of her life at the hands of the other, and between the two she was indeed accursed. In the great house, for days together, there were high and angry words, poutings and estrangement, whereof she was the innocent cause. Nothing delighted the mistress so much as to see her suffer, and more than once, when Epps had refused to sell her, has she tempted me with bribes to put her secretly to death and bury her body in some lonely place in the margin of the swamp...If she uttered a word in opposition to her master's will, the lash was resorted to at once to bring her to subjection. If she was not watchful when about her cabin, or when walking in the yard, a billet of wood or a broken bottle, perhaps, hurled from her mistress' hand, would smite her unexpectedly in the face. The enslaved victim of lust and hate, Patsey had no comfort of her life (Northup 1853:188-189).

In this passage, Patsey experiences oppression from multiple angles. The institutions of racism and sexism work together to allow the white man to exploit her sexually while creating jealousy among the white woman who does not have the power to stop him. Instead, the white woman does hold enough power, because of her status as white and because of her status as a married woman to a property-owning white man, to physically abuse Patsey. The interaction of these institutions of oppression creates a situation in which all of the negative consequences are forced onto Patsey. The white man's sexually coercive behavior and lustfulness become Patsey's problem rather than being a reflection of his immoral character. The negative consequences of white sexism which repress the white wife, making her dependent upon her husband for public approval, are largely forced onto Patsey who, instead of the husband, experiences the brunt of the emotional devastation and humiliation of the wife. Moreover, rather than feeling powerless, the white woman is able to exert power over Patsey through her physical abuse gaining a sense of the intersectional rewards of whiteness, despite any actual gain in power. Reaching for this intersectional incentive, the white woman directs the intersectional consequences of her own oppression onto Patsey, achieving the status and psychological benefits of whiteness while reinforcing her subordinate position to her husband.

Harriet Jacobs also provides a rare account of the sexual violence and harassment perpetrated by white slave masters. Like Northup's personal narrative, Jacobs's autobiography allows her to describe the incidents she experienced and believed were important to include in detail. Her work offers insight into the dynamics between white

women and black women based on her personal experience. First she describes the general experience of young enslaved black girls and women with the white wives of the household. Jacobs seemingly incorporates her own experiences into this general description before explicitly discussing the verbally abusive relationship she experienced with Mrs. Flint and the conflict created between the married couple due to the negative emotions inflicted by Dr. Flint (Jacobs 1861).

The mistress, who ought to protect the helpless victim, has no other feelings towards her but those of jealousy and rage. Even the little child, who is accustomed to wait on her mistress and her children, will learn, before she is twelve years old, why it is that her mistress hates such and such a one among the slaves. Perhaps the child's own mother is among those hated ones. She listens to violent outbreaks of jealous passion, and cannot help understanding what is the cause. She will become prematurely knowing in evil things. Soon she will learn to tremble when she hears her master's footfall. She will be compelled to realize that she is no longer a child. If God has bestowed beauty upon her, it will prove her greatest curse. That which commands admiration in the white woman only hastens the degradation of the female slave. I know that some are too much brutalized by slavery to feel the humiliation of their position; but many slaves feel it most acutely, and shrink from the memory of it. I cannot tell how much I suffered in the presence of these wrongs, nor how I am still pained by the retrospect (1861:45).

Jacobs perceptively recognizes the association between white standards of attractiveness and the degradation of black women. Possessing these attributes offers black enslaved women a certain value, likening them in ways to white women; however, this value and any increases in status it offers are quickly destroyed through the sexual degradation of these women, reminding observers of their devalued position in society. This example clearly reflects the need for intersectional theory in understanding social relations and the complexities of society. While physical attractiveness may increase the status of white women, it is associated with a degraded eroticization of black women.

Attractiveness is used as an excuse for fetishizing, and thus sexual violating, black women. Physical attractiveness does not offer much real power even for white women, but it may increase access to resources through the white men who wish to marry them. The association between physical attractiveness and sexual violence of black women occurs in a way to ensure black women with certain physical characteristics could not benefit from their appearance in a way that white women might. To the contrary, these attributes often made them the primary targets for rape and sexual violence in addition to the other brutalities of slavery.

The previous passage also reflects a transition from girlhood to womanhood for black female slaves through sexual violence. As Jacobs explains, young enslaved girls are forced to develop and grow up more quickly on account of their master's sexual threats and advances. An early, abrupt, and intimidating introduction into sexual thoughts and activity, which were frequently perceived by young children as immoral, created an association between sexual violence and the development from girlhood to womanhood for enslaved black women, making it a central part of their experience and potentially their identity. Jacobs describes the transition from childhood to adulthood for young enslaved girls as being frequently associated with sexual violation by white men and coinciding with a transition from some joy to depression. She reiterates this concept in her description of two young girls she saw playing together. A free white girl and an enslaved black girl played and laughed together before hugging. Jacobs explains,

I foresaw the inevitable blight that would fall on the little slave's heart. I knew how soon her laughter would be changed to sighs. The fair child grew up to be a still fairer woman. From childhood to womanhood her pathway was blooming

with flowers, and overarched by a sunny sky. Scarcely one day of her life had been clouded when the sun rose on her happy bridal morning (1861:48).

Similar to her experience, Jacobs envisions a stark contrast between the paths of the white and black girls. The white child continues along a consistently joyous path, ultimately reaching adulthood at her wedding. Jacobs likely implies that the white woman is able to refrain from sexual activity until the day of her wedding, when she more happily enters into sexual intercourse and thus a new stage of adulthood. In comparison, the black enslaved child's life will involve many more hardships. Although her life may begin as relatively playful and somewhat joyous, the enslaved black girl will transition into adulthood through the unwanted sexual intimidation and violation of white masters who can exploit her at their will. Sexual violence acts as a shaping force in the development of black enslaved women's lives, attempting to demarcate and define them in terms of their racialized gendered identity which affords white men the legal rights and social approval to sexually exploit them.

In the following excerpt, Jacobs continues her astute description and analysis of the relationship between white men, white women, and black women, describing her personal experience.

I had entered my sixteenth year, and every day it became more apparent that my presence was intolerable to Mrs. Flint. Angry words frequently passed between her and her husband. He had never punished me himself, and he would not allow any body else to punish me. In that respect, she was never satisfied; but, in her angry moods, no terms were too vile for her to bestow upon me. Yet I, whom she detested so bitterly, had far more pity for her than he had, whose duty it was to make her life happy. I never wronged her, or wished to wrong her; and one word of kindness from her would have brought me to her feet. After repeated quarrels between the doctor and his wife, he announced his intention to take his youngest daughter, then four years old, to sleep in his apartment. It was necessary that a servant should sleep in the same room, to be on hand if the child stirred. I was

selected for that office, and informed for what purpose that arrangement had been made (1861:51).

Jacobs notes Mrs. Flint's anger and her attempt to disrespect the victim of her husband's sexual violence. However, she also describes her "pity" for Mrs. Flint, acknowledging the responsibility of Dr. Flint for his disruptive and disrespectful actions towards his wife, let alone to herself. Based on the account available, Mrs. Flint does not seem to recognize Dr. Flint's responsibility for the conflict between her and Jacobs. She does not appear to feel any pity towards Jacobs, despite the abuses inflicted upon her regularly and her lack of options for avoiding this sexual violence. Jacobs, the most disrespected and abused subject in this situation is the one who is able to see the actual cause of the conflict in a way that Mrs. Flint cannot. Instead, Mrs. Flint is blinded by racialized sexism and her incentive to maintain the institution of whiteness. Mrs. Flint can rely on stereotypes of black women as jezebels to blame Jacobs and on social norms which generally accepted white men's adultery and engagement in sexual violence against black female slaves as long as it was largely kept quiet. Additionally, the incentives to appease her white husband, who has power over her and resources which she can often utilize, likely encouraged her to shift responsibility from her husband to Jacobs. Mrs. Flint was unable to sympathize with Jacobs, or recognize their shared abuser due to her desire to benefit from whiteness by adhering to and upholding the negative framing of black women and the positive framing of white men (Jacobs 1861).

Jacobs's ability to sympathize with Mrs. Flint is linked to her location within this system of gendered racism and the corresponding intersecting institutions of oppression.

Whereas Mrs. Flint has incentives to ignore the experience of black women, and the experience of Jacobs in particular, Jacobs's location does not offer the same incentives. Instead, because Jacobs's location offers limited, if any, incentives to adhere to white racial framing of herself or whites, she is able to see the role of each person with less bias, acknowledging the interplay between white men, white women, and black women.

An unnamed former slave who lived in Augusta, Georgia participated in the WPA slave narratives. She described a similar experience of conflict and jealousy from the white woman in the household due to the white male slaveholder's sexual desires for her. She explains,

...About two days later I was sold to a man at McBean. When I went to his place everybody told me as soon as I got there how mean he was and they said his wife was still meaner. She was jealous of me because I was light; said she didn't know what her husband wanted to bring that half white nigger there for, and if he didn't get rid of me pretty quick she was goin' to leave. Well he didn't get rid of me and she left about a month after I got there. When he saw she warn't comin' back 'til he got rid of me, he brought me back...(Work Project Administration 2006a:1)

Her light skin in itself is a threat to the wife because it is a sign of beauty and sexual attractiveness for white men. Although physical attractiveness may have given white women respect towards other white women, because this unnamed participant was a black enslaved woman, her physical attractiveness caused tension and further degradation and ill-treatment. Being sold to another slave master because of her physical beauty and the white man's sexual desires for her would have been a punishment for many black women who had to leave their families or friends; however, in this case it is possible that the unnamed participant was happy to leave the cruel treatment of the master and his wife.

In addition to punishing black women directly, white women would use their power to punish black women and their white husbands by murdering the offspring that resulted from the sexual violence. An unnamed interview participant who was a slave in Georgia continued on with his examples, describing one incident in which the white woman took severe action against her husband and the woman involved by murdering their offspring. He explains,

One white lady that lived near us at McBean slipped in a colored gal's room and cut her baby's head clean off 'cause it belonged to her husband. He beat her 'bout it and started to kill her, but she begged so I reckon he got to feelin' sorry for her. But he kept goin' with the colored gal and they had more chillun. (Oliphant & Booth 1937:295).

In this case, the white woman chose not to remain silent and instead reacted strongly and overtly. The intersectional location of the white woman who is unable to influence her husband's behavior or punish him physically without retaliation or legal recourse, is still able to murder a child born into slavery. She likely saw this as an opportunity that would not be punished as harshly as killing a free white baby because of the baby's status as a slave and her status as a white woman. However, her actions were met with severe physical punishment from the husband who threatened to kill her. The murder of offspring by white women arose occasionally in the narratives and diaries. A similar incident is described by a man named Moses Roper. Roper was a former slave who was born in Caswell County, North Carolina. He who wrote his own narrative in 1840 explaining a violent story of his own:

As soon as my father's wife heard of my birth, she sent one of my mother's sisters to see whether I was white or black, and when my aunt had seen me, she returned back as soon as she could and told her mistress that I was white and resembled Mr. Roper very much. Mr. Roper's wife not being pleased with this

report, she got a large club-stick and knife, and hastened to the place in which my mother was confined. She went into my mother's room with a full intention to murder me with her knife and club, but as she was going to stick the knife into me, my grandmother happening to come in, caught the knife and saved my life. But as well as I can recollect from what my mother told me, my father sold her and myself soon after her confinement (Roper 1848:7).

In some instances white women did attempt to help the enslaved black women who were victimized by their white husbands. However, these attempts were often met with physical punishments from the white men. Punishing white women's assistance to black enslaved women reflects the significance of working across racial lines. White men needed to threaten these bonds to ensure they maintained their power. The following excerpt from a slave narrative in the Federal Writer's Project demonstrates this violent punishment of white women for assisting black enslaved women. In this case, the abuses were not sexual, but they reflect the consequences for white women assisting slaves as opposed to aligning their interests with their husbands.

...This man was just as mean as he could be. I know he is in hell now, and he ought to be. A woman on his place had twins and she warn't strong from the beginnin'. The day after the chillum was borned, he told her to go over to his house and scrub it from front to back. She went over to the house and scrubbed two rooms and was so sick she had to lay down on the floor and rest awhile. His wife told her to go on back to her house and get in bed but she was afraid. Finally she got up and scrubbed another room and while she was carryin' the water out she fainted. The mistress had some of the men carry her home and got another slave to finish the scrubbin' so the marster wouldn't beat the pore nigger. She was a good woman but her husband was mean as the devil. He would even beat her...The next mornin' one of the chillum told him about the woman faintin' and the other girl finishin' the scrubbin'. He got mad and said his wife was cloakin' for the slave, that there was nothin' wrong with the woman, she was just lazy. He beat his wife, then went out and tied the pore colored woman to a whippin' pole and beat her unmerciful. He left her hangin' on the pole and went to church. When he got back she was dead...He said that laziness had killed her...the babies died the next day and he said he was glad of it 'cause they would grow up lazy just like their mother (Work Projects Administration 2006a:1).

Punishment for aiding a black woman was responded to with physical abuse by the white man. White women, like the one in this example, therefore had incentives for their own physical well-being to align their interests with white men. The legal system upheld the ability of white men to promote their self-interests, permitting physical abuse against white women by their husbands. Moreover, the punishment toward the black enslaved woman was far more intense involving torture and murder. In addition to the severe brutality he exerted upon this black woman, the excerpt strongly demonstrates the use of the stereotype of laziness to justify his abhorrent behavior. Despite the woman's exhaustion from giving birth to twins the day prior, the white slave owner over-exerts her, and then blames her "lazy" attitude for her inability to accomplish his extreme demands. This example makes very clear the way the stereotype of laziness emerged within a context of over-exertion and absurd labor demands as a way to defend the image of the white slave owner as reasonable and humane. Despite the fact that his slaves are fainting from exhaustion, he is able to label this exhaustion as "laziness" removing any negative stereotype that could signal a defect in his own character or white virtue.

### **Resistance: White Women Remarking on Sexual Violence of Black Enslaved**

#### **Women**

White women like Fanny Anne Kemble, Elizabeth Scott Neblett, Margaret Douglas, Mary Chesnut and others offer comments and perspectives on the rape of black women by white men generally. The writings of many of these women can be seen as acts of resistance against the social norm of white men sexually violating black enslaved

women. Many of these white women were privileged in terms of their race as well as social class, enabling them to write and publish diaries including their fairly open opinions about slavery. Through their writing they describe tactics employed by white men and white women associated with sexual violence against black women as well as some incentives for their behavior. Moreover, many of these women offer important critiques of white male and white female behavior with regard to the sexual violence of black women.

Frances Anne Kemble (2000) was born in England where she became famous for her acting. She toured throughout the United States before retiring in 1834 when she married Pierce Mease Butler, an American slaveholder. Despite Kemble's opposition to slavery, her husband had inherited his grandfather's plantations including hundreds of slaves. Butler invited Kemble to visit these sites of slavery in order to convince her to support slavery. In her journal, which became a best-seller, Kemble describes the treatment of slaves and her continued stance against slavery, including a discussion on "amalgamation" (Kemble 1984:9; Clinton & New Georgia Encyclopedia Staff 2013).

I am rather surprised at the outbreak of violent disgust which Mr. --- indulges in on the subject of amalgamation ... I cannot help being astonished at the furious and ungoverned execration which all reference to the possibility of a fusion of the races draws down upon those who suggest it, because nobody pretends to deny that, throughout the South, a large proportion of the population is the offspring of white men and colored women (Kemble 1984:9).

Even though Kemble did not grow up in the Southern states of the U.S., she recognizes the common practice of white men engaging in sex with black women and the resulting offspring. She also observes the hypocrisy of the white men involved in this behavior

who respond with “violent disgust” at the topic of conversation while likely partaking in the practice themselves. Kemble’s association between white reactions to the concept of amalgamation and their actual behavior raises the possibility that discussions around miscegenation and amalgamation occurred as a façade, masking the actual behavior. White men may bring up the “problem” of amalgamation within the community as a way to create the public image of themselves as opposing sex with slaves while their private actions reflect a contrary opinion. Perhaps this public versus private self reduces guilt for these white men. The public self not only serves to reduce the community’s suspicion of one’s character, but also maintains consistency for those slaveholders who have justified their exploitation and subordination of blacks based on the framing of blacks as inferior. As Kemble points out, the sexual attraction to, and violence against, black enslaved women is a contradiction to the perception of blacks as “repugnant” (1984:11). The hypocrisy in white male framing toward miscegenation and their actual sexual behavior serves as a tactic for maintaining a positive public image as well as to protect white purity through anti-miscegenation laws, as Kemble discusses in the next excerpt.

Like many of the black accounts of the sexual violence against black women by white men, Kemble recognizes the economic incentive of this practice in addition to noting the hypocrisy involved in creating anti-miscegenation laws.

Most certainly, few people would like to assert that such connections are formed because it is the *interest* of these planters to increase the number of their human property, and that they add to their revenue by the closest intimacy with creatures that they loathe, in order to reckon among their wealth the children of their body. Surely that is a monstrous and unnatural supposition, and utterly unworthy of

belief. That such connections exist commonly is a sufficient proof that they are not abhorrent to nature; but it seems, indeed, as if marriage (and not concubinage) was the horrible enormity which cannot be tolerated, and against which, moreover, it has been deemed expedient to enact laws. Now it appears very evident that there is no law in the white man's nature which prevents him from making a colored woman the mother of his children, but there is a law on his statute books forbidding him to make her his wife; ...it seems almost as curious that laws should be enacted to prevent men marrying women toward whom they have an invincible natural repugnance...(1984:10-11).

The interaction between the legal system and white male culture is significant to Kemble who notes a paradox in white male behavior and attitudes. As she states, no laws prevent white men from engaging in sex with black women, or protect black women from sexual violation by these men; however, the law preventing miscegenation stands firmly. This law reflects the public image that white males intended to portray, expressing their lack of support for interracial relationships despite their private opinions and behavior. Anti-miscegenation laws ensured that despite the sexual behavior of white men with black women, and the resulting babies, the free population would remain predominantly white so as not to disrupt the race-based justifications for slavery. If the number of children who looked black were considered free increased, the institution of slavery which is based on racial framing of blacks as inferior and better suited for labor would begin to disintegrate.

Although Kemble discusses many cruelties of slavery, viewing the institution as morally wrong, she rarely acknowledges the force and violence that often goes into the sexual encounters between white men and black women. Kemble understood that black women were "occasionally raped," noting their inability to resist this aggression at times

throughout her journal (Kemble 2000:15). However, Kemble's descriptions of white men and the issue of amalgamation frequently dismiss the constant power dynamic and violence associated with white men's sexual encounters with black enslaved women. Instead, Kemble maintains a perspective similar to many other whites who opposed these sexual arrangements on account of the resulting "amalgamation" rather than because of the abuses this inflicts on the black women. As previous scholars have noted, part of the resistance to amalgamation was in the interest of protecting "white purity" (Child 1860; Collins 2004; Horsman 1975).

In addition to the interest of preserving white purity, public social norms and laws which viewed miscegenation and amalgamation as wrong were also used as a tactic for perpetuating the positive racialized gendered framing of white men. The inability to see the power dynamics, and sexual encounters between white men and black women as a form of violence, protects the institution of white masculinity and legitimates white male power and privilege. To legitimate their powerful status in society and maintain a positive racialized gendered image, white men had incentives to create laws against miscegenation during the time in which they were rampantly raping black enslaved women. Consequentially, white women married to white men who engaged in this behavior did not view their husbands as cruel, violent human beings, but rather as sinful adulterers in the worst cases. Most often, the white men were simply viewed as "men" who had sexual needs and were tempted by the exotic beauty of the black women who seduced them. Ignoring the violence associated with these sexual encounters also enabled community members to maintain a positive image of white men within their

society. Especially wealthy and politically powerful white men, who were the most likely to have access to black women for sexual purposes, could sustain a virtuous public image despite their treatment of black women. The social structure, in which white men control the institutions within the community, was legitimated when these violent sexual acts against black women were viewed as mutual agreements as opposed to rape. Moreover, failing to see the coercion and violence connected with sex between white men and black women perpetuated the racialized gendered framing of white men as entitled to sex and the framing of black women as seductresses, luring husbands away from their wives. For black women, the consequence of this tactic was that responsibility and blame for the sexual exploitation they experienced was placed entirely on themselves. Racialized gendered framing of black women and the social structure of the community, including white marriages and the racialized sex-based hierarchy could continue unthreatened.

Kemble continues her description of white men and amalgamation, noting the attractiveness of the light-skinned black women and the desire of white men to associate with them.

In New Orleans, a class of unhappy females exists whose mingled blood does not prevent their being remarkable for their beauty, and with whom no man, no gentleman, in that city shrinks from associating...Mr.---, and many others, speak as if there were a natural repugnance in all whites to any alliance with the black race; and yet it is notorious, that almost every Southern planter has a family more or less numerous of illegitimate colored children (Kemble 1984:10).

The “remarkable,” or exotic, beauty of these women likely rationalizes the white men’s desire to associate, gaze, or purchase the black women for sexual purposes. As described

in previous examples, this “remarkable” appearance is socially constructed by the dominant group to be considered attractive. The social construction of beauty serves to legitimate white men’s inability to suppress their sexual desires. Not only do white men have legal and economic access to black women, but through the social construction of the “remarkable” or exotic “mulatto” they also have a justification for engaging with a race of women which they otherwise consider “repugnant” (Kemble 1984:11).

As an early English socialist feminist, and one of the founders of modern sociology, Harriett Martineau (1837) describes similar themes to Kemble in her observations of American slavery. Harriet Martineau, who wrote the first book on sociological methods, traveled the United States writing about slavery during the 1830’s. In her book *Society in America* (1837), she discusses the abhorrent conditions of slavery including some commentary on the sexual behavior of white men toward their slaves. For instances she states, “Every man who resides on his plantation may have his harem, and has every inducement of custom, and of pecuniary gain, to tempt him to the common practice. Those who, notwithstanding, keep their homes undefiled may be considered as incorruptible purity” (1837:320). Like others, Martineau describes the sexual relations as “common,” even referring to customs, such as white male social norms, and financial gain as incentives for this behavior. She continues, “The law declares that the children of slaves are to follow the fortunes of the mother. Hence the practice of planters selling and bequeathing their own children” (1837:320). Kemble (1984) and Douglass (1855), who were in similar positions to Martineau (1837) in the sense that they all witnessed slavery first-hand and wrote about the conditions of slaves, refer to the same legal orders

regarding paternal and maternal lineage as crucial to creating a financial incentive for white men to rape black enslaved women. The repetition of this concept by individuals of varying races and genders who all lived through and observed slavery suggests a strong likelihood that the legal system did indeed play a significant role in creating and enforcing a financial incentive for white men to rape black enslaved women, as well as alleviating potential social degradation associated with the act of sexually coercing or being sexually involved with black slaves.

Another white woman known for her published diary, Elizabeth Scott Neblett, was born in Raymond, Mississippi in 1833 (Neblett & Murr 2001). Neblett moved to Texas as a child and continued to live there the remainder of her life. She married William H. Neblett who was a farmer and attorney. In her diary, *A Rebel Wife in Texas: The Diary and Letters of Elizabeth Scott Neblett, 1852-1864*, she writes about several topics including her life as a woman, childbearing, and slavery. As the following excerpt highlights, Neblett also wrote about the community gossip regarding a white man named Rivers. Based on her description, Rivers would trade slaves with the Neblett's in order to accomplish specific tasks on each farm. He spent time at the Neblett's farm about once a week and was expected to oversee the work of his slaves there. Elizabeth records community conversations regarding River's frequent visits to another farm where he sexually violated the enslaved black women (Benowitz 2013).

Sarah was with a negro girl of Mr. Hursts a few nights ago, and her child is white, Mrs. Hurst and all the negros said it was River's, & one old negro woman called out to Rivers to "come in & see his fine daughter" he asked who was in there on finding out nobody but Sarah was there went in and said to Sarah, "let me see my fine daughter," which she took up & exhibited to him, when he said

“By God I must go to town & buy it a coat.” Detestable puke! I feel like I never want to speak to him, no wonder he avoids decent ladies. I don’t think either negro’s or white people care any more for him than a dog. He has an other child at Hursts, four or five years old, born when he stayed with them in Fla. He was gone three days last week pretending to look for a beef, but instead of that went to town got drunk, got no beef. Mrs H would not begin to have him if she could get any body else (Neblett and Murr 2001:148-149).

Since Neblett is not married to Rivers, she has little incentive to ignore his sexual behavior with the enslaved black women. Instead she reacts with intense disgust, displaying a typical and socially appropriate response to the common sexual behaviors of white men during slavery. Based on her description, white women in the community gossiped about these affairs and were well aware of some of the white men involved. News of sexual “relationships” with slaves and children that resulted appears to be a normal part of the friendly communications among community members. However, the circulation of this news among white women does little to resist the behavior. The limited power and voice afforded to white women offers them few options to express their disapproval of the actions of white men. Instead, the information and opinions are kept to a more private level of gossip. Moreover, Neblett’s disgust is again towards the act of white men having children with black women, threatening the purity of the white race.

A white woman named Margaret Douglas lived in Charleston, South Carolina for the majority of her life before moving to Norfolk, Virginia and eventually to Philadelphia. Douglas was a seamstress, a teacher of free black children, and a member of the Christ Episcopal Church in Virginia. Her comments on slavery and the sexual interactions between white men and black women were recorded in Lydia Child’s book,

the *Patriarchal Institution* (1860). Douglas recognizes the power dynamics involved in these sexual encounters and the attempt of white women to ignore their husbands' actions.

It is impossible to deny that amalgamation prevails to a fearful extent throughout the South. The testimony is too positive and personal a character to be overcome. Neither is it to be found only in the lower order of the white population. It pervades the entire society. Its followers are to be found among all ranks, occupations and professions (Child 1860:28).

First, Douglas describes the white men who partake in these sexual behaviors, ensuring to include all types of white men as opposed to focusing the problem on a particular economic or social class. Even white men of the highest "order" are culpable from her analysis, implying that these sexual actions considered deviant or perverse by society are not reserved for those white men of an inferior social class, who might be easy targets for blame for the social problem of amalgamation. Douglas's analysis suggests that engaging in sexual coercion of enslaved black women was not a characteristic behavior of a particular profession, social class, or status, but rather a characteristic of white men in general during this time and place.

She continues her description of this "fearful" mixing of the races, affiliating herself with the other whites who perceive the problem of sex with enslaved women as a problem of white purity as opposed to cruelty and violence against black women. In the next passage, Douglas does acknowledge the oppressed conditions of the black women involved.

The female slave, however fair she may have become by various comminglings of her progenitors, or whatever her mental and moral acquirements may be, knows that she is a slave, and, as such, powerless beneath the whims or fancies of her master. If he casts upon her a desiring eye, she knows that she must submit; and

her only thought is, that the more gracefully she yields, the stronger and longer hold she may perchance retain upon the brutal appetite of her master. Still, she feels her degradation, and so do others with whom she is connected. She has parents, brothers, sisters, a lover, perhaps, who all suffer through her and with her. White mothers and daughters of the South have suffered under this custom for years; they have seen their dearest affections trampled on, their hopes of domestic happiness destroyed. I cannot use too strong language on this subject, for I know it will meet a heartfelt response from every Southern woman. They know the fact, and their hearts bleed under its knowledge, however they may have attempted to conceal their discoveries (Douglas cited in Child 1860:28-29).

A rare white southerner of this era, Douglas is able to sympathize with the black women, and their families and friends, as victims of sexual oppression. This sympathy is infrequent in the white accounts regarding sexual violence. Perhaps her sympathy comes from her close associations with African Americans in a positive setting, a school, as opposed to an oppressive context like slavery. Douglas, like several other white women in Virginia, taught African American children how to read, write, and study Christianity. She was arrested eleven months after opening a school for free black children in 1853. Douglas served a one-month sentence in prison before moving to Philadelphia where she could teach children of all races legally (Virginia Memory 2013).

Her ability to risk her own freedom, for one month, and to sympathize with the enslaved women and families she describes alludes to the concept of “social alexithymia” developed by Vera and Feagin (2006). Social alexithymia is described as the inability of the dominant group to “relate to the emotions, such as recurring pain, of those targeted by oppression” (Feagin 2006:28). The inability to empathize is associated with the perpetuation of racial domination. However, in the case of some members of the dominant group, like Douglas, the ability to develop empathy for the experience of others leads to resistance against racism, such as providing illegal education to black

children. Social alexithymia is sometimes overcome when whites associate intimately with people of color, generating a deeper emotional understanding of the experiences of those who are oppressed (Vera & Feagin 2006). Douglas may have developed her ability to sympathize with enslaved black women through her experience teaching black children or other experiences.

Angeline Grimke, the daughter of a slave owner, Judge Grimke, in South Carolina, offers another white female voice on the subject of sexual violence targeted at black women.

It is not the character of the mistress alone that is injured by the possession and exercise of despotic power; nor is it merely the degradation and suffering to which the slave is continually subject; but another important consideration is, that in consequence of the dreadful state of morals at the South, the wife and the daughter sometimes find their homes a scene of the most mortifying, heart-rending preference of the degraded domestic, or the colored daughter of the head of the family. There are, alas! too many families of which the contentions in Abraham's household are a fair example. But we forbear to lift the veil of private life any higher. Let these few hints suffice to give you some idea of what is daily passing behind that curtain, which has been so carefully drawn before the scenes of domestic life in slaveholding America. (Grimke cited in Child 1860:29)

Grimke alludes to the fact that even a thorough investigation directed at uncovering the reality of rape of black enslaved women will only ever be able to uncover “hints” of what really occurred. Even elite white women who had access to write and publish about the accounts of slavery and oftentimes had less incentives in protecting white male virtue than white men, were still limited by expectations for what was appropriate for them to discuss at length and in detail. Nevertheless, she and other white and black women used the voice they did have to critique slavery and the sexual

violence they knew was occurring, describing the damage and degradation done to a variety of groups of people.

### **Conclusion**

Racialized sexism includes a web of intersectional incentives and intersectional consequences, which ultimately work together to pave the way for white men to continuously fulfill their interests at the varied expenses of the women and people of color in their lives. For white women, the intersectional consequences of the threat of physical abuse, divorce, or abandonment and the intersectional incentives to stay married, physically unharmed, and financially secure frequently drove them to overlook their husband's behavior with enslaved black women. In addition, white women could more easily disregard the feelings of black enslaved women because of racialized gendered framing, representing black women as deserving of, if not responsible for, the sexual violation they experienced. White women had intersectional incentives to reinforce the sexually degrading stereotypes of black enslaved women in order to portray themselves in terms of white femininity, including white feminine innocence, victimization through their husband's adultery, and helplessness which required the courts to rescue them.

Through many divorce petitions white women framed themselves as victims and the enslaved black women as mutually agreeing to the sexual activity forced upon them by white men. This racialized gendered framing by white women speaks to their intersectional incentives in whiteness, and their desire to adhere to white feminine norms in order to distinguish themselves as pure and deserving of the legal system's protection

from their husbands. In doing this white women uphold the social norms associated with white womanhood which ultimately sustain the institution of white sexism including the dependence of white women on white men. Through this self-framing by white women, white men are able to avoid the label of “rapist” because their sexual violence towards enslaved black women is framed as consensual as opposed to forced.

In addition to reinforcing gendered racism, racialized sexism, and the associated sexual violence of enslaved black women through the white women’s attempts at framing themselves in terms of white gender norms, white women also went so far as to physically abuse enslaved black women who had been sexually victimized. This physical abuse also reflects the intersectional incentives white women had in performing whiteness to receive the privileges associated with power over others. Although white men inflicted feelings of jealousy or pain in their wives through their sexual coercion with black enslaved women, their privilege and power within the racial sex-based hierarchy allowed them to evade responsibility or consequences for these actions. Because white women have some privileges within the intersectional hierarchy, but experience constraints when attempting to punish or resist their husbands, they are able to reinforce their racialized gendered status by physically abusing enslaved black women. This physical abuse is associated with the heightened racial status of whiteness. Because white women are unable to enact any behaviors which would give them power over their white husbands, this physical abuse directed at the enslaved black women is a reflection of the subordinated status of white women as well. White men create a conflict

between black enslaved women and white women, but have the support from the legal system to evade responsibility.

Despite the many examples of white women overlooking the sexual violence of their husbands, or reproducing the racialized gendered framing of themselves as white women and black enslaved women as sexually promiscuous, some white women did resist these intersectionally dominating forms of abuse and representation. Using divorce petitions and writing as forms of resistance, white women demonstrate their agency within this constraining system of gendered racism. Unfortunately, in many divorce petitions the agency of white women became entangled in the reinforcement of their own subordination. The white women in this chapter who were able to critique this system the most effectively were elite white women who were not personally involved. These women could write about the regular practice of sexual violence against black enslaved women, the hypocritical behaviors of white men, and the deflecting behavior and attitudes of white women. However, many of these white women still reflect the constraining white racial framing of the time period, which influences the perception of sexual violence of black women by white men as problems of amalgamation more than an issue of rape. Therefore, even in their attempts at resistance from a fairly privileged position, elite white women often reinforced racism and racialized sexism by adhering to notions of white purity and failing to recognize the cruel abuses of white men.

## CHAPTER VII: BLACK PERSPECTIVES ON WHITENESS AND SEXUAL VIOLENCE BY WHITE MEN DURING SLAVERY

Focusing on the targets of intersectional oppression, the experiences of enslaved black women and men as described by themselves provide additional insights into sexual violence and racialized gendered framing. Autobiographical narratives by Henry Bibb, William J. Anderson, and Olaudah Equiano include discussions of sexual violence of enslaved black women from the perspective of formerly enslaved black men. Unlike the interviewees for the WPA slave narratives, the men writing these narratives could openly discuss topics that were of importance to them including discussions critical of slavery and whites. Nevertheless, the WPA interviews with former slaves from Georgia, Texas, Maryland, and Tennessee that are included in this chapter reflect similar patterns to the discussions in the autobiographies, suggesting the reliability of these forms of data. A speech recorded by Lydia Child, and interviews collected by Octavia Albert, a former slave, also provide insight into the experiences of enslaved black men and women with regard to sexual violence by white men. Themes that emerged in these records include the fact that rape of enslaved black women was common and widespread; the forced breeding of enslaved black men and women; and resistance and counterframing.

The interviews and narratives of formerly enslaved blacks often focus on the constant threat of rape that enslaved black women faced. Throughout the records by white men and white women, some noted the prevalence of this rape as well, however, for former slaves this constant sexual violence appeared to be central for describing the experience of slavery. Emphasizing how routine this sexual violence was sheds light on

the extensive and normalized behavior of white men within this socio-historical context. Moreover, because both men and women noted this frequent threat and occurrence of sexual violence, it can be assumed to be an important feature of slavery and domination that impacted all of their lives as slaves.

The reproduction of slaves for profit remains a conscious incentive of many slave masters described by the black men and women whose original records are available. This theme will also be discussed in this chapter in order to defend the argument that forced breeding did occur during slavery. The context created by slavery and the economic and legal institutions around slavery incentivize sexual violence and rape of black women by allowing white men to profit from this behavior. Lastly, the role of agency is essential for a discussion of intersectionality. The experiences described by black women and men demonstrate regular acts of defiance towards sexual violence and racial and gender oppression in general. Despite the power of intersecting institutions of oppression, which work to reinforce each other and reduce resistance, this system of domination is not total. Instead, black women and men demonstrated examples of agency even within their oppressed location at the bottom of the racial sex-based hierarchy. Although these acts of resistance did not always end the abuse or oppression they incurred, at times they did reduce the control of whites over their lives.

Two of the predominant patterns which emerged were examples of resistance and counterframing. Resistance and counterframing were both strategies for influencing the material and ideological oppression slaves faced. Examples of resistance and counterframing deconstruct the racialized gendered stereotypes of enslaved black

women and men, destabilizing the material oppression of slavery and sexual violence of slaves. These examples of counterframing and resistance from slavery continue to deconstruct and influence racialized gendered framing that persists today by offering a counter narrative to the myth of the hypersexual female slaves or the image of the black enslaved women who were “happy” to have sex with white men. Contrasting this narrative are courageous and devastating stories of women who risked their lives to avoid sexual coercion and violence from white men.

### **Routine Practice of Rape and Sexual Coercion**

The white men who regularly engaged in sexual violence against black women were often their slave masters, sons of the masters, neighbors who rented the women for a temporary period of time, or relatives and friends visiting and using the women as entertainment and part of the Southern experience. The effect of rape and sexual violence against female slaves, and the power it commanded, was widespread. Historian, Peter Kolchin concluded that “casual emotionless” rape of female slaves by white men was “a routine feature of life on many, perhaps most, slaveholdings” (1993). David Brion Davis, another historian, found “abundant evidence that many slave owners, sons of slave owners, and overseers...in effect raped the wives and daughters of slave families” (Kolchin 1993). In addition, the commentary recorded in autobiographies, narratives, and speeches from former slaves discusses the common, routine practice of raping enslaved black women (Douglass 1855; Jacobs 1861; Work Projects Administration 2011, 2010, 2006a, 2006b, 2004a, 2004b).

Male and female slaves who were not directly involved in an act of sexual violence underwent their own experience of the assault by witnessing sexual violence or hearing about it from other slaves. As told by those who experienced and witnessed the widespread rape and sexual coercion of enslaved black women, these incidents reflect the lack of options for slaves who were constrained heavily by a racial sex-based hierarchy including extreme legal limitations on their rights and protection from abuse (Higginbotham 1996). Additionally, formerly enslaved blacks recount courageous acts of resistance and the effects of this resistance, whites' intersectional incentive to "breed" more slaves, and the pleasure of power experienced by whites (Work Projects Administration 2006a).

These themes reflect the set of intersectional incentives and intersectional consequences for black women and white men as well as the resistance to racialized gendered framing and norms. While the position of black women afforded few incentives to behave in particular ways, but rather was predominantly shaped by varying degrees of consequences, the position of white men can be seen as the opposite. White male behavior was largely guided by various intersectional incentives, with few consequences to interfere. For black women, their position at the bottom of the racialized gendered hierarchy left them with few options in terms of sexual intercourse with slave masters. Incentives for black women consisted largely of avoiding the harsher of two consequences. They could submit to sexual intercourse or be physically punished, sometimes until they were unconscious or dead. For white men, on the other hand, evidence from the slave narratives and diaries points to some of the incentives for

exploiting black women sexually. In these narratives, forced breeding for extra money or slave laborers, recreational pleasure derived from engaging in coerced sex and watching slaves engage in forced sex, and the psychological power and social status gained from watching forced sex in the presence of other white male peers are some of the intersectional incentives white men had for their exploitation of black women.

From overworking women on the verge of delivering babies in the plantation fields to “forced breeding” and sexual exploitation, under slavery black women regularly experienced forms of abuse and oppression that were largely unique from their black male counterparts because of their status as females (Blassingame 1977; Dodson 2002). Slave masters could exploit the reproductive labor of females as well as their manual labor. Thus, routine sexual exploitation can be understood as one of the distinguishing experiences of black females within slavery, shaping ideologies around their racialized-gendered status of “black woman” that cannot be subsumed under an analysis of the “black experience” or the “women’s experience.” Furthermore, as a central shaping force in the meaning of “black womanhood” as defined by the white dominant culture, this force simultaneously molded what it meant to be a white man and white woman in the early centuries of the United States. Sexual exploitation of enslaved black women was not only incentivized through the economic benefits associated with offspring, but also through the desire to feel powerful and maintain control over others, preserving the racial sex-based hierarchy.

### *Routine Sexual Abuse on Slave Ships*

Even before arriving in North America and the Caribbean, African women were subjected to sexual violation aboard the ships carrying them to various colonized lands. Robert Shufeldt, an army surgeon in the late 1800's who frequently traveled by ship to various countries including Africa, observed the slave trade, noting that "The crossing of the two races commenced at the very outstart of the vile slavery trade that fetched them hither..." as evidenced by many African women entering North America already impregnated by the white men who had captured them (1915:91). This sexual violence along with other forms of abuse that occurred on the slave ships are described as strategies for indoctrinating and transforming Africans from free people into submissive, obedient slaves through "the destruction of human dignity" (hooks 1999:19). Some slaves were tortured and murdered as examples to instill terror in all slaves. Witnessing and experiencing the consequences for disobedience ensured that slaves understood the limited options for resisting white men prior to arriving in North America. In addition to constructing these "marketable" slaves who would comply with domestic duties and demands for labor, the sexual violence inflicted upon women on slave ships prepared them for a future of coercion and rape in which they would regularly be forced to submit to their masters (hooks 1999:19).

The white men aboard the ships had intersectional incentives to subordinate the slaves through violence and rape. By threatening other slaves, they demonstrated their power and reinforced control over the population aboard the ships, protecting themselves from uprisings. Additionally, as hooks explains, these white men had financial

incentives to subordinate the slaves, making them desirable to interested buyers. Rape of enslaved women, in addition to acting as a threat and demonstration of power aboard the ships, may have also assisted white men in selling these women as sexually subordinated women who were trained to oblige their master's sexual requests.

Oludah Equiano, a slave who worked primarily on ships for the British navy, also spent time in Virginia. He was able to purchase his freedom and become an abolitionist, writing an autobiographical narrative which offers insight into the abuses that occurred during the transport from Africa to various colonized nations. He used this autobiography as evidence of the cruelties of slavery, including the routine or "constant practice" of raping and sexually violating enslaved women aboard the ships. He explains,

While I was thus employed by my master I was often a witness to cruelties of every kind, which were exercised on my unhappy fellow slaves. I used frequently to have different cargoes of new negroes in my care for sale; and it was almost a constant practice with our clerks, and other whites, to commit violent depredations on the chastity of the female slaves; and these I was, though with reluctance, obliged to submit to at all times, being unable to help them. When we have had some of these slaves on board my master's vessels to carry them to other islands, or to America, I have known our mates to commit these acts most shamefully, to the disgrace, not of Christians only, but of men. I have even known them gratify their brutal passion with females not ten years old; and these abominations some of them to such scandalous excess, that one of our captains discharged the mate and others on that account...(Equiano 1789:205-206)

From Equiano's description, rape was constant, suggesting that for most white males, sexual violence against black female slaves was an accepted behavior (Equiano 1789:205). As a routine act, the rape of black women seems to be within the realm of social norms among white men, particularly those involved in the slave trade of which Equiano describes. However, as with all social norms, boundaries necessarily exist,

evidenced by the fact that the “captains discharged” some of the men because of excessive “scandalous” behavior like that involving young females below the age of ten. Although these boundaries reflect some standards with regards to sexual violence against black women, what they more poignantly reflect is the wide array of acceptable behaviors, such as most rape or sexual exploitation of girls and women over the age of ten. Focusing on the white reactions to sexual violence, such as the captain’s in the passage above, highlights the boundaries around acceptable behavior which form the dominant social norms of the time period. In this case, the norms for white men included the casual rape of enslaved black women.

#### *Widespread Sexual Violence within White Plantations and Households*

The widespread sexual violence of enslaved black women did not stop on the slave ships, but rather continued once they were purchased by white slaveholders. A former slave, W.L. Bost was interviewed for the WPA Slave Narratives when he was 88 years old (1937). Bost explains that while enslaved women may have appeared to consent to sexual relationships with their master, the reality is that they had extremely limited options for consent and were well aware of these constraints.

Plenty of the colored women have children by the white men. She knows better than to not do what he say. Didn’t have much of that until the men from South Carolina come up here and settle and bring slaves. Then they take them very same children what have they own blood and make slaves out of them. If the missus find out she raise revolution. But she hardly find out. The white men not going to tell and the nigger women were always afraid to. So they just go on hopin’ that things won’t be that way always” (Bost 1937:1).

Bost points out the potential for secondary abuse from the wives of the slave masters in addition to the initial sexual assault these women had to undergo. Moreover,

he touches on the danger involved in refusing a white man's sexual or reproductive desires. His comment that "She," referring to female slaves generally, "knows" not to disobey the white men, signals a collective understanding among the slaves of the punishments associated with refusing sexual intercourse (Bost 1937:1). Because of this collective understanding, as well as blatant threats from the white men in some cases, many enslaved women may not appear to resist the sexual abuses they endured, causing some to claim that these women voluntarily engaged in sexual relationships with their masters. While there may be a few cases of relatively voluntary relationships between white men and black women during slavery, the existence of a collective knowledge regarding the potential punishments associated with refusing sexual intercourse make it unlikely that most enslaved women felt they had a choice. The awareness of the threat of sexual violence and the punishments associated with rejecting this violence align with Richie's dimension of "intimate household" male violence in which the social environment acts as a form of emotional manipulation and increases the vulnerability of black women to male violence (2012:136).

Fear of physical punishments, threats to harm children and family members, and the threat of being sent to another plantation and split from ones family were all used to ensure that enslaved women obeyed the sexual orders of their masters. Recall the summary of Madison Jefferson's statements in which he describes these consequences:

Women who refuse to submit themselves to the brutal desires of their owners, are repeatedly whipt to subdue their virtuous repugnance, and in most instances this hellish practice is but too successful-when it fails, the women are frequently sold off to the south (Blassingame 1997:221).

Throughout the interviews and narratives, the repetition of the various forms of punishment that followed a woman's resistance to her master's sexual assaults suggest that these punishments were common knowledge, acting as a general implicit threat to resistance. Punishing enslaved women by whipping them or selling them away from their family were intersectional tactics used by white men to uphold their domination over slaves. In particular, these tactics that are described as specifically used against enslaved women who refuse to engage in sexual intercourse with white men are strategies white men used to maintain their sexual domination and entitlement over enslaved women's bodies. Using these forms of punishment against some enslaved women and threatening to use them against others, allowed for the development of a collective awareness of the punishments associated with a female slave refusing sex with a white man. In addition to the actual threat of rape, the collective knowledge of these punishments for refusing sex, functioned as a form of terrorism which controlled enslaved women's behavior. In this sense, enslaved black women could be coerced into sex with white men based on an implicit threat without the master actually having to threaten or physically force her. This would have likely assisted the process of framing black female slaves as hypersexual or at least content to engage in sex with white men, despite the fact they have been coerced through the collective knowledge of their fate should they refuse.

William J. Anderson remarks on the repetitive sexual violation of enslaved black women as well. Anderson was born in Hanover County, Virginia in 1811 to a free mother and an enslaved father. After his father passed away, his mother hired him out to

a slaveholder who eventually sold him. In his narrative, *Life and Narrative of William J. Anderson from 1857*, he writes of his personal experiences in slavery, the brutal treatment he received from slaveholders, the eight times he was sold, and the common experience of sexual abuse that enslaved black women endured (Anderson 1857; Prince 2004).

This is another curse of Slavery – concubinage and illegitimate connections – which is carried on to an alarming extent in the far South. A poor slave man who lives close by his wife is permitted to visit her but very seldom, and other men, both white and colored, cohabit with her. It is undoubtedly the worst place of incest and bigamy in the world. A white man thinks nothing of putting a colored man out to carry the fore row and carry on the same sport with the colored man's wife at the same time (Anderson 1857:19).

Because rape and sexual violence were so routine, occurring to an “alarming extent” in the South, this became a pattern of social behavior and a central form of social interaction between white men and black women. The meaning of black womanhood and white manhood, as well as the collective understanding among enslaved blacks regarding the punishments associated with rejecting sexual advances, were shaped by the repetition of sexual violence. Had rape and sexual coercion occurred in only a small number of cases, it would not have had the same impact on the slave population and would not be discussed commonly throughout narratives, autobiographies, diaries of both whites and blacks. Because sexual violence by white men against enslaved black women was widespread, this behavior can be understood as racializing and gendering black women and white men. Sexual violence and coercion played a regular role in shaping the relationship between white men and black women at the time and the way each defines and sees the other.

In another autobiographical narrative, Henry Bibb (1849) writes of his personal experiences and observations during slavery. These autobiographical narratives offer opportunities for slaves to express themselves and their rejection of white behavior under slavery. The *Narrative of the Life and Adventures of Henry Bibb, An American Slave in 1849*, Bibb writes,

And be it known to the disgrace of our country that every slaveholder, who is the keeper of a number of slaves of both sexes, is also the keeper of a house or houses of ill-fame. Licentious white men can and do enter at night or day the lodging places of slaves, break up the bonds of affection in families, destroy all their domestic and social union for life; and the laws of the country afford them no protection (Bibb 1849:38).

In his narrative, Bibb describes the widespread practice of white men sexually exploiting enslaved black women without any consideration of their personal desires of family relations. As an intersectional consequence of this sexual behavior, enslaved families and romantic ties were destroyed. Although the white men's sexual behavior with slaves infrequently disrupted in his own family relations, since white women had several incentives to refrain from objecting their husband's behavior, the personal lives of the enslaved black women were threatened by the sexual violation of white men. Not only the right to their body and their dignity were stripped in the process of raping them, but also their family ties and romantic relationships could be destroyed in this process.

An interviewer for the WPA, Pearl Randolph, summarized one of her interviews with two slaves, Louisa and Sam Everett. Randolph's records offer a unique glimpse into the interpretations and perceptions of a WPA slave narrative interviewer. Randolph's interpretations suffer from the same issues as any interviewer today by the fact that they are based on her standpoint and preconceived understandings of social reality. However,

the fact that Randolph sat in the same room with the two people describing their story of sexual abuse as slaves makes her interpretation more closely tied to the first-hand experiences than someone analyzing the data today. For this reason her perceptions of the interviewees are included here. Randolph writes that Louisa and Sam Everett “weathered together some of the worst experiences of slavery” and are able to “relate these experiences as clearly as if they had happened only yesterday,” signaling the trauma and intensity of the incidents they endured (1936:1). While Louisa was not forced to engage in sexual activities with the master, she was forced into sex with another slave, Sam, by the master. She records the initial event as described by Louisa and Sam.

On this plantation were more than 100 slaves who were mated indiscriminately and without any regard for family unions. If their master thought that a certain man and woman might have strong, healthy offspring, he forced them to have sexual relation, even though they were married to other slaves...Louisa and Sam were married in a very revolting manner. To quote [Louisa]: “Marse Jim called me and Sam ter him and ordered Sam to pull off his shirt – that was all the McClain niggers wore – and he said to me: Nor, ‘do you think you can stand this big nigger?’ He had that old bull whip flung acrost his shoulder, and Lawd, that man could hit so hard! So I jes said ‘yassur, I guess so,’ and tried to hide my face so I couldn’t see Sam’s nakedness, but he made me look at him anyhow.” “Well, he told us what we must git busy and do in his presence, and we had to do it. After that we were considered man and wife. Me and Sam was a healthy pair and had fine, big babies, so I never had another man forced on me, thank God. Sam was kind to me and I learnt to love him” (Randolph 1936:3)

Note Louisa and Sam’s perception of immediate threat of physical force produced by the master’s “bull whip flung acrost his shoulder” (Randolph 1936:3). Furthermore, in this passage, the master forces Louisa and Everett to engage in sex “in his presence” (Randolph1936:3). His presence likely acted as a constant threat in this sexual act, ensuring that they fulfilled his desire. In addition, carrying out this sexual act

with a person in power over them watching likely added to the humiliation and degradation of the act.

In the same interview, the Everetts explain that

Big Jim...enjoyed these orgies very much and often entertained his friends in this manner; quite often he and his guests would engage in these debaucheries, choosing for themselves the prettiest of the young women. Sometimes they forced the unhappy husbands and lovers of their victims to look on (Randolph 1936:3)

Jim derived pleasure from observing the slaves engage in sexual acts even when he was not physically involved. In this sense, the white slave master did not need to engage in forced sex in order to use the enslaved women sexually for his pleasure. Nevertheless, sex between Sam and Louisa, like the master's own rape of female slaves, includes force and power enacted by himself onto them in a degrading manner. In addition, Jim gained pleasure from allowing his friends to observe him force his slaves into sex and participate in this sexual violation. As the only group in society who could acceptably engage in this behavior, these white men likely bonded over their shared experience of the sexual violation of enslaved black women. Bonding among white men strengthened their identity and interests, and reinforced their sexual behavior as "normal." Jim, as the master of the slaves involved, can be understood as gaining pleasure not only from observing his own power but from sharing this experience with other white men and gaining their approval. Jim could benefit socially and psychologically through the sense that he was observed enacting his dominance over others in front of other white male peers. This context would create several intersectional incentives to

carry out sexual violence against enslaved black women, including the support of peers and the desire to impress them.

Interviews from the WPA and autobiographical narratives all provide a similar depiction of sexual violence against enslaved black women by white men. Sexual violence and rape did not simply occur on rare occasions carried out by particularly evil men. To the contrary, this behavior was rampant among white men who owned slaves and their sons, overseers, relatives, or friends. Unlike the understanding we have of rape in contemporary society in which very few individuals engage in the behavior as a crime, during slavery rape and coercion of enslaved black women were common everyday practices for white men and were normalized. The routine sexual violence shaped the meaning of white manhood as discussed in Chapter Five and the framing of black womanhood.

A collective awareness of the “right” white men held to this sexual violence and the punishments associated with rejecting sexual advances existed among many, if not most, slaves. The punishments white men used against enslaved black women who resisted them were intersectional tactics used to reinforce white men’s ability to entirely dominate their slaves. These punishments helped to generate a collective knowledge regarding the inability for enslaved black women to resist sexual violence without potential harm to her or her family. Surrounded by rape of mothers, siblings, and friends, enslaved black women and men were constantly threatened by the possibility of their own rape or physical abuse for resisting, increasing the ability to coerce enslaved black women. Moreover, the ability to sexually coerce black female slaves through this

collective awareness and knowledge of potential punishments enabled white men to at times carry out sexual violence without the use of actual force or threats, improving the white man's image as sexually desirable and damaging the enslaved black woman's image as impure.

The collective knowledge of the widespread rape of enslaved black women by white men portrayed a message to these women about their status in society. Additionally, white men and white women attempting to accuse enslaved black women of consenting to sex with white men reinforced harmful stereotypes about their character and sexual morality. Despite this attempt to racialize and gender enslaved black women through consistent sexual violence and associated stereotypes, many women fought these notions of black womanhood reinforcing a counterframe to these stereotypes which will be discussed later in the chapter.

### **“Breeding”**

In addition to the psychological and social incentives white men had to engage in the sexual violation of enslaved black women, records from former slaves describe the economic incentive for white men to participate in forced sex and rape. Scholars like Thelma Jennings and Dorothy Roberts have argued that rape by white masters upon black female slaves, as well as forced sexual intercourse that masters required of enslaved men and women, served an economic function. These acts were used to “breed” more slaves to increase the master's slave population (Jennings 1990). The economic benefit of producing more slaves serves as an intersectional incentive for white men to force enslaved black women to have sex with enslaved black men or white

men. Financial gain acquired by selling slaves can be understood as reflecting a class or economic interest in forcing sex upon enslaved black women as well as a racialized interest, since only children born of black women (regardless of the race or free/enslaved status of the father) were legally considered slaves. U.S. law enabled white men to sexually exploit enslaved black women for economic advantages.

Jennings describes the high value of slaves as evidence for the practice of “breeding” slaves, explaining that healthy children, especially young boys, could be sold for large sums of money, making the incentive for rape to propagate high (1990). Roberts explains that masters anticipated “natural multiplication to generate as much as 5 to 6 percent of their profit” which was an incentive “to maximize their slaves’ fertility” (Roberts 1997:24). She describes another report that stated, “[a] breeding woman is worth from one-sixth to one-fourth more than one that does not breed” (Roberts 1997:24)

Despite Jennings (1990) and Roberts (1997) analyses, some scholars have used quantitative methods to argue that breeding slaves, whether between the master and the slave or a male and female slave, was not ultimately profitable for slave masters and thus should not be viewed as a common practice from slavery. The slave-breeding hypothesis has been debated by historians, particularly in the 1970’s with scholars like Lowe and Campbell (1976) arguing that demographic data show little evidence of slave-breeding and are indirect at best. More recent summaries of demographic data concur with Lowe and Campbell, explaining that “...the relative magnitude of slaves in the westward movement, as well as consideration of the costs of bearing and raising offspring, have

shifted attention from the hypothesized existence of ‘slave-breeding’ to explanations dealing with slave family patterns and material living standards in accounting for the high U.S. slave fertility” (Engerman and Gallman 2000:345). Although demographers are likely correct in claiming that the rate of natural increase in the slave population is not significantly explained by slave breeding, the practice of slave-breeding, despite the “costs of bearing and raising offspring” is evident in the qualitative analysis of ex- slave diaries and narratives.

Many former slaves describe the interest of the master’s in producing more slaves to sell or keep as laborers. While this practice may not have been entirely rational or profitable, and may not have occurred consistently enough to be reflected in national demographic trends of migration, selling, and purchasing slaves, the data included in this study demonstrates the existence of this practice on at least some plantations in the United States. Smithers recently derived similar results through his analysis of abolitionist’s discourse, arguing that indeed slave-breeding occurred in the U.S. and was reported by white abolitionists as a way to emphasize the immorality of slavery and by black abolitionists “to represent the lived experience of slavery” (Smithers 2011:563). In his detailed analysis of George Washington’s life, Wiencek (2003) also suggests slave breeding was likely. Washington wrote the following to a man who was selling goods to the West Indies from Mount Vernon for him

The money arising from the Sales I would have laid out in Negroes, if choice ones can be had under Forty pounds Sterl[ing]...If the Return’s are in Slaves let there be two thirds of them Males, the other third Females—The former not exceeding (at any rate) 20 yrs of age—the latter 16—All of them to be and in every respect strong & likely, with good Teeth & good Countenances” (Washington as quoted in Wiencek 2003:120-121).

As Wiencek explains, Washington ensured his female slaves would be teenagers and thus have several childbearing years ahead of them. Within fourteen years, from 1760 to 1774, Washington's slave population increased from 49 to 135 (Wiencek 2003:121). The current study adds to Smithers's, Jennings's, and Roberts's findings with evidence from the accounts of former slaves, and refutes the conclusions of historical scholars who argue that slave-breeding was not part of the U.S. slave experience.

These examples include many instances in which a white man forced two or more slaves to have sex in order to produce children. While this deviates from the primary focus of sexual violence against black women directly perpetrated by white men, this forced sex between two slaves is evidence of slave-breeding and an additional form of sexual violence inflicted on male and female slaves by white men. Sexual violence in this form speaks to the interest of white men to sexually violate slaves for purposes of reproducing labor forces, selling slave children for money, entertainment associated with power over others and the degradation of both male and female slaves as opposed rape for sexual satisfaction.

John Cole, a man who had been enslaved in George and interviewed in 1937 by the WPA slave narratives project explains,

If a hand were noted for raising up strong black bucks, bucks that would never "let the monkey get them" while in the high-noon hoeing, he would be sent out as a species of circuit-rider to the other plantations – to plantations where there was over-plus of "worthless young nigger gals." There he would be "married off" again – time and again. This was thrifty and saved any actual purchase of new stock (Work Projects Administration 2004a:1).

Hilliard Yellerday was a woman interviewed about her experiences in slavery by T. Mathews of the WPA in North Carolina (1937). Yellerday described her slave master and his sexual relationship with the slaves. The repetition of accounts like this from enslaved black women who witnessed their slave masters forcing slaves to reproduce speaks to the common practice. Additionally, evidence of this white male behavior derived from former slaves interviewed by white members of the WPA program adds to the autobiographical narratives, speeches and other records written and published by abolitionists. WPA slave narratives were probably some of the least likely to include negative descriptions of slavery or white men for the reasons described previously, making commentary on the sexual violence executed by white men even more convincing (Blassingame 1977). Yellerday describes her own slave master explaining,

He had so many slaves he did not know all their names. His fortune was his slaves. He did not sell slaves and he did not buy many, the last ten years preceding the war. He resorted to raising his own slaves. . . A slave girl was expected to have children as soon as she became a woman. Some of them had children at the age of twelve and thirteen years old. . . . Mother said there were cases where these young girls loved someone else and would have to receive the attentions of men of the master's choice. This was a general custom. . . The masters called themselves Christians, went to church worship regularly and yet allowed this condition to exist (Mathews 1937:3).

In addition to witnessing the sexual behavior of white male slave masters, many enslaved black women who were interviewed described experiencing this abuse themselves. Rose Williams, who was enslaved in Texas, explained a scenario she was personally involved in in which she was expected to reproduce with another slave, Rufus, on the plantation.

De nex' day I goes to de missy [mistress: master's wife] and tells her what Rufus wants and missy say dat am de massa's wishes. She say, "Yous am de portly gal

and Rufus am de portly man. De massa wants you-uns for to bring forth portly chillen. I's thinkin' 'bout what de missy say, but say to myse'f, "I's not gwine live with dat Rufus." Dat night when him come in de cabin, I grabs de poker and sits on de bench and says, "Git 'way from me, nigger, 'fore I busts yous brains out and stomp on dem." He say nothin' and git out. De nex' day de massa call me and tell me, "Woman, I's pay big money for you and I's done dat for de cause I wants yous to raise me chillens. I's put yous to live with Rufus for dat purpose. Now, if you doesn't want whippin' at de stake, yous do what I wants." I thinks 'bout massa buyin' me offen de [auction] block and savin' me from bein' sep'rated from my folks and 'bout bein' whipped at de stake. Dere it am. What am I's to do? So I 'cides to do as de massa wish and so I yields. . . . I never marries, 'cause one 'sperience am 'nough for dis nigger. After what I does for de massa, I's never wants no truck with any man. De Lawd forgive dis cullud woman, but he have to 'scuse me and look for some others for to 'plenish de earth. (Work Projects Administration 2011:1)

In this excerpt from a WPA slave narrative interview with Chris Franklin, a man who was enslaved in Louisiana, he explains the practice of slave masters selling the children they have with female slaves. Franklin explains, "Dey lots of places where de young massas has heirs by nigger gals. Dey sell dem jes' like other slaves. Dat purty common. It seem like de white women don't mind. Dey didn't 'ject [object], 'cause dat mean more slaves" (Work Projects Administration 2010:57). Franklin notes the way the white men fail to acknowledge a difference between their offspring with slaves and other slave children, selling them all in the same way. However, as discussed previously in this chapter, some white men did acknowledge some distinction between slaves with their own blood and slaves with no blood connection.

William Ward describes the treatment of black women that he witnessed as similar to the experience of cattle. Slave masters forced these women into sexual relationships with other slaves to "breed" them like "cattle." Even going so far as to explain that the men were kept "penned up" like a "stud hoss." This terminology reflects

the degradation and dehumanization of forced sex of both black men and women who were enslaved. Ward explains,

I done seen Mack Williams kill folks an' I done seen 'im have folks killed. One day he tol' me dat if my wife had been good lookin', I never would sleep wid her agin 'cause he'd kill me an' take her an' raise chilluns off'n her. Dey uster [used to] take women away fum dere husbands an' put wid some other man to breed jes' like dey would do cattle. Dey always kept a man penned up an' dey used 'im like a stud hoss (Work Projects Administration 2006a:1).

Sylvia Watkins also relates the practice of forcing slaves to have sex with breeding animals, in this case pigs. While the previous example was from a man who described his experiences of enslavement in Georgia, Watkins had been enslaved in Tennessee. Slaves from a variety of states have described this forced sex and “breeding” practice, reflecting the notion that this behavior occurred throughout a variety of states as opposed to being isolated to one or two communities.

Durin' slavery ef one marster had a big boy en 'nuther had a big gal de marsters made dem libe tergedder. Ef'n de 'oman didn't hab any chilluns, she wuz put on de block en sold en 'nuther 'oman bought. You see dey raised de chilluns ter mek money on jes lak we raise pigs ter sell (Work Projects Administration 2006b:78).

### **Resistance and Counterframing**

Many of the themes discussed by white observers and participants of sexual violence against black women parallel the themes expressed by black witnesses. However, one theme that was more widely discussed in the narratives, diaries, and manuscripts by blacks compared to those by whites is the topic of resistance by black women. Despite the consistent threat to sexual violence that black enslaved women faced due to their lack of legal protection and the ability of white men to severely punish them for refusing sex, many black women and men resisted rape and other forms of

physical abuse by their masters. In addition to the three general forms of resistance that Darlene Clark Hine (1994) describes in the “Female Slave Resistance: The Economics of Sex,” the data analyzed in this study reflects several specific forms of physical and psychological resistance used by enslaved black women and men. Counterframing encouraged by parents, verbally and physically refusing to participate in sexual activity with white men, poisoning slave masters or their families (see Chapter Three), and running away were all tactics used by enslaved black women to resist sexual violence by white men, declare their dignity and demonstrate their agency.

Resistance to sexual violence is a strong reflection of counterframing, in which enslaved black women rejected the racialized gendered stereotypes of black hypersexuality and promiscuity and demonstrated the inaccuracy of this racialized gendered framing in their willingness to be severely hurt or even killed in their attempt to avoid and resist rape from the white men in their lives. Acts of resistance by enslaved black men and women reflect courageous acts of defiance to the system of slavery and the specific abuses that were associated. The reactions of white men to this resistance, such as physical abuse and murder, as well as bringing women to court for attempting to poison or kill white family members as described in Chapter Four, demonstrate the desperate need among white men to maintain these racialized gendered norms and domination over enslaved black women and men and to preserve the positive framing and privileges associated with the institution of white masculinity.

Harriet Jacobs writes about her feelings towards her master’s “restless, craving, vicious nature” explaining, “[w]hen he told me that I was made for his use, made to obey

his command in *every* thing; that I was nothing but a slave, whose will must and should surrender to his, never before had my puny arm felt half so strong” (Jacobs 1861:29). Strikingly, as opposed to weakening her spirit, Dr. Norcom’s attempts at subordinating Harriet made her feel stronger. Her impressive emotional response to verbal violation and oppression by her master may have been associated with her belief in her own humanity, which was reinforced by her grandmother and father (Jacobs 1861). The courage to believe in one’s humanity and to fight for it within the dire conditions of slavery reflects a strong counterframing of the imagery of “happy” slaves, or the idea that slavery was good for slaves who needed the assistance and “care” of whites as their owners, as some have claimed (Feagin 2013a). To the contrary, slaves were clearly very unhappy with their circumstances, expressing feelings of anger and depression throughout their autobiographies, narratives, and speeches, and they reacted with resistance. In previous passage Jacobs resistance is emotional and internal wherein she mentally decides to reject Dr. Norcom’s attempts as subordinating and weakening her by using his verbal abuse to strengthen her. In other moments Jacobs uses other strategies of resistances including verbally telling Dr. Norcom how she feels about him and ultimately running away, escaping slavery, and writing an account of her experiences to elucidate the truth about her feelings towards slavery, sexual abuse of slaves, and Dr. Norcom’s character (1861).

Lewis Clarke was a former slave from Kentucky who gave a speech depicting the experience of slavery. *The Anti-Slavery Standard* published Lydia Maria Child’s (1842) description and quotations from the speech in 1842. With the author and publishers

being abolitionists, the motive of this speech and Child's description are clear; however, that should not discredit the experiences of slavery. Instead, this suggests that the documentation offers more inclusive descriptions of the negative realities of slavery and counterframing of whites, which may be omitted from publishers who have an interest in maintaining slavery (Child 1842). Clarke is recorded by Child as saying,

Now, if there was nothing else but this, it would make a slave's life as bad as death, many times. I can't tell these respectable people as much as I would like to; but jest think for a minute how you would like to have *your* sisters, and *your* wives, and *your* daughters, completely teetotally, and altogether, in the power of a master.—You can picture to yourselves a little, how you would feel; but oh, if I could *tell* you! A slave woman ain't allowed to respect herself, if she would. I had a pretty sister; she was whiter than I am, for she took more after her father. When she was sixteen years old, her master sent for her. When he sent for her again, she cried, and didn't want to go. She told mother her troubles, and she tried to encourage her to be decent, and hold up her head above such things, if she could. Her master was so mad, to think she complained to her mother, that he sold her right off to Louisiana; and we heard afterward that she died there of hard usage (Child 1842:1).

This passage describes the experience of sexual violence against black enslaved women for the black men who were related to these women. Because of the same legal constraints facing enslaved black women, enslaved black men were often unable to stop the sexual violence perpetrated by white men onto black female slaves without severe consequences. As a father, brother, or husband, Clarke notes the difficulty of seeing these women for whom others care deeply be exploited sexually. Clarke describes this sexual violence as one of the worst aspects of slavery, comparing it to death. His speech reflects the fact that sexual violence of enslaved black women by white men was a form of torture to all slaves in various ways, devastating to many men who observed powerlessly.

Clarke's speech is also noteworthy because it includes examples of counterframing passed from enslaved parents to children. When his sister cries for fear of her fate, her mother tells her to "hold up her head above such things, if she could" signaling a form of resistance against the master's attempt to degrade her through sexual violence. In spite of the sexual abuses she suffered, to carry herself with respect is to defy the will of the act which intended to strip her of any dignity. As Marcus explains "rape is one of culture's many modes of feminizing women. A rapist chooses his target because he recognizes her to be a woman, but a rapist also strives to imprint the gender identity of 'feminine victim' on his target" (Marcus 2002:172). The instructions of the mother in the previous passage demonstrate a desire to supersede the potential imprint of "feminine victim," or in this case "black feminine victim" on her daughter through the use of body language.

Unlike the clear objectives of the abolitionists, the WPA slave narratives offer descriptions of the first-hand experiences of enslaved men and women recorded after slavery had been abolished. With no intentions behind the statements of these men and women from the 1930's, other than to respond to the questions of the interviewers and describe their experiences, the narratives often provide brief but telling descriptions of sexual abuse and coercion during slavery. A formerly enslaved woman, who remains anonymous, describes her resistance to her master's sexual advances and the counterframing that coincided. She was interviewed in Augusta, Georgia by Louise Oliphant for the Federal Writer's Project and described her master's sexual coercion of her in the following passage,

My young marster tried to go with me, and 'cause I wouldn't go with him he pretended I had done somethin' and beat me. I fought him back because he had no right to beat me for not goin' with him. His mother got mad with me for fightin' him back and I told her why he had beat me. Well then she sent me to the courthouse to be whipped for fightin' him (Work Projects Administration 2006a:1).

In the first part of this excerpt, the woman is referring to the sexual advancement of one of the sons on the plantation, as referenced by the phrase “young master” and the note she makes about telling his mother. Here, the white woman of the household is not simply silent, attempting to overlook the sexual coercion executed by her son, but rather encouraging of his behavior evidenced by her punishment of the slave who refused his sexual advances. The white woman's intersectional incentive in aligning her interests with her white son's behavior as opposed to assisting the enslaved black woman, leads the white mother to publicly punish the enslaved black woman. Nevertheless, this passage details the perception of the enslaved woman who felt strongly that she had rights which were not being respected. Despite her position as a black woman and as a slave compared to the position of the young master as a white man or adolescent, she asserts that she had the right to refuse his advancements. This strong counterframing implies that the mainstream white racial framing of her, as a black enslaved woman, and her master have not been internalized but rather resisted. In the second part of this excerpt, additional evidence of her counterframing is evident. She continues,

...they would strap your clothes up around your waist and have nothin' but your naked part out to whip. They didn't care about who saw your nakedness. Anyway they beat me that day until I couldn't sit down...After they had finished whippin' me, I told them they needn't think they had done something by strippin' me in front of all them folk 'cause they had also stripped their mamas and sisters. God had made us all, and he made us just alike (Works Project Administration 2006:1).

Even after the potential degradation and emotional and physical pain she endured being whipped while she was naked, this woman was still confident that they had taken nothing from her. Her reaction to these abuses suggest that she had not internalized the white framing of her as subordinate, even when the white men attempted to force this framing upon her through the act of stripping her, exposing her body to others, and physically whipping her. She retains a perception of herself as dignified and deserving of respect. Moreover, she sees her white abusers as degrading themselves and their white wives and daughters through their behavior. This woman possesses such a strong counterframing that she affirms this framing to the white men, verbally informing them of their lack of power over her personal identity and the power she holds within herself to frame them negatively.

Louisa and Sam Everett's narrative also included this excerpt summarized by the interviewer, which implies resistance was common enough among slaves on the slave owner, "Big Jim's" plantation that he had a known strategy for dealing with it.

If there seemed to be any slight reluctance on the part of either of the unfortunate ones, "Big Jim" would make them consummate this relationship in his presence. He used the same procedure if he thought a certain couple was not producing children fast enough... (Randolph 1936:2)

In this example, the slave master used humiliation as a punishment for reluctance or resistance to his force sexual relations. The humiliation and his physical presence not only assist in the coercion process, but add to the dehumanizing degradation associated with the sexual violence Jim mandates. In addition, the fact that the Everetts could describe a particular tactic used by "Big Jim" to address resistance to his sexual exploits,

suggests that resistance on this plantation was at least common enough for the master to develop a method for addressing it (1936:2). Moreover, resistance must have occurred often enough for the master to employ this tactic with enough frequency that the slaves were well aware of his response to reluctance.

In addition to the humiliation described in the passage above, other narratives by former slaves describe white men who used physical assaults as punishment for resisting sex. For instance, this ex-slave from Georgia explains,

I 'member he had a real pretty gal on his place. . . One of the overseers was crazy about her, but her mother had told her not to let any of 'em go with her. So this old overseer would stick close 'round her when they was workin', just so he could get a chance to say somethin' to her. He kept followin' this child and followin' this child until she almost went crazy. Way afterwhile she run away and come to our house and and stayed 'bout three days. When my marster found out she was there, he told her she would have to go back, or at least she would have to leave his place. He didn't want no trouble with nobody. When that child left us she stayed in the woods until she got so hungry she just had to go back. This old man was mad with her for leavin', and one day while she was in the field he started at her again and she told him flat footed she warn't goin' with him he took the big end of his cow hide and struck her in the back so hard it knocked her plumb crazy. It was a big lake of water about ten yards in front of 'em, and if her mother hadn't run and caught her she would have walked right in it and drowned (Works Project Administration 2006:1).

The young woman carried out a few different forms of resistance to avoid sexual violation from the white men around her. The woman's mother enacted the first type of resistance, advising her daughter not to submit and encouraging the mental decision to resist as opposed to obeying the white men in her life. Heeding this advice, the young woman ran away evading the overseer who was constantly following her. After being found out by another master, she ran away again, hiding in the woods and nearly starving herself as opposed to submitting to the sexual desires of the overseer. Lastly,

she verbally resisted the overseer. As punishment for resisting the sexual abuse the young woman was severely physically assaulted.

In black accounts of slavery, physical assault as punishment for resisting sex is common. Contrary to the perspective that coerced sex and rape were used as punishment to these women or their husbands, it often appears that rape was executed for the benefit of whites not the punishment of blacks. While there are some clear cases of the use of rape as punishment to black women and men, and rape as punishment is central to this analysis as well, I argue that coerced sex and rape were not merely used as punishment and sexual gratification for whites, but also for more complex purposes such as achieving white manhood, protecting white gender norms, and the generation and preservation of the racialized gendered hierarchy including white male power. One piece of evidence for this case is the use of physical assaults as punishment for resisting sex and rape. If coerced sex and rape were the punishment, the white men would have likely used more sexual force when women resisted as opposed to beating or whipping them and leaving them alone. The punishment for evading rape was not rape, but rather physical assaults, signaling the need to examine alternative purposes of rape. However, in some instance white men beat the women physically for resisting sex and then raped them when they were unconscious. These situations present some difficulty in determining whether the white men ultimately rape the black women as a punishment or to fulfill the sexual desires that initiated the struggle. Nevertheless, because the descriptions are presented as an initial desire of the white men to sexually violate the black enslaved women followed by physical punishment and rape when the women do

not comply, this would suggest that the initial desire to sexually coerce them was not for the purposes of punishment.

One ultimately successful example of resistance was executed by a young woman in Maryland and described by another former slave, Richard Macks who was interviewed in his home in Baltimore in 1937 by the Work Projects Administration.

...At one of these gatherings a colored girl, a mulatto of fine stature and good looks, was put on sale. She was of high spirits and determined disposition. At night she was taken by the trader to his room to satisfy his bestial nature. She could not be coerced or forced, so she was attacked by him. In the struggle she grabbed a knife and with it, she sterilized him and from the result of injury he died the next day. She was charged with murder. Gen. Butler, hearing of it, sent troops to Charles County [Maryland] to protect her, they brought her to Baltimore, later she was taken to Washington where she was set free. . . This attack was the result of being goodlooking, for which many a poor girl in Charles County paid the price. There are several cases I could mention, but they are distasteful to me. . .(Work Projects Administration 2004b:1).

Here, the light skin of the “goodlooking” woman is noted by the former slave, Richard Macks in a positive way, associated with other positive physical characteristics like “fine stature and good looks,” similarly to the way in which whites have described black women who were sexually violated or chosen for romantic partnerships. This signals the internalization of the white racialized gendered framing by blacks during slavery, in contrast to more recent history and the strong counterframing that has developed, recognizing the beauty of dark skin (Feagin 2010). Despite the internalization of the notion that light-skin is attractive or a positive physical trait, this former slave possesses other dimensions of counterframing evident in his description of the sexual violence against this young woman. Macks describes the incident in very negative terms, referring to the act as “bestial,” implying aggression and a lack of civility among the

attacker. He not only uses terms like “coerce” and “force,” which are rarely used in white accounts, but states that these tactics were ineffective, leading the white man to “attack” the woman. Ultimately, according to this man’s account, the woman was not raped and she was set free. Moreover, in his recounting of her story, Richard Macks provides examples of resistant thinking among former slaves. As opposed to accepting the fate of the women he witnessed and maintaining a view of white men as pure and honorable, he critically described the acts of white men and the cruel, inhuman (“bestial nature”) of their behavior.

Macks continued this counterframing speaking generally of the people he observed under slavery.

Let me explain to you very plain without prejudice one way or the other, I have had many opportunities, a chance to watch white men and women in my long career, colored women have many hard battles to fight to protect themselves from assault by employers, white male servants or by white men, many times not being able to protect [themselves], in fear of losing their positions. Then on the other hand they were subjected to many impositions by the women of the household through woman’s jealousy (Work Projects Administration 2004b:1).

In this passage, Macks describes black women as agents who “fight to protect themselves from assault” (2004b:1). Rather than viewing these women simply as passive victims he recognizes the “hard battles” they undergo to protect themselves while acknowledging that at times they are unable to do so because of limited power in their subordinate positions. He also recognizes the secondary violation executed upon these black women by white wives who punish them instead of their white husbands.

## **Conclusion**

The routine sexual violence and rape of enslaved black women is evidenced by various primary data sources including narratives from the Work Projects Administration, autobiographical narratives, and speeches. Because sexual violence by white men against enslaved black women was routine, it can be understood as a social pattern having a broad influence on racializing and gendering black women and men as well as white men and women. Some intersectional incentives for white men to carry out this sexual violence, such as the desire to be perceived by other white men as performing appropriate social behaviors of white masculinity, may have been replaced eventually by habit. In other instances, white men clearly engaged in the rape and forced sex between slaves for their own sexual, psychological, and social pleasure. Opposing the perspective that coerced sex and rape were used as punishment to enslaved black women or their husbands, documents from enslaved black men and women suggest that rape was often executed for the benefit of whites as opposed to the punishment of blacks. Some instances of rape clearly reflect the use of this violence as punishment to enslaved black women and men; however, coerced sex and rape cannot merely be understood as punishment or sexual gratification for whites. Rather this sexual violence provided more complex advantages for white men such as achieving white manhood, protecting white gender norms, and the generation and preservation of the racialized gendered hierarchy involving white superiority and white male power.

White men could enact their racialized gendered and legal power over slaves by deriving pleasure from observing two slaves forced into sex with each or showing this

performance off to friends. The sensations associated with this force paralleled a form of entertainment for white men, highlighting their ability to exploit others for pleasure.

White male entitlement and the performance of enacting power over others reinforced white male identity among peers and internally.

In addition to sexual violence for the sake of enjoyment, some white men were described throughout the narratives and interviews as incentivized by financial gain. Forced sex and rape were used as forms of “breeding” in order to sell the offspring or use them as slave laborers. The degradation of enslaved black men and women as well as the destruction of families is evident in this inhumane process. Treating enslaved humans as animals and commodities to be sold dehumanizes them and neglects the psychological devastation that occurs through the separation of families and loved ones.

Many intersectional tactics were used to enforce the power of white men to sexually exploit their female slaves. Threatening and physically punishing slaves who resisted were two commonly discussed ways master’s ensured their ultimate power over their female slaves. These tactics may be understood as intersectional because they allowed white men to carry out their sexually promiscuous behaviors with enslaved black women, behavior that was assumed to be appropriate only for white men. Moreover, tactics used to guarantee sexual access to enslaved black women can be understood as strategies for reinforcing the racial sex-based hierarchy. The ability to control all subordinate groups was a central dimension of white male domination, particularly during slavery. However, the forms of oppression had to be unique in order to maintain the complex racial sex-based hierarchy involving various degrees of

privilege and power based on race, gender, and class. In other words, white men could not routinely rape their white wives as a form of domination because this threatened the myth of white superiority which was essential to the racial sex-based hierarchy. Poor white women and enslaved black women could be sexually exploited without threatening notions of white purity on which white superiority relied. For this reason, although white men were not as frequently involved in romantic relationships with enslaved black women their power and tactics of punishment allowed them to carry out the sexual domination they desired and all of the related benefits including offspring to sell as slaves and the pleasure of feeling powerful.

Despite the repetitive sexual violence executed by white men upon enslaved black women, examples of resistance permeate the records on slavery. The acts of resistance described throughout this chapter reflect the counterframing of enslaved black women who refused to be dehumanized and morally degraded through rape. Some of these women were killed by their masters or by the courts for their courageous acts of resistance. The severe backlash from white men and the courts reflects the significance of resisting sexual violence and other abuses during slavery. Women who rejected their master's sexual attempts threatened white male power. In addition, these women threatened the stability of racialized gendered stereotypes and framing. As opposed to allowing black women to be portrayed as seductive or hypersexual, black enslaved women rejected sexual assaults despite severe consequences, reframing themselves in terms of their strong moral character and dignity.

## CHAPTER VIII: JIM CROW SEGREGATION AND BEYOND

Court cases from Jim Crow Segregation involving the rape of black women by white men shed light on the continuation of racialized gendered framing that emerged during slavery and was carried into the period of segregation. Court cases not only reflect the formal decisions which often supported white men's ability to rape black women, but also provide records which offer insight into the general racialized gendered framing of black women during the time period. As we will see, the racialized gendered framing of black women as responsible for their rape continues from slavery into Jim Crow Segregation. Sadly, this pattern did not end with segregation, but rather persists into today (Richie 2012).

After the 13<sup>th</sup> Amendment was ratified in 1865 abolishing slavery, many legal and economic barriers to African Americans were mitigated temporarily. The Reconstruction Era, from 1865-1877, acted as a period of significant progression for blacks who began to hold public office at the state and federal levels, attended public schools including some universities, worked for wages, and exercised access to some legal rights to defend themselves from the abuses of whites (Feagin 2013a). However, reconstruction efforts were only effective while officials working for the federal government were present in the South, employed in agencies like the Freedmen's Bureau. Moreover, racial discrimination still permeated social institutions during this time, significantly reducing African Americans' access to equal employment, resources, and protection under the law. White male Southerners quickly began implementing new

laws and practices like lynching and rape as terrorism to retain a system of slave-like labor and white male dominance (Davis 2003).

Many southern states began creating Black Codes in place of the previous Slave Codes as a way to perpetuate legally sanctioned control of African Americans (Alexander 2010; Blackmon 2008; Davis 2003). Black Codes made a variety of behavior illegal, such as “vagrancy, absence from work, breach of job contracts, the possession of firearms, and insulting gestures or acts;” however “these actions were criminalized only when the person charged was black” (Davis 2003:28). Furthermore, the Thirteenth Amendment to the U.S. Constitution abolished slavery and involuntary servitude “except as a punishment for crime...,” leaving the opportunity for former slave states to capitalize once again on free labor by criminalizing African Americans (2003:28). Many scholars consider the convict lease system that was expanded during the antebellum period to be “far worse than slavery” because individuals who leased convicts had no interest in their survival (Davis 2003:32). If a convict was worked to death, more laborers could be leased from the prisons.

In addition to the criminalization of blacks as a form of legalized control over their labor, sexual violence against black women continued to be an expression of domination used by white men throughout Jim Crow Segregation. As part of the Lieber Code of 1863, President Lincoln’s General Orders No. 100 which he implemented during the Civil War, black and white women had increased access to legal protection against rape; however, many families continued to be threatened and sexually violated throughout reconstruction and segregation (Feimster 2013; Barnett). Scholars exploring

sexual violence against black women by white men during Jim Crow Segregation often view this rape as a “political weapon” or act of terror (Brooks 2008:24; Lerner 1992; Rosen 2008). In order to retain control over the entire black community, white men involved in riots, terrorist groups like the Ku Klux Klan, or as individuals threatened black men and women with the constant fear of rape. Paralleling rape used as a tactic in war, the rape of black women during the transition from slavery to segregation, and eventually to civil rights, was a primary strategy for terror and domination used by white men.

Rape of black women in the period following the abolition of slavery can also be seen as a continuation of the practices of white men who had developed racialized gendered framing of black women and themselves as justifications for sexual exploitation during slavery. Particularly for black women employed as domestic workers in white households, the power dynamics and physical contact between white men and black women remained similar to the situation of slavery. Even black women who migrated north after slavery was abolished continued working in white households as domestic laborers due to the lack of education and training available to them. For example, in Chicago up until 1930 approximately 80% of black employed women worked as domestics or “personal servants” (Hine 1989:913). Darlene Clark Hine views this migration of black women and their silencing, or dissemblance, of the rape they had experienced in the South as necessary forms of resistance to the sexual violence of white men. By appearing open while retaining information regarding sexual abuses, black women gained control over their private lives. Silence around rape became imperative

for black women to maintain their own self-image in the face of racialized gendered stereotypes (1989).

One dimension of interracial sexual violence that was enhanced after slavery ended was the “myth of the black male rapist” (Davis 1983). This myth continued a legacy of racialized gendered norms in which white virtue was upheld, white femininity remained on a pedestal, and white masculinity persisted as the dominant power force. Ida B. Wells (1970) astutely identifies the persistence of the rape of black women into Reconstruction and Segregation, as well as an increased emphasis on torturing and lynching black men accused of raping white women. She explains,

All my life I had known that such conditions were accepted as a matter of course. I found that this rape of helpless Negro girls and women, which began in slavery days, still continued without let or hindrance, check or reproof from the church, state, or press...I also found that what the white man of the South practiced as all right for himself, he assumed to be unthinkable in white women. They could and did fall in love with the pretty mulatto and quadroon girls as well as black ones, but they professed an inability to imagine white women doing the same thing with Negro and mulatto men. Whenever they did so and were found out, the cry of rape was raised, and the lowest element of the white South was turned loose to wreak its fiendish cruelty on those too weak to help themselves....The more I studied the situation, the more I was convinced that the Southerner had never gotten over his resentment that the Negro was no longer his plaything, his servant, and his source of income (Wells 1970:69-70).

White men’s desire to maintain domination and control over blacks once slavery was abolished is evident in both the widespread lynchings of black men accused of raping white women as well as the rape of black women by white men (Collins 2004; Wells-Barnett 1895). These forms of terror allowed white men to retain power over blacks, and continue their economic, political, social and physical domination without threat of competition. Much scholarly work on rape and race during the period following

abolition focuses on the “myth of the black male rapist,” deconstructing the racialized framing of black men and emphasizing the significant role of lynching as a form of racialization and social control (Davis 1983; Nevels 2007; Sommerville 2004; Wells-Barnett 1895). Because the primary focus of the current study is on black women as victims of rape and white men as perpetrators, the emphasis will remain on legal cases involving black female victims of white male rape.

Examining legal cases involving white male offenders and black female victims offers insights into the continuation of the racialized gendered framing of black women, white men, and sexual violence. Jim Crow segregation led to additional incentives for the rape of black women because of the control taken away from white men with the abolition of slavery. In place of slavery and property rights over humans, rape offered one way to continue dominating blacks. Support from the legal system and the racialized gendered framing of black women upheld the ability of white men to continue oppressing blacks through the sexual violence of black women. Williams’s adaptation of the techniques of neutralization is also evident in these court cases in which the technique of “denial of the victim” was used by framing black women as sexually promiscuous and unable to be raped (1986).

The court cases available through lexis nexis academic are all appeals; therefore, the key term “defendant is a white man” and “rape” were used to search for cases involving the rape of black women by white men. Limiting the search to cases which occurred between the years of 1865 and 1965 ensured the crimes and decisions were part of the historical context of *de jure* and *de facto* segregation. Southern and Northern

states were included in the sample. Cases linked to the cases being used for analysis were also examined and incorporated if they involved a white man accused of raping a black woman. Other search terms were previously attempted including “rape” or “carnal” and “black woman” or “negro” but these rarely returned any results.

### **Jaffe v Deckard 1924**

Beginning with the case of Jaffe v. Deckard in the Court of Appeals of Texas. In *Jaffe v. Deckard*, Katie Mae Deckard a fourteen year old black girl filed a suit against a white man, Harry Jaffe for physical and mental damages associated with the criminal assault of rape which he committed against her around June 1, 1921 in Wichita Falls, TX (Jaffe v. Deckard 1924). In addition to choking Deckard and holding her by the throat, Jaffe used “other personal violence” to rape her, which resulted in pregnancy (Jaffe v. Deckard 1924). In *Jaffe v. Deckard*, Jaffe was seeking a review of the suit which was in favor of Deckard; however, the court affirmed the former decision. One reason Katie Mae Deckard initially filed a suit against Harry Jaffe for this rape was due to the fact that she

was a negro girl, and that the child was of fair complexion, and by reason of that fact people who saw her with the child would know that the father of the child was of the white race, and that the child was illegitimate, and that she therefore suffered humiliation and mental anguish (Jaffe v. Deckard 1924:1).

Because of anti-miscegenation laws and informal social norms in 1921, the public assumption surrounding a young black girl with a child who has fair complexion is that the woman involved is at fault for the “illegitimate” relations. As a victim of rape she not only suffers from the emotional trauma and physical violence involved in the act itself, but also from the social response in which the public frames her as immoral and

impure. Failing to live up to the mythical standards of white womanhood, Katie Mae Deckard is framed as fitting with the negative stereotypes associated with her racialized and gendered status as a black woman because of the sexual violence executed upon her by a white man. The pattern of reframing black female victims of sexual violence as guilty of immoral behavior is a continuation of the racialized gendered framing seen in the court cases during slavery. Moreover, this strategy for maintaining racialized gendered stereotypes and perpetuating the ability of men to carry out sexual violence continues into the present day (Richie 2012; see Conclusion).

Furthermore, the case of Katie Mae Deckard reflects the ability of white men to influence the status of individuals and groups who are subordinate to them in the racial and sex-based hierarchy. Instead of Jaffe's sexual violence against her reflecting his immoral, unvirtuous character, his rape pins Deckard as a model of the racial and gendered stereotype of black women. The racial sex-based hierarchy provides an incentive for Jaffe to sexually violate Deckard because it frames her as responsible for her own victimization while alleviating the degradation of his character.

Jaffe disputed these claims, arguing that Deckard was over the age of fifteen when the rape occurred and denying his involvement in the assault. Instead he argued "that whoever had sexual intercourse with her had it with her consent, and further alleged that the appellee had upon numerous occasions had sexual intercourse with other people" (Jaffe v. Deckard 1924:1). Lastly, he denied the charges based on his claim that he is incapable of "begetting a child" (Jaffe v. Deckard 1924:1). His claim that sexual intercourse was consensual reaffirms the racialized gendered notion that

black women cannot be raped because they are hypersexual and thus consistently willing to participate in sexual activity. Jaffe relied on racialized gendered stereotypes of black women when he attempted to frame Deckard as sexually active, claiming that she had multiple sexual partners and that she consented to the sexual act that resulted in a child despite the fact that the jury was able to conclude that she had never had another sexual partner (1924).

The case continues describing Jaffe's interrogation of Deckard's sexual behavior explaining,

In appellant's cross-examination of appellee and her mother he directly challenged appellee's moral character; under these circumstances her character for chastity became a relevant fact, and the nature of the action and the damages claimed involved her chastity. Evidence of plaintiff's good moral character was therefore admissible... (Jaffe v. Deckard 1924:1)

Among other things, the jury in the original case found that "...Prior to that time plaintiff had never had carnal intercourse with any other male person" (Jaffe v. Deckard 1924). The fact that Deckard had not previously had sexual intercourse with any other males was listed as a central finding by the jury, with her chastity becoming a major point of contention. Although this is important because it answers the question of whether or not the pregnancy resulted from intercourse with Jaffe and thus confirms that sexual intercourse occurred between the two, the fact that she has never had sexual intercourse prior to the rape should not be considered essential to this case. Providing this information reinforces the idea that women who are voluntarily sexually active are responsible for sexual coercion and rape that are executed upon them. Framed as sexually promiscuous or prostitutes, women and especially black women, are frequently

considered at fault for their own sexual victimization. The need to discern and emphasize Deckard's sexual purity serves to benefit her in this particular case while upholding gendered double standards that reinforce sexism at large.

In addition to the racial and gendered standards which were attempted to be used against Deckard in this case, the role of the racial sex-based hierarchy is evident in the conflict of interest between Deckard and the medical professional who visited her upon the birth of her baby. In a position of power and status above Katie Mae Deckard, the white male, Dr. Walker, was asked by Jaffe to visit Deckard on the day of the baby's birth to determine the race of the baby and ask Katie Mae questions regarding who was responsible. During the court case, Dr. Walker provided a testimony in which he

was charging her with having admitted to him that she had been having intercourse with two different men. She then and there flatly denied having made such admission to him... Dr. Walker, who was there representing the appellant...had testified that when appellee was in his office the second time, she had told him she had had intercourse with two men. When Dr. Walker charged her in the presence of Mrs. Frazer with having so stated to him appellee immediately denied it (Jaffe v. Deckard 1924:1).

This excerpt reflects the social structures of racism which create difficult contexts for black women like Katie Mae Deckard who are forced to seek medical attention from white male doctors after being raped by a white man. Because of their racial and gender identifications, many of these doctors possess interests in protecting the myth of white male virtue and black female promiscuity. Additionally, the social networks and affiliations among white men in small communities, such as Wichita Falls, TX in 1921, put black women in a disadvantaged position for seeking unbiased medical support. In this case, the doctor with whom she discussed her newborn baby was sent by the man

who raped her. Moreover, because of the private relationship and conversations between the doctor and patient, Dr. Walker was able to (most likely) lie about the discussion he had with Katie Mae Deckard in his testimony, claiming she told him personal information regarding her sexual activity with multiple partners and reinstating the racialized gendered framing of her as a sexually promiscuous black woman. By framing her in this way, Dr. Walker is attempting to associate Katie Mae Deckard with the stereotypes of black women and imply her fault for the rape based on the grounds of her immoral character (*Jaffe v. Deckard* 1924).

#### **Hodnett v The State in the Supreme Court of Georgia 1944**

In *Hodnett v. The State in the Supreme Court of Georgia* (1944) similar racial and gender dynamics appear regarding the rape of a young black girl between the ages of twelve and thirteen. In this case the racial, gender, and class dynamics which create a context that enables white men to rape black girls is evident. As demonstrated in this case, financial constraints of black men and women can increase the likelihood of their victimization by creating scenarios in which they are lured into vulnerable situations. Class, race, and gender inequality work together to influence the likelihood of rape in several cases. The evidence for the rape of the young black girl, whose name does not appear in these records, included the following:

The defendant was a white man and the alleged victim a negro girl between twelve and thirteen years of age. The defendant was married and had several children. According to the State's evidence, the prosecutrix was standing on a street corner in the City of Atlanta with another negro girl about her age, when the defendant drove up in his automobile, and after stopping his car asked them if they knew anybody who would like to have a job helping his wife around the house and looking after his children. The prosecutrix said that she would take the job, and the defendant told her to get in the car, which she

did. He then drove off, but instead of going directly home, went out toward the Buford highway, and after getting some distance from Atlanta drove the automobile...into a side road in some woods; and while the car was parked at this spot raped the girl in the back seat of the automobile. After the act was completed and while the defendant was attempting to get his car started, the girl left and on reaching a home on the highway, related to a white woman what had happened. She was crying and partly hysterical. The police officers were called, and went to the place of the alleged crime, taking the girl with them. They found the defendant still there trying to get his car out of a ditch. He was put under arrest and placed in jail, and the girl was carried to the DeKalb County physician for examination. The physician testified that there was evidence that the hymen had been torn, and that there was some bleeding. The officers testified that they examined the underclothes of the defendant and that there was a moist spot on his shorts. The defendant in his statement said that he had just had some work done on his automobile, and had been advised by the mechanic to drive the car as much as possible so as to get the motor in good condition; and that this was the reason why he decided to drive around before going home. He admitted that he had...picked up the girl, but stated that he was taking her to his home for his wife to see if she cared to employ the girl. On the way home, and while the car was being driven along the highway, the motor became hot, and he decided to drive off the highway and into a side road to let it cool off. He denied that he had harmed the little girl in any manner, and said that she had voluntarily left while he was working with the car (*Hodnett v The State* 1944:1).

In this scenario, the white man portrays himself as a potential employer in a position to offer the young black girl work. In the interest of being employed, the young black girl is placed in a vulnerable position in which she will be alone with this white man at an increased risk of exploitation and sexual abuse. Because of his ability, as a white man, to portray himself as an employer he is able to utilize the intersections of racism, sexism, and classism to assume the young black girl on the street corner would be in need of money and work. Describing the work as domestic labor for his wife, Hodnett also plays on the racialized gendered roles of black women and white families, creating an imaginary position that is particularly realistic-seeming for the 1940's. Moreover, this imaginary labor role

that Hodnett created frames him as the potential employer in a position of power over the potential black female laborer, enabling him to convince the black woman to ride alone in his car claiming that she will receive the benefit of work and money for her compliance. Hodnett's racialized gendered status enables him to portray himself as a potential employer giving him an additional degree of power over the black girl.

Although Judge Wyatt in *Hodnett v. The State* (1944), does consider this offense rape because of the age of the victim, he uses the following legal policy to define rape, which reflects the displacement of responsibility for rape onto the victim:

... in order to constitute the offense of rape, the female must resist with all her power, and keep up resistance as long as she has strength; that opposition by mere words is not sufficient and a passive policy will not do. The rule there laid down has no application to the case now under consideration. Here, the... female alleged to have been assaulted was under fourteen years of age and therefore incapable in law of giving...her consent (*Hodnett v The State* 1944:1)

The assumption in this definition of rape is that if a woman stops resisting it implies she has decided to give consent and enjoy the act. The basis of this assumption lingers today, and is derived from the idea that women are sexually modest, and are expected to be by society (See Felson 2002 for an example of this persisting argument). Because of sexual double standards, women are encouraged to resist sexual activity in order to maintain their image as pure and moral, even if they do not actually mean they want the sexual activity to stop. Although a clear double standard for sexual activity and expectations does exist in the U.S., this assumption of

women's sexual behavior puts them at risk for unwanted sexual advances and rape. Moreover, as reflected in this legal policy, this assumption alleviates the responsibility of rape from the man who forces through a woman's resistance, claiming that her attempts to stop him were actually attempts at framing herself as modest when she really wanted to have sex. If a woman gives up resistance against rape, or never resists in the first place because of implicit threats, the rape is viewed as consensual sex. This discourse around rape and gender reinforces the idea that it is appropriate for men, particularly white men, to initiate sexual activity with any woman they please at any time, even strangers. If the woman resists entirely then his right to continue having sex with her is revoked; however, if she gives up resistance, then it is assumed that she wanted to engage in sexual intercourse as well. Lastly, this discourse portrays women as potentially always ready for sexual intercourse, awaiting a man who will initiate the sex and force through her initial resistance.

Albert B. Hodnett received a "misdemeanor punishment" of twelve months "on the public works," a minor punishment for a crime involving violence and rape against a child of twelve or thirteen years of age (*Hodnett v The State* 1944).

### **The People v. Harold Hume 1942**

The racialized gendered framing of black women as prostitutes, particularly black women who are victims of rape by white men, is evident in the case of *The People v. Harold Hume* of 1942. Both the white man and black woman provide their account of what occurred on the night of the sexual encounter with very distinct narratives. The prosecutrix is described as a twenty year old black woman

who was employed in the house of a policeman in Hollywood. The defendant is a thirty-two year old white man. Based on the account of the victimized black woman, both she and the white man

entered a public motor bus about 11 o'clock one Sunday night at Santa Monica and Western Avenues in Hollywood; eight or ten minutes later they alighted...According to her testimony, defendant followed her for two or three blocks, when he spoke to her and asked her if she had been working... to which she answered no; he asked her if she was angry with anyone and she said no; defendant grabbed her between the hips and shoulders and she told him to take his hands off of her; that she started fighting with all of her might when defendant was pulling her into a driveway and was trying to pull away from him; that he pulled her into a dark driveway...she fell to the ground and that...defendant pulled up her dress and raped her....She testified that defendant struck her a good many times with his fist, mostly upon the temple; that she struck defendant in the face and kicked him; that she was fighting with him and trying to get up and while he was lying upon her she took a knife from her pocket, tried to open it but did not succeed and struck defendant in the back with it... After the act had been accomplished defendant arose and became nauseated. Prosecutrix also arose from the ground, reached into defendant's pocket, took his wallet and ran away with it. Defendant chased her to the house, calling to her on the way; at the house they had a scuffle, defendant endeavoring to regain his wallet, which prosecutrix threw into the yard. They knocked over some milk bottles and her employer, the policeman, was aroused by the commotion, came out of the house, defendant ran down the driveway, the...policeman went after him, brought him back and detained him at the house until policemen whom he summoned arrived...Later that evening she [prosecutrix] went to the Hollywood Receiving Hospital, where she received some attention (The People v. Harold Hume 1942:1).

The police officer who employed her claimed that he “detained defendant until the officers came; that defendant was somewhat intoxicated, said that prosecutrix wanted to ‘neck’ a little and that she had taken his purse” (The People v. Harold Hume 1942:1). Despite his interest in protecting his employee, he frames the black

woman as desirous of the sexual encounter, making the intercourse sound at least consensual.

Moreover the testimony given by the defendant provides a contradictory story to that given by the prosecutrix. He explains that in addition to flirting with her on the bus, the two walked from the bus “arm in arm” for a few blocks before consensually kissing and agreeing to sexual intercourse (*The People v. Harold Hume* 1942:1). However,

when they were about through she said he would have to pay her and when he said he would not pay, ...she got out a knife and he took it from her and threw it away...after the intercourse, he was nauseated and she was standing by his side sympathizing with him and had one arm around him; that she reached into his pocket "awful quick"; that when she started to run away he missed his wallet; that he chased her, caught her at the doorstep and tried to get his wallet...the only time he "had a scrap with her" was at the back door when he was trying to get his purse (1942:1).

The defendant’s claims in this excerpt parallel the common practice of framing black female rape victims as prostitutes in order to avoid rape charges. Developing out of the racialized gendered stereotypes of black promiscuity from slavery, the notion of black women as prostitutes became a consistent theme during segregation which allowed white men to continue raping black women with minimal consequences (McGuire 2011). In the 1942 appeal of *The People v. Harold Hume*, the conviction was reversed, demonstrating the effectiveness of utilizing this racialized gendered framing. Additionally, the defendant references the speed at which she was able to steal his wallet, alluding to her thievery skills and framing her in racialized terms as untrustworthy and a thief.

Another interesting theme in several of these cases, including *The People v. Harold Hume* (1942), is the reinforcement of the rape myth that this violence is most commonly exerted by strangers. The fact that strangers are accused of rape in several of the cases that appear in the lexis nexis records reflects the fact that rape by strangers is more commonly viewed as a criminal act. Several studies have concluded that rape committed by strangers is more likely to be accepted by the prosecutor today, and more likely to be perceived as severe by police officers and prosecutors compared to rape executed upon a woman by an acquaintance or intimate partner (Tellis & Spohn 2008; Holleran, Biechner, Spohn 2008; Spohn & Tellis 2013). When police officers and prosecutors are most easily convinced that rape has occurred if it is completed by a stranger, many forms of sexual violence and rape between romantic partners, friends, or acquaintances go unpunished. The notion that rape is most commonly executed by strangers serves in the interests of white men who maintain sexual privileges within their intimate relationships, such as the ability to engage in intercourse against their female partner's will with a decreased chance of being charged for an offense.

#### **The State of Kansas v. Lester McCrady 1940**

In *The State of Kansas v. Lester McCrady* of 1940, Cecelia Bailey, a sixteen year old black girl was raped by Lester McCrady, a white man. McCrady appealed the forcible rape and statutory rape convictions on several grounds, including “improperly admitted” statements by the prosecutrix, credibility of the witness, and the race of the defendant, prosecutrix, and courtroom. However, Judge Hoch did not find sufficient grounds for reversing the conviction. Indeed, the judge found “there

was no evidence that defendant did not have a fair trial because he was white and the courtroom was filled with black people. In fact, the jury consisted of all white people” (The State of Kansas v. Lester McCrady 1940).

The description of the rape incident is summarized as follows:

The complaining witness, a colored girl sixteen years of age, was employed as a maid in the home of Mr. and Mrs. Hutchings in Kansas City, Kan., in the summer of 1939. She had also worked for Mrs. Howard, who lived across the street from the Hutchings' residence. On the evening of August 2 she went to the Howard home to be with the small children there while the parents were away. She testified that she lay down to sleep on a couch with her clothes on, and at about two-thirty or three o'clock in the morning was awakened by a man knocking at the door, calling a woman's name and asking to be let in; that she refused to open the door, but that he kept on demanding admittance and succeeded in getting in by removing a cardboard in one of the windows at the side of the door; that she had never seen the man before. Then followed her testimony concerning an attack, her outcries and other sordid details which need not be recited. She...said that after the attack the defendant went to the bathroom, and she put on her shoes and ran across the street, awakened Mr. and Mrs. Hutchings and told them what had happened. Mr. Hutchings, a record clerk in the police department, testified that he was awakened by the girl, who appeared to be hysterical...Mr. and Mrs. Hutchings went with her to the Howard home and found the...defendant in the bathroom...The defendant was taken to the police station by two policemen... There was testimony that the defendant at the time denied the girl's charges, but the defendant himself did not take the stand at the trial The State of Kansas v. Lester McCrady 1940).

Like several of the cases from segregation included in this analysis, Cecelia Bailey, was working as a domestic laborer when she was attacked. The increased vulnerability involved in working as a domestic laborer in the homes of whites has been expressed in previous research, and is evident in these examples as well (Collins 2004; Davis 1998; Dill 1994; McGuire 2011). In addition to the access white male employers have to domestic laborers in their homes, and the increased vulnerability of women walking alone after leaving the home of employment at 11:00 PM as in the case of *The*

*People v. Harold Hume* of 1942, the rape against Cecelia reflects the increased exposure to violence for black women that is affiliated with domestic work (*The People v. Harold Hume* 1942). As the care taker of the children, Cecelia was required to sleep with no other adults in the home the night of the attack, giving her minimal protection against the intruder.

Also supportive of previous research, this case parallels several cases which involve rape by a stranger. Like the decision made in *The People v. Harold Hume* (1942) case, convicting a person of rape tends to occur more frequently when the rapist is a stranger, which is likely one reason Cecelia Bailey's case was originally successful and upheld in the appeal (Holleran, Biechner, Spohn 2008; Spohn & Tellis 2013; Tellis & Spohn 2008; *The People v. Harold Hume* 1942).

Interestingly, in this appeal the details of the attack provided by Cecelia are circumvented. The evasion of the "sordid," or distasteful testimony of Cecelia Bailey reflects the value placed on modesty, even within an allegedly objective court case in which details can be necessary for determining the accuracy of various testimonies. The omission of her detailed testimony was not detrimental to Cecelia's case in this appeal, and was omitted on the basis that the information was not necessary. However, more generally the subjective decision to overlook the details of a rape case, which could easily be considered "sordid" by the sexual nature of the violence, could be injurious to many individuals seeking to charge someone of rape or sexual violence in the mid 1900's. The omission of information for the sake of decorum in this case sets a precarious precedent.

Later in the case, McCrady attempted to argue that the sexual act was consensual in order to reverse his conviction of forcible rape. In so doing, he relies on racialized gendered framing of black women for his potential benefit.

One statement of the prosecutrix is...plucked from her whole testimony which, it is argued, indicates submission to the act of intercourse...In addition to all this the appellant himself asked instructions to the effect that if the jury found that the defendant did have carnal knowledge of the prosecuting witness, but that the act was not forcibly committed but was with her consent, then they should acquit the defendant (*The State of Kansas v. Lester McCrady* 1940).

Considering the scenario involving an unknown man breaking into the home while Cecelia was sleeping, the likelihood of her spontaneously agreeing to engage in sexual intercourse is extremely low. However, from a racialized gendered framing which views black women as constantly desirous of sex, McCrady is able to test this argument in court in the interest of reversing his charges, claiming that Cecelia submitted to the act and gave her consent. Fortunately, he is unsuccessful in this pursuit.

### **The State of Ohio V. Tuttle 1903**

Mabel O'Neal was about fourteen years old when she was raped by a fifty year old white man named Oliver Tuttle. *The State of Ohio v. Tuttle of 1903* evidences the patriarchal framing and imagery of the white male dominated court. The white men involved in the legal system, as legislators, judges, and prosecutors, view themselves as responsible for protecting women, including these young black girls, from the "evil" men who have either failed to live up to the standard white male virtue or who, in many cases during the early 1900's, were black and thus easily framed as "corrupt" and "evil"

by the courts' standards. The appeal records refer to the legislative decision regarding rape in for this 1903 case:

The legislature concluded to come to the rescue of youthful females from the brutal assaults upon their virtue, and to make it rape for the assailant to have...carnal knowledge of one, who is either too young to forcibly...resist, or whose ignorance of the wiles and blandishments of evil men may make her an easy subject to their corrupt suggestions and persuasions. The provision was enacted for the protection of this class of our people, from the lust and beguilement of designing men of maturer years and greater experience (The State of Ohio V. Tuttle 1903:1) .

Framing themselves as heroes, the legislators and others who adhere to this legislation, reproduce the assumption of women's dependency on men for protection. Where white men are unable to physically protect women they can legally play the role of the rescuer from the "other" "evil" men who rape. Not only does this language reinforce the stereotypes of women and blacks as incapable and too ignorant to protect themselves, but it also upholds the image of white men as virtuous saviors who are strong and intelligent.

Moreover, as this excerpt demonstrates clearly, the white male presence in positions of legal authority creates a distinction between virtuous white men and "other" men. Despite the fact that white men of all social classes have been known to engage in the coercion and rape of women, particularly black enslaved women during the Antebellum period, as well as their white wives, the language of the legislation and the white male dominated presence in the court room provoke the imagery of upstanding white men who are moral and pure in contrast to the immoral, frequently black, men whom they convict of crimes. Even in cases involving white men as the rapists, such as this 1903 case, the myth of white male virtue is reinforced by framing

the particular rapist as one of the exceptions among white men who has failed to live up to the standard of white virtue. The “virtuous” white men in the legislature and courts distinguish themselves from “other” white men by framing themselves as rescuers of young black girls who cannot defend themselves, upholding the notion of their own superiority (The State of Ohio V. Tuttle 1903:1).

Concern over the moral character of the young black girl who was raped and her friend, another young black girl who was a witness, arose in this case as well. The jury was

told “the experience of courts warns them to scan with caution and view with suspicion the testimony of abandoned women or the like; and, that, if any such have testified in this cause, it is your duty to apply the above warning.” In the next paragraph the jury was told that, “The conduct of abandoned women is often incomprehensible when tested by the standard applied to the generality of mankind; and if any such have testified in this case, you should be cautious in relying upon her evidence” (The State of Ohio V. Tuttle 1903:1).

This discriminating clause allows for white sexism and racialized sexism by juries, which are encouraged to view certain groups of people with more suspicion than others. The claim that “abandoned women” lack intelligibility reflects the notion that a particular class of individuals, namely white male law-abiding citizens, possesses the most objective perspectives and testimonies. In contrast, people who do not fit this description, including women of all races, particularly those who are “abandoned” or not law-abiding, can be considered less likely to provide accurate testimonies. In this case, the issue of “abandoned women” is raised because of the race, gender, and “vicious life” practices of the two young black girls involved in the

case. Fortunately, for this case the ability to use such discriminating discretion was overturned.

Their own evidence shows that they had begun a vicious life quite early, and yet, they may not have reached the stage or... degree in vice, that would class them among what the court called "abandoned women." ...it is not the proper function of the court to classify witnesses to a jury, and say that one class is to be viewed with caution and suspicion,... Nor should the court say to the jury that the conduct of one class of witnesses "is often incomprehensible, when tested by the standard applied to the generality of mankind" (The State of Ohio V. Tuttle 1903:1).

## **Conclusion**

The racialized gendered framing of black women who were victims of rape by white men during Jim Crow Segregation reflects the legacy of black and white stereotypes and other white racial framing from slavery. White men attempted to emphasize sexual immorality of black women who they had raped as a way to defend themselves and appeal their rape charges. Racialized gendered framing that was used against them in these court cases includes reinforcing notions of sexual promiscuity, prostitution, and a general assumption of immoral behavior among these black women who were victimized.

The persistent degradation of black women within the U.S. court system highlights the lack of legal protection these women have. Even after slavery was abolished, the ability to use framing of black women as deserving of sexual violence, suggests a continued lack of legal protection. From the perspective of Routine Activities Theory, the legal system continues to fail at providing capable guardianship to these women, increasing their vulnerability to rape (Cohen & Felson 1979). Moreover, the racialized gendered framing discussed in this chapter further supports Williams

adaptation of the techniques of neutralization. The judges and white men originally charged with rape in these court cases attempt to deny the victimization and the injury of the black women involved by framing them as sexually promiscuous, desiring of sex, and prostitutes, and thus unable to be raped. Claiming that these women wanted sex based on stereotypes of their moral looseness reflects the denial of injury used as a technique to legitimate rape. Framing victimized black women as prostitutes denies their victimization by asserting that they were to blame for their participation in the rape. These techniques enable the crime of rape to be carried out against enslaved black women by providing justifications to the person enacting the rape, the judges and juries deciding whether or not a crime was committed, and the public who interprets and reacts to the victim based on this racial framing (Williams 1986).

While the racialized gendered framing of black women as sexually promiscuous, prostitutes, and responsible for their own sexual victimization may have begun during slavery, it did not end with its abolition or with the Civil Rights Act of 1965 which finally ended all legal segregation and discrimination. Instead, this pattern of racialized gendered framing used against sexual victims continues to affect the lives of many marginalized black women today (Richie 2012). The criminalization of black women who are victims of sexual violence today reflects the continued systemic gendered racism (Richie 2012). The legal system continuously fails to protect the interests of marginalized black women and thus perpetuates their vulnerability to male violence and their lack of resources for seeking justice.

## CHAPTER IX: CONCLUSION

Recorded accounts including diaries, narratives, autobiographies, court cases, and divorce petitions from slavery reflect the rampant sexual violence of black enslaved women by white men and the role of white women in this rape. Sexual violence of black women by white men was enabled by the U.S. legal system which failed to criminalize the rape of female slaves. This routine violence worked to racialize and gender black women, white men, and white women in various ways. By highlighting the widespread rape of female slaves by white men and the resistance and counterframing of enslaved black women and men as defining features of U.S. slavery, this study deconstructs current stereotypes and racialized gendered framing of white men, white women, and black women. Moreover, incorporating an analysis of white men and white women with regard to this sexual violence allows for a demonstration of the way intersecting institutions of oppression work together by creating intersectional incentives for oppression and shifting consequences away from the dominant groups.

Systemic gendered racism is bolstered when white women or white men are motivated by incentives associated with their intersectional location, driven by their intersectional commitment to their racialized gendered roles as white women or white men, or when they are encouraged to avoid various consequences and are able to shift these consequences onto subordinate groups. The interdependence of oppression and privileges reduces resistance to the broad interconnected system of inequality at large. Adding to intersectional theory, the concepts of intersectional incentives, tactics, and consequences which are particular to each intersectional location highlight the

mechanisms that consistently reinforce each institution of oppression because of their intersecting and interdependent nature. These mechanisms, unique to each particular intersectional location, mean that attempts at resistance by one group, or identity location, are entangled with the interests of another group, often reducing the efficacy of these resistance efforts or causing resistance efforts to ultimately reinforce oppression of one or more groups. Through the example of sexual violence executed by white men against black women, these mechanisms of intersectional incentives, tactics, and consequences as well as agency and resistance are analyzed and their role in bolstering intersecting institutions of oppression is made evident. Sexuality is the site of various intersections of oppression, making it an important focal point for analysis of intersectionality (Collins 2004).

This analysis contributes to intersectional theory broadly by focusing on the perpetuation of privilege and power of the dominant group, whites. While much intersectional theory and analysis has analyzed the experiences of oppression of women of color, this study focuses on the development and reproduction of intersectional white male power and white female power through the exploitation of black women. Rather than implying that whites are the actors of oppression and focusing predominantly on the subordinated groups, this approach directly links acts of oppression to the actors who are responsible, and allows for an analysis of cultural and structural strategies for enacting and upholding white power and privilege.

## **Research Questions**

Previous scholarship focusing on sexual violence of black women answers several questions with regard to this topic including the variety and complexity of the relationships between white men and black women during slavery, some of the responses to rape and forms of resistance employed by black women, and the devaluing impact of rape on black womanhood. Because these studies primarily frame their analysis around black women major research questions regarding the behaviors and roles of the dominant groups remain. Additionally, feminist criminology offers crucial perspectives on the role of techniques of neutralization, rape-prone versus rape-free contexts, patriarchy, masculinity and the violence matrix for understanding the crime of rape against black women.

Using primary sources and theoretical analysis, this exploratory study answered the following research questions: 1. In what ways does sexual violence of black women by white men during slavery impact white men, white women, and black women in terms of identity, status, and power, among other factors? 2. What were the responses (physically, verbally, emotionally) and attitudes of white women, white men, black women, and black men to the sexual violence of black women by white men? 3. What are the impacts of these responses and attitudes of each group on intersecting institutions of oppression?

Answers to these questions are summarized as follows:

1. In what ways does sexual violence of black women by white men during slavery impact white men, white women, and black women in terms of identity, status, and power, among other factors?

White men benefited from sexual violation of black women through physically forcing them to act against their will, evoking the feeling and execution of power over others. Additionally, sexual prowess was considered one dimension of white masculinity during Slavery. Sexually coercing and raping black women enabled white men to satisfy what they viewed as “natural” expressions of masculinity, fulfilling their role as “true men.” Losing virginity through rape and coercion, young white men used sexual violence to transition from boys to men at the expense of black enslaved women. During the Antebellum period in the South, the high-status identity of “white man” could be achieved for many white boys in part through the rape and sexual coercion of black enslaved women, creating a significant incentive to carry out sexual violence of black women. White men used sexual violence to racialize and gender themselves, performing white masculine behaviors which heightened their status at the expense of the status of enslaved black women who were violated and degraded in this process.

Furthermore, because of the Victorian expectations for sexual expression during this time, many white men claimed that their sexual relations with slaves protected their white wives from the degrading act of sex for pleasure. Another benefit of this sexual violence for white men was the ability to label black women as promiscuous, upholding the illusion of white racial superiority, especially white female purity juxtaposed against black racial inferiority within a context of Victorian sexual standards. With the power afforded to white men through their racial and sex-based statuses and the associated political power, white men were (and continue to be) in a position to create and

disseminate knowledge, such as labels, stereotypes, frames, and ideologies about women of color, white women, and themselves (Feagin 2013b; Marx 1887).

White women benefited from this sexual violence because of the racial distinction it reinforced among women. Although white women had minimal power and status during the Antebellum period compared to their white husbands and fathers, they were able to distinguish themselves from black women who had been raped through the notion of white female purity in contrast to the promiscuity of black women. Moreover, the sexual violence enacted by white men afforded women the opportunity to execute their minimal power and status above black women by punishing the woman who was sexually victimized. White women racialized and gendered themselves and black women through their verbal and physical abuse of enslaved black women who were sexually victimized by white men. The verbal and physical punishments provided white women with a sense of racial and class status above black women, reinforcing the subordinate racialized gendered status of black women and heightening their own white status as women. The ability to execute power over others, enslaved black women in this case, gave white women an intersectional incentive to racially subordinate this group and maintain their status as racially superior, as opposed to recognizing any potential commonalities in the experience of domination by white men. Rather than resisting white male dominance, which could potentially threaten their access to financial resources and their power over black slaves, white women reinforced the degraded status of black women who were sexually victimized in order to feel a limited degree of status.

As the dependence of whiteness on blackness implies, these benefits to white men and white women had detrimental impacts on the lives, power, and status of black women and men. The threat of physical and sexual violence to oneself, family, or friends maintains the subordinate status of black men and women, enabling whites to control their behavior through terrorism. The collective knowledge and awareness among slaves regarding the punishments associated with refusing to engage sexually with white men ensured coercion in these sexual encounters and instilled fear in enslaved men and women. The constant threat of sexual violence and the awareness of the punishments that are associated with refusing this violence created a social environment which supports Richie's argument on intimate household violence. The emotional manipulation of the social context included the threat of rape and the knowledge of the punishments associated with refusing rape. This emotional manipulation increased the vulnerability of enslaved black women to sexual violence by white men through intimidation, emotional abuse and coercion through implicit threats (Richie 2012). As the victims of sexual violence, black women were framed by white men and white women in terms of their racialized gendered status as hypersexual, promiscuous, seductive, and inferior to whites based on moral standards of the time period. Rape executed by white men and the secondary abuse carried out by white women degraded black women by reinforcing their subordinate role to the physical power of whites.

2. What were the responses (physically, verbally, emotionally) and attitudes of white women, white men, black women, and black men to the sexual violence of black

women by white men? And 3. What are the impacts of these responses and attitudes of each group on intersecting institutions of oppression?

White men's reactions to sexual violence of enslaved black women included the encouragement of other white men to partake in the behavior and the normalization of the behavior in general. The intergenerational transmission of white masculinity was one way in which parents passed messages about white manhood and black womanhood onto their white sons. Creating opportunities for their sons' sexual involvement with enslaved black women and even directly demonstrating this behavior in some instances were two ways that parents encouraged their white sons to engage in sexual violence. The white parents involved in the intergenerational transmission of white masculinity can be understood as reacting positively to sexual violence by white men against enslaved women, supporting the behavior and encouraging its perpetuation within their own family.

Many white men's reactions to the sexual exploitation of enslaved black women were casual, referring to the practice as normal. If anything, white men were expected to keep their relationships discreet as part of upholding proper social decorum, but the sexual exploitation of enslaved black women seemed to be its own form of socially appropriate behavior of white upper class boys and men. Employing "courting" practices and a preference, or fetishization, for light skinned- black women were two intersectional tactics used to maintain the racial sex-based hierarchy and white racial and gendered framing in which whiteness was viewed as superior and virtuous. These tactics are types of reactions to sexual violence carried out by white men, which enabled the

sexual coercion and rape to continue without disrupting the racial sex-based hierarchy or racialized gendered framing which upholds their power and privilege.

White women's reactions to the sexual violence of enslaved black women by the white men in their lives often included a decision to remain silent, overlooking the violence, punishment to the enslaved black women who were sexually victimized, or divorce. White women reacted with feelings of jealousy, anger, and resentment towards their husbands and frequently towards the enslaved black women. Remaining silent and overlooking the sexual violence of their husbands was often due to threat of physical punishment, which was supported by the legal system. Additionally, white women denied the sexual involvement of their husbands with female slaves as a way to maintain a public social image that they desired. Norms of white femininity influenced the micro-interactions of white women towards their husbands, and the decision to ignore their sexual behavior with enslaved women.

White women also punished the enslaved black women who were victims of their husbands' sexual assaults. In these cases, white women inflicted physical and verbal abuse on these women, reflecting the white women's ability and desire to reinforce racial subordination of enslaved black women. Additionally, violence directed at the black female victim reflects the limitations of white women's power as well as the privileges of being a white man who is able to evade responsibility for his actions. White men created conflict between the enslaved black women and their white wives, providing the women with an outlet for their resentment towards him for the abuses he inflicted on both as well as a distraction from his responsibility.

Some white women filed for divorce as a reaction to their husbands involvement in sexual violence of enslaved black women. Moreover, these petitions reflect the language and racialized gendered framing white women used to portray themselves, their husbands, and the enslaved black women in relation to the sexual “affair.” Referring to the enslaved black women who were victims of their husbands sexual abuse as “wenches” or framing the incident as consensual, allows the white women to frame herself as the sole victim. This narrative focuses all attention on the needs of the white women, and the role of the court in protecting her from the white man who has failed to achieve white virtuousness through his immoral behavior, as opposed to recognizing the needs of the black woman who was sexually victimized and in need of legal protection against rape. Moreover, some white women used language in divorce petitions that framed themselves as meeting the ideal standards of white women. The submissive, passive, calm and loyal portrayals of themselves, assisted white women in gaining divorces from their husbands as well as a portion of the economic resources in many cases; however, the intersectional consequence of this racialized gendered framing is the reinforcement of white feminine gender roles and the white sexism that is associated.

Elite white women like Mary Chesnut and Fanny Kemble resisted the sexual violence of enslaved black women by white men through their access to writing. Appalled by the rampant sexual involvement between white men and enslaved black women, as well as other abuses of slavery, these women wrote about the hypocritical behaviors of white men and the denial of their white wives. The constraining white racial framing of the time period is nevertheless reflected in this resistant writing. For instance,

the perception of white men's sexual violence and coercion of enslaved black women is described as a problem of "amalgamation" by these white female authors, more than as an issue of rape. Therefore, even in their attempts at resistance, these elite white women often reinforced racism and racialized sexism by upholding notions of white purity. Moreover, the failure to recognize the cruel abuses of white men as acts of rape subtly reinforced the racialized gendered framing of black women as desirous of sex and thus sexually impure based on the standards of the time period. Ultimately, framing interracial rape of enslaved black women by white men as consensual does not allow for a deconstruction of white male virtue and purity or sexually degrading stereotypes associated with black women, and does not address the legal and social needs of enslaved black women who require protection from rape by white men.

Enslaved black women described several important reactions to the sexual violence white men executed upon them or other women they knew. Experiencing depression, anger, and resentment towards the white men who attempted to sexually violate them, was one type of reaction to this sexual violence. As in the case of Harriet Jacobs, the transition from childhood to adulthood was forced prematurely through the verbal abuse of Dr. Norcom, and was demarcated by a transition from some joy in childhood to depression in adulthood (Jacobs 1861). Black men throughout the interviews and narratives described the sexual violation of enslaved black women as one of the most severe forms of cruelty executed by white men upon slaves. Enslaved black men described feelings of pity and despair for the women who were victimized, reflecting the widespread devastating impact of sexual violence of enslaved black

women on all slaves. Moreover, enslaved black men generally seemed to have a great understanding for the young women who were subjected to sexual violence by white men. As opposed to viewing these women as consenting or actively attempting to engage in sex with white men as some whites described, enslaved black men and women both understood the reality of the rampant sexual coercion and the implicit threats of disobeying one's master. Indeed, the enslaved black men were subjected to this violence in their own ways, including being raped themselves, as well as through the destruction of their families and romantic relationships with women who were subjects of sexual violence.

In spite of the routine sexual violence by white men upon enslaved black women and the enslaved black population's collective awareness of the various punishments that white men could inflict on black women who refused their advances, enslaved black women frequently resisted this rape. Refusing to submit to their master's sexual desires, enslaved black women risked severe physical punishments and separation from their families. In return they reinforced a counterframing of enslaved black women as courageous and of strong moral character, rejecting the degrading sexual stereotypes generated by whites, which frame black women as promiscuous, impure and hypersexual. This reaction of enslaved black women to the sexual violence of white men, in terms of both the psychological rejection of the dehumanizing stereotypes and the physical reaction to avoid sexual violence, threatened white male power.

Overall, these reactions demonstrate evidence for the white racial frame, including the pro-white subframe in which whites are stereotyped and described as

virtuous and superior, in order to justify their domination of others and their power and privilege within society. The reactions of white men and white women reflect the intersectional incentives and intersectional consequences in performing whiteness, white masculinity, and white femininity. Some of the white men and white women's reactions are intersectional tactics which enable them to perform white masculinity or white femininity and receive the social and psychological privileges associated with these statuses. Ultimately, these reactions reflect the inner workings of the institutions of oppression of racism, sexism, classism which intersect. Incentivizing particular reactions to sexual violence among white men and white women allows for the perpetuation of white privilege, the persistence of white sexism, and the continuation of sexual violence and systemic gendered racism against enslaved black women. The reactions of individuals within the dominant racial group were influenced by intersectional incentives and intersectional consequences. If white men had not been protected by the legal system, social norms, and the economic system from the negative consequences associated with their sexual violation of enslaved black women, they may not have regularly engaged in this sexual violence. Instead, they were able to evade most consequences through the legislation that protected their interests, power over their wives, and various intersectional tactics that allowed them to maintain a virtuous reputation in the community despite their actual behavior. Because of the social structure and intersectional tactics, white men were able to evade consequences for their actions forcing the detrimental impact of their behavior to fall onto enslaved black women who were already subjects of much sexual and physical abuse. Racialized gendered framing

of enslaved black women as hypersexual, promiscuous or responsible for seducing white men added to the sexual degradation these women experienced and reinforced their position at the bottom of the racial sex-based hierarchy. This position was reinforced through racialized gendered framing which portrayed enslaved black women as immoral and uncivilized and thus undeserving of social approval, respect, power, and privilege.

Additionally, the evasion of white men's responsibility often left white women and enslaved black women in conflict. This conflict frequently had a detrimental consequence for the enslaved black women who were subjected to physical and verbal abuse by the jealous or humiliated white wife. As a way to feel superior and empowered, white women grasped for the intersectional incentive in whiteness by physically abusing the racialized group of women below them in the racial sex-based hierarchy. White women were able to carry out this abuse because of the black women's racialized gendered status and their status as enslaved. The white women's position within the racial sex-based hierarchy afforded them enough power to reinforce the racial and enslaved subordination of black women but not enough power to control the behavior of white men. In other words, the racial sex-based hierarchy can be understood as positioning various subordinated groups in conflict with one another. Because of this positioning, in their intermediary status white women are primarily only able to reinforce racial and racialized gendered oppression and white sexism, while the status of white men continues unchallenged.

## **Implications of the Findings**

Although the rape of enslaved black women by white men is rarely discussed as a central force shaping contemporary society, the current study demonstrates the role of this rape as fundamental to the interactions between white men, white women, and black women during slavery. Sexual violence of enslaved black women acted as an important shaping force in terms of the racialized gendered identities of these groups, reinforcing the privilege and power of the dominant groups and the degradation of enslaved black women and men. This shows how systemic racism was and the broad use of white racial framing to legitimate this racism.

The implications of highlighting this widespread rape of enslaved black women by white men and analyzing the way this sexual violence perpetuated oppression, status, privilege and power intersectionally have several implications for today. Covering up the rape of enslaved black women by white men allows the myth of white male virtue to persist as opposed to recognizing or acknowledging the cruel and entirely unvirtuous treatment white men regularly partook in and encouraged their sons to enact. If we acknowledge the widespread rape of enslaved black women by white men, and the fact that some white youth carried out this rape as a rite of passage into white male adulthood, then we can understand white male sexuality as deeply intertwined with sexual violence. As opposed to a foundation of virtuous, pure, or compassionate behavior, Southern white masculinity can be understood as based on sexual exploitation of enslaved black women or poor white female prostitutes. White men engaged in various practices such as “courting” practices, preference for lighter-skinned black

females, and the use of euphemisms to hide their sexual violence and frame it as justifiable. Today we see a continuation of masculinity's dependence on sexual violence evidenced in Jody Miller's research (2008). Miller finds that masculinity can be achieved, for some young men living in an urban setting, through sexual harassment and gang raping of black women (2008). Sexual violence, as opposed to virtue, is a central component of some masculinities. This notion delegitimizes the status and power of masculinity, and white masculinity in particular, as superior and righteous and thus entitled to the position at the top of the racial sex-based hierarchy.

Failing to incorporate the sexual violence of enslaved black women as a central aspect of U.S. history also allows for the persistence of racialized gendered framing of black women. Stereotypes and framing of black women as sexually promiscuous and desirous of sex with their white slave masters continues to survive as a myth of American slavery. In contrast, the evidence from this study shows that enslaved black men and women perceived this behavior by white men as a form of punishment, torture, and terrorism. Several black men and black women resisted the sexual attempts of white men often at the expense of their lives.

Recognizing the resistance of enslaved black women and black men not only reflects agency within even the most extremely oppressive conditions, but also deconstructs the racialized gendered framing of black women which persists into today. The U.S. court system, which failed to criminalize the rape of black women during slavery and has enabled white men to get away with rape of black women during Jim Crow segregation and the present day, has often relied on stereotypes of black female

sexual promiscuity or prostitution developed during slavery to justify the rape executed by men (McGuire 2011; Richie 2012). Evidence from this study deconstructs the myth of black female promiscuity during slavery and instead reflects the fact that this racialized gendered framing was used as a tool for evading legal and social responsibility for what otherwise might have been considered a criminal offense. Records of the experiences of black men and women who witnessed and experienced sexual violence first-hand demonstrate the reality of these sexual encounters as a form of terrorism and violence, as opposed to something desirable for the women involved. Moreover, records of resistance carried out by enslaved black women and men who were willing to risk their safety and sometimes their lives in order to avoid the sexual advances of white men make a powerful statement countering stereotypes of black female promiscuity. These acts of resistance and voices of enslaved black men and women who witnessed this violence delegitimize claims that black women are hypersexual and thus cannot be raped. Moreover, attempts to use framing of black women as sexually promiscuous to justify rape against them in court cases today must be interpreted as a continuation of a legacy of racialized gendered framing which can be traced back through segregation and slavery. Tracing this framing back to a time when rape was legal, highlights the motives behind using this framing today and the fact that it is an unjustifiable excuse for sexual violence.

### **Significance for Theory**

The current study provides support for several theories and demonstrates the applicability of various criminological concepts including racial projects, routine

activities theory, the violence matrix, techniques of neutralization, and systemic gendered racism. The study contributes three concepts, intersectional incentives, intersectional tactics, and intersectional consequences as well as empirical evidence for systemic gendered racism theory and intersectional theories in general.

### *Racial Project*

A “racial project” is a concept used for linking structure and representation to understand the process through which racial inequality occurs (Omi & Winant 1986:56). Racial projects view the organization of society and the redistribution of resources, including legal rights, along racial lines as intertwined with the discourse or racial representations and interpretations of racial groups (Omi & Winant 1986). The link between systemic gendered racism and the white racial and gendered framing of enslaved black women and white men can be understood as a racial project. In this project, the legal system was organized and structured by white men with white men positioned as the decision-makers due to the white racial framing of them as superior in intelligence and capability, and thus deserving of such positions. From this position, white men created and enforced legislation based on the racial representation of themselves and of black women as property, inferior, deserving of slavery, and sexually promiscuous and thus unable to be raped. In contrast, white men, who racially framed themselves as entitled to the exploitation of their property, upheld their legal right to sexually assault and abuse these women. Failing to criminalize the rape of enslaved black women by white men during slavery reflects the distribution of legal rights and protection based on racialized gendered framing of both white men and black women.

The court cases of women like Josephine, Celia, Katie Mae Deckard, and the anonymous prosecutrix in *The People v. Harold Hume* of 1942 among others reflect the practice of the legal system routinely overlooking the cruel sexual abuses of white men onto black women based on the representation of black women as desirous of sex with these men. The racial representations of black women and white men in these cases influence the distribution of legal resources they receive as protection from rape. Moreover, the framing in the court cases assists in generating and reinforcing the discourse around enslaved black women which represents them as sexually promiscuous and thus justifies future rape.

Because the racial representations of enslaved black women and white property-holding men can be seen as influencing the distribution of legal resources, such as the right to sexually exploit others and the lack of protection from this exploitation, this can be interpreted as a racial project. The racialized gendered framing of black women by the court system, by white men, and by white women provided backing for court decisions which punished black women instead of white men.

#### *Routine Activities Theory*

The current study provides support for routine activities theory by highlighting the role of the legal system as failing to provide adequate guardianship against rape, and the role of framing black women as suitable targets for rape. During slavery, black enslaved women became “suitable targets” for the crime of rape, white men were “motivated offenders” due to accessibility and intersectional incentives, and social institutions such as the legal system failed to serve as capable guardians against crime

(Cohen & Felson 1979:589). The legal system upheld the commodification of blacks as slaves and provided no protection against rape or other abuses from their masters. From a routine activities perspective, black enslaved women experienced an absence of capable guardianship from the legal system which aided white men in their ability to sexually violate these women. However, rather than individualized experiences or routine behaviors influencing whether or not a given black woman was exposed to victimization through the lack of guardianship as routine activity theory would suggest, black women were consistently subjected to a lack of legal protection as part of the social context of slavery and Jim Crow Segregation. Moreover, black women became suitable targets based on white men's racialization of them as sexual commodities and white men were motivated offenders because of the sexual benefits as well as social status and privileges associated with carrying out sexual activity and violence. The current study highlights the social context and process of racialization that made black enslaved women suitable targets for rape, the motivations for white men to sexually violate these women, and the legal system as failing to provide capable guardianship to enslaved black women.

#### *Adapted Techniques of Neutralization*

Several court cases from slavery and Jim Crow Segregation portrayed black women as sexually promiscuous, prostitutes, or desirous of sex with white men. These cases offer support to Williams's adaptation of the techniques of neutralization. The concept of denying the victim and denying injury were used in many of these court records. Claiming that the black women were not victimized because they wanted to

engage in sex with white men reflects the process of denying injury to the victim. Additionally, the preference for lighter skinned enslaved black women that was evidenced in several cases may have allowed white men to fetishize these women as exotic and thus sexually irresistible. In this sense white men used the technique of denying responsibility, by placing the blame on the enslaved black women's sexual appeal and their masculine sexual urges. These techniques allow the courts and the public to disregard the vulnerability of black women to sexual violence and to overlook the fact that white men were responsible for rape (Williams 1986).

*The Violence Matrix and the Link between Slavery –era and Modern Day Violence against Black Women*

Sexual violence against enslaved black women by white men often occurred due to the close proximity they shared within the “intimate household” (2012:136). Moreover, the dimensions of the “intimate household” which increased black women's vulnerability to sexual violence were present during slavery. For instance, a general public awareness of the relationship between masters and slaves existed as well as social norms which approved of white men's ability to own and reside with slaves. The dependent relationship between slave masters and slaves was very evident, and white men had routine access to the physical and emotional space of their slaves. The presence of these three dimensions leads to a “particular vulnerability” for women to male violence (Richie 2012:137). The context in which the rampant sexual violence of enslaved black women by white men occurred fits the criteria described by Richie, supporting her argument. Additionally, as enslaved laborers, black women were

extremely marginalized in terms of race and gender, political representation, and economic and legal status, increasing their likelihood for stigmatization associated with sexual victimization as Richie describes in the violence matrix concept (2012).

Today women of all races continue to be subjected to male violence at alarming rates (Richie 2012). Jody Miller found that 89% of the black women in her sample of youth in an urban setting experienced sexual harassment or gender harassment (2008). Over fifty percent of these women explained that they experienced this harassment in their neighborhoods by adolescent peers or older men. Black women, particularly those who are disadvantaged in terms of socio-economic status or sexual orientations that differ from heteronormative expectations, are especially vulnerable to male violence and a lack of protection (Richie 2012). Anti-violence agencies and the legal system continue to ignore the needs of these marginalized women who are victimized by men through intimate partner or community violence.

Moreover, many black women who are victims of rape and abuse are criminalized and framed as prostitutes or violent perpetrators due to their sexual victimization or acts of self-defense. As Richie (2012) argues, failing to understand the broader social context which increases the vulnerability of marginalized black women to male violence allows the court system, anti-violence agencies, the media, and the general public to blame these women for their own victimization. Miller finds a similar problem in her analysis. Girls who witnessed domestic and community violence against women and observed a lack of police or public response, received the message that they have

few resources for addressing violent victimization and that they should blame themselves if they are victims of rape or abuse (Miller 2008).

Associated with the contemporary tough on crime approach and the emphasis on punishment and incarceration, marginalized black women are increasingly criminalized for experiencing rape, violent attacks, and partner violence (Richie 2012). The criminalization of black women for defending themselves against violence and rape is not new. Contrarily, as demonstrated in Chapter Four, enslaved black women were being sentenced to death by the U.S. court system since at least the 1800's for defending themselves against the violent abuses of white men. Maintaining a consistent racialized gendered framing, the court system continues to overlook the victimization of black women who are raped or otherwise assaulted. The sexual crimes committed by white men against black women were overlooked entirely during slavery, in part because rape was not legally considered a crime, and partly because judges framed black women as sexually promiscuous and unable to be raped while implicitly upholding images of white male virtue. Today, black women continue to be racially framed using similar sexually degrading stereotypes (Richie 2012). The pattern of reframing black female victims of rape as guilty or responsible can be traced through the court records of women from slavery, Jim Crow Segregation and today (McGuire 2011; Richie 2012). The historical context in which racialized gendered ideologies around blacks and whites emerged and was reinforced is essential for understanding the intersectional racial and gender dynamics that lead to sexual violence against women today and the lack of legal protection afforded to these women.

*Contributing to Intersectional Theory and Systemic Gendered Racism*

The current study provides empirical support for systemic gendered racism and the notion that U.S. institutions including the legal system methodically enable the privileges and power of whites at the expense of blacks. Consistent with the theory of systemic gendered racism, the material oppression of sexual violence against enslaved black women by white men heightened white men and white women's racial status while racially subordinating black women. The practice of augmenting one's racial status through material oppression aligns with systemic racism's notion that the exploitation of others allows for the heightened status and material resources of the dominant group. In addition to degrading enslaved black women, sexual violence allowed white men to perform various dimensions of white masculinity which were necessary for their status as white men, including regular recreational coerced sex with female slaves and losing one's virginity as a way to transition into full white manhood. The use of sexual harassment and violence to perform racialized gendered norms continues today (Miller 2008). Boys living in urban settings today described the use of sexual harassment and assaults on black women in their neighborhood as ways to create an image to impress their friends (Miller 2008). Like a white man using sexual violence of enslaved black women or lower class white female prostitutes to lose their virginity, today young men in Miller's sample describe gang raping young black women in their disadvantaged communities as a "coming of age" experience (2008:149). Since gender norms continue to play an important role in incentivizing sexual violence against black women, it is

necessary to modify the value placed on various tenets of masculinity and perhaps alter the meaning of masculinity altogether.

During slavery, the sexual exploitation of enslaved black women worked to heighten the status of white men while it degraded the subordinate status of enslaved black women. However, the intersectional approach informs us that this exchange of status did not only occur between white men and black enslaved women. The intersectional status of white women allowed them to benefit indirectly from the sexual violence of enslaved black women by white men as well. White women did not engage in sexual violence of black enslaved women directly because that would not benefit them or augment their status within a heteronormative society in which gender norms include a sexual double standard for white men and women. Instead, white women indirectly benefited from sexual violence of enslaved black women by their husbands through their reactions to this violence. Silence, divorce and the framing of themselves as victims in the divorce petitions, and physically and verbally punishing the enslaved black women allowed them to indirectly benefit in terms of racial status from the sexual violence of their husbands, while simultaneously perpetuating their own subordination associated with white sexism. Like the theory of systemic gendered racism, counterframing and resistance are evident in the example of sexual violence against enslaved black women. These elements influence and shape the historical context, the structures of oppression and the racialized gendered framing.

Intersectional incentives and consequences associated with white masculinity and white femininity were allowed to influence behavior without restrictions from the legal

system. The failure of the court system to criminalize the rape of black women by white men, and the legislation which determined that children followed the legal status of their mother, allowed white men to carry out sexual violence against these women with minimal consequences. The material oppression of rape and sexual violence which was permitted by the legal system, as well as the perpetuation of racialized gendered framing which upheld the racial sex-based hierarchy helped shape the social identities of white men, white women, and black women. Intersectional incentives for white men to engage in sexual violence of enslaved black women and the intersectional incentives for white women to ignore this violence or execute secondary abuse on the victims encouraged the routine practice of white male rape of black female slaves. The intersectional consequences of this rape included not only the sexual violence itself and emotional trauma, but also the degradation of status associated with sexual violence and the racialized gendered framing of enslaved black women who were abused. The systematic rape of enslaved black women by white men heightened the status of white men at the expense of enslaved black women, bolstering the systemic gendered racism which allowed this violence to occur.

The concepts of intersectional incentives, intersectional tactics, and intersectional consequences provide a development in intersectional theory by incorporating a description of the way institutions of oppression reinforce one another at the location of their intersections. Bolstering one another by incentivizing the domination of others and the commitment to racialized gendered roles, intersecting institutions of oppression create intersectional interests for various groups to reinforce the system at large. If

institutions of oppression were not understood as intersecting, the persistence of each form of oppression would be less clear. However, from an intersectional perspective, the fact that racism intersects with sexism and classism means that groups are substantially divided in terms of their interests. This not only reduces the number of people who might resist a certain form of oppression, but it also creates incentives for one group to oppress another in order to benefit from certain privileges associated with that form of domination. The racial sex-based hierarchy provides privileges and power for the dominant groups to evade consequences for their oppressive behavior, while the subordinated groups experience the majority of these detriments. Overall, the concepts of intersectional incentives and intersectional consequences provide an understanding of the way systemic gendered racism operates to encourage participation in domination from dominant groups, reproducing the power and privileges at the top of the hierarchy, and reducing potential resistance and destruction of the broad system of oppressions. Additionally, the concept of “intersectional incentives” is important for interpreting the behavior of various groups of privilege within an intersectional framework. As opposed to understanding behavior as motivated by general incentives or consequences, this concept allows for the conceptualization of behavior as functioning within a system of intersecting institutions of oppression. In this sense, behaviors of various groups will differ based on their location within the racial sex-based hierarchy and the incentives they experience. Additionally, the consequences of their behavior will be influenced by the structure of the hierarchy and their location within it. By understanding what incentivizes various groups to partake in oppressive behavior, we can begin to develop

strategies for addressing, modifying, and redirecting these incentives in a way that leads to more unification and resistance.

Although this study focuses on sexual violence against black women by white men, the dimensions developed from this work can be applied to other forms of exploitation as well. By analyzing the incentives and consequences associated with each location within the intersections of race, class, gender, sexuality, among other institutions of oppression, the ways in which these institutions reinforce each other at their intersections can be analyzed across various social contexts. This approach sheds light on the role of various groups in perpetuating the oppression of others in order to maintain the privileges or power associated with their own group. In this sense, whites do not simply oppress blacks, nor do white men oppress black women. Instead, for instance, the sexual exploitation of black women by white men is incentivized by racial and gendered institutions of power, which intersect to create their own norms and privileges associated with white maleness (as opposed to whiteness), and this exploitation is reinforced by white women who have incentives in perpetuating their white privilege while simultaneously reinforcing sexism against themselves. Applying these concepts to the contemporary employment sector would likely shed light on the way white men and white women push to maintain their racialized status at the expense of people of color in a way that is supported by the legal systems lack of protection against discrimination. The intersectional tactics used by white men and white women today would likely be less overtly racist, but would speak to the need to engage in various strategies in order to negotiate portraying oneself in terms of the persistent myth

of white superiority and the ability to reinforce racial subordination for one's own gain. Additionally, the framing of oneself in racialized gendered terms to the advantage of whites and at the expense of blacks would likely result in several intersectional consequences for the people of color, including the perpetuation of harmful racialized gendered framing of people of color. The ability to apply these concepts to other sites of oppression should be tested in future research.

### **Future Research**

Today male violence against black women persists in the form of intimate partner, community, and state violence, though it continues to be largely ignored (Richie 2012). The dimensions of white masculinity that emerged out of the racialized gendered norms used during slavery and Jim Crow Segregation and the intersectional oppression which these norms served, should be analyzed today in cases of sexual violence by white men against women of color. Additionally, in future studies, the concepts of intersectional incentives, intersectional tactics, and intersectional consequences can be applied to modern day rape of women and men of color as well as other forms of exploitation and oppression such as economic exploitation or political repression. Future research should assess the applicability of these concepts as part of intersectional theory and systemic gendered racism on various modern day experiences of oppression.

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