

Book Review: Redefining Rape: Sexual Violence in the era of Suffrage and Segregation by Estelle B. Freedman

*Rape has never had a universally accepted definition, and the uproar over “legitimate rape” during the 2012 U.S. elections confirms that it remains a word in flux. This book aims to tell the story of the forces that have shaped the meaning of sexual violence in the United States, through the experiences of accusers, assailants, and advocates for change. **Estelle B. Freedman’s** book synthesizes a tremendous range of secondary literature, much of it produced in the last twenty years, but it also is grounded in extensive primary source research, especially newspapers and legal cases. **Bruce E. Baker** finds that this is clearly and elegantly written, and has the potential to challenge students’ complacency about history and progress, especially when it comes to gender and race.*

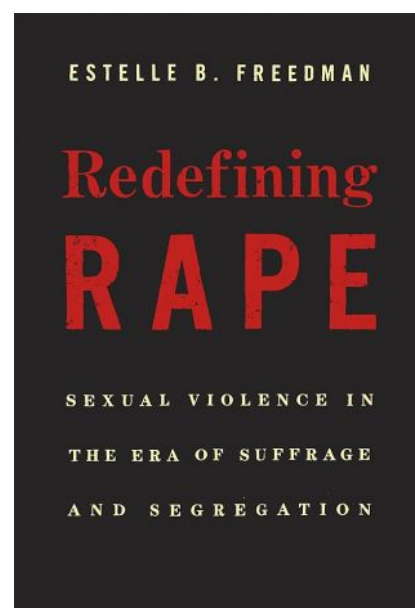
Redefining Rape: Sexual Violence in the era of Suffrage and Segregation. Estelle B. Freedman. Harvard University Press. April 2014.

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Redefining Rape is the sort of magisterial synthesis that perhaps only a scholar of [Estelle B. Freedman’s](#) experience could have written, or written as well. Freedman earned her doctorate in the mid-1970s, in the heyday of the second-wave feminist movement, influenced by Susan Brownmiller’s [Against Our Will](#). About a decade ago, she began to work on this book, building on a wave of scholarship in the late 1990s that used local court records and police files to examine the social history of rape in detail.

The scope of this book is the first impressive thing about it: Freedman begins in the colonial era and finishes in the twenty-first century. Across that period, the definition of rape — what acts constituted rape, who could be raped, who rapists were — was almost continually in flux, shaped mostly by changes in ideas about race and gender and the distribution of power along those axes. In its broad outline and method, it is reminiscent of Christopher Waldrep’s [The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America](#), which traced the development of the term ‘lynching’ and the practices it described. Freedman’s book synthesizes a tremendous range of secondary literature, much if not most of it produced in the last twenty years, but it also is grounded in extensive primary source research, especially newspapers and legal cases.

Freeman’s account is not one of progress, or even just change, in a single direction over time. Perhaps surprisingly, courts in the nineteenth century made it harder to convict white men for rape than they had in the colonial period. Across the nineteenth century, rape was constructed, in the legal system and in popular culture, in such a way that only chaste white women could be protected and white men were virtually never defined as rapists. The process by which this situation changed tracks the development of both the women’s rights movement and also the abolition movement and other efforts towards protecting and promoting the rights of African Americans more generally. Attempts to prevent the crime of seduction expanded the definition of rape to include men who promised marriage or acquaintances who coerced women into sex, but the injured party was still deemed to be the (white) woman’s male guardian, not the woman herself. They also put greater emphasis on chastity and vulnerability, a framework for protection that accepted inequality between the sexes. Suffragists sought to solve the problem by empowering women with the vote and jury service, so that legal debates about rape would involve women in roles other than mere victims. They also raised the contentious issue of marital rape, though that would not ultimately be reformed until the late twentieth century. As with the earlier debate on seduction, women’s sexuality continued to be seen as a commodity which men had rights to.



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Three chapters in the middle of the book focus on the intersection of race and rape in the late nineteenth and early twentieth centuries. With the end of slavery, black women were no less vulnerable to rape by white men, and during Reconstruction sexual violence became an important tool for oppressing African Americans and limiting their citizenship. Moreover, the attempts to establish full citizenship for black men inhibited efforts to control intraracial rape as well. Only when African American girls were the victims of sexual assault was there a substantial chance of effective prosecution, but this was part of a broader shift that saw protection of older women diminish. All this was complicated by the rise of lynching and the rise of what W. J. Cash called the “Southern rape complex” that justified the lynching of black men as a response to the rape of white women. This intense racialization of rape made it imperative that African American women contest that construction, for their own protection and for the protection of black men who were assumed to be rapists. Anti-lynching activists such as Ida B. Wells, the black press, and black women’s clubs did manage to challenge the racialization of rape, but their greatest success was in establishing that some black women were respectable and deserved protection from sexual assault from men, white or black, and that not all black men were uncontrollable rapists. Again, though, this advance depended to a great extent on drawing class divides, sacrificing some black women and men in order to save others.

Age played an ambiguous role in the history of rape as well. The movement to protect girls from rape eventually led to states raising the age of consent around the beginning of the twentieth century. This removed the ambiguity about whether “no” meant “yes” and the question of chastity, both of which had governed rape prosecutions for decades. However, by the 1920s, changes in sexual values and the lives of young women created a realization that some women sometimes might want to have sex, which swung the debate wildly back in the other direction. Now instead of being protected by age of consent laws, girls were increasingly viewed with suspicion as the seducers rather than the seduced, endangering and entrapping men. On the racial axis, though, this view of depraved girls began to provide to nonwhite men some of the protection that white men had long enjoyed.

Other movements rose and fell to protect boys from sexual assaults that might make them into homosexuals and to protect women in public (now a normal thing) from sexual harassment by “mashers”. While lynching eventually disappeared by mid-century, the ideas about race and rape that had driven it remained powerful, as the [Scottsboro Case](#) showed. A concluding chapter covers the broad sweep of the history of rape since the 1930s.

While *Redefining Rape* is likely to remain an important synthesis in this field for some time and a touchstone for specialists, it would also work well in the classroom. It is clearly and elegantly written, and the lack of a teleological structure to the story being told gives it a level of complexity and ambiguity that would challenge students’ complacency about history and progress, especially when it comes to gender and race.

Bruce E. Baker is Lecturer in American History at Newcastle University and writes on a range of topics relating to the American South, including lynching. You may learn more about his work at his website, bruceebaker.com.
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