

Wofford College

**Digital Commons @ Wofford**

---

Student Scholarship

---

4-30-2021

## **They Done a Very Bad Act: Rape in the Civil War and Reconstruction**

Nora Elizabeth Grace Williams

Follow this and additional works at: <https://digitalcommons.wofford.edu/studentpubs>



Part of the [United States History Commons](#), and the [Women's History Commons](#)

---

**They Done a Very Bad Act: Rape in the Civil War and Reconstruction**

Nora Elizabeth Grace Williams

Department of History, Wofford College

In Partial Fulfillment of

An Honors Thesis in History

April 30, 2021

Committee Members: Dr. Tracy Revels, Dr. Mark Byrnes, and Dr. Nancy Williams

Accepted by the Department of History as fulfilling the senior honors thesis.

---

Tracy J. Revels, Ph.D., Chairperson

---

Mark S. Byrnes, Ph.D.

---

Nancy M. Williams, Ph.D.

## Acknowledgements

There are many people to whom I am immensely grateful for their continued support and encouragement of my work throughout this project. First and foremost, I owe my sincerest thanks to my thesis advisor, Dr. Tracy Revels, who spent countless hours with me over Zoom calls for the last year providing guidance and direction in my research and writing. There was never a moment when she doubted my ability to complete this project, and her kindness and encouragement has sustained me through the most difficult times in this research. Dr. Revels was often my voice of reason, and I am eternally grateful for her confidence in me as a student. I would also like to thank Dr. Mark Byrnes and Dr. Nancy Williams who complete this extraordinary committee, and both of whom I am grateful to have worked with closely during my time at Wofford College. Dr. Byrnes and Dr. Williams have also been a formative part of my undergraduate education. They have provided invaluable support and advice to me as a student both inside and outside the classroom. I am immensely grateful for the relationships I have formed with these professors, all of whom have made my education at Wofford College a joyful and meaningful experience.

I would also like to thank my family – my mother, father, and sister – who spent many hours patiently listening to me share my research with them. They provided endless love and support to me throughout this project, and I am forever grateful to have family members who are also my biggest cheerleaders. Lastly, my sincerest thanks are also owed to my beloved Liam. His quiet presence provided me calming comfort and love, which gave me great relief in moments of frustration and sadness. All of the aforementioned people have helped shape me into the student and person I am today. The greatest gift from them, however, is the space they gave me to grow and discover on my own.

For the women whose stories are told and for the countless others whose stories remain  
unknown.

We must always remember to bear witness, for if not, lest we forget.

## Table of Contents

### **Acknowledgements**

### **Dedication**

### **Introduction**

An Interdisciplinary Approach to Examining Rape in the Civil War and Reconstruction 1

### **Chapter I**

Defining Womanhood: The Patriarchy and Slavery in the Antebellum South 5

### **Chapter II**

Rape as a Weapon of War: Women's Bodies as Battlegrounds 27

### **Chapter III**

From Victims to Advocates: Rape and Justice in the Civil War 39

### **Chapter IV**

Redefining Womanhood: Sexual Justice and Citizenship in Reconstruction 73

### **Conclusion**

Rape: The Silent Subject 99

### **Bibliography**

103

## INTRODUCTION

### **An Interdisciplinary Approach to Examining Rape in the Civil War and Reconstruction.**

In May 1861, shortly after the Civil War began Emma Holmes of South Carolina wrote in her diary about an article she read from *The New York Times*. The article reported on the arrest of a Union soldier from the 11<sup>th</sup> New York Voluntary Infantry. The crime was the rape “of a female of the highest respectability,” Emma wrote in her diary.<sup>1</sup> The soldier’s arrest was reported to have taken place in Alexandria, Virginia. Emma wrote about the “sickening account” in which the Union soldier was supposedly “searching for concealed weapons.”<sup>2</sup> Emma called the accused soldier a “monster” who “with the fury of a savage, ... gratified his hellish lusts.”<sup>3</sup> *The New York Times* wrote that the soldier was subsequently arrested and ordered to be shot, though there is no official record of the execution of a soldier from the 11<sup>th</sup> New York Voluntary Infantry.<sup>4</sup>

The threat of rape was a ubiquitous fear that affected women in the South across all ages, races, and social classes. Many of the victims remain unknown because the crime was either not reported or because the case did not reach prosecution. The sparse documentation of rape has led many historians to believe that the absence of rape reports correlates to the absence of rape during the war. However, this claim is not true. Written accounts like Emma’s from diaries, newspapers, and letters serve as evidence that rape did occur. Such sources also exemplify the imminent fear of rape that Southern women experienced during Union occupation. In addition to these sources, there are 450 known rape cases prosecuted by the Union military beginning in 1863. These testimonies illustrate a part of Civil War history that is largely overlooked.

---

<sup>1</sup> Emma Holmes, *Diary of Miss Emma Holmes, 1861 – 1866*, ed. John F. Marszalek (Baton Rouge: Louisiana State University Press, 1994), 79 – 80.

<sup>2</sup> Holmes, *Diary of Miss Emma Holmes*, 79 -80.

<sup>3</sup> Holmes, *Dairy of Miss Emma Holmes*, 79 – 80.

<sup>4</sup> Kim Murphy, *I Had Rather Die: Rape in the Civil War* (Afton, VA: Coachlight Press, 2014), 88.

The cases of Anna Mason and Grace Barnes illustrate two different experiences of wartime rape. Anna Mason, a thirty-two-year-old white woman living in Memphis, Tennessee, was raped by two Union soldiers. Grace Barnes, a free Black woman living near Pungo Bridge, Virginia, was gang raped by five Union soldiers. Both women's cases exemplified the nature of wartime violence and demonstrated that rape, especially gang rape, was a common experience during the war. Anna and Grace's stories, among others, demonstrate that all Southern women were subjected to at least the *threat* of rape, and unfortunately many women were assaulted. What varied across these women's stories was the aftermath and outcome of their cases. Despite the legal measures set in place by the Union military, not every woman who prosecuted her case received justice. Factors such as race, age, and social class, which proved no woman was safe from the threat of rape were also the same factors that often determined whether or not a woman's attacker would be convicted.

The Reconstruction era following the war continued, and in some ways, escalated the racial and sexual violence Southern women endured. While the Civil War effectively ended in April 1865, an undeclared race war continued in the South during Reconstruction. In the aftermath of a national crisis, Southern women rebuilt their lives in an unstable sociopolitical environment. Rape during Reconstruction was largely a targeted act with the means of achieving political ends. The newly formed Ku Klux Klan (KKK) perpetrated a reign of terror across the South targeting Black women and men, their communities, and white Republican allies. In the aftermath of these attacks, women utilized their voices in courts to seek legal redress. With the rights of citizenship, Black women became their own fierce legal advocates.

In this project, the interdisciplinary use of sociology, feminist philosophy, and Southern historiography combine to provide a more complete analysis of rape in the Civil War and



Reconstruction than previously discussed in other scholarly works. Each discipline provides a valuable piece to the larger picture. This research examines antebellum gender norms, the intersection of race and gender, the impact of slavery on Black women's sexuality and agency, the weaponization of rape in war, and the impact of Klan violence on Black communities during Reconstruction. Additionally, this research proposes explanations for how the nature of war created an environment in which Union soldiers committed wanton acts of violence such as rape. Finally, this project examines the continuation of rape during Reconstruction by analyzing how the legal measures laid forth in the Lieber Code during the Civil War provided the framework for Southern women's continued legal efforts to combat gender based violence.

Drawing from historical, philosophical, and sociological sources this project aids in shining light on a forgotten piece of American history. However, despite my best efforts in conducting research, utilizing a range of sources, the material consulted, or rather *needed*, for this project is not complete. At the heart of this research are the testimonies of 450 women who sought justice through Union military courts-martial. These records can only be accessed in the National Archives in Washington, D.C. Unfortunately, the COVID-19 pandemic has prevented me from accessing these court documents. Due to these circumstances, this research relies on the work of other historians who previously accessed these records. Women's testimonies from congressional hearings during Reconstruction are incorporated into the last chapter of this project, and these testimonies support the project in areas in which Civil War testimonies are unavailable by examining rape as a racially and politically motivated act of violence against women.

This research illuminates a dark period in American history, but in doing so also reveals Southern women's resiliency. Contrary to what some historians argue, the Civil War was not a

“low rape” war.<sup>5</sup> The romanticization of Southern history has unfortunately created misinformation about the prevalence of rape in the Civil War era.<sup>6</sup> Ironically, the Union military’s occupation of the South made women more vulnerable to rape during the war, but in turn also provided Southern women with new legal avenues to seek justice during and after the war. This project follows Southern women’s journeys from beginning to end, fighting for justice, transforming from victims to advocates.

These women’s stories illustrate the pervasive racist and sexist attitudes in the nineteenth century South, exacerbated by war and Klan violence. The legal protection provided by the Union military allowed both white and Black women to charge Union soldiers with rape and testify about their assaults in Union courts-martial. Justice was not guaranteed, but the Union military’s recognition of rape during the war was a monumental step forward toward sexual justice, which carried through into Reconstruction. White and Black women endured great hardships living as property to their husbands and enslavers, but their fight for justice and reclamation of autonomy that first ignited during the war marked their transition from property to person. It is with great admiration of these women that I share their stories.

---

<sup>5</sup> The term “low rape” is used by historian Reid Mitchell in *The Vacant Chair*. Mitchell does not quantify what constitutes a “low rape” war.

<sup>6</sup> Murphy, *I Had Rather Die*, 10.

## CHAPTER I

### Defining Womanhood:

#### The Patriarchy and Slavery in the Antebellum South.

When a man attempted to rape Anne Eastworthy in 1729, she cried out, “[f]or Christ’s sake, Man, don’t abuse me thus, but rather kill me.” Other women expressed similar sentiments during their assaults because “[v]ictims shared this belief that choosing death over dishonor could prove a woman’s true resistance to rape.”<sup>1</sup> Women feared rape because of more than just the physical and emotional harm it caused them, but because of the social consequences women faced in the aftermath of their assaults – the loss of their honor and purity. This fear loomed heavily on women’s minds throughout the colonial and antebellum periods. This fear was further amplified during the Civil War. In order to understand women’s responses to rape during the Civil War, one must first understand the social and political environment of the antebellum South, which greatly influenced the ideals of white and Black womanhood. The patriarchy in nineteenth century America worked to indoctrinate white women with ideals of True Womanhood and Republican Motherhood. The patriarchy and the institution of slavery created very different images of Black womanhood – Mammy and Jezebel. Surviving under the restraint of the patriarchy, and at times presented with conflicting messages about gender, white and Black women struggled to exist in a society that degraded, devalued, and enslaved them.

White and Black women generally maintained separate gendered lives, markedly distinct because of the impact of racism. However, their lives and experiences were not entirely different. White and Black women did interact with one another especially on plantations, but these

---

<sup>1</sup> *Pennsylvania Gazette*, Nov. 10-13, Both quotes including the newspaper article about Anne Eastworthy’s assault can be found in Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: The University of North Carolina Press, 2006), 44.

interactions were not always positive. When discussing the differences and similarities between white and Black women, it is important to remember that white women, especially elite white women, often participated in oppressing and enslaving Black women. It is not uncommon for victims of one system to victimize another vulnerable community.<sup>2</sup> Whereas white men saw gender as the defining feature of white women's oppression, white women saw race as the defining feature of enslaving Black women. The bonds of sisterhood had not overcome the barrier of racism in the antebellum South.<sup>3</sup>

In two parts, this chapter will compare and contrast the ideals of white and Black womanhood, paying close attention to antebellum gender norms, sexuality, marriage, and sexual violence. In the antebellum South, the patriarchy and slavery were arguably the two most powerful institutions that shaped women's lives. These two institutions governed all social, political and economic practices. The patriarchy and slavery devalued Black lives to the status of chattel property, subjecting Black women to constant brutalization, humiliation, and forced "breeding." It was not a crime to rape Black women, so white men had the legal right "to kill those who resisted[.]"<sup>4</sup> White women endured brutality too, often at the hands of their husbands. Domestic violence was high among white Southern marriages. It was not uncommon for husbands to "beat and punch their wives, cut them with knives, strangle them, whip them, and threaten them with guns[.]" All the while white women had to deny "authentic selfhood" and

---

<sup>2</sup> For discussion on the intersection between sexism and racism, and the patriarchy's socialization of white women to actively participate in oppressing and enslaving Black women, see Stephanie E. Jones-Rogers, *They Were Her Property: White Women as Slave Owners in the American South* (New Haven: Yale University Press, 2019).

<sup>3</sup> Racism is still an impediment to achieving intersectional feminism today.

<sup>4</sup> Rachel A. Feinstein, *When Rape was Legal: The Untold History of Sexual Violence During Slavery* (New York: Routledge, 2019), 17, 4, respectively.

“suffer and be still” under the weight of True Womanhood.<sup>5</sup> Life as a woman in the antebellum South – white or Black, free or enslaved, working-class or elite – was difficult to navigate. It is through this discussion of antebellum gender norms, sexuality, marriage, and the prevalence of rape that one can begin to fully understand the complexity of womanhood – what it looked like and what it symbolized to women in the antebellum South.

### **Part I – White Womanhood**

Barbara Welter writes the “four cardinal virtues – piety, purity, submissiveness, and domesticity” were the characteristics expected from genteel white women in the antebellum South.<sup>6</sup> There was immense pressure on white women from society, from family, from husbands, and from themselves to fulfill their duties as wives and mothers. A woman’s identity was entirely dependent on and in accordance with her relationship to a man; first to her father and then to her husband. A woman’s identity and life purpose were found not through herself, but through her service to others: service first and foremost to her family, and by extension, service to her country. The best way for a woman to provide for and nurture the needs of her family and country was to be a True Woman and a Republican Mother.

True Womanhood was greatly influenced by “the ideas of the British Victorian lady,” and the qualities of and expectations placed on a True Woman were conveyed through socialization from a young age, as well as described in prescriptive literature.<sup>7</sup> Books and

---

<sup>5</sup> Sally McMillen, *Southern Women: Black and White in the Old South*, 3<sup>rd</sup> ed. (Hoboken, NJ: John Wiley & Sons, Inc, 2018), 51; and Anne Goodwyn Jones, “Belles and Ladies” in *The New Encyclopedia of Southern Culture: Gender*, ed. Nancy Bercau and Ted Ownby (Chapel Hill: The University of North Carolina Press, 2009), 43.

<sup>6</sup> Barbara Welter, “The Cult of True Womanhood: 1820 – 1860,” *American Quarterly* 18 no. 2 (1966): 152.

<sup>7</sup> Jones, “Belles and Ladies,” in *The New Encyclopedia: Gender*, 43.

periodicals like *The Ladies' Repository*; *Young Ladies' Literary and Missionary Report*; *The Excellency of the Female Character Vindicated*; *The Young Lady's Friend*, and *The Lady's Amaranth* wrote the social scripts on femininity and proper interactions between the genders.<sup>8</sup> White women were expected to fulfill this image of True Womanhood by living in accordance with the four cardinal virtues. Consequently, their agency and autonomy were stripped from them. White women were destined to be nothing more than wives and mothers. These qualities, piety, purity, submissiveness, and domesticity made white women amenable to society's standards, and furthermore, made them controllable.

For white women, adulthood brought much of the same dependency, timidity, and clinginess as childhood. In fact, womanhood was described as a "perpetual childhood."<sup>9</sup> Because of their fragile, dependent nature, society – especially men – did not expect much from women. Women were physically and emotionally weak, which was why relegating women to the private sphere, out of public sight, was best suited for them. Paradoxically, much was expected from women. Women were deemed incapable of doing many things, like getting an education, voting, or having a working job, but of the few things women could do, the social order of the country was completely dependent upon their success. A woman's success was based upon her ability to live as a True Woman and should any person "tamper with the complex virtues which made up True Womanhood," civilization would crumble. All by her lonesome, "the nineteenth century

---

<sup>8</sup> The various books and periodicals referenced throughout "The Cult of True Womanhood," (153, 155 and 156, respectively) provide a number of anecdotes about the proper conduct of a young white woman. Some texts told stories of women who disobeyed feminine ideals and went mad or died because of their indiscretions – fear was a common tactic to quite literally frighten women into submission.

<sup>9</sup> Grace Greenwood, *Greenwood Leaves* (2<sup>nd</sup> ed, Boston, 1854) quoted in Welter, "The Cult of True Womanhood," 160.

American woman had ... to uphold the pillars of the temple with her frail white hand.”<sup>10</sup>

Somehow, despite her fragility, a True Woman was capable of doing this.

A True Woman was also a Republican Mother, and it was through Republican Motherhood that genteel white women were able to uphold civilization while remaining in the private sphere. Linda Kerber coined the term Republican Motherhood, and she argues this concept emerged after the Revolutionary War. A “Republican Mother’s life was dedicated to the service of civic virtue: she educated her sons for it, she condemned and corrected her husband’s lapses from it.”<sup>11</sup> The novelty of Republican Motherhood was its ability to “[preserve] traditional gender roles” while also “[carving] out a new, political role for women.”<sup>12</sup> Republican Motherhood did not afford white women any *real* significant power, rather it created an illusion of power. The Republican Mother believed that by fulfilling her domestic duties as a wife and mother she would be an invaluable patriot to the Republic. A Republican Mother was responsible for teaching her sons how to be good citizens and her daughters how to be True Women and Republican Mothers themselves one day. If women were inferior to men socially, politically, and economically, they were at least morally superior to men, and women’s moral sensibility made them effective nurturers and teachers of future generations.

A True Woman and Republican Mother were one and the same. It was precisely because of the True Woman’s pious and pure nature that she, also as a Republican Mother, was able to help men, mainly her husband, “contain their more ungovernable passions.” Therefore, “[t]he primary contribution of women ... was to improve and refine the manners of men.”<sup>13</sup> White

---

<sup>10</sup> Welter, “The Cult of True Womanhood,” 152.

<sup>11</sup> Linda K. Kerber, *Women of the Republic: Intellect & Ideology in Revolutionary America* (Chapel Hill: The University of North Carolina Press, 1980), 229.

<sup>12</sup> Rosemarie Zagari, “Morals, Manners, and the Republican Mother,” *American Quarterly* 44, no. 2 (1992): 192.

<sup>13</sup> Previous two quotes from Zagari, “Morals, Manners, and the Republican Mother,” 201.

women were still tucked away in the private sphere, but Republican Motherhood gave them a sense of duty that extended beyond the household and their nuclear family. Because women had the ability to “refine the manners of men,” this meant that women shaped the “mores” or “social norms,” and in turn, women “helped shape the very fabric of society.” Republican Motherhood “described women both as an integral part of the process of social development and as important contributors to it.”<sup>14</sup> Republican Motherhood capitalized on women’s inferior status, theoretically elevating women’s status in society by praising domestic work as the foundation for republicanism. Kerber argues that Republican Motherhood is “a hidden paradox” because “the women who are ruled are, at the same time, not ruled; because they are not ruled they need not participate in the General Will. They are invisible.”<sup>15</sup> Republican Motherhood may appear as progressive for eighteenth and nineteenth century white women because it placed greater value on women’s domestic work, but Republican Motherhood is glorified sexism, cleverly disguised.<sup>16</sup>

Religion was another justification for relegating women to the private sphere. Religion “did not take a woman away from her ‘proper sphere,’ her home.” Rather, religion was “exactly what a woman [needed]” because it suited “her dependence.”<sup>17</sup> Therefore, in the image of the True Woman, piety was a woman’s most important virtue. If a woman was pious, “all else would follow [the three other virtues].”<sup>18</sup> A woman gathered her strength from piety, and piety was the

---

<sup>14</sup> Previous two quotes from Zagari, “Morals, Manners, and the Republican Mother,” 202.

<sup>15</sup> Linda K. Kerber, “The Republican Mother: Women and the Enlightenment – An American Perspective,” *American Quarterly* 28, no. 2 (1976): 193. Kerber references Rousseau’s concept “general will,” which is simply the will of an entire people, the body politic.

<sup>16</sup> For further discussion on the effect sexism has on creating false consciousness and women’s internalized misogyny, see *The Subjection of Women* (1869) written by philosopher John Stuart Mill, whose ideas were greatly influenced by his wife, Harriet Taylor Mill.

<sup>17</sup> Welter, “The Cult of True Womanhood,” 153.

<sup>18</sup> Walter Percival, “The Bachelor’s Dream” in *The Lady’s Gift: Souvenir for All Seasons* (Nashua, N.H.: Charles T. Gill, 1849) quoted in Welter, “The Cult of True Womanhood,” 152.



quality above all else that would attract a man to her. Then, marriage followed and a woman's true service and sacrifice as a Republican Mother began. At last, her life had meaning.

Marriage was the most sacred institution of religion, and marriage saw the union of the ultimate righteous couple: a True Woman and a Christian gentleman.<sup>19</sup> Most importantly, it was expected that a True Woman remained untouched by a man until marriage. Then, as a wife "[t]he marriage night was the single great event of a woman's life, when she bestowed her greatest treasure upon her husband, and from that time on was completely dependent upon him, an empty vessel, without legal or emotional existence of her own."<sup>20</sup> A woman's purity before marriage was then lost after consummating the marriage – marriage brought "an end to innocence."<sup>21</sup> Society valued white women's virginity, but society also demanded procreation. It was only acceptable in marriage for a woman to lose her purity – a necessary trade-off to fulfill the other half of her feminine destiny, motherhood. Sex in marriage was contingent upon a woman's fidelity, obedience, and submissiveness to her husband. Welter writes, "[w]omen were the passive, submissive responders," so this meant that if husbands were abusive, women must "never retort."<sup>22</sup> Furthermore, a wife must "stop (right or wrong) in the midst of self-defense, [and go] in gentle submission."<sup>23</sup> Society's demand for women to be submissive conditioned women to always be obedient and acquiesce to their husbands during sexual intercourse, even if violence and force were used against them. It is then reasonable to understand why white women

---

<sup>19</sup> Charles E. Rosenberg, "Sexuality, Class and Role in 19<sup>th</sup> Century America," *American Quarterly* 25 no. 2 (1973): 139.

<sup>20</sup> Mary R. Beard, *Woman As Force in History: A Study in Traditions and Realities* (New York: Macmillan Company, 1946) quoted in Welter, "The Cult of True Womanhood," 154 – 155.

<sup>21</sup> Welter, "The Cult of True Womanhood," 158.

<sup>22</sup> Welter, "The Cult of True Womanhood," 159; and *The Lady's Token: or Gift of Friendship*, ed. Cotesworth Pinckney (Nashua, NH: J. Buffum, 1848) quoted in Welter, "The Cult of True Womanhood," 161.

<sup>23</sup> Caroline Howard Gilman, *Recollections of a Southern Matron* (New York: Harper & Brothers, 1838) quoted in Welter, "The Cult of True Womanhood," 161.

did not report rape more frequently. Moreover, in nineteenth century America it was inconceivable to say that a husband could rape his wife.<sup>24</sup> In a relational power dynamic such as a husband and wife “when the man was already in a position of mastery over a woman ... [a woman] accepted a wide range of forceful sexual relations” without considering it rape.<sup>25</sup> Because a woman’s honor and virtue were placed solely on her sexual purity, to report that she was raped tarnished her reputation and stripped her of honor. As far as society was concerned, rape was more harmful to the assaulted woman’s husband and family than to the woman herself. The physical and emotional trauma she endured was only wrong because of the social dishonor brought to her family. The assault on a woman’s body “represented an assault on the honor of her husband or father” and this jeopardized her family’s social standing.<sup>26</sup>

The ideals of True Womanhood were at times difficult to fulfill for white women who did not belong to the middle or planter class. Working-class women and the “farmwoman” ideal constituted another part of antebellum society. It was more difficult for these women to be domestic when work often required them to leave the private sphere. Working-class white women in particular struggled under the patriarchy and a classist society. True Womanhood was elitist. Marie Molloy argues the “Cult of True Womanhood had a strong racial and class bias that was particularly marked in the South because of slavery. Not all women fitted into the mold of nineteenth-century ideal womanhood[.]”<sup>27</sup> Nonetheless, all white women were subjected to the

---

<sup>24</sup> Marital rape was not fully outlawed in all 50 states until 1993. The shift in legal attitude toward marital rape first began in the 1970s, stemming from the second wave feminist movement. A number of court cases across the next two decades challenged states to amend their laws to acknowledge the legitimacy (and prevalence) of marital rape.

<sup>25</sup> Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: The University of North Carolina Press, 2006), 23.

<sup>26</sup> Lisa Lindquist Dorr, “Rape,” in *The New Encyclopedia: Gender*, 228.

<sup>27</sup> Marie S. Molloy, “The Construction of Femininity in the Antebellum South,” in *Single, White, Slaveholding Women in the Nineteenth-Century American South* (Columbia, SC: University of South Carolina Press, 2018), 13.

scrutiny of these gender norms. If working-class women violated these norms, they were usually dismissed and ostracized. Society regarded these misfit women as “fallen women.”<sup>28</sup> It was not considered *as great* of a disappointment if working-class white women violated these gender norms compared to affluent white women. Certainly, society was disappointed and ashamed of working-class white women if they did not behave in a pious, pure, or submissive manner. However, society perceived working-class white women as already generally lacking the social and religious mores that were present in wealthier women. Therefore, the violation of True Womanhood meant that a working-class woman’s, and her family’s, social status was not as severely jeopardized because she was already regarded as lacking social influence.

Harland Hagler argues that the farmwoman ideal, though sometimes different in its image of domesticity, shared some similarities with True Womanhood. Working white women and farmwomen were still expected to behave like proper ladies and this “meant good manners, demureness, kindness and gentleness[.]”<sup>29</sup> Regardless of a woman’s class, all of antebellum society agreed that white women should be wives and mothers and they should know how to perform basic domestic chores likes cooking, sewing, gardening, and caring for children and the sick.<sup>30</sup> Despite these similarities, there is evidence to argue that working-class and farmwomen “engaged in freer sexual behavior than did elite women.” However, social and religious mores still “imposed limits on their behavior.”<sup>31</sup> Regardless of a white woman’s class and marital

---

<sup>28</sup> Welter, “The Cult of True Womanhood,” 154. Any white woman regardless of her class risked becoming a “fallen” woman if she did not live a pious, pure, domestic life. If a woman was unwilling or unable to fulfill her lot in life as a True Woman, society had no problem making her a social outcast. Fallen white women were treated the same as Black women.

<sup>29</sup> Harland Hagler, “The Ideal Woman in the Antebellum South: Lady or Farmwife? *The Journal of Southern History* 46, no. 3 (1980): 406.

<sup>30</sup> Hagler, “The Ideal Woman,” 410.

<sup>31</sup> Previous two quotes from McMillen, *Southern Women*, 29.

status, she was expected to behave like a True Woman.<sup>32</sup> The day-to-day domestic duties varied for elite and working-class white women, but the ideals which governed their behavior remained painfully static.

White women seemingly were not bestowed with any *important* qualities other than piety, purity, submissiveness, and domesticity. The value of having an education (outside of domestic duties), intelligence, opinions and needs – none of that mattered. Indeed, none of those qualities mattered because marriage and motherhood fulfilled a True Woman’s life. The emphasis on religion and devaluation of education taught white women that “it was better to pray than to think.” Because of this, a True Woman’s “intellect was geared to her hymen, not her brain.”<sup>33</sup> The patriarchy in the antebellum South encouraged and influenced white women to be truly dependent, docile, and simple minded. The patriarchy worked to mold white womanhood into a perpetual childhood. Her value and purpose were found between her legs, and should a strange man violate her, the True Woman became a “fallen woman,” devoid of purpose and value.<sup>34</sup>

---

<sup>32</sup> Molloy, “The Construction of Femininity,” in *Single, White, Slaveholding Women*, 31.

<sup>33</sup> Welter, “The Cult of True Womanhood,” 153, 156.

<sup>34</sup> Even the purest white woman was *at least* subjected to scrutiny and criticism by others in the aftermath of an assault. If she lived a rigidly pure life and came from a very prominent family, her family’s reputation could probably survive the scrutiny, but a woman’s status and virtue did not entirely shield her from victim blaming and town gossip. If there were even unsubstantiated rumors about a woman’s prior sexual history, that knowledge – true or false – was hard for a woman to escape and could ruin her honor and reputation if she was raped. There are a number of cases like this in which rumors that a white woman freely engaged in sex with Black men damaged her credibility when bringing rape charges (against a white or Black man). Interracial sex automatically made her a fallen woman.

## Part II – Black Womanhood

In the antebellum South, slavery was a markedly different structure used to control and dominate the lives of Black women. The expectations placed on Black women were different from those placed on white women because Black women were oppressed on account of both their race and gender. Furthermore, the norms and stereotypes for Blackness and femininity were often contradictory. Southern whites saw Blackness as masculine and brutish, whereas femininity was weak and submissive. White people were forced to reconcile these two opposite images. This meant that enslaved women suffered the cruelties of slavery, like Black men, and they suffered gender oppression, like white women. The two prominent images of enslaved Black women that were created by white people during slavery were Mammy and Jezebel. These two stereotypes were incompatible with one another, but these racial constructs oppressed and controlled Black women's sexuality in similar ways to what True Womanhood did to white women's sexuality.<sup>35</sup>

In the antebellum South, enslaved Black women experienced the plight of both systemic racism and sexism. White supremacy and the patriarchy shaped two distinct images of Black womanhood: Mammy and Jezebel. On the one hand, "Mammy was the woman who could do anything, and [b]ecause of her expertise in all domestic matters, she was the premier house servant and all others were her subordinates."<sup>36</sup> On the other hand, "Jezebel was the counterimage of the mid-nineteenth-century ideal of the Victorian lady. She did not lead men

---

<sup>35</sup> The similarities between controlling Black and white women's sexuality come down to the absence of their autonomy and their vulnerability to sexual assault. Black and white women were viewed as objects for men's sexual gratification (particularly white men). No similarities can be drawn between experiences of racial oppression because white women did not experience racism, and this chapter does not try to compare those experiences. Instead, similarities can be drawn between the abuse and exploitation of white and Black women's sexuality for men's sexual gratification and convenience.

<sup>36</sup> Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South* (New York: W.W. Norton & Company, 1999), 47.

and children to God; piety was foreign to her. She saw no advantage in prudery, indeed domesticity paled in importance before matters of the flesh.”<sup>37</sup> White people loved Mammy and feared Jezebel. These contradictory images of Black women’s “chattel status, sex, and race combined to create a complicated set of myths about black womanhood.”<sup>38</sup>

Mammy was most similar to the True Woman because the domestic work Mammy did on the plantation “was in keeping with the maternal or Victorian ideal of womanhood prevalent” throughout the antebellum South.<sup>39</sup> Unlike the True Woman who was a very real ideal white women strove to embody, the Mammy archetype “[was] part of the lexicon of antebellum mythology” that overshadowed “more accurate representations” of Black womanhood.<sup>40</sup> Mammy was described as an older, obese woman with a very dark complexion and “shining white teeth visibly displayed in a grin.”<sup>41</sup> Because of her age, her “sphere of influence widened with the years of her of service.” Mammy was “self-respecting, independent, loyal, forward, gentle, ... queenly ... trustworthy” and most importantly, Mammy was happy to serve the slave master and mistress. The qualities Mammy possessed were “traits which were generally denied to [enslaved] women as a group but which were attributed to her.”<sup>42</sup> Mammy is also usually depicted as the senior-most trusted house servant, but her role extended far beyond being a servant. Mammy was effectively a surrogate mother. She helped take care of her enslaved children and the mistress’s children.

---

<sup>37</sup> White, *Ar’n’t I a Woman?*, 29.

<sup>38</sup> White, *Ar’n’t I a Woman?*, 28.

<sup>39</sup> White, *Ar’n’t I a Woman?*, 56.

<sup>40</sup> Kimberly Wallace-Sanders, *Mammy: A Century of Race, Gender, and Southern Memory* (Ann Arbor: University of Michigan Press, 2008), 2.

<sup>41</sup> K. Sue Jewell, “Mammy” in *The New Encyclopedia: Gender*, 170.

<sup>42</sup> Three previous quotes from Jessie W. Parkhurst, “The Role of the Black Mammy in the Plantation Household,” *The Journal of Negro History* 23, no. 3 (1983): 351, 352 – 353. See also Parkhurst, 356 for further description of Mammy’s age and demeanor.

Mammy had enormous responsibilities in the plantation household. She was in charge of childcare, “washing, ironing, cooking, cleaning and helping in the fields as well.”<sup>43</sup> Mammy “was in intimate contact” with the slave owning family, so “it is not surprising that she was thought of as someone special[.]”<sup>44</sup> Mammy’s close relationship with the plantation family created for her a personal image distinct from any other enslaved people, and certainly distinct from other enslaved women. Mammy was an Uncle Tom character, her identity and devotion to the master family “were so inextricably one that she [was] associated in the public mind more with the members of the white group than with those of her own race.”<sup>45</sup> The most profound impact of the Mammy character was her “contribution to the stability of white male domination by portraying an ideal type of the Black female slave in her relationship with her master.”<sup>46</sup> However, Mammy’s close, affectionate relationship with the slave owning family came at a price to her relationships with other enslaved people on the plantation. Mammy’s loyalty to the master family meant that many enslaved people on the plantation considered “her untrustworthy because she allegedly [identified] so completely with the culture that [oppressed] them.”<sup>47</sup> White slave owners felt safe with Mammy and did not worry about her presence in the plantation household upsetting the carefully created racial and gender hierarchies.

Some historians argue that Mammy is a creation of “Lost Cause mythology,” and Deborah Gray White writes that most descriptions of Mammy come from white memoirs “written after the Civil War.”<sup>48</sup> However, Kimberly Wallace-Sanders notes that the first

---

<sup>43</sup> Parkhurst, “The Role of the Black Mammy,” 351.

<sup>44</sup> Parkhurst, “The Role of the Black Mammy,” 352; White, *Ar’n’t I a Woman?*, 48.

<sup>45</sup> Parkhurst, “The Role of the Black Mammy,” 352.

<sup>46</sup> Rupe Simms, “Controlling Images and the Gender Construction of Enslaved African Women,” *Gender and Society* 15, no. 6 (2001): 882.

<sup>47</sup> Wallace-Sanders, *Mammy*, 6.

<sup>48</sup> Wallace-Sanders, *Mammy*, 4; White, *Ar’n’t I a Woman?*, 46 – 47.

documented descriptions of Mammy characters date back to the early 1800s, and “by the 1820s the word was almost exclusively associated with African American women serving as wet nurses and caretakers of white children.”<sup>49</sup> The exact creation of the Mammy archetype is likely indicative of “southern nostalgia,” but diaries and letters from slave owning families describe affectionate, maternal relationships with Mammy figures.<sup>50</sup> However, the effect of this white collective memory, mixture of mythology and nostalgia, erases the Mammy character’s real identity. She is Mammy; she *is* a character. The real woman is lost in the myth. The Mammy character dehumanizes Black women because “[t]hrough her genuine devotion to servitude and consent to subordination, the mammy exemplified the ruling class definition of white male superiority and the Black female subaltern.”<sup>51</sup> Moreover, the legacy of the Mammy stereotype is still evident today even when shopping at the grocery store. The Aunt Jemima brand logo is styled in the image of Mammy – she is physically large, jolly, and gleeful with a huge grin. Aunt Jemima looks like a minstrel caricature with a very dark complexion, big eyes, a big smile and dressed in “domestic” plain clothing (some of the earlier illustrations of Aunt Jemima from the late nineteenth century show her wearing a plain dress and a bonnet). The legacy of the Mammy character perpetuates stereotypes about Black womanhood to this day.<sup>52</sup>

Any mention of sexuality was largely absent from the Mammy character. Mammy was responsible for caring for white children and she was a welcome, trusted figure in the plantation household. Therefore, Mammy’s close proximity to the plantation’s patriarchy meant she was

---

<sup>49</sup> Wallace-Sanders, *Mammy*, 4.

<sup>50</sup> Wallace-Sanders, *Mammy*, 2; Deborah Gray White includes various written accounts of Mammy figures on plantations, see pages 47 – 56.

<sup>51</sup> Simms, “Controlling Images and the Gender Construction of Enslaved African Women,” 882.

<sup>52</sup> Wilma King, *The Essence of Liberty: Free Black Women during the Slave Era* (Columbia, MO: University of Missouri Press, 2006), 34 – 35. It was only recently announced in February 2021 that Aunt Jemima products will be renamed as the *Pearl Milling Company*, a decision prompted by public racial criticism.



pious and pure just like the True Woman. If Mammy was promiscuous and lustful like Jezebel, she would not have been permitted such close contact with the slave owning family. White Southerners feared Black sexuality and the danger it posed to racial purity.<sup>53</sup> Mammy was therefore “asexual and the antithesis of American standards of beauty and femininity.”<sup>54</sup> Mammy was a beloved figure in the plantation home because she did not threaten its order. Mammy was first and foremost a “friend and advisor” and a “surrogate mistress and mother.”<sup>55</sup> Mammy’s relationship to the slave owning family was paramount to her identity – this relationship distinguished her from Jezebel. Mammy loved the plantation master and mistress, and they both loved Mammy. Mammy’s closeness with the plantation family extended beyond the delights of childcare, domestic work, and gossip with the mistress. Even in death Mammy was a central figure in the plantation household. Mammy saw the good and the bad up until the very end. Parkhurst writes that Mammy “was usually at the bedside of her mistress when her last hour came. And the mistress was the first person called when the ‘Black Mammy’ was passing to the Beyond.”<sup>56</sup> The Southern mythology that created Mammy would have one believe that Mammy was a respected and beloved member of the plantation family. One must remember that respect and enslavement are mutually exclusive conditions.

In contrast to Mammy, Jezebel was a young woman, highly sexualized and promiscuous. Whereas Mammy was the favorite of white women and children because of her nurturing nature, Jezebel was favored by white men because they could easily sexually exploit her. Jezebel was a temptress, a seductive character, one who threatened to cross racial boundaries and damage the

---

<sup>53</sup> Southern whites were concerned with maintaining racial purity during the antebellum period, but interracial sex was slightly more tolerable at this time than during the Reconstruction period. Chapter Four discusses this change in attitudes.

<sup>54</sup> Jewell, “Mammy,” in *The New Encyclopedia: Gender*, 170.

<sup>55</sup> White, *Ar’n’t I a Woman?*, 49.

<sup>56</sup> Parkhurst, “The Role of the Black Mammy,” 369.

stability of white supremacy by having sex with white men. The Jezebel character first originated after European men traveled to various African and Caribbean regions. The European men's interactions with African and Caribbean women led the men to believe that these women were inherently sexual and promiscuous. These assumptions were misguided because of different cultural practices. The European men were "[u]naccustomed to the requirements of a tropical climate [and] mistook seminudity for lewdness." The men also misunderstood certain cultural practices, believing "polyamory was attributed to the Africans' uncontrollable lust," and traditional dances were instead orgies.<sup>57</sup> When people from these ethno-linguistic communities were taken from their homes and sold into slavery in America, white Southerners believed both Black men and women had "insatiable sexual appetites [and] they had to go beyond the boundaries of their race to get satisfaction. It was black women who, many claimed, tempted men of the superior caste."<sup>58</sup> However, white Southerners' conceptualization of Black women's sexuality was based against the ideals of white women's sexuality. White men exoticized – fetishized – Black women, turning Black women's bodies into taboo commodities. It was true that "[p]rior to marriage, young enslaved women enjoyed relatively open sexual relationships with black men, especially compared to the moral behavior prescribed for and expected of southern white women," but in reality "sexuality in the black community was more restrained than whites assumed it to be."<sup>59</sup> Instead, it was Black women who had to fear white men's sexual predation.

Some argue there is "evidence that some planters were smitten by the African-American women with whom they became sexually involved, that they forgot the rules and tried to live

---

<sup>57</sup> White, *Ar'n't I a Woman?*, 29.

<sup>58</sup> White, *Ar'n't I a Woman?*, 38.

<sup>59</sup> McMillen, *Southern Women*, 24 – 25.

outside the bounds of proper conduct.”<sup>60</sup> White men broke their own codes of conduct, and in doing so, they sexually exploited and abused Black women. Enslavement made Black women especially vulnerable to abuse at the hands of their masters, the master’s sons or brothers, overseers, slave traders, and enslaved men. Similar to Mammy, the Jezebel character was another product of Southern creation, but Jezebel’s supposedly lascivious nature made her impure and subordinate, therefore “justifying the rape of African women by white men.” Jezebel was promiscuous and “governed almost entirely by her libido,” so she “truly enjoyed being ravaged by her master and his sons ... abusing her was simply satisfying her natural desires.”<sup>61</sup> The perpetration of sexual violence against Black women was a normalized part of life during enslavement. Threats “of physical injury, threats to harm children and family members, and the threat of being sent to another plantation and separated from one’s family were all used to ensure that enslaved women obeyed the sexual orders of their masters.”<sup>62</sup> Therefore, it is unreasonable to assume that any relationship between a white master and an enslaved woman was consensual. Even in the few examples where sexual relationships between the enslaver and enslaved were called “mutual,” that is arguable because of the inherently exploitative and dehumanizing nature of chattel slavery. The story of President Thomas Jefferson and Sally Hemings is a prime example of this debate.<sup>63</sup>

---

<sup>60</sup> Catherine Clinton, “‘Southern Dishonor’: Flesh, Blood, Race, and Bondage” in *In Joy and in Sorrow: Women, Family, and Marriage in the Victorian South, 1830 – 1900*, ed. Carol Bleser (New York: Oxford University Press, 1991), 61.

<sup>61</sup> Simms, “Controlling Images of the Gender Construction,” 883; and White, *Ar’n’t I a Woman?*, 29.

<sup>62</sup> Feinstein, *When Rape was Legal*, 19.

<sup>63</sup> Thomas Jefferson, the third U.S. president, had a “sexual relationship” with an enslaved woman he owned named Sally Hemings. Historians believe Sally was the half-sister of Thomas Jefferson’s wife, Martha Jefferson. Sally herself was born to a white enslaver, John Wayles (Martha Jefferson’s father) and an enslaved woman owned by Wayles, Elizabeth Hemings. Historians believe Sally was as young as fourteen-years-old when Jefferson first assaulted her. Sally later had six children by Jefferson. Recent DNA evidence supports historians’ argument that Jefferson fathered Sally’s children. At the center of this discussion is whether or not Sally was truly able to consent to have sex with the man who enslaved her.

The abuse enslaved women experienced impacted their ability to choose a spouse and build a family. Slave owners viewed marriage and reproduction among the enslaved in purely economic terms as a way to grow a more profitable labor force. Slave owners often intervened in enslaved people's marital and reproductive practices because "slavery was not simply a system of labor extraction but a means of sexual and social control as well."<sup>64</sup> "Forced mating was not uncommon" and some enslaved people spoke of "stockmen" who were forced to have sex and procreate with multiple enslaved women. "All of these practices contributed to the slaveowners' sense of absolute power and reassured the planter hierarchy that precious resources would not be wasted."<sup>65</sup> Historians estimate "approximately 10 percent of the southern population" was interracial at the time of the Civil War, "the result primarily of forced relationships between white men and black women."<sup>66</sup> The close contact between plantation and enslaved families meant that Black women had to protect their daughters from being abused, too. "In the long run, however," Deborah Gray White says, "a mother could do little but hope that her daughter made it through adolescence and young womanhood unscathed by sexual abuse."<sup>67</sup>

Enslaved people formed their own family structures on plantations. However, the concept of a traditional, nuclear family was largely absent from white consciousness when enslavers

---

Chattel slavery does not legally recognize the enslaved person as human: s/he is property. Chattel property, therefore, does not have bodily autonomy, a will, and certainly no rights. As property, Sally did not have the ability to say *no* to him, but she did not have the ability to say *yes* either. How could she consent to engage in a sexual act between two people if she herself was not recognized as a person? There is no romanticizing this story. Thomas Jefferson, one of America's Founding Fathers, was an enslaver and sexual predator. Thomas Jefferson raped Sally Hemings: this is the conclusion widely agreed upon among historians and geneticists after decades of research.

<sup>64</sup> Clinton, "'Southern Dishonor'" in *In Joy and in Sorrow*, ed. Bleser, 54.

<sup>65</sup> Paul Escott, *Slavery Remembered: A Record of Twentieth Century Slave Narratives* (Chapel Hill: The University of North Carolina Press, 1979), 44 – 45, quoted in Clinton, "Southern Dishonor," in *In Joy and in Sorrow*, 55. See also "Breeding," in Feinstein *When Rape was Legal*, 21.

<sup>66</sup> McMillen, *Southern Women*, 31.

<sup>67</sup> White, *Ar'n't I a Woman?*, 96.

interfered with marriages and natural reproduction. That said, enslaved women were generally able to choose their partners if there were enough single enslaved men on the plantation, but a slave owner always had the right to intervene at any point if he wanted to permanently separate the couple and force a new pairing. Enslaved families also did not receive assurance that their families would remain together. The overall stability of enslaved families was at the master's mercy. The threat of permanent separation was a far too frequent experience for many enslaved families. Interestingly, Mammy's children were relatively safe from being sold. Mammy's children "were not exempt from sale," but it was unlikely for an enslaver to sell her children unless absolutely necessary.<sup>68</sup> Black families faced a constant cycle of abuse, threats, and punishment during enslavement. Black families were forced to adapt their kinship structures out of necessity. The environment in which enslaved families lived was drastically different from the ideals of Republican Motherhood, which structured white families' relationships differently. Black women were forced to build kinship networks in an unstable, hostile environment, and the Civil War further shook this foundation.

Just like in enslavement, experiences in freedom were not monolithic.<sup>69</sup> The majority of African Americans were enslaved in the antebellum South; however, Black women "made up slightly more than 50 percent of the free black population in the United States" at the onset of the Civil War.<sup>70</sup> Freedom brought uncertainty, and this was a frightening prospect for some women. Life in enslavement was already tumultuous, but freedom brought a different kind of instability. Once free, a woman most likely had to "emigrate or face a return to slavery[.]" Furthermore,

---

<sup>68</sup> Parkhurst, "The Role of the Black Mammy," 359.

<sup>69</sup> King, *The Essence of Liberty*, 2.

<sup>70</sup> Wilma King, "Out of Bonds: Emancipation and Enslaved Women in Antebellum America," in *Beyond Bondage: Free Women of Color in the Americas*, ed. David Barry Gasper and Darlene Clarke Hine (Chicago: University of Illinois Press, 2010), 127.

most states in the deep South “prohibited manumission altogether except by a special act of the legislator.”<sup>71</sup> In some ways, remaining enslaved on a master’s plantation appeared safer than facing life completely devoid of protection and resources while wandering in the wilderness, hoping to not get caught and taken back to the plantation (where some form of punishment was sure to come). However, once free, Black women were faced with the question *what’s next?*

Loren Schweninger argues legislative petitions provide great insight to the “values, attitudes, and mores of free black women, individually and collectively,” as they worked to live as free, autonomous, *human beings*. Establishing a good life after obtaining freedom was not guaranteed, Schweninger goes on to say, but free Black women “occupied a unique place in southern society.” A greater number of Black women received manumissions (compared to Black men) and free Black women “controlled a significant percentage of the black wealth.” Many free women worked as “laundresses, maids, seamstresses, cooks, midwives, venders, and servants.”<sup>72</sup> Newly introduced to society, free women worked for better lives.

However, the social problems free women encountered were among the most difficult they faced, such as maintaining their families and fitting into society under the True Woman ideal.<sup>73</sup> Society still viewed Black women as Mammies or Jezebels. Black women were unable to live up to the Cult of True Womanhood, despite their dedication to the feminine ideals.<sup>74</sup> It was

---

<sup>71</sup> Previous two quotes from Loren Schweninger, “The Fragile Nature of Freedom: Free Women of Color in the U.S. South,” in *Beyond Bondage: Free Women of Color in the Americas*, ed. David Barry Gasper and Darlene Clarke Hine (Chicago: University of Illinois Press, 2010), 106.

<sup>72</sup> Four previous quotes from Schweninger, “The Fragile Nature of Freedom,” in *Beyond Bondage*, 107.

<sup>73</sup> Schweninger, “The Fragile Nature of Freedom,” in *Beyond Bondage*, 108; and King, *The Essence of Liberty*, 35.

<sup>74</sup> Black women living as True Women would have proved their femininity, would have actualized their status and gender as women. Nineteenth century America was not yet able to reconcile their intersecting identities as Black and as women, one always overshadowed the other. They were either Black or they were women, but slavery and the patriarchy struggled to understand how two identities with such different characteristics (as whites perceived) could coexist in one person. Therefore, seeing Black women as women, that is to say, on the same level as white women, would have shattered white

in freedom that Black women's race truly became a hinderance to their acceptance in antebellum society. Free women experienced little change with regards to gender norms in enslavement versus freedom. Free women were generally still treated like chattel, and although they were "not subjected to sexual exploitation by owners, ... the courts offered them little protection from sexual abuse."<sup>75</sup> The lack of protection from sexual violence meant that Black women continued to endure "conditions that contributed to the construction of stereotypes about their alleged promiscuity."<sup>76</sup> Freedom also put a strain on Black women's families. If a woman's husband or children were still enslaved, she might try to purchase them to provide her stability (stability meaning establishing a kinship network).<sup>77</sup> Some free women then went on to petition for protection for their families, but only "a small portion" succeeded. Challenges continued to increase for free women and their families when some white Southerners tried to "push them back into slavery."<sup>78</sup> Many of these issues made remaining enslaved appear to be the safer option. The horrors of enslavement, as cruel as they were, were familiar. Emancipation did not alleviate the harms of racism or sexism like some women surely hoped.

In all of their complexities, white and Black womanhood were filled with many confusing, restrictive, and downright oppressive experiences.<sup>79</sup> In order to construct a clear image of antebellum womanhood, these ideals must first be deconstructed and examined

---

patriarchal power. It would mean that all of the abuse committed against Black women in slavery was, in effect, as if these crimes were committed against white women. If the woman part of their identities was the part that took precedent, Black women should have been treated the same as white women. However, they were not, and this perceived difference allowed white men to rationalize and compartmentalize the violence they committed against Black women.

<sup>75</sup> King, *The Essence of Liberty*, 36. Courts at this time offered little protection to *any* woman regardless of her race, age, or class.

<sup>76</sup> King, *The Essence of Liberty*, 37.

<sup>77</sup> Schweninger, "The Fragile Nature of Freedom," in *Beyond Bondage*, 108.

<sup>78</sup> Schweninger, "The Fragile Nature of Freedom," in *Beyond Bondage*, 111.

<sup>79</sup> Many of these feminine ideals still exist today, and it is still just as confusing for women to navigate these double binds.

individually. Patriarchal gender norms, marriage, sexuality, and experiences of sexual violence are essential parts to understanding white and Black womanhood in the antebellum South. Put back together, these are the pieces of a woman. Now, with intimate knowledge of what life was like for white and Black women, one can begin to understand why Anne Eastworthy was so fearful of being assaulted when she cried out, “[f]or Christ’s sake, Man, don’t abuse me thus, but rather kill me.” Her fear extended beyond the immediate physical pain of the assault, turned into such strong anguish that she would rather die. What Anne Eastworthy said in 1729 held true over 130 years later during the Civil War. The patriarchy is so powerful that Southern women expressed they would rather die than be raped by Union soldiers, losing their honor and virtue. Some might argue *this* is a True Woman.



## CHAPTER II

### Rape as a Weapon of War:

#### Women's Bodies as Battlegrounds.

“[I]n spite of my most diligent efforts, there would unquestionably be some raping” General George Patton wrote in his 1947 biography about the *inevitable* presence of rape in warfare.<sup>1</sup> While Patton wrote this about his service in World War II some eighty years after the Civil War, his assertion holds true across the history of warfare. It is well understood that rape has occurred in warfare in virtually every known historical era.<sup>2</sup> Rape is certainly not exclusive to war, because rape occurs during peacetime. Rather, *how* and *why* rape is used in warfare is unique because of the militarized targeting of women as the enemy “other” and “spoils of war.” Through this sociological, historical, and philosophical examination of rape in warfare, one will see that the American Civil War was like any war. Historians such as Mark Grimsley, Michael Fellman, Reid Mitchell, and Drew Gilpin Faust claim that instances of rape were so minute they did not amount to any significant or widespread problem. However, it is empirically unfounded to assert that somehow the Civil War was an anomaly in this respect. The motivations and

---

<sup>1</sup> Gen George Patton, Jr., *War as I Knew it* (Boston, Houghton Mifflin, 1947), 23.

<sup>2</sup> Bernard Levison, ed. *Gender and Law in the Hebrew Bible and the Ancient Near East*, rev. ed. (London: Sheffield Academic Press, 2004), 203. Sexual violence during warfare is discussed in ancient Mesopotamian conflicts, the Hebrew Bible (Torah), ancient Greek and Roman warfare, the 30 Years War, the Yugoslav Wars, the Rwandan genocide, World War I, World War II, the “Rape of Nanking,” the Darfur war (Sudan), the Vietnam War, the Afghan-Soviet war, the Congo civil wars, and the Syrian civil war, just to name a few. There is extensive research on the historiography of rape in war. An excellent resource for this topic is Elizabeth D. Heineman, ed., *Sexual Violence in Conflict Zones: From the Ancient World to the Era of Human Rights* (Philadelphia: University of Pennsylvania Press, 2011). Additional suggested resources include Kevin Gerard Neill, “Duty, Honor, Rape: Sexual Assault Against Women during War,” *Journal of International Women's Studies* 2, no. 1 (2000): 43 – 51; Elisabeth Vikman, “Ancient Origins: Sexual Violence in Warfare, Part I,” *Anthropology and Medicine* 12, no. 1 (2005): 21 – 31; Kelly Dawn Askin, *War Crimes Against Women: Prosecution in International War Crimes Tribunals* (The Hague, The Netherlands: Kluwer Law International, 1997); Helen Benedict, “Why Soldiers Rape: Culture of misogyny, illegal occupation, fuel sexual violence in military,” *In These Times Magazine*, August 2008.

methodologies behind the perpetration of wartime rape are nearly universal, and this applies to the Civil War, too. This chapter will aid in explaining why war creates an environment in which soldiers believe they can freely commit rape, and what social or political purposes violence against women serves in combat.

Furthermore, in this discussion the term “sexual violence” serves as an umbrella term that encompasses many different types of gendered violence, including, but not limited to rape. It is also important to differentiate between the legal definitions of sexual assault and rape. Many people assume rape and sexual assault are synonymous. The Rape, Abuse, and Incest National Network (RAINN) and the Federal Bureau of Investigation (FBI) define rape as “a form of sexual assault” that involves “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.” Sexual assault, however, does not necessarily have to involve bodily penetration, but can also include attempted rape, fondling or unwanted sexual touching, or forcing the victim to perform sexual acts on themselves or the perpetrator such as forced masturbation or touching the perpetrator’s genitals.<sup>3</sup> Other acts encompassed under the category of sexual violence include forced prostitution, sexual mutilation of genitals, sexual slavery and human trafficking, forced pregnancy, sexual torture, and forced sterilization.<sup>4</sup> For the purposes of this chapter, discussion will primarily focus on rape instead of including the other listed forms of sexual violence. This chapter will also pay particularly close attention to gang rape because it is a common form of sexual violence in wars.

---

<sup>3</sup> Sexual Assault,” RAINN, <https://www.rainn.org/articles/sexual-assault>.

<sup>4</sup> Elisabeth Jean Wood, “Sexual Violence during War: Toward an Understanding of Variation,” in *Gender, War, and Militarism: Feminist Perspectives*, ed. Laura Sjoberg and Sandra Via (Santa Barbara: Praeger, 2010), 125.

Violence against women, specifically rape, is a symptom of misogyny. Misogyny is a tangible effect of sexism and one of the functions of rape during peacetime serves as retaliation against women who violate the patriarchy's sexist norms. There are any number of reasons why a man might rape a woman, but the underlying factor across all rapes is to assert dominance and control over the situation – dominance over the victim. Sociologists have found “[t]here is considerable evidence supporting the notion that rape is an expression of a social ideology of male dominance.” To this point, studies show there is a positive correlation between “the presence of an ideology which encourages men to be tough and aggressive” and higher “[incidences] of rape[.]”<sup>5</sup> In these “rape-prone” societies, rape culture is another part of the problem that perpetuates the cycle of sexual violence that normalizes sexual aggression and violence against women, rape, and victim blaming.<sup>6</sup> In war, as in peacetime, sexual violence is “rooted in inequality, discrimination, male domination and aggression, misogyny and the entrenched socialization of sexual myths.”<sup>7</sup> Or, as Susan Brownmiller simply argues, “[w]ar provides men with the perfect psychological backdrop to give vent to their contempt for women.”<sup>8</sup>

---

<sup>5</sup> Peggy Reeves Sanday, “The Socio-Cultural Context of Rape: A Cross-Cultural Study,” *Journal of Social Issues* 37, no. 4 (1981): 23 – 24.

<sup>6</sup> Sociologists and anthropologists use the term “rape-prone” societies to differentiate between societies in which instances of rape are comparatively higher than others. Still, this concept notes that rape is virtually ubiquitous throughout the world. The World Health Organization reports 1 in 3 women globally will experience physical and / or sexual violence by her partner or sexual violence by a non-partner. See “Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence,” by the World Health Organization, the London School of Hygiene & Tropical Medicine, and the South African Medical Research Council, <https://www.who.int/reproductivehealth/publications/violence/en/>.

<sup>7</sup> Tamara L. Tompkins, “Prosecuting Rape as a War Crime: Speaking the Unspeakable,” *Notre Dame Law Review* 70, no. 4 (1995): 851.

<sup>8</sup> Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Random House, 1975), 32.

Furthermore, because rape is normalized in society and is viewed as an unfortunate but accepted part of life during peacetime, rape is also an accepted part of warfare. While rape is not unique to war, war creates an environment that “intensifies the ‘brutality, repetitiveness, public spectacle and likelihood’ of rape.”<sup>9</sup> In a situation where there is government sanctioned killing, the boundaries between just and unjust, morality and immorality are blurred, “and rape becomes an unfortunate but inevitable by-product of the necessary game called war.”<sup>10</sup> If one’s government says that killing enemy soldiers is a necessary part of war, who is to say that raping the enemy’s women is not also a necessary part of war?<sup>11</sup> It is difficult for a government to sanction one form of violence while prohibiting another, especially if war results in “the breakdown of the state” and “conflict results in the destruction of social norms and legal prohibitions that exist in peacetime” thus allowing greater leeway for men to commit rape.<sup>12</sup>

Cynthia Enloe lists a number of proposed motivations behind wartime rapes. Her discussion touches on the complex psychological and sociological trends behind perpetrators’ motives, and also the various ways in which raped women respond to their assaults. Enloe argues that “exposing militarized rapes does not automatically serve the cause of demilitarizing

---

<sup>9</sup> Rhonda Copelon, “Surfacing Gender: Reconceptualizing Crimes Against Women in Time of War,” in *Mass Rape*, ed. Alexandra Stiglmyer (Lincoln, NE: University of Nebraska Press, 1994), quoted in Heineman, *Sexual Violence in Conflict Zones: From the Ancient World to Era of Human Rights* (Philadelphia: University of Pennsylvania Press, 2011), 2 – 3.

<sup>10</sup> Brownmiller, *Against Our Will*, 32.

<sup>11</sup> Viewing rape as a necessary part of war can achieve two ends. First, invading soldiers raping enemy civilian women as the “other” as part of a tactic to dominate and demoralize enemy support on the home front. Second, invading soldiers raping enemy women as “spoils of war” in which the bodies of enemy women become another conquered, prized victory for the triumphant army. The effect of the second point is to further demoralize, dominate, and emasculate both the women and the soldiers whose wives, daughters, sisters, and mothers are raped because when subjected to this violence (rape), both the enemy soldiers and civilian women have lost control of their environments.

<sup>12</sup> Dara Kay Cohen, “Explaining Rape during Civil War: Cross-National Evidence (1980 – 2009),” *The American Political Science Review* 107, no. 3 (2013): 462.

women's lives.”<sup>13</sup> Examining the broader political implications of wartime rape does not inherently solve the problem of wartime rape nor does it provide any comfort to the women who were raped to know why they were raped. Among the list of motivations Enloe provides, here are a few she discusses:

rape by an individual male soldier of a civilian woman of the same nationality while that soldier is ‘off duty[;]’ ... “rapes of captured women by soldiers of one communal or national group aimed principally at humiliating men of an opposing group[;]” ... “rapes of women by men in accordance to male officers’ system of morale-boosting rewards to their men after battle[;]” ... “rapes of women by those men who are prostitution procurers, to ‘prepare’ them for later service in a brothel organized for soldier clients[;]” ... “rapes of women in wartime by civilian men of their same ethnic or national community who are acting out a misogyny nurtured by and licensed by the militarized climate[.]”<sup>14</sup>

Enloe lists twelve variations of rape experienced by women during war, and of course this list is not exhaustive. It is impossible to know all of the motivations for why soldiers commit rape, but from this list Enloe provides, these reasons are most applicable to Civil War Union soldiers.

Tamara Tompkins discusses specific brutalities of rape as an extension of misogyny, specifically in gang rapes. Tompkins writes that “[w]ar legitimates violence” because “war is an exaggeration of the conditions which hold out violence as the central mechanism of human interaction.” Thereby, “rape is the exaggeration of traditional gender roles that [encourages] violence toward women as acts of machismo and control[.]”<sup>15</sup> The prevalence of gang rape and excessive physical and sexual brutality committed by soldiers is evidence of the dehumanization, humiliation, and general contempt for women of which Brownmiller argues. Moreover, the patriarchy’s

---

<sup>13</sup> Cynthia Enloe, *Maneuvers: The International Politics of Militarizing Women's Lives* (Berkeley: University of California Press, 2000), 109.

<sup>14</sup> Enloe, *Maneuvers*, 109 – 110.

<sup>15</sup> Tompkins, “Prosecuting Rape,” 869.

expectation of male aggression “is tied to socially-sanctioned institutionalized uses of force with the military as the ultimate exemplar of masculinity[.]”<sup>16</sup> Gang rape is an extreme example of male sexual aggression; it is “an extreme version of this exaggerated machismo ... during war.” Gang rape, but also rape in general, is evidence of misogyny because “rape is a gender-specific act.”<sup>17</sup> Men are victims of rape too, but men are not raped because of their gender. Women *are* raped because of their gender, and it is precisely because of patriarchal norms forced onto women to be weak, passive, obedient, and unable to defend themselves that women are viewed as easy targets to control, dominate, and rape.<sup>18</sup> The erasure of any normal social or political way of life during war makes women even more susceptible to assault by invading soldiers. The nature of military units also suggests that men are more often moving together in groups committing crimes rather than alone (individual rapes are certainly common too).

Scholars further argue that rape, but especially gang rape, serves as “a form of group violence that increases social cohesion and performs various functions that are essential from the perspective of the armed group” in both camaraderie bonding and terrorizing enemy civilians.<sup>19</sup> Rape is “viewed as part of a recognizable pattern of national terror and subjugation” in which women are “spoils of war” for the victorious army. When victory is desired, “[r]ape is seen as an effective mechanism for achieving it [victory.]”<sup>20</sup> Gang rape serves as an especially effective method of terrorization. The sheer brutality of gang rape demonstrates that extreme masculine aggression can degrade,

---

<sup>16</sup> Miranda Alison, “Wartime Sexual Violence: Women’s Human Rights and Questions of Masculinity,” *Review of International Studies* 33, no. 1 (2007): 76.

<sup>17</sup> Previous two quotes from Tompkins, “Prosecuting Rape,” 871, 873 respectively.

<sup>18</sup> Tompkins, “Prosecuting Rape,” 869.

<sup>19</sup> Dara Kay Cohen, *Rape during Civil War* (Ithaca, NY: Cornell University Press, 2016), 18.

<sup>20</sup> Tompkins, “Prosecuting Rape,” 869.

humiliate, physically and psychologically maim women making rape an effective tool for terrorizing and subduing civilians.

Gang rapes, as well as individual rapes, often involve using objects other than men's penises to assault women. There are accounts of soldiers using bottles, guns, their fists, bayonets, golf clubs, E-tools, and tree branches to penetrate women's vaginas.<sup>21</sup> Sexual humiliation in public areas and in front of family members are also common features of gang rape. Soldiers sometimes force women's family members to watch them being raped or even force women's family members to participate in the rape.<sup>22</sup> This nature of sexual humiliation and degradation makes gang rape "notable for its performance aspects, and perpetrators often watch each other and organize an order of their participation."<sup>23</sup> Sociological and psychological studies have found that gang rape "enables the perpetrators to establish status and reputations for toughness." These studies have also found that "perpetrators experience increased mutual esteem and that rape serves as an act of camaraderie." Thus, this kind of violence "plays an important role in building group cohesion."<sup>24</sup>

What concept could explain why soldiers conform to group cohesion and participate in gang rape? Social psychologist Irving Janis coined the term *groupthink*, which is "a mode of thinking that people engage in when they are deeply involved in a cohesive in-group, when the members' strivings for unanimity override their motivation

---

<sup>21</sup> E-tool is an abbreviation for "entrenching tool," which is a shovel used for digging holes or trenches. E-tools became important items in trench warfare during World War I. It is important to note that many women died from internal injuries sustained during assaults that involved objects listed in the text.

<sup>22</sup> For accounts on foreign objects used to rape women and accounts of sexual humiliation involving family members, see Tompkins, "Prosecuting Rape," 874 – 875 and 870, respectively.

<sup>23</sup> Cohen, "Explaining Rape during Civil War," 464.

<sup>24</sup> Previous two quotes from Cohen, "Explaining Rape during Civil War," 464.

to realistically appraise alternative courses of action.”<sup>25</sup> Groupthink is an effective tool for enforcing group uniformity. Individual identities, thinking, and beliefs are overrun in order to maintain group solidarity. The *group’s* identity, thinking, and beliefs become the shared mode of operation. Janis’ concept was originally used to explain how groupthink conformity could lead to disasters like the failed Bay of Pigs mission and the *Challenger* explosion. Groupthink does not assert that group members are unintelligent, but rather the pressure “to maintain relationships within the group at all costs” leads people to make bad decisions, sometimes deadly decisions, in order to preserve social harmony and group cohesion. Groupthink also states that responsibility for actions falls on the entire group, not individuals. This can embolden individual members because unanimity provides anonymity. Groupthink is one proposed theory that could explain why gang rape builds social cohesion. To this point about collective responsibility, Miranda Alison suggests “the reason [why] gang-rape promotes group cohesion may be that it bonds men together in a complicity (in fact a shared *awareness* of responsibility) that makes loyalty to the group vital.”<sup>26</sup> If an entire group of men perpetrate a rape, an individual man from the group is less likely to break ranks and turn on the other men because doing so would also expose his complicity in the rape.

Studies clearly show that the brutality of war has transformative and long-lasting effects on soldiers after war. Soldiers often become desensitized to violence, many develop Post Traumatic Stress Disorder (PTSD) and / or alcohol or drug dependency to cope with reintegration into society after combat, not to mention physical injuries soldiers may suffer in combat. War also has more immediate effects on soldiers. During the

---

<sup>25</sup> Irving Janis, *Victims of Groupthink* (Boston: Houghton Mifflin, 1972), 9.

<sup>26</sup> Alison, “Wartime Sexual Violence,” 77.



Vietnam War, one American officer said that his soldiers “were decent enough young men” but after living through the horrors of war, fear, stress, “and a little mob pressure ... those nice kids ... would rape like champions. Kill, rape and steal is [sic] the name of the game.”<sup>27</sup> This officer’s account supports Janis’ groupthink. The pressure to behave in a certain way and to engage in specific acts to preserve the social order and harmony of the group overrode individual beliefs and decisions when in the high stress environment of war and when exposed to prolonged violence.

That said, the process to achieve group cohesion does not necessarily have to “be a conscious decision by the combatants or their commanders.” Therefore, group cohesion and gang rape do not necessarily have to be “strategic nor opportunistic” while still achieving the end goal of group bonding.<sup>28</sup> Additionally, gang rape is not the only violent method for forming group cohesion. Bonding can also occur among perpetrators of individual acts of rape, “that is, in perpetrating a rape alone, and then recounting it to peers afterwards.” Peggy Sanday notes that sharing stories about gang rapes *and* individual rapes in which men participated allows these men to “revel in a sense of enhanced masculinity.”<sup>29</sup> Victims of rape tend to feel isolated, shamed, and outcast in the aftermath of their assaults, but the men who commit these rapes experience the opposite effect – enhanced power, strengthened bonds, and earned respect from peers.

Brownmiller offers another perspective in arguing “the original impulse to rape does not need a sophisticated political motivation beyond a general disregard for the

---

<sup>27</sup> U.S. officer quoted in Richard Holmes, *Acts of War: The Behavior of Men in Battle* (New York: Free Press, 1985), 392. *Sic* indicated for grammatical error, changing the quotation from “Kill, rape and steal is the name of the game” to now read “Kill, rape and steal are the names of the game.”

<sup>28</sup> Cohen, *Rape During Civil War*, 22.

<sup>29</sup> Cohen, *Rape during Civil War*, 21; and Peggy Reeves Sanday, *Fraternity Gang Rape: Sex, Brotherhood, and Privilege on Campus*, 2<sup>nd</sup> ed. (New York: New York University Press, 2007), 83.

bodily integrity of women.”<sup>30</sup> Concepts like groupthink can help us understand why men who would not usually commit rape under ordinary circumstances in peacetime do commit rape in war. These men are the “ordinary Joes” who in war are “made unordinary by entry into the most exclusive male-only club in the world [the military.]”<sup>31</sup>

Furthermore, Elisabeth Wood argues military leaders sometimes

persuade soldiers that to be a real man is to assert a militaristic masculinity, and the result is that soldiers represent domination of the enemy in highly gendered terms and use specifically sexual violence against enemy populations. Moreover, bonding among members of the small unit – the loyalty that enables warriors to fight under terrifying conditions of war – also takes gendered forms, reinforcing the militaristic masculinity of training.<sup>32</sup>

That said, there are some men who are already sexual predators, and these men will simply be able to rape with impunity during wartime.<sup>33</sup> These men likely fit

Brownmiller’s argument that some men rape out of a general contempt for women.

Regardless of the motivation for committing rape, the effect “is indubitably one of intimidation and demoralization for the victims’ side.”<sup>34</sup> The symbolic effect of rape also tells a raped woman “that when her country loses political autonomy, she loses sexual autonomy.”<sup>35</sup> The rape of women is viewed as an unfortunate but inevitable fact of war, just like General Patton expressed. The normalization of rape in warfare means civilian outrage over rape dissipates, “loses its distinctiveness” and raped women “remain

---

<sup>30</sup> Brownmiller, *Against Our Will*, 37.

<sup>31</sup> Brownmiller, *Against Our Will*, 32.

<sup>32</sup> Wood, “Sexual Violence during War” in *Gender, War, and Militarism*, 132.

<sup>33</sup> Research from sociologists and public health professionals suggests there is a positive correlation between men who commit acts of sexual violence and men who serve in the military. For research pertaining to the U.S. military, see Anthony J. Rosellini, et al., “Predicting Sexual Assault Perpetration in the U.S. Army Using Administrative Data,” *American Journal of Preventive Medicine* 53, no. 5 (2017): 661 – 669.

<sup>34</sup> Brownmiller, *Against Our Will*, 37.

<sup>35</sup> Tompkins, “Prosecuting Rape,” 875.

faceless” victims. Raped women simply “merge with the pockmarked landscape; they are put on the list of war damage along with the gutted houses and mangled rail lines.”<sup>36</sup> If victory is to be achieved there will “unquestionably be some raping” as Patton said because “rape [becomes] a way to measure victory [as] part of a soldier’s proof of masculinity and success, a tangible reward for services rendered. Stemming from the days when women were property, access to a woman’s body has been considered an actual reward of war.”<sup>37</sup>

This chapter utilizes various interdisciplinary perspectives to analyze the use of rape in warfare. Drawing on sociology, the historiography of rape and war, and ethical concerns raised by feminist philosophers one can see that the answer to understanding rape in warfare is not so simple in the end. None of the discussed hypotheses can be applied *alone* when examining the use of rape in warfare. Wartime rape is a complex situation that can be militarily or politically motivated, or rape can be perpetrated arbitrarily and not follow any logical or predictable pattern of behavior. The motivation and methodology for perpetrating rape vary across conflicts; and one must utilize these various disciplines to construct a contextual understanding for the symbolic and practical meaning of what rape achieves in warfare. The act of rape is not just the physical violation of a woman’s body, but the symbolic annihilation of her personhood and agency. “The body of a raped woman becomes a ceremonial battlefield ... The act that is played out upon her is a message passed between men – vivid proof of victory for one and loss and defeat for the other.”<sup>38</sup> The morale of the defeated soldiers is crushed; the women’s bodies are

---

<sup>36</sup> Previous two quotes from Enloe, *Maneuvers*, 108.

<sup>37</sup> Previous two quotes from Brownmiller, *Against Our Will*, 35. For additional discussion on “rape as a war tactic,” see also Tompkins, “Prosecuting Rape,” 859.

<sup>38</sup> Brownmiller, *Against our Will*, 38.

desecrated. Women are collateral damage in a man's war and women's bodies are the battlegrounds.

## CHAPTER III

### From Victims to Advocates:

#### Rape and Justice in the Civil War.

In Selina, Tennessee, Union Major Thomas J. Jordan made his intentions clear when he threatened a community of local women, saying, “they had better sew up the bottoms of their petticoats.”<sup>1</sup> Threats like Major Jordan’s and the experience of rape were common throughout the occupied South in the Civil War. Rape was not confined to any social, racial or age group. Women throughout the South – Black or white, poor, free, enslaved or elite, ranging in ages from ten years old to eighty-two years old – suffered a battle of their own amidst the country’s national crisis. Rape remains “the silent subject of the Civil War” because many historians have not devoted research to this issue.<sup>2</sup> Most acknowledgements of rape in the Civil War are centered around the rape of Black women in the South, completely dismissing that white women were raped too. It is only within the last twenty years that scholars began seriously researching the topic, examining court documents and testimonies from women who were raped by Union soldiers. Groundbreaking research from E. Susan Barber and Charles F. Ritter found 450 known rape cases prosecuted by the Union military Judge Advocate General (JAG). From this research, Barber and Ritter concluded that women across all social, racial and age groups were subjected

---

<sup>1</sup> U.S. War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series II, Volume 4, p. 915 quoted in Reid Mitchell, *The Vacant Chair: The Northern Soldier Leaves Home* (New York: Oxford University Press, 1993), 103.

<sup>2</sup> Ervin L. Jordan, Jr., “Mirrors Beyond Memories: Afro-Virginians and the Civil War,” in *New Perspectives on the Civil War: Myths and Realities of the National Conflict*, ed. John Y. Simon and Michael E. Stevens (Lanham, MD: Rowman & Littlefield Publishers, 1998), 158.

to sexual violence.<sup>3</sup> Their research disproves historians' claims that the Civil War was a "low rape" war and that rape exclusively affected Black women.<sup>4</sup>

From these court testimonies, Barber and Ritter also found that white and Black women equally took advantage of the opportunity to bring their cases to Union courts-martial. For the first time in American history, Black women, free and enslaved, were recognized as human under the law, able to prosecute their rapists in court alongside white women.<sup>5</sup> Justice was not guaranteed for any woman who brought forth her case, but the Union military's reaction to the widespread problem of rape provided a legal pathway forward for any woman if she chose to pursue a case against her attacker.

At the heart of this research are the testimonies from 450 women who prosecuted their cases in Union courts-martial. These records are kept in the National Archives in Washington, D.C., and are only accessible in their original printed form. These records are not available on the National Archives online database. Unfortunately, the COVID-19 pandemic has closed the National Archives to the public. I worked with my state representatives to file a request on behalf of a constituent to be granted special access to the archives, but the government was unable to make any exceptions. This research heavily relies on secondary sources, consulting the work of

---

<sup>3</sup> E. Susan Barber and Charles F. Ritter, "Physical Abuse ... And Rough Handling," in *Occupied Women: Gender, Military Occupation, and the American Civil War*, ed. LeeAnn Whites and Alecia P. Long (Baton Rouge: Louisiana State University Press, 2009), 51.

<sup>4</sup> Reid Mitchell specifically uses the term "low rape" to describe the Civil War in *The Vacant Chair*, 109. Unfortunately, Mitchell does not quantify what he means by "low rape." It is unclear by what measurement or quantity of cases Mitchell constitutes as being a "low rape" war.

<sup>5</sup> During enslavement, Black women were legally regarded as property. The law did not recognize property as able to be raped. If an enslaved woman was raped, her master could file charges for "property damage," which amounted to assault and battery at the most [see, Kim Murphy, *I Had Rather Die: Rape in the Civil War* (Afton, VA: Coachlight Press, 2014), 22]. Any monetary settlement to come from the case was awarded to the woman's master, not her. However, the majority of rapes went unreported because Black women did not have any feasible legal avenue to seek justice for their assaults (nor could African Americans testify in court against white people prior to the war).

historians who accessed these records. Therefore, the information in this chapter is limited to the cases other historians chose to include in their works. Under normal circumstances a wider array of stories would be included in this chapter to present a more complete analysis of rape in the Civil War. Moreover, for the purposes of this project, only rapes committed by Union soldiers are discussed. Rapes committed by Confederate soldiers are not included in this discussion because Confederate army records were destroyed in the burning of Richmond in 1865.<sup>6</sup>

In three parts, first this chapter will address the claims that the Civil War was a “low rape” war. Reid Mitchell, Mark Grimsley, and Michael Fellman are among the list of Civil War historians who argue very few rapes occurred during the war and that rape exclusively affected Black women. Such claims are empirically unfounded, and the work from these historians tends to contradict itself, asserting that very few rapes occurred, while simultaneously acknowledging there is not enough information to definitively conclude one way or another the prevalence of rape during the war. By addressing these contradicting arguments, one will understand that the Civil War was like any war.

Second, it is necessary to include definitions of rape laws, which guided acceptable sexual behavior and punished a wide range of sexual crimes from rape to sodomy, prostitution, adultery, and fornication. These laws, which predated the Civil War, were very narrow in defining rape and statutes differed across states. The legal understanding of rape placed an enormous burden on women to be perfect victims – chaste, pious, and respectable. Despite the

---

<sup>6</sup> It is largely unknown whether or not the Confederate army documented rape cases. If any rapes committed by Confederate soldiers were reported to Confederate authorities, such cases are now lost because of the fires set by Confederate soldiers at the end of the war. Without these records, it is more likely that any mention of Confederate rapes would be found in diaries, letters, or other personal correspondences.

semantic limitations of rape laws and the legal and societal burden placed on victims, these laws help frame the context of rape in the Civil War.

Third, this chapter will share sixteen wartime experiences of rape, showing that rape affected women across all social and racial backgrounds in the occupied South. Then, these stories will be followed into courtrooms to examine the ways in which the Union military provided women with legal redress for rape. The passage of General Orders 100, also known as the Lieber Code, and Section 30 of the Enrollment Act of 1863 made civilian crimes like rape and murder prosecutable in Union courts-martial. The Enrollment Act and the Lieber Code were passed in March and April of 1863, respectively, so there is limited documentation of rape cases prosecuted prior to 1863. While a few cases prior to 1863 are included, this research will primarily focus on rape cases prosecuted under the Lieber Code between the years 1863 – 1865.

The discussion of these cases will show that rape was an indiscriminate crime, and in theory, justice was served to all regardless of race or class. In practice, however, justice was not guaranteed and the race and social class of a victim, in addition to the race of the accused soldier, were important factors in obtaining a conviction. Testifying at trials, white and Black women's characters and sexual history were questioned. Women endured victim blaming and were often retraumatized because they had to recount the details of their attacks to the courts. Every aspect of women's lives was scrutinized by the courts. Black women also dealt with racial prejudice when bringing rape charges against a soldier. If a Black woman accused a white soldier of rape, her case was significantly harder to prosecute because her accusation challenged the white patriarchy's entitlement to her body.<sup>7</sup>

---

<sup>7</sup> In general, rape cases were hard to prosecute for a number of reasons – these reasons still apply today. The courts required a victim to provide physical evidence of the assault like bruises, cuts, genital trauma, torn or bloodstained clothing, and preferably, corroborating testimony from a medical professional who examined the woman. Even with this physical evidence, victims were still doubted by courts and



## Part I – Addressing the Opposition

Reid Mitchell argues the Civil War was a “low rape” war because the character of the Union soldier was endowed with “manly self-restraint[.]” Union men were influenced by the Victorian ideals of manhood, which “admirably” kept Union men from raping Southern women.<sup>8</sup> However, the discussion from Chapter One clearly shows that these same ideals of manhood did not prevent men from raping and abusing women before the Civil War. Arguing that rape was not a significant problem during the war because men abided by some honorable code of manhood assumes that rape would not have occurred during peacetime because of this same code of honor. If Union soldiers were surely influenced by these ideals, as Mitchell argues, why did men rape women before and after the war, but practiced self-restraint during the war? Mitchell believes the “sexual restraint” of Union soldiers prevented them from raping, or from even having sexual intercourse, with Southern women because “even mutually agreeable intercourse would have threatened masculine identity.”<sup>9</sup> Sexual restraint was clearly lacking among Union soldiers because “73,382 cases of syphilis and 109,397 cases of gonorrhea” were reported among white soldiers. For all venereal diseases, a rate of 82 cases for every 1,000 men were reported every year during the war. The rate was slightly lower among Black soldiers at “34 cases of

---

questioned whether or not they truly resisted the attackers’ actions. Victorian gender norms presumed a woman would rather die than be raped, so if she was still alive, society, and the court, concluded she acquiesced. All victims faced this challenge, but Black women were subjected to even greater scrutiny when bringing rape charges against a white man. Racist tropes, like Jezebel, portrayed Black women as lascivious and promiscuous, so a woman who freely engaged in sexual activities did not reserve the right to resist a man’s sexual advances, especially if that man was white. This was also true for prostitutes – as sex workers they forfeited the right to revoke consent, and therefore could not be raped. Women whose sexual history and behavior were called into question were often referred to as women of “base character,” which was the nineteenth century term for “slut” or “whore.”

<sup>8</sup> Previous two quotes from Mitchell, *The Vacant Chair*, 109. Again, Mitchell does not provide a specific figure to quantify his use of the term a “low rape” war.

<sup>9</sup> Mitchell, *The Vacant Chair*, 106.

syphilis and 44 cases of gonorrhoea per 1,000 men” reported each year.<sup>10</sup> Mitchell seems to confuse the aggression and domination associated with rape for sexual desire, which Mitchell believes Union soldiers would have been able to control. “Letting anger toward women break out,” Mitchell says, “would have been unmanly.”<sup>11</sup> However, historians such as Mitchell, Fellman, Grimsley and others “who assert that Victorian mores somehow imposed gentlemanly restraint during wartime [ignore] the fact that rape is a crime of violence, not sexual desire.”<sup>12</sup>

Yet, Mitchell describes accounts of physical and sexual violence and threats made by Union soldiers, including the threat quoted from Major Thomas Jordan. Mitchell characterizes these acts of violence against Southern women as “petty,” though it is unclear which acts he classifies as petty. Murder? Rape? Destruction of property? Looting? Torture? Killing one’s loved ones? Threats of physical and sexual violence? Perhaps Mitchell believes these acts are petty. Although for the women who experienced these crimes, they surely did not feel petty or trivial.

Even taking into account “the cultural inadmissibility of rape as a subject for discussion,” Mitchell asserts, “it is reasonable to conclude that one reason so few rapes were reported is that very few rapes occurred.”<sup>13</sup> The traditional gender norms which were powerful enough to keep men from raping women apparently did not carry the same weight when shaming women to not come forward about their assaults.<sup>14</sup> Mitchell declares only “a few Union soldiers did rape

---

<sup>10</sup> Statistics on STIs from the war, Charles Smart, ed., *The Medical and Surgical History of the War of the Rebellion*, part III, vol. II, 3<sup>rd</sup> Medical Volume (Washington, D.C.: Government Printing Office, 1888), 891, quoted in Charles P. Lowry, *The Story the Soldiers Wouldn’t Tell: Sex in the Civil War* (Mechanicsburg, PA: Stackpole Books, 1994), 104.

<sup>11</sup> Mitchell, *The Vacant Chair*, 106.

<sup>12</sup> Murphy, *I Had Rather Die*, 9.

<sup>13</sup> Mitchell, *The Vacant Chair*, 105.

<sup>14</sup> As discussed in Chapter One, ideas about honor and virtue greatly impacted the feelings of shame and guilt many women experienced in the aftermath of their attacks. The social consequences, loss of honor, status, reputation, and fear of ostracization from friends, family, and the larger community all played a

women while they were in the South.” Mitchell does not quantify this number. How many is a few? Five to ten soldiers, twenty? JAG records show 450 known rape cases were prosecuted in Union courts-martial, and it is worth noting that a number of these cases were gang rapes involving multiple defendants, ranging from two to eight men.<sup>15</sup> Gang rapes increase the number of accused soldiers in any single case, so to say only “a few” soldiers committed rape distorts the evidence. Contradicting his claim that the Civil War was “remarkable in how little rape took place,” Mitchell concludes by saying, “[h]ow much rape did take place, however, remains something not known and perhaps not knowable.”<sup>16</sup> Mitchell’s argument is based on speculation and outdated information.

Susan Brownmiller, whose pioneering work on the history of rape in *Against Our Will*, surprisingly fails to acknowledge the prevalence of rape in the Civil War.<sup>17</sup> Instead, Brownmiller says that the dangerous environment war creates, the toxic masculinity, men’s contempt for women, and the ability to rape with impunity did not apply to the Civil War. Brownmiller argues this conflict pitted “brother against brother,” and the “code of honor among men” prevented

---

role in a woman’s decision to keep quiet about her assault. Women adhered to traditional gender norms more rigidly than men because women faced greater consequences for violating these norms. Also discussed in Chapter One, men who violated the ideals of manhood were rarely punished. Men were able to save face when they broke their own rules.

<sup>15</sup> Because I am unable to access the JAG records in the National Archives, I am unable to provide an exact percentage on the number of gang rapes that constituted the 450 prosecuted cases.

<sup>16</sup> Mitchell, *The Vacant Chair*, 109.

<sup>17</sup> Brownmiller’s discussion on rape in warfare briefly touches on the Civil War, and it is surprising that she does not consider the material in *Against Our Will* applicable to the Civil War. Brownmiller’s dismissal of rape in the Civil War does not invalidate everything else she wrote, but I would like to challenge her logic on this specific subject. *Against Our Will* was groundbreaking because it argued there are certain universal themes found in rape throughout human history and warfare (see Chapter Two), and my argument uses Brownmiller’s same points to show that the Civil War fit this pattern, too. In recent years, Brownmiller has since acknowledged the prevalence of rape in the Civil War. In a review she wrote for Murphy’s book *I Had Rather Die*, Brownmiller stated: “A meticulously documented and gut-wrenching account of the gratuitous acts of violence against women’s bodies, black and white, slave and free, young and old... A major work of scholarship that was long overdue, and that all historians should be grateful for.”

soldiers from assaulting the wives, sisters, mothers, and daughters of fellow American men.<sup>18</sup> According to Brownmiller's statement, this code of honor, which prevented men from raping their "brothers'" female relatives and loved ones, also assumes men would not rape women of the same nationality during peacetime. If Brownmiller's argument was accurate, rape would not occur in any intrastate conflict. However, rape is documented in numerous civil wars including Syria, Yemen, Myanmar, Russia, Greece, China, Sierra Leone, Rwanda, and Ireland.<sup>19</sup>

Furthermore, Brownmiller argues that "anonymity between rapist and victim is an important factor in rape [because] an unknown woman is more easily stripped of her humanity."<sup>20</sup> According to Brownmiller, anonymity was missing in the Civil War because of the "brother against brother" dynamic. Two issues arise from this statement. First, it is inaccurate to say that anonymity was lacking. The geographical distance between the North and South meant that many Union soldiers likely never crossed paths with the women they assaulted, nor would the soldiers likely ever see those women again – unless taken to court. Southern women were the enemy "other" and by viewing women in these terms, Union soldiers depersonalized the women they raped. Second, the assumption that anonymity is a necessary precursor to rape ignores the fact that most rapes are committed by someone known to the victim.<sup>21</sup> In colonial and

---

<sup>18</sup> Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Random House, 1975), 88.

<sup>19</sup> For a detailed analysis of rape in civil wars, see Dara Kay Cohen, *Rape during Civil War* (Ithaca: Cornell University Press, 2016). Other suggested resources include Katherine Stefatos, "The Psyche and the Body: Political Persecution and Gender Violence against Women in the Greek Civil War," *Journal of Modern Greek Studies* 29, no. 2 (2011): 251 – 277; Linda Connolly, "Sexual violence in the Irish civil war: A forgotten war crime?" *Women's History Review* 30, no. 1 (2021): 126 – 143; Binaifer Nowrojee, "Sexual Violence during the Rwandan Genocide and its Aftermath," Human Rights Watch, 1996; and Denis Muckengere Mukwege and Cathy Nangini, "Rape with Extreme Violence: The New Pathology in South Kivu, Democratic Republic of Congo," *PLOS Medicine* 6, no. 12 (2009): <https://doi.org/10.1371/journal.pmed.1000204>. For a detailed analysis of rape as genocide, see Catherine MacKinnon, "Genocide's Sexuality," *American Society for Political and Legal Philosophy*, 46 (2005): 313 – 356.

<sup>20</sup> Brownmiller, *Against Our Will*, 88.

<sup>21</sup> For statistics on victims, offenders, and acquittance rape, see the National Institute of Justice, "Victims and Perpetrators," 2010, <https://nij.ojp.gov/topics/articles/victims-and-perpetrators>.

antebellum America, women were far more vulnerable to sexual assaults from neighbors or family members.<sup>22</sup> However, so-called “stranger rapes” tended to increase during the war because people from outside of the community, Union soldiers, invaded and occupied the enemy territory.<sup>23</sup> Courts-martial records show that a majority of women raped by Union soldiers did not know the identity of the soldiers prior to the assault (meaning the women did not know the soldiers’ names and / or have prior interaction before the assault). Anonymity made it difficult for women to name their attackers, but women were able to identify the men by other criteria like their physical appearance, voice, and clothing. Anonymity was certainly preserved during the war and Union soldiers used anonymity to their advantage to terrorize Southern women, making women feel unsafe in their homes and communities.

Historians Mark Grimsley and Michael Fellman share Mitchell’s belief that the practice of self-restraint among Union soldiers largely prevented them from raping Southern women. It is a “myth” that Union soldiers raped because, in general, Grimsley says, “[m]en raised to regard rape as wrong continue to regard it as wrong” during war.<sup>24</sup> Grimsley’s statement assumes that every man who commits rape during war was not raised to believe that rape is wrong. Grimsley also fails to acknowledge the various psychological and sociological concepts that help explain

---

<sup>22</sup> Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: The University of North Carolina, 2006), 54.

<sup>23</sup> A stranger rape is the opposite of an acquaintance rape. As the name implies, in a stranger rape the victim does not know the attacker’s identity. The stranger rape is the “archetypal rape” because it focuses the threat of danger and violence on an outside force instead of an intimate partner, friend, or family member. Stranger rapes also imply a greater degree of physical violence used to dominate and harm the victim because a level of trust would have already established between the victim and attacker in an acquaintance rape. For a comparison on stranger rapes versus acquaintance rapes, see Block, *Rape and Sexual Power*, 57 – 63.

<sup>24</sup> Mark Grimsley, “‘Redskins’ and ‘Rebels’ U.S. Military Conduct toward White Southerners and Native Americans in Comparative Perspective,” in *Civilians in the Path of War*, ed. Mark Grimsley and Clifford J. Rogers (Lincoln, NE: University of Nebraska Press, 2002), 151.

why some ordinary men commit violent crimes during war.<sup>25</sup> Paradoxically, Michael Fellman argues that soldiers' conduct was often comprised of "a combination of gentility and brute force," and men lauded themselves as "the protectors" of Southern homes, families, and women. Soldiers honored this code through "daily demonstrations of their ideals."<sup>26</sup> According to Fellman, soldiers proved their code of honor and gentility by not raping Southern women. Any accounts of rape, especially rapes of white women, Fellman says, were "infrequent ... and all of those second-hand."<sup>27</sup>

More frequent than actual rape, Fellman says, was "symbolic rape."<sup>28</sup> Similar to Mitchell, Fellman admits "[i]t is possible that rape did occur with some frequency and was such a badge of shame as to go undisclosed." Fellman goes on to write that other crimes were reported to officials and "broadcast as propaganda" in newspapers, but Fellman questions the absence of rape reports in newspaper articles.<sup>29</sup> Fellman's prior statement on the power of shame answers his question about the lack of documentation. "Most rapes," writes Yale history professor Crystal Feimster, "likely went unreported because many women, especially women of the planter elite, considered sexual assault a fate worse than death. Because a white woman's virtue represented her most valuable commodity, much was at stake in making public a crime understood to tarnish

---

<sup>25</sup> In Chapter Two, the sociological concept *groupthink* was discussed as a suggested theory for why soldiers commit rape, especially gang rape.

<sup>26</sup> Two previous quotes from Michael Fellman, "Women and Guerilla Warfare," in *Divided Houses: Gender and the Civil War*, ed. Catherine Clinton and Nina Silber (New York: Oxford University Press, 1992), 148 – 149.

<sup>27</sup> Fellman, "Women and Guerilla Warfare," in *Divided Houses*, 149 – 150. The known 450 rape cases prosecuted by the Union military refute Fellman's claim that all rapes of white women were only reported second-hand.

<sup>28</sup> Symbolic rape, Fellman argues, constituted looting and killing the men in Southern women's lives. So-called symbolic rape never physically harmed a woman, but rather it was acts of verbal harassment, pranking, destruction of property, or physically harming loved ones close to a woman while never harming the woman herself. See pages 150 – 151. Fellman is right, all of these acts occurred, but court records show that soldiers did not stop at merely symbolic rape.

<sup>29</sup> Two previous quotes from Fellman, "Women in Guerilla Warfare," in *Divided Houses*, 150.

that virtue.”<sup>30</sup> Indeed, women knew what was at stake if they came forward about rape. Shame and ostracization were effective tools for social control that silenced women. Women rightfully feared dishonor, loss of purity and virtue, difficulty or inability to marry, loss of social status and reputation, damage to their families’ status, disownment, and fear of physical retaliation from their husbands or fathers.<sup>31</sup>

Victoria Bynum supports this statement in her book *Unruly Women*. Although it is difficult to present a complete picture of rape in the Civil War because most cases went unreported, Bynum concludes, “rapes, like prostitution and fornication, must have increased.” “Deeply embedded notions of shame and honor” also encouraged women to not speak publicly about their rapes, which is a point Mitchell, Grimsley, and Fellman underestimate.<sup>32</sup> Black women certainly experienced feelings of shame and isolation, too. Darlene Clarke Hine argues that Black women “developed and adhered to a cult of secrecy, a culture of dissemblance, to protect the sanctity of inner aspects of their lives.”<sup>33</sup> Feimster echoes this point writing, “[p]art of the challenge” Black women faced when speaking out about their experiences of rape “had to do with putting into words unspeakable violence while also adhering to Victorian ideals of womanhood that censored what a ‘respectable’ woman could say publicly about rape.”<sup>34</sup> White and Black women shared these feelings of guilt and humiliation about rape, effectively

---

<sup>30</sup> Crystal Feimster, “General Benjamin Butler and the Threat of Sexual Violence during the American Civil War,” *Daedalus* 138, no. 2 (2009): 127.

<sup>31</sup> See, Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge: Harvard University Press, 2013), 22: “[s]exual assault undermined both the honor of the family and the daughter’s marriageability.” See also Block, *Rape and Sexual Power*, 90.

<sup>32</sup> Victoria E. Bynum, *Unruly Women: The Politics of Social and Sexual Control in the Old South* (Chapel Hill: The University of North Carolina Press, 1992), 118.

<sup>33</sup> Darlene Clarke Hine, “Rape and the Inner Lives of Black Women in the Middle West,” *Signs* 14, no. 4 (1989): 915.

<sup>34</sup> Crystal Feimster, “‘WHAT IF I AM A WOMAN’ Black Women’s Campaigns for Sexual Justice and Citizenship” in *The World the Civil War Made*, ed. Gregory P. Downs and Kate Masur (Chapel Hill: The University of North Carolina Press, 2015), 252.

restricting them from coming forward about their assaults. The war heightened this sense of helplessness and isolation.

Finally, to Fellman's point, he states that because Black women were men's traditional targets for rape, "all white women were treated with respect" by Union soldiers.<sup>35</sup> It is true that Black women were more vulnerable to rape and exploitation at the hands of white and Black men, but this does not suggest that white women were safe from rape. Martha Hodes notes that "Black women were most often the rape victims of white soldiers during the Civil War, ... [but] most wartime rapes, no matter who the victim, must have gone unreported."<sup>36</sup> Life as a woman, white or Black, was marked by the fear of rape during war and peacetime. No woman was safe. The threat of rape lurked within women's social circles, and during the war, the threat came in the form of invading Union soldiers. The Civil War played an important role in reshaping, though sometimes staunchly reinforcing, ideas about sexuality, gender, and rape. In the midst of the Union's national crisis when any semblance of "normal" antebellum life was gone, Southern women across all classes, races and ages were vulnerable to sexual assault in the occupied South.<sup>37</sup>

---

<sup>35</sup> Fellman, "Women in Guerilla Warfare," in *Divided Houses*, 153. While Fellman argues that Black women were most frequently harmed and exploited by men, especially white men, he argues there was such a thing as a "good owner." Fellman states that it is perfectly possible for a person to avoid "random and excessive brutality" while also frequently whipping, coercing, and raping enslaved women. This logic places serious doubts on the credibility of his commentary on rape. Fellman's statement trivializes sexual violence and slavery, ignores the experiences of white women who were victimized, and implies that habitual violence is not as serious when it is committed routinely.

<sup>36</sup> Martha Hodes, *White Women, Black Men: Illicit Sex in the 19<sup>th</sup> Century South* (New Haven: Yale University Press, 1997), 141.

<sup>37</sup> For discussion on the shift in attitudes toward sex and gender, see Catherine Clinton, "'Public Women' and Sexual Politics during the American Civil War," in *Battle Scars: Gender and Sexuality in the American Civil War*, ed. Catherine Clinton and Nina Silber (New York: Oxford University Press, 2006), 61 – 74.



## Part II – Nineteenth Century Medical Jurisprudence and Rape

A number of variables influenced the law's recognition of whether or not a rape was committed. A woman's age, race, prior sexual history, socioeconomic background, marital status, and physical evidence of her resistance all contributed to her believability as a victim. Statutes for the age of consent varied across states, but in accordance with English common law, all states defined rape as "unlawful and carnal Knowledge of a Woman, by Force and against her will."<sup>38</sup> Most Southern states set the legal age of consent at ten years old. Twelve was the age of consent in Kentucky, Virginia, Indiana, and Iowa.<sup>39</sup> If a victim was younger than the legal age of consent in her state, it was assumed she was unable to consent to sexual activity. However, even young girls were subjected to victim blaming and had their characters called into question when they reported sexual assaults.<sup>40</sup> Additionally, whether or not a woman was "intact" determined the quality and trustworthiness of a woman's character and sexual purity. A married woman was not necessarily expected to be intact because wives were expected to sexually service their husbands. However, young girls and unmarried women were expected to have intact hymens, "shutting up the greatest part of the passage."<sup>41</sup> Sexist patriarchal norms and medical misinformation falsified the meaning and function of the hymen.<sup>42</sup> Evidence of a recently

---

<sup>38</sup> See chapter 15, "Of Offenses against the Persons of Individuals" in William Blackstone, *Commentaries on the Laws of England, Volume IV, Of Public Wrongs* (Oxford: Oxford University Press, 1765), 205 – 220.

<sup>39</sup> Murphy, *I Had Rather Die*, 14. States began raising the age of consent in the late nineteenth century after the Civil War in response to feminist reformer demands. See Freedman, "Raising the Age of Consent" in *Redefining Rape*, 125 – 146; and Carolyn Cocca, "Statutory Rape Laws in Historical Context" in *Jailbait: The Politics of Statutory Rape Laws in the United States* (Albany: State University of New York Press, 2004), 9 – 29.

<sup>40</sup> Freedman, *Redefining Rape*, 24.

<sup>41</sup> Samuel Farr, *Elements of Medical Jurisprudence*, 2<sup>nd</sup> ed. (London: T. Beckett, 1814), 45.

<sup>42</sup> Myths about the hymen still persist today. The myth surrounding the hymen, which people believe is indicative of virginity, is a social construct used to control women's sexuality and shame women for engaging in the same sexual activity that is otherwise normalized for men. However, medical professionals have established that the hymen has nothing to do with a woman's sexual purity. Additionally, the hymen does not serve an anatomical purpose. The hymen is a remanent tissue left over

ruptured hymen supposedly lent itself in favor of the victim's story about rape. However, nineteenth century doctors sometimes doubted young victims, questioning their believability. One such doctor claimed, "young girls of erotic temperament will use foreign bodies for gratification," proving even the youngest, most chaste of victims were not believed by "experts."<sup>43</sup> Union courts-martial testimonies highlight this tendency of courts blaming victims and questioning their characters.

Beginning in the early nineteenth century, medical jurists specified that for an assault to be considered rape, the assault had to involve "a completed act of sexual intercourse – an act that involved emission of semen."<sup>44</sup> Only eight states challenged this statute – Alabama, Kentucky, Illinois, Indiana, Pennsylvania, Tennessee, South Carolina, and Virginia – requiring proof of penetration alone to constitute a rape charge.<sup>45</sup> All other U.S. states required evidence of ejaculation to prove a rape occurred. This criterion challenged the legal definition of rape, as established by English common law, because the original statute did not require ejaculation, only vaginal penetration. The added requirement of ejaculation complicated prosecutorial efforts because it "made obtaining convictions for rape extremely difficult."<sup>46</sup> In turn, this added burden

---

from embryonic development. The structure and visibility of the hymen varies from person to person and a number of activities besides penetrative vaginal sex can rupture the hymen (intensive exercise, gymnastics, horseback riding, using tampons, a gynecological exam, and other forms of trauma sustained to the genital region). Over time the tissue tends to wear away on its own without any object penetrating the vagina. For more information, see Jonathan Schaffir, "The Hymen's Tale: Myths and facts about the hymen," The Ohio State University Wexner Medical Center, last modified February 2020, <https://wexnermedical.osu.edu/blog/myths-and-facts-about-hymen>.

<sup>43</sup> Susan Gonda, "Strumpets and Angels: Rape, Seduction, and the Boundaries of Consensual Sex in the Northeast, 1789 – 1870" (PhD diss., University of California, Los Angeles, 1999), quoted in Freedman, *Redefining Rape*, 24.

<sup>44</sup> Stephen Robertson, "Signs, Marks, and Private Parts: Doctors, Legal Discourses, and Evidence of Rape in the United States, 1823 – 1930" *Journal of the History of Sexuality* 8, no. 3 (1998): 354.

<sup>45</sup> Murphy, *I Had Rather Die*, 14. See also note 14 on p 133.

<sup>46</sup> Robertson, "Signs, Marks, and Private Parts," 354. With the already narrow legal definition of rape, penile – vaginal penetration, the requirement of ejaculation made the definition even more limited. If the attacker did not ejaculate or did ejaculate, but not on or inside of the victim, the doctor examining the victim would not be able to extract physical evidence for trial. The forensic technology used to examine

of proof provided greater legal leeway to defendants who, for all intents and purposes, did commit rape. Requiring proof of semen emission also shifted the focus of rape from the assaulted woman to her husband or male relatives because it “conceptualized rape as a crime against male property and a potential interference with the patriarchal line of descent[.]”<sup>47</sup> Ironically, rape was an act of male domination and supremacy, but rape also threatened the existing male authority in a woman’s life (her husband or father). The violation of a woman’s body and resulting loss of honor was an even greater violation of her family’s honor.

A woman’s chastity and resistance were also key elements in a rape case.<sup>48</sup> “The ascendant middle-class ideal of female purity served to heighten social distinctions between pure women and those who fell from the chastity ideal[.]” so working-class white women and women of color “found it hard to be viewed as believable victims.” However, “[e]ven middle class white women had to overcome grave doubts about their characters when they complained to authorities about sexual assault.”<sup>49</sup> The credibility of a woman’s character was based on her chastity, so if a woman “behaved badly in the eyes of society, some reasoned, the woman was fair game for rape.”<sup>50</sup> Therefore, “women who deviated from accepted sexual codes of behavior could find themselves as much on trial as their alleged attackers” and juries reasoned to believe “women assumed partial or full responsibility for their own rapes.”<sup>51</sup> The consequences of a woman having sex were fully realized at trial because “once a woman had consented to have sex with

---

DNA evidence was unavailable at this time, so seminal fluid was unable to genetically link the defendant to the crime. The presence of semen could only prove that the rape was completed – distinguishing between the charges of attempted rape and rape.

<sup>47</sup> Robertson, “Signs, Marks, and Private Parts,” 354.

<sup>48</sup> Freedman, *Redefining Rape*, 22.

<sup>49</sup> Previous quotes from Freedman, *Redefining Rape*, 22 – 23.

<sup>50</sup> Diane Miller Sommerville, *Rape and Race in the Nineteenth-Century South* (Chapel Hill: The University of North Carolina, 2004), 28.

<sup>51</sup> Sommerville, *Rape and Race*, 21, 28.

one man, she lost not only her honor but also her credibility as a witness.” Married women also faced this burden because they had to prove that the assault was in fact rape and not an extramarital affair. It was a frequent tactic from defense attorneys to slander the accusing woman’s character by arguing “that if she had a sexual history, a woman had by proxy granted consent to all other men.”<sup>52</sup> A woman lost her ability to ever withdraw consent in future sexual relations after the first time she had sex.<sup>53</sup>

Because of the importance placed on a woman’s sexual purity, the courts, and society, expected her to resist rape with her utmost strength. Consequently, “[t]he logic of rape as a physical struggle held that a woman’s physical response flowed directly from her will.”<sup>54</sup> A True Woman would not allow herself to be raped. In fact, some women considered death a fate preferable to ravishment. In the nineteenth century, human tonic immobility was not understood as a possible response to trauma. Tonic immobility, also called the “freeze” response, is a third reaction to perceived danger in addition to fight or flight.<sup>55</sup> Surely there were women who experienced tonic immobility during their rapes, and this response likely complicated the probability of receiving a conviction because the women could not prove they resisted the attack. On the other hand, the experience of tonic immobility during a rape could have contributed to a

---

<sup>52</sup> Previous two quotes from Freedman, *Redefining Rape*, 24.

<sup>53</sup> This was especially true for women who were not considered chaste – prostitutes and women whose sexual behavior transgressed racial lines. See p. 23 in Sommerville, *Rape and Race*, “white women ... who transgressed prevailing sexual conventions about race and sex paid a heavy price – their right to reject prospective sexual advances, even those of a slave.” See also no. 7.

<sup>54</sup> Robertson, “Signs, Marks, and Private Parts,” 357 – 358.

<sup>55</sup> For research on tonic immobility and its role in sexual trauma, see Norman B. Schmidt, et. al, “Exploring human freeze responses to a threat stressor,” *Journal of Behavior Therapy and Experimental Psychiatry* 39, no.3 (2008): 292 – 304; and Juliana Kalaf, et. al, “Sexual trauma is more strongly associated with tonic immobility than other types of trauma – A population based study,” *Journal of Behavior Therapy and Experimental Psychiatry* 215 (2017): 71 – 76.

woman's decision to not report because she would have likely faced questions about her complicity in the rape and the understood difficulty in getting a case conviction.

Emphasis was placed on the amount of a woman's resistance because "[f]orce alone did not mean rape; force could be an acceptable part of a sexual encounter, and a woman's will had to stand up to some force."<sup>56</sup> In his book *Elements of Medical Jurisprudence* (originally published 1788), physician Samuel Farr said it is "impossible" for a healthy adult woman to be raped. "But the consummation of a rape ... seems to be impossible, unless some very extraordinary circumstances occur: for a woman always possess sufficient power, by drawing back her limbs, and by the force of her hands, to prevent the insertion of the penis, whilst she can keep her resolution entire."<sup>57</sup> Women were stuck in a double bind. True Women were submissive and passive responders to sexual intercourse. Women were the weaker sex, incapable of exerting great physical strength. Yet, women were expected to fully resist and overpower the physical force of men likely much larger than themselves.

If a woman's resistance did not save her from rape, "a woman enhanced her legal claims considerably if her body revealed the physical signs of violence and her resistance to it."<sup>58</sup> The presence of bodily trauma was helpful in proving a woman's resistance, but not in showing the amount of force used by the man.<sup>59</sup> Even with such physical evidence, women were questioned about whether or not they enjoyed rough, borderline violent sex. If a woman's body did not carry the marks of trauma, people were inclined to think she had consensual relations with the man. Doctors and jurists considered four categories indicative of sexual trauma: "marks of violence on

---

<sup>56</sup> Block, *Rape and Sexual Power*, 29.

<sup>57</sup> Samuel Farr, *Elements of Medical Jurisprudence*, 42.

<sup>58</sup> Freedman, *Redefining Rape*, 25.

<sup>59</sup> Courts did not evaluate rape charges based on the amount of physical force and violence used by the man, but instead based on the amount of resistance exerted by the woman against the man's force.

the genitals (an inflamed vulva, a lacerated or ruptured hymen, and a vaginal discharge), marks of violence on the body such as bruises and scratches, blood and semen stains on a woman's clothing, and the presence of venereal disease."<sup>60</sup> However, even if a woman's body bore these marks, doctors and jurists did not automatically assume she was raped because "[c]onsensual sex could be physically forceful, and rape could originate in consensual sexual relations."<sup>61</sup>

A woman faced an additional challenge when making a rape report if she became pregnant from the rape. In the nineteenth century, people believed that women must orgasm in order to conceive.<sup>62</sup> Therefore, because of the "persistent beliefs that conception required female orgasm[,]” if a woman became pregnant from the assault, people assumed she “enjoyed the act and thus consented.”<sup>63</sup> A pregnancy resulting from rape might suggest that the woman had a consensual extramarital affair and was crying rape to cover up her indiscretion. Women faced a number of obstacles when choosing to report their rapes. To convince a jury a rape occurred, the victim “required a chaste past, a violent assault, and a valiant but unsuccessful struggle that culminated in penetrative sex but did not result in pregnancy.”<sup>64</sup>

---

<sup>60</sup> Robertson, “Signs, Marks, and Private Parts,” 364.

<sup>61</sup> Block, *Rape and Sexual Power*, 17. See also Farr, *Elements of Medical Jurisprudence*, “3d” on p. 43.

<sup>62</sup> Hodes, *White Women, Black Men*, 47; Charles Rosenberg, “Sexuality, Class and Role in 19<sup>th</sup> Century America,” *American Quarterly* 25, no. 2 (1973): 138.

<sup>63</sup> Freedman, *Redefining Rape*, 26. See also Farr, *Elements of Medical Jurisprudence*, “2d” on p. 42 – 43. The misconception that a pregnancy cannot result from rape still persists today. The phrase “legitimate rape” primarily circulates around conservative evangelical groups. Most notably, in 2012, Missouri representative Todd Akin claimed victims of “legitimate rape” cannot get pregnant because “the female body has ways to try to shut that whole thing down.” A woman's body can stop menstruating, and therefore stop ovulation – preventing pregnancy – but this process only occurs under conditions of prolonged stress (usually a year or longer). Stress can affect hormone regulation, and if the proper hormones are not directed through the bloodstream from the hypothalamus, the ovaries will not release an egg to be fertilized. However, this process does not occur spontaneously, nor is it brought on by a single incident of rape.

<sup>64</sup> Freedman, *Redefining Rape*, 27.

### Part III – Rape and Justice in the Civil War

The few historians who have discussed rape in the Civil War, like Mitchell, Fellman and Grimsley, present a very selective narrative, one that romanticizes Union soldiers' gallant and noble behavior, creating an image of American exceptionalism. "Rape is the silent subject of the Civil War[.]" says Ervin Jordan, Jr., "it is alluded to in letters, memoirs, and reports in a cloud of euphemisms created by tight-lipped Victorian prudes."<sup>65</sup> Rape was a widespread problem in the occupied South, and as Barber and Ritter argue, "Civil War sexual crimes occurred against white and black women and girls of all social classes[.]"<sup>66</sup> The exact number of women who were raped is unknown. Many women's stories remain buried underneath levels of shame and secrecy, never divulged to sympathetic ears. The full extent of rape in the Civil War is not known, but the 450 known prosecuted cases "[illuminate] the dynamics of sexual justice in occupied territory and [shed] light on this little-known aspect of the American Civil War."<sup>67</sup>

In 1863, the Union military passed the Enrollment Act of 1863, and General Orders No. 100, also referred to as the Lieber Code named after German-American philosopher and jurist, Francis Lieber. Section 30 of the Enrollment Act of 1863 "provided occupied women with the ability to make accusations of sexual crimes committed by Union servicemen with some expectation that their charges would be heard."<sup>68</sup> Similarly, the Lieber Code militarized civilian crimes like rape and murder. Section 44 of the Lieber Code extended protection to women from

[a]ll wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, all wounding, maiming, or killing of such inhabitants, are prohibited under the penalty of death,

---

<sup>65</sup> Jordan, "Mirrors Beyond Memories," in *New Perspectives*, 158.

<sup>66</sup> Barber and Ritter, "Physical Abuse," in *Occupied Women*, 51.

<sup>67</sup> Barber and Ritter, "Physical Abuse," in *Occupied Women*, 51.

<sup>68</sup> Barber and Ritter, "Physical Abuse," in *Occupied Women*, 49.

or such other severe punishment as may seem adequate for the gravity of the offense.<sup>69</sup>

The Lieber Code claimed military jurisdiction over common law felonies. Rape trials under this new military order “were the cornerstone of the Union system of military justice[.]”<sup>70</sup> In an “unprecedented departure from Southern law and custom, they [Union courts-martial] permitted black females and males to bring charges and testify against white defendants.” In the antebellum South, African Americans, free or enslaved, were not legally permitted to testify against white people. The Lieber Code “provided African American women with a personal agency they had not previously known.”<sup>71</sup> The following sixteen testimonies show that rape respected no limitations on age, race, class, or physical condition. More importantly, these testimonies illustrate women’s resiliency and transformation from victims to advocates.<sup>72</sup>

## 1862

*Did you have the same feelings that you have when in connexion with your husband?*

In Missouri in 1862, Susan Ward, her widowed mother Sarah Downing, and Susan’s adult daughter Rebecca Mitchell, were raped by three Union soldiers. Two of these men were identified as Private William Evans of the 59<sup>th</sup> Illinois Infantry and Private Benjamin Davis of the 1<sup>st</sup> Missouri Cavalry (the third man’s identity was either never known or his court transcripts

---

<sup>69</sup> General Orders No. 100, Article 44, April 24, 1863, quoted in Barber and Ritter, “Physical Abuse,” in *Occupied Women*, 61.

<sup>70</sup> Barber and Ritter, “Physical Abuse,” in *Occupied Women*, 52 – 53.

<sup>71</sup> Previous two quotes from Barber and Ritter, “Physical Abuse,” in *Occupied Women*, 56.

<sup>72</sup> Whenever possible, the age and race of victims and defendants are identified in the stories. Because I do not have access to the testimonies myself, I rely on the details provided by authors in secondary works who had access to the records, but such information is not always included in these secondary works. If any of these identifying details are not mentioned in an individual story, it is because I do not have those details. Additionally, all of the accused men are Union soldiers – none of the cases discussed involve Confederate soldiers, civilian men, or military deserters. It is also worth noting, as Barber and Ritter found in their research, “[m]ore than 70 percent of the rapes that occurred in occupied territory took place within the homes or fields belonging to the victim or her family, sometimes in the presence of family members, including husbands, parents, and children.” (p. 61). Even in their most private spaces, Southern women were not safe in their homes.



were lost). The three soldiers “claimed they would serve as guards for [the women’s] protection.” Private Davis accompanied Rebecca Mitchell and her twelve-year-old brother, William Ward, back to Rebecca’s home nearby. Still at Susan’s house, Private Evans said that he had come to “fuck” Susan. Evans forced Susan against a door and raped her in front of her mother and three children. After Evans raped Susan, the third unidentified soldier dragged Susan out of the room and raped her. Evans then raped Susan’s eighty-year-old mother, Sarah Downing. Testifying in court, Sarah said that Evans “pulled out his penis and tried to put it in my mouth, threw me on the bed, and forced me to have connexion with him.” Sarah said she tried to resist, but Evans “was too strong for me.” Evans said “that he wanted to see ‘it’ to see if ‘it’ was as gray as my head.” After the unidentified soldier raped Susan, Evans returned and raped Susan again. Susan said Evans “got on top of me and again had connexion with me. ... I struggled and resisted him all I could.”

Then, at Rebecca Mitchell’s house, Private Davis told Rebecca’s younger brother William to go back home (to his mother Susan’s house). William sensed that something was off, so he snuck around to the back of the house and witnessed what happened next. William heard Rebecca and her baby crying. Davis told Rebecca to lie down; she refused. William called out to his sister, but Davis told Rebecca not to answer. Davis again threatened William to go home. With her baby still in her arms, Davis pushed Rebecca onto the bed and pulled up her clothes. Davis “made Rebecca lay the baby to her side before raping her.” Davis then forced Rebecca to turn toward him and he raped her again. After the rape, Rebecca covered herself and her baby in some bedclothes and snuck out of her house as other soldiers came inside. Rebecca testified that she “went down to the bank of the creek. The night was dark, and it was raining. I hid under the blanket, where it was necessary to put my limbs into the water up to my knees, in order to keep

out of view. I stayed in that position about two and one half hours.” During the trial, Rebecca was asked if she made “any effort to keep him [Davis] from getting on top ... such as holding your legs together or pushing him off.” Rebecca was also asked if she had “the same feelings that you have when in connexion with your husband?” Rebecca’s husband, also named William, was not at home during the attack, but he was later questioned by the court, “[w]hat if anything did you say to her about her conduct?” Both Privates Evans and Davis were found guilty and sentenced “to have their heads shaved and drummed out of the service to the tune of the *Rouge’s March* in front of the Division.” Evans and Davis were to forfeit their pay, their uniform buttons cut off, and they were told they would be shot “if they were found within military lines again.”<sup>73</sup>

*He told me to spread myself ... or die.*

Martha Taber, a free Black woman, was raped by Sergeant James Lee of the 1<sup>st</sup> Alabama Cavalry. Lee threatened Martha with a gun and said he would kill her if she did not do what he wanted. “He made me go to the house with him, shut the door and told me to spread myself... or die... then he ravaged me.” At the trial, Lee’s defense argued that Martha was “not competent to testify” because of her status as “a free person of color within the fourth degree.” Lee’s defense also attacked Martha’s character, claiming she “was a liar, a drunk, and a public whore. Lee was acquitted.”<sup>74</sup>

---

<sup>73</sup> National Archives, RG 153, file KK76, quoted in Murphy, *I Had Rather Die*, 90 – 91.

<sup>74</sup> National Archives, RG 153, file OO1086, quoted in Lowry, *Sexual Misbehavior*, 135. The 1<sup>st</sup> Alabama Cavalry was a cavalry regiment comprised of Southern Unionists, and the majority of Alabama residents who fought for the Union army served in this regiment.

**1863**

*He took his 'what's his name' out and tried to put it in me. He did put it in me.*

Casey Ransom, a Black woman, was raped by a white soldier named Private Patrick Tully. Casey was staying at the home of an elderly Black man named Sampson Dennis when Private Tully “forced his way inside and began looking for Casey. He found her hiding under the bed and pulled her out. ... Tully offered Casey a two-dollar bill. She refused the money and he threatened to hit her on the side of her head with his pistol if she screamed.” Tully proceeded to hold Casey down on the floor, removed her clothes, and raped her. Then, during the trial, Casey was asked to specify “what Tully had put in her.” Casey later said, “[t]he thing he calls his prick.” She was asked to clarify where Tully “put his prick.” To which Casey said, “[h]e put it in my cunt.” Casey was questioned if she resisted Tully’s actions. “I tried my best to get away from him. He was stronger than I was, and had a pistol in his hand.” Tully was permitted to cross-examine Casey, and he asked Casey if she had asked “him to sit down and share some whiskey with her. Casey denied the accusation.” Tully was convicted and sentenced to two years hard labor and dishonorably discharged. However, Tully “died from tuberculosis before serving his full sentence.” <sup>75</sup>

*I was near killed.*

In Dixon County, Tennessee, Indiana Rose was raped by three soldiers of the 13<sup>th</sup> United States Colored Troops (USCT) – Private George Nelson, Daniel Tierce, and Lewis Hardin. Nelson threatened Indiana with a gun and bayonet, warning her that if she did not come with him to the woods, he would “run her through.” Indiana began crying, and while on her knees she

---

<sup>75</sup> National Archives RG 153, file NN375; and CMSR Private Patrick Tully, quoted in Murphy, *I Had Rather Die*, 64 – 65.

begged the men to let her go. The soldiers threatened to hang Indiana, and then forced her into the woods. Nelson, Tierce, and Hardin took turns raping her. After Hardin raped Indiana, he asked her if she was hurt. “I was near killed,” she said. Then, at the trial Tierce’s lawyer questioned Indiana, “[d]id this man use force to throw you upon the ground and did you use your utmost endeavors to prevent him from executing his desires, or did you simply cry out, thus yielding a tacit consent?” In the end, all three men were convicted. Nelson, the ringleader, was sentenced to hang. Tierce and Hardin were given dishonorable discharges and sentenced to twelve and ten years hard labor, respectively. Hardin was granted an early “release from prison after serving two years. No further record on Tierce was found.”<sup>76</sup>

*Did you resist to the extent of your strength with your legs, and how long did such resistance continue?*

A white woman named Lucretia Williams was raped by John Doyle, a white soldier of the 15<sup>th</sup> Maine Infantry. Lucretia was home alone when she was awakened by someone breaking into her home. Doyle claimed he was “searching for ‘negroes.’” Doyle began insulting Lucretia and touching her. Then, Doyle raped Lucretia and “threatened to blow her brains out” if she told anyone. A few nights later, Doyle returned to Lucretia’s house and threatened to break in and harm her again. A neighbor assisted in Doyle’s arrest.

During the trial, “Lucretia was asked the usual resistance questions.” The questions included: “Did you lay quietly during the act of copulation, or did you struggle?” “Did he enter your person fully or partially?” “Did you resist by the use of your legs?” and “Did you resist to

---

<sup>76</sup> National Archives, RG 153, file NN2168 and NN3232; CMSRs Privates Lewis Hardin, George Nelson, and Daniel Tierce, M1821, quoted in Murphy, *I Had Rather Die*, 44 – 45; and Lowry, *Sexual Misbehavior*, 151.

the extent of your strength with your legs, and how long did such resistance continue?” Doyle’s defense tried to discredit Lucretia as a woman of poor character. Doyle claimed Lucretia asked him for money in exchange for sex. “Doyle was found not guilty.”<sup>77</sup>

## 1864

*For God sake let the woman get her breath.*

Grace Barnes was a free Black woman living near Pungo Bridge, Virginia. On April 28, 1864, Grace was gang raped by six white soldiers from the 20<sup>th</sup> New York Cavalry – Privates James Halon, Nicholas Kane, Edward Pickett, William Cahill, John Brennan, and Sergeant Owen Curren. Grace was carrying a load of laundry back to her home when the soldiers approached her and asked “if she would give them a ‘diddle.’” Grace said no. The men grabbed her, threatened her with a stick, and forced her into the woods. The men held Grace down on the ground and took turns raping her. While each man took his turn raping Grace, “[t]he other men laughed and threatened to kill her when she screamed.” The soldiers also stuck pins and sticks inside of Grace. Sergeant Curren watched the assaults happen. Then he said, “[f]or God sake let the woman get her breath.” Grace begged Curren to let her go home, but Curren cursed her and raped her. As a result of her injuries from the gang rape, Grace “was unable to control her urination for months after the attack[.]” Despite these injuries, Grace was asked if she truly “suffered violence.” One of the men, Halon, was sentenced to death. However, the verdict was repealed. The decision stated that because “[t]he only proof there is in charge of rape that the connection with this woman was without her consent, comes from the woman herself. There is

---

<sup>77</sup> National Archives, RG 153, file LL1097, quoted in Murphy, *I Had Rather Die*, 95 – 97. Lucretia’s testimony highlights the typical line of questioning discussed in part two.

not the slightest corroboration ... so far as violence is concerned.” The various sentences all six men received were later commuted “and the men returned to duty.”<sup>78</sup>

*We intend to have it right here and the stiller you are about it the better it will be for you.*

On March 12, 1864, while traveling in a buggy to her home in Shelby County, Tennessee, Margaret Brooks was gang raped by Privates John Callaghan, Johnson, and Snover of the 2<sup>nd</sup> New Jersey Cavalry. The cavalrymen scared away the driver, George Bradshaw, and Margaret’s travel companion, Mr. Moore. When Margaret attempted to turn the buggy around, the men told her not to move or “they would blow my brains to hell.” The men said to Margaret, “we want a little ‘Fucking’ and we intend to have it right here and the stiller you are about it the better it will be for you.” Then, “Private Callaghan drew a gun” and threatened Margaret to submit to him. When Margaret refused, Callaghan said “they would no longer ask. ‘We will do it any how.’” Callaghan proceeded to cover Margaret’s mouth and choked her to keep her from screaming. Callaghan raped Margaret while the two other men held her down. “In turn, [Callaghan] assisted the others as each took his turn raping her. Afterwards, Callaghan said, ‘[b]y God’ you would not let me get through and I intend to have it again.” Callaghan raped Margaret a second time, and then searched her clothing “and robbed her of \$250.” At the trial, a doctor “testified that Margaret had been ‘roughly handled.’ When asked about Margaret’s chastity, [the doctor] replied that it was ‘proper and without a stain.’” A fellow soldier named Private Michael

---

<sup>78</sup> National Archives, RG 153, files LL2552 and NN2468, quoted in Murphy, *I Had Rather Die*, 110 – 112.

Riley testified that Callaghan said he and the two other men (Johnson and Snover) had been drinking and “screwing” that day. All three men were convicted and sentenced to death.<sup>79</sup>

*If you don't do what's right, I'll bust you open.*

On a plantation in Salisbury, North Carolina, a twenty-four-year-old enslaved woman named Susan was raped by Private Adolph Bork of the 183<sup>rd</sup> Ohio Infantry while in her ninth month of pregnancy. Bork threatened Susan with a gun, saying, ““God damn you, I will force you to do it.”” Susan resisted; she indicated she could not submit to sexual intercourse because of the advanced stage of her pregnancy. “I was so situated [nine months pregnant] I couldn't do it. He cocked his revolver at me and cursed me. He said he would blow me to pieces if I didn't let him do it.”” Bork pushed Susan onto the bed and touched her breasts. Susan recounted what Bork said to her: “If you don't do what's right, I'll bust you open. ... He got on top of me. He entered my person with his private member as well as he could. He completed the act. I was lying on a trundle bed. He used force.” Bork was later arrested on a separate crime for shooting Private Ludwig Sweitzer. Bork was sentenced to death for this charge, but not for Susan's rape. The sentence was later mitigated and reduced “to hard labor on fortifications or other public works for five years.” Bork was never brought to justice for Susan's rape.<sup>80</sup>

---

<sup>79</sup> National Archives RG 153, file NN1740; and CMSR Private John Callaghan (Callaghan was spelled with a “g” in the CMSR and without in the court-martial transcript), quoted in Murphy, *I Had Rather Die*, 53 – 54.

<sup>80</sup> National Archives, RG 153, file MM2407, quoted in Barber and Ritter, “Physical Abuse,” in *Occupied Women*, 58; Murphy, *I Had Rather Die*, 1, 130; and Lowry, *The Story the Soldiers Wouldn't Tell*, 124.

*With the child still in Sarah's arms, Lloyd raped her.*

Near Jacksonville Florida, Sarah Hammond was gang raped by four Black soldiers of the 55<sup>th</sup> Massachusetts USCT – Privates Spencer Lloyd, John W. Cork, John M. Smith, and Wallace Baker. While carrying a small child with her, Sarah left her house to get provisions at a camp. Sarah was ambushed by Private Lloyd. Lloyd threatened Sarah with a gun, saying he would shoot her if she did not stop screaming. Lloyd threw Sarah to the ground and threatened her to lie still or else he would kill her. “With the child still in Sarah’s arms, Lloyd raped her” first. “Private John W. Cork tore the child from her arms. Another man held Sarah down,” and Cork raped her. The process repeated while the two other men assaulted her. Sarah recalled at trial, “I screamed and begged for mercy, but they threw me on the ground. One violated me while the other three held me. Then they took turns.” Three of the men – Lloyd, Cork, and Smith – were convicted and sentenced to hang. Private Baker escaped this execution. However, he “was shot to death at a later date for ‘mutinous conduct.’”<sup>81</sup>

*It makes a noise that every man makes in that operation.*

Sarah Gilchrist, nicknamed Sukey, was a seventeen-year-old biracial woman who was raped by five white men of the 5<sup>th</sup> New York Cavalry. Sarah lived in a “colored house” with five roommates. Sarah was asleep in her bed on the night that Private Abner Young and four other men broke into the house. Sarah awoke when Abner lit a match and she saw his face in the dark room. The men threatened Sarah with their guns and told her to be quiet. Sarah said one of the men “gave me one old, no-account dollar. I didn’t want it.” Then, Sarah said the soldiers “had connexion” with her. One of the other people sharing the room with Sarah, a Black man, testified

---

<sup>81</sup> National Archives Microfilm, M1523, quoted in Lowry, *Sexual Misbehavior*, 143; and Murphy, *I Had Rather Die*, 48 – 49.



that he witnessed the rapes occur. “I stood near enough to hear it. It makes a noise that every man makes in that operation. I am a man and I know just what noise the man makes in that exercise.” Private Young was the only soldier charged with rape. Young was also charged with “inciting four other men ‘to commit rape upon the person of said Sarah Gilchrist, and while said four soldiers did then and there ravish and carnally know her person by force and violence ... did remain present, encouraging, aiding, and abetting therein.” Young’s defense raised doubts about Sarah’s character by alleging she lived in a house that “was a site of carousal.” In the end, the only man charged with Sarah’s rape, Young, was acquitted.<sup>82</sup>

## 1865

*Did you do all that you could to prevent them from violating your person?*

Anna Mason, a thirty-two-year-old white woman living in Memphis, Tennessee, was gang raped by two soldiers. The soldiers asked Anna to come drinking with them, but she refused their offer. The men grabbed hold of her, dragged her, “and beat her with their fists.” The two soldiers tied Anna to a tree and repeatedly raped her throughout the night. The doctor who examined Anna testified that she was conscious upon arrival at the hospital and “that her clothes were torn and saturated with blood when she was brought in [to the hospital].” The doctor treated the internal injuries Anna sustained, which consisted of vaginal lacerations and a torn bladder neck.<sup>83</sup> The doctor also noted that the soldiers raped Anna with a foreign object by sticking it “up into the womb.” The doctor believed the object used was a tree branch because he removed splinters that were deeply embedded in her vagina. Confined to a hospital bed, Anna gave her testimony and identified one of the soldiers who raped her as Private Hugh Burns of the 108<sup>th</sup>

---

<sup>82</sup> National Archives, RG 153, file NN2449, quoted in Lowry, *Sexual Misbehavior*, 124.

<sup>83</sup> The bladder neck is a muscle that attaches the bladder to the urethral opening. The bladder neck is a sphincter that controls the flow of urine out of the bladder (micturition).

Illinois Infantry. Anna was asked if she did all that she could “to prevent them from violating your person.” Anna died two days after the rape. Burns’ attorney “attempted to dismiss Anna’s deathbed statement as being unreliable[.]” The defense claimed Anna “made a false statement willfully and maliciously” and that she was not of sound mind when she gave her statement. “Burns was charged with murder, not rape and murder” because it was hard to prove a rape occurred without a live witness to testify that she resisted the defendant’s actions. Burns was convicted, dishonorably discharged, and given ten years hard labor. However, his sentence was later mitigated after men from his regiment appealed his case to President Andrew Johnson. The appeal claimed that Burns was a good man who occasionally got drunk, but he “had a wife and children at home who depended on him.” The appeal was granted and Burns was pardoned, granted he served out the remainder of his enlistment. The second soldier who raped Anna was never found.<sup>84</sup>

*I tried to keep him from pulling my legs open.*

In Richmond, Virginia, a white woman Fanny Crawford and her thirteen-year-old niece Eliza Woodson were gang raped by Corporal John Sheppard, Sergeant Danbridge Brooks, Sergeant William Jackson, and Private John Adams, all members of a USCT division. After breaking into Fanny’s house and threatening her with a gun, “Jackson carried Fanny into the hallway and raped her.” One of the other soldiers, Sergeant Brooks, went into a bedroom where Fanny’s thirteen-year-old niece Eliza was staying. “Brooks threatened Eliza with a gun, threw her on the bed, and raped her in front of her eight-year-old brother ... After the assault, Eliza scrambled to the floor, but one of the men [Sheppard] returned her to the bed. ‘I tried to keep

---

<sup>84</sup> National Archives, RG 153, file NN3205, quoted in Murphy, *I Had Rather Die*, 90 – 91.

him from pulling my legs open,' she stated." After Sheppard raped Eliza, "he went into the hallway where Jackson held Fanny on the floor ... and Sheppard proceeded to rape [Fanny.]" The soldiers pillaged their home and left in possession "of small silver items, towels, an overcoat, and eight pounds of butter." The men reportedly bragged about what they did, and "Sheppard said that he 'fucked the old woman, and the young one too.'" Three of the men, Sheppard, Brooks, and Jackson were convicted and hanged. Adams, however, "eluded capture."<sup>85</sup>

*Afterwards I was bleeding real hard.*

America Pierman, a ten-year-old African American girl, was raped by Private Thomas Mitchell of the 1<sup>st</sup> New York Engineers. America and her family were living near Fort Harrison in Virginia. Mitchell lured America into his tent with promises of giving her a gray jacket. Mitchell forced her to lie down, lifted up her clothes, and touched her. America begged Mitchell to let her go back to her mother. "I called him master and said please let me go back home." Mitchell proceeded to unbutton his pants and he "took his thing out." At the trial America was asked, "[d]id any part of his person enter you?" "Yes, sir, the thing he took out. Afterwards I was bleeding real hard." A doctor with the 20<sup>th</sup> New York State Militia examined America after the rape and testified that "[t]he usual evidence of virginity was gone. The hymen had been ruptured so recently that it had not yet had time to heal. There was a black and blue spot near the entrance of the vagina [a bruise] ... I should think that rape committed upon the person of a child of that age would produce the same result." Mitchell was permitted to cross examine America, often a traumatizing event for victims to face their attackers in court, let alone be questioned by them.

---

<sup>85</sup> National Archives RG 153, files MM1972, MM2006, and MM1984, quoted in Murphy, *I Had Rather Die*, 45 – 46; and Lowry, *The Story the Soldiers Wouldn't Tell*, 125.

Mitchell was convicted, but America's race likely influenced the leniency of the sentence because Mitchell received three years hard labor and a dishonorable discharge for the rape of a ten-year-old girl.<sup>86</sup>

*He wanted to see what she had for a thing.*

An unnamed Black woman was raped by Privates Thomas Killgore and Daniel Kunkle of Company C of the 38<sup>th</sup> Ohio Volunteers. Three other unidentified men aided in the rapes by holding the woman down on the ground. Private Robert Opdyke, from the same unit, testified that Private Killgore "laid in between her legs, bobbing, then Kunkle tried to rape her but did not succeed. [Killgore] said he wanted to see what she had for a thing; he then put his foot on her leg, pulled up her dress and threw a [flaming] torch between her legs." Killgore was sentenced to ten years hard labor, and Kunkle was sentenced to four years. The victim's identity was not revealed.<sup>87</sup>

*He penetrated my body as far as it was possible each time.*

Mary Bankister, a twenty-one-year-old white woman, was gang raped by two white soldiers of the 1<sup>st</sup> Louisiana Cavalry – Privates Joseph Holroyd and Frank Enger. Mary was with her sister Caroline at her father-in-law's house that night when the two soldiers broke into the house. The soldiers threatened to shoot the two women and burn the house down. Mary and Caroline struggled against the two men, and Caroline managed to get away physically unharmed. Caroline searched for help, but help did not arrive until after both soldiers raped Mary. In her

---

<sup>86</sup> National Archives RG 153, file OO886, quoted in Barber and Ritter, "Physical Abuse," in *Occupied Women*, 59; Murphy, *I Had Rather Die*, 74; and Lowry, *Sexual Misbehavior*, 122.

<sup>87</sup> National Archives, RG 153, file MM2471, quoted in Lowry, *The Story the Soldiers Wouldn't Tell*, 123 – 124.

testimony, Mary detailed how Enger threw her down on the floor and raped her. “He took me down on the floor and said if I resisted he’d kill me and set the house afire. His member entered my body only a little – not as bad as the other one.” Mary was asked to specify with “[h]ow many inches did his [Enger’s] member penetrate your body?” “I suppose two inches,” she replied. Then, Mary said that Holroyd made her remove her clothes and get into bed with him. “He had sexual intercourse with me five times,” she told the court. Mary said Holroyd “penetrated my body as far as it was possible each time. He caused me very much pain.” Both men were convicted, given dishonorable discharges, ten years hard labor, and forfeited their pay. Holroyd appealed his conviction on account that he was “a young man and made drunk by older and more experienced” men than himself. Holroyd pleaded for early release “because he was only eighteen” and he did not want to turn “old and gray” while “he suffered in prison for ten years.” Records do not indicate that either Holroyd or Enger were released early from their ten-year sentences.<sup>88</sup>

#### *On her deathbed.*

Harriet Smith (age and race unspecified in text) was raped on her deathbed by four white Union army teamsters. All four men were charged, but only one man – Michael Mackey – was found guilty. The three other men – H.H. Wiseman, John Johnson, and Patrick Koloran – were acquitted. “Harriet Smith died the day after the assault.”<sup>89</sup>

---

<sup>88</sup> National Archives, RG 153, file OO1017, quoted in Lowry, *Sexual Misbehavior*, 143; and Murphy, *I Had Rather Die*, 92 – 93.

<sup>89</sup> National Archives, RG 153, file OO965, quoted in Barber and Ritter, “Physical Abuse,” in *Occupied Women*, 58. See also no. 60 on p. 208. Perhaps Harriet Smith’s age and race were identified in the original JAG record, but those details were not provided in the “Physical Abuse” text. Harriet’s story is still worth telling even without these details because her story demonstrates that even near death, women were not safe from rape.

Violence against women reached cataclysmic proportions during the Civil War while Southern women lived in fear of rape from invading soldiers. These sixteen stories merely scratch the surface of rapes committed during the war. The larger discussion works to unveil a piece of Civil War history that is not noble or gentlemanly, as some scholars suggest. Southern women's experiences of rape during the Civil War ranged from Major Jordan's threat to Tennessee women to sew up their petticoats, to instances of gang rape that left women dead, like Anna Mason. As Barber and Ritter note, the Union military left women in the occupied South "more vulnerable to sexual assault," while in turn providing all Southern women, Black or white, "a venue to seek redress for sexual crimes."<sup>90</sup> Justice was not guaranteed, however, and the judicial process was often painful for victims to relieve their attacks. Victims had to recount, to courtrooms full of men, specific details about what was done to them. The "[w]hite and black women and girls who brought sexual assault charges against Union soldiers set in motion a legal process that provides intriguing insights into the ways issues of race, class, and age were played out in the proceedings and may have influenced the outcomes."<sup>91</sup> From these accounts of wartime rapes, Southern women forged a path toward reclaiming sexual justice and establishing their rights to citizenship.<sup>92</sup> The Civil War ignited this fight and Southern women carried it through to Reconstruction.

---

<sup>90</sup> Barber and Ritter, "Physical Abuse," in *Occupied Women*, 51.

<sup>91</sup> Barber and Ritter, "Physical Abuse," in *Occupied Women*, 62.

<sup>92</sup> Feimster's "WHAT IF I AM A WOMAN," article was briefly mentioned in this chapter, but her discussion of women's "campaigns for sexual justice and citizenship" is extremely important in laying the foundation for women's resistance to racial and sexual violence during Reconstruction.

## CHAPTER IV

### Redefining Womanhood:

#### Sexual Justice and Citizenship in Reconstruction.

On September 25, 1866, a Black woman named Rhoda Ann Childs reported to the Freedmen's Bureau that she was raped and beaten by eight white assailants. In a sworn affidavit, Rhoda described what the eight men did to her when they came to her Georgia home looking for her husband, who was a discharged Union soldier. The eight planter men demanded to know of her husband's whereabouts, but Rhoda told the men that her husband "was gone to the water mellon patch." Then, the men grabbed Rhoda and carried her away from her house. Rhoda was "bucked" over a log while the men stripped her clothes over her head.<sup>1</sup> Two men held Rhoda's legs while another man stood over her neck and beat her across her "posterior[.]" The men beat her until they became tired, Rhoda said. Then, the men forced Rhoda to lay parallel on top of the log while one man stood with his foot on her neck and continued to beat her. Rhoda was thrown down onto the ground, lying on her back, when two men "took hold of my feet and stretched My limbs as far apart as they could," Rhoda recounted. While the two men restrained her legs, another man stood on her breasts while he whipped her genitals with a strap. This man whipped Rhoda "until fatigued into stopping," and soon after the whipping stopped, another man, whom Rhoda suspected was a former Confederate soldier, raped her. After the rape, Rhoda described how one of the men shoved his pistol into her vagina and threatened to pull the trigger. The men threatened to kill Rhoda and her husband because her husband was a soldier in the "God

---

<sup>1</sup> "Bucking" is the act of binding a person's arms, occasionally legs as well, around a log and stripping the person wholly or partially naked while they are whipped. Bucking was a common form of punishment during enslavement. See Lisa Cardyn, "Sexualized Racism / Gendered Violence: Outraging the Body Politic in the Reconstruction South," *Michigan Law Review* 100, no. 4 (2002): 714 – 715, see also no. 132 on p. 714.

damned Yankee Army[.]” Rhoda recounted how the men swore “to kill every black Son-of-a-bitch they could find that had ever fought against them.” Then, the mob of men returned to Rhoda’s house and beat her two young daughters. The men robbed Rhoda and her family of their belongings and left.<sup>2</sup>

This assault occurred one year after the Confederacy’s defeat in 1865, but the violence committed against Rhoda by eight white planter men exemplified the survival of the Confederacy’s racist legacy into the Reconstruction era. The white assailants pledged to harm any and every Unionist or Union sympathizer they encountered, signifying that white Southern pride was still wounded from the war. Their statement also signified white Southern men’s intentions to reclaim what was once theirs – access to Black women’s bodies. The antebellum South’s violent legacy continued to thrive in the postbellum South, which hindered national efforts to reincorporate Confederate states back into the Union. Rhoda Childs’s assault was one of many that defined the broader hostility of sociopolitical relations in the Reconstruction South.

Racial and sexual violence continued to be prevalent during Reconstruction, and in the midst of this violence, Black families and communities had to adapt to their new roles in society as freedpeople. Black women worked to redefine womanhood on their own terms by asserting their rights to citizenship, life, liberty, equity, and justice. At the forefront of this chapter are the women who took charge of their lives and sexualities during an ongoing national political conflict between Republicans and Southern Democrats. Women continued to be raped, but

---

<sup>2</sup> Affidavit of Rhoda Ann Childs, Sept. 25, 1866, vol. 270, pp. 41 – 42, Register of Complaints, series 893, Griffin, GA Subassistant Commissioner, Bureau of Refugees, Freedmen, & Abandoned Lands, Record Group 105, National Archives quoted in *Free at Last: A Documentary History of Slavery, Freedom, and the Civil War*, ed. Ira Berlin, et al. (New York: Free Press, 1992), 537 – 538. The affidavit indicates that the men who assaulted Rhoda were from the planter class.



women responded to these experiences by sharing their stories in legal forums to fight for sexual justice and agency.

In three parts, this chapter addresses the ways in which Black and white women redefined womanhood, and the challenges they faced when confronting issues of rape and interracial sex during Reconstruction. First, the foundation of this chapter is the Reconstruction era itself. It is important to establish a basic understanding of the sociopolitical environment during this period in order to build a contextual understanding of rape during Reconstruction. Second, this chapter discusses Black women's experiences of racial and sexual violence during Reconstruction. Incorporated into this section are seven testimonies from Black women who were raped and who experienced racial violence perpetrated by the Ku Klux Klan (KKK). These stories demonstrate Black women's continued efforts to defend their autonomy and integrity by publicly challenging systemic injustices. Black women were still a disenfranchised population, but they utilized the rights of citizenship to testify in courts and congressional hearings about violence perpetrated against themselves, their families, and their communities. Their testimonies gave voices to Black citizenship "to articulate new public identities as citizens and to counter racist constructions of black womanhood."<sup>3</sup> Third, this chapter will discuss ways in which white womanhood changed during Reconstruction, paying specific attention to the postwar South's response to rape and interracial sex between white women and Black men. Lynching is an essential aspect of this section because lynching became an effective political tool to terrorize both white and Black people who violated the postbellum South's social and political status quo.<sup>4</sup>

---

<sup>3</sup> Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: The University of North Carolina, 2009), 76 – 77.

<sup>4</sup> While the height of lynch mob violence peaked in the years shortly after Reconstruction ended in 1877, the Klan perpetrated lynchings in the late 1860s and 1870s. During Reconstruction, Klan violence and lynchings were rather disorganized and carried out by individual groups, but the effectiveness of the

While conducting the research for this project, I quickly realized that I could not end my work with the conclusion of the Civil War. Southern women's fears and experiences of rape continued into Reconstruction, and Black women, in particular, fought fiercely for their rights to citizenship and sexual justice. Now as freedwomen during Reconstruction, Black women were forced to combat the legacy of slavery that labeled them as lascivious, promiscuous women unworthy of men's protection from harm and sexual exploitation. Such ideas about Black womanhood were accepted and internalized by white Southerners, and continued to leave Black women vulnerable to sexual abuse and exploitation at the hands of white men. Reconstruction saw the continuation, and in some ways, the escalation of violence in the South. In spite of this escalation, or perhaps because of it, Southern women continued to take their cases to court. Women's testimonies allowed them to redefine womanhood by challenging gender stereotypes that predated the war. Sharing the stories of women who spoke up about their experiences of sexual violence, demanding justice and change, comes as the logical conclusion to this project. This chapter aims to shed light on women's sustained efforts to combat sexual violence in the postwar South.

## **Part I – Understanding Reconstruction**

Reconstruction was a roughly twelve-year period after the Civil War from 1865 to 1877 in which national efforts were concentrated on reincorporating the South back into the Union.<sup>5</sup> Reconstruction ended in 1877 after the contested 1876 presidential election was resolved by

---

terrorization remained. Much of the terror, intimidation, violence, and hostility that characterized the end of the nineteenth century first emerged during Reconstruction.

<sup>5</sup> Charles Reagan Wilson, "Reconstruction," in *The New Encyclopedia of Southern Culture: Law and Politics*, ed. James W. Ely and Bradley G. Bond (Chapel Hill: The University of North Carolina Press, 2008), 266.

measures laid forth in the Compromise of 1877. Simply put, the Compromise of 1877 was an informal agreement made between congressional Republicans and Democrats that solidified Rutherford B. Hayes, the Republican candidate, as the winner of the presidential election. In exchange for their presidential victory, Republicans agreed to remove the remaining federal troops from the occupied South, leaving the South firmly in Democratic control.<sup>6</sup>

During Reconstruction, African Americans and their white allies were targeted, intimidated, harmed, and sometimes killed by the newly formed white supremacy group the Ku Klux Klan (KKK). Established in 1865 in Pulaski, Tennessee, the Klan's terrorization throughout the South aimed to achieve social and political ends as part of the organized effort to "redeem" Southern states under white Democratic control.<sup>7</sup> The Klan terrorized Black families, entire communities, and Republican white allies. The Klan used violence and intimidation to force their targets to "renounce a political party, leave town, or otherwise change their behavior."<sup>8</sup> Black men gained the right to vote after the war, and white supremacists feared this newly enfranchised population would keep the South firmly in Republican control.

The Reconstruction Amendments – Thirteenth, Fourteenth, and Fifteenth Amendments – were a significant challenge to white supremacists' power. The Thirteenth Amendment, ratified

---

<sup>6</sup> This is an extremely brief explanation on how Reconstruction ended. The 1876 election was very complex with issues of voter suppression, contested election results in key Southern states, and informal bipartisan negotiations which ultimately led to the Compromise of 1877. This topic is worthy of its own discussion, however, for the purposes of this chapter, a very brief summary is all that is included. For a detailed examination of the 1876 presidential election and the end of Reconstruction from one of the foremost historians on the American South, see C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (Boston: Little, Brown and Company, 1951).

<sup>7</sup> Wilson, "Reconstruction," in *The New Encyclopedia: Law and Politics*, 271. See also Crystal Feimster, *Southern Horrors: Women and the Politics of Rape and Lynching* (Cambridge: Harvard University Press, 2009), 47 – 48.

<sup>8</sup> Elaine Frantz Parsons, "Ku Klux Klan, Reconstruction-Era," in *The New Encyclopedia of Southern Culture: Violence*, ed. Amy Louise Wood (Chapel Hill: The University of North Carolina Press, 2011), 247.

in 1865, abolished slavery, except for cases in which involuntary servitude is used as punishment for a crime. The Fourteenth Amendment, ratified in 1868, guarantees citizenship to all natural-born and naturalized peoples and provides equal protection under the law to American citizens. The Fifteenth Amendment, ratified in 1870, prohibits discrimination by all federal and state governments on the basis of a person's race or previous condition of servitude.<sup>9</sup> These amendments, particularly the Fourteenth and Fifteenth Amendments, further intensified racial violence and Southern Democrats' efforts to disenfranchise Black voters. Additionally, Klan violence continued to escalate during this time. Nightriding, assassinations, lynchings, "and other forms of violence that affected election outcomes finally prompted federal action."<sup>10</sup> Consequently, Congress passed the Enforcement Acts of 1870 and 1871, which aimed to protect African Americans' right to vote and ensure equal protection under the law. The Enforcement Acts also "transferred jurisdiction away from state government to federal court," allowing the government to prosecute those who interfered "with the exercise of civil rights guaranteed both implicitly and explicitly in both amendments."<sup>11</sup> The Klan and other white supremacy groups

---

<sup>9</sup> U.S. Const., amend. Thirteen, amend. Fourteen, amend. Fifteen. For further discussion on Reconstruction, including the Reconstruction Amendments, from the leading historical authority on this era, see Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863 – 1877* (New York: HarperCollins, 1988).

<sup>10</sup> Kidada E. Williams, *They Left Great Marks on Me: African American Testimonies of Racial Violence from Emancipation to World War I* (New York: New York University Press, 2012), 34. The Klan and other white supremacy groups often engaged in "nightriding" – targeted acts of violence and terrorization committed at night (to maximize people's fears because it was difficult to see at night and darkness provided the perpetrators anonymity). African Americans were primarily targeted by night riders, and stories tell about night riders dragging people out of their homes to intimidate and beat them, burning down houses and schools, and gathering into mobs to lynch people. Stories about night riders spread throughout Black communities and night riders effectively worked to terrorize and limit African Americans' movements at night. For further discussion on night riders and how this form of violence and intimidation was also spread through oral stories, see Gladys-Marie Fry, *Night Riders in Black Folk History* (Chapel Hill: The University of North Carolina Press, 1975).

<sup>11</sup> Lawrence Goldstone, *Inherently Unequal: The Betrayal of Equal Rights by the Supreme Court, 1865 – 1903* (New York: Walker & Company, 2011), 91.

now fell under federal jurisdiction and could be prosecuted for interfering with African Americans' constitutional rights.

The Bureau of Refugees, Freedmen, and Abandoned Lands, also called the Freedmen's Bureau, was another federal agency established during Reconstruction to address racial injustice and socioeconomic inequities affecting freedpeople.<sup>12</sup> The Freedmen's Bureau "was established in the War Department in March 1865 to undertake relief efforts and the unprecedented social reconstruction that would bring freedpeople to full citizenship." The Freedmen's Bureau assisted newly emancipated people in obtaining an education and establishing schools, legalizing marriages, providing employment, relocation and land settlement, providing legal representation, and conducting investigations into complaints brought before the Bureau.<sup>13</sup> The Freedmen's Bureau also became an important avenue for Black women to report instances of racial and sexual violence, as exemplified in the report made by Rhoda Ann Childs in 1866. However, the Bureau was a rather short-lived agency and it struggled to maintain funding through the early 1870s. Ultimately, the Bureau failed to receive sufficient support and funding from Congress and the Bureau was disbanded in July 1872.<sup>14</sup>

---

<sup>12</sup> The Freedmen's Bureau provided services to both freedpeople and impoverished whites displaced by the Civil War, but it appears that African Americans utilized the Bureau's services much more frequently than working-class and rural white people.

<sup>13</sup> "Freedmen's Bureau Field Office Records" brochure under "African American Records: Freedmen's Bureau," National Archives, last reviewed September 19, 2016, accessed April 2, 2021, <https://www.archives.gov/research/african-americans/freedmens-bureau>.

<sup>14</sup> George R. Bentley, *A History of the Freedmen's Bureau* (Philadelphia: University of Pennsylvania Press, 1955), 211 – 212. The Freedmen's Bureau encountered political opposition from its inception. The Freedmen's Bureau Act of 1865 was passed by Congress and signed by President Lincoln in March 1865, shortly before he was assassinated. A second bill was proposed to extend the provisions laid forth in the first Freedmen's Bureau Act. Congress passed the bill, but the bill was vetoed by President Andrew Johnson because Johnson believed the bill infringed on states' rights. A few months later in May 1866, a more moderate version of the bill was proposed, passed by Congress, but again vetoed by Johnson. However, the House and Senate now had the necessary two-thirds majority vote to override the president's veto, and the Freedmen's Bureau Act of 1866 was passed.

Freedom brought continued challenges for African Americans. Slavery was abolished in 1865, but new social and political formations during Reconstruction effectively replaced slavery with a new system of oppression. Black communities were targeted by Klan violence, Black men battled disenfranchisement, and Black women continued to suffer the double bind of racism and sexism. “Thus,” historian Crystal Feimster notes, “while emancipation deprived wealthy white men of easy sexual access to and greater control over black women, black women remained vulnerable to sexual and racial violence at the hands of white men.”<sup>15</sup>

## **Part II – Rape during Reconstruction**

In July 1871, a freedman from Chatham County, North Carolina, named Essic Harris testified before a joint Congressional committee about the struggles many African Americans faced during Reconstruction. Republican Senator John Pool of North Carolina asked Essic, “[a]re the colored people in a worse condition now than when in slavery?” “Of course they must be[,]” Essic responded. “They must keep their doors barred up. ... Pretty much all the colored people have their doors barred; they are afraid to keep them any other way.” Then, Senator Pool asked Essic, “I understood you to say that a colored woman was ravished by the Ku-Klux?” “Yes, sir[,]” Essic answered. “Did you hear of any other cases of that sort?” Pool continued. “Oh, yes, several times. That has been very common.”<sup>16</sup>

The brief excerpt from Essic’s testimony speaks to the fear and violence experienced by Black communities throughout the South, and specifically, to the pervasive threat of rape during Reconstruction. Indeed, rape was rampant during Reconstruction, and “[v]iolence against

---

<sup>15</sup> Feimster, *Southern Horrors*, 52.

<sup>16</sup> Testimony of Essic Harris, in *Report of the Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States*, vol 2, United States Cong. (Washington: Government Printing Office, 1872), 99 – 100.

African American women was a critical element of the terrorization that took place across the South.”<sup>17</sup> Similar to women’s wartime experiences, sexual violence during Reconstruction encompassed a broad category of acts including, but not limited to rape, sexual assault, genital mutilation, and sexualized whippings. Even in situations when Klansmen refrained from raping women, “they engaged in a pattern of ritualized sexual torture.”<sup>18</sup> Other forms of sexual humiliation and molestation were used to “dehumanize black women, but also to shame black men and challenge their masculinity.”<sup>19</sup> Black men were also subjected to acts of sexual violence and humiliation. Naked whippings, forced intercourse with a woman, and cases of castration were among a number of tactics used by the Klan to emasculate Black men.<sup>20</sup> While it should be noted that Black women and men were most often the targets of Klan violence, Klansmen did not “restrict themselves” to only assaulting African Americans. Republican white women who were known to be allies to African Americans were also subjected to sexual violence. Certainly, “white women were singled out far less often[.]” but documentation shows that “women of both races were subjected” sexual violence.<sup>21</sup>

In some ways, as Essie Harris’ testimony describes, Reconstruction “escalated the degree of sexual violence to which [Black women] might be subjected.”<sup>22</sup> As discussed, Black women continued to be raped, and the rise of Klan activity during Reconstruction created additional fears for their families’ safety. Previously, Black women worried about protecting themselves

---

<sup>17</sup> Shawn Leigh Alexander, ed., introduction to *Reconstruction Violence and the Ku Klux Klan Hearings* (Boston: Bedford / St. Martin’s, 2015), 11.

<sup>18</sup> Feimster, *Southern Horrors*, 52.

<sup>19</sup> Alexander, ed., *Reconstruction Violence*, 11.

<sup>20</sup> For accounts on naked whippings and forced intercourse, see Cardyn, “Sexualized Racism / Gendered Violence,” 704 – 708; for castration, see Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997), 154 – 156.

<sup>21</sup> Cardyn, *Sexualized Racism / Gendered Violence*, 719 – 720.

<sup>22</sup> Catherine Clinton, “Bloody Terrain: Freedwomen, Sexuality and Violence During Reconstruction,” *The Georgia Historical Quarterly* 76, no. 2 (1992): 330 – 331.

and their families from slaveowners. During Reconstruction, former slaveowners donned white robes and pointed hoods, branding a new image of racial terror. White men's efforts sought to reestablish "the status quo ante – an antebellum era very much at odds with postemancipation [sic] developments [in which] black women dramatically entered public space as active citizens rather than being cast as marginal women who were available sexual objects for white men."<sup>23</sup>

When faced with on-going sexual violence, Black women utilized the rights of citizenship and actively "turned to the federal government to expose white assailants."<sup>24</sup> The Freedmen's Bureau was an important avenue for Black women to report rapes "and seek legal redress."<sup>25</sup> Redefining rape was an important legal step during Reconstruction which allowed Black women to fully advance their cases in courts. The strict definition of rape – to carnally know a woman against her will – did not change, but the definition of who was a "woman" expanded to include Black women.<sup>26</sup> The recognition of Black women as *women*, capable of being raped and deserving of justice, first began during the war in Union courts-martial. With the rights of citizenship as freedpeople, Black women took their cases to court, reported their grievances to the Freedmen's Bureau, and testified before congressional hearings. Through this process, Black women redefined womanhood on their own terms, according to their lived experiences.

---

<sup>23</sup> Rosen, *Terror in the Heart of Freedom*, 70. See also Laura F. Edwards, "Sexual Violence, Gender, Reconstruction, and the Extension of Patriarchy in Granville, North Carolina," *The North Carolina Historical Review* 68, no. 3 (1991): 237 – 260.

<sup>24</sup> Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge: Harvard University Press, 2013), 74.

<sup>25</sup> Feimster, *Southern Horrors*, 53.

<sup>26</sup> Diane Miller Sommerville, *Rape and Race in the Nineteenth-Century South* (Chapel Hill: The University of North Carolina Press, 2004), 147 – 148.



## Testimonies

### Memphis

The Memphis Riots garnered national attention and warranted an investigation by a Congressional committee. On May 1, 1866, conflict broke out between a group of white police officers and recently discharged Black Union soldiers. Federal troops in nearby Fort Pickering arrived a few hours after the fights broke out and the troops subdued the violence relatively quickly. However, the Federal troops returned to their barracks later that night and conflict erupted after a white mob descended on Memphis' Black community. The Memphis Riots left forty-eight people – forty-six Black and two white – dead. Seventy-five people were injured by gunfire, close to one-hundred families' properties were destroyed, nearly a dozen people were severely beaten, and at least five Black women were raped. The outbreak of violence and resulting loss of life and property damage took place over the span of roughly forty hours.<sup>27</sup> On May 22, in the aftermath of the riots a “House select committee composed of Elihu B. Washburne of Illinois and John M. Broomall of Pennsylvania, both Republicans, and George Shanklin of Kentucky, a Democrat, arrived in Memphis[.]”<sup>28</sup> The five Black women who were raped testified before this committee – their names were Harriet Armour, Frances Thompson, Lucy Smith, Rebecca Ann Bloom, and Lucy Tibbs.

*He tried to make me suck it.*

Harriet Armour testified that a man named “Mr. Dunn had to do with me twice, and the other gentleman once.” Harriet told the Chairman, Elihu Washburne, that after both men raped

---

<sup>27</sup> James Gilbert Ryan, “The Memphis Riots of 1866: Terror in a Black Community during Reconstruction,” *The Journal of Negro History* 62, no. 3 (1977): 243.

<sup>28</sup> Rosen, *Terror in the Heart of Freedom*, 76.

her, Dunn forced Harriet to perform oral sex on him. “And then Mr. Dunn tried to make me suck him. I cried. He asked me what I was crying about, and tried to make me suck it.” “When they commenced on you,” Washburn asked Harriet, “what did they tell you?” “They just told me that I had to do it,” Harriet replied. “They barred up the door, and I knew I could not help myself.” Washburne questioned Harriet about her efforts to resist the men’s attacks, “[a]nd you made no resistance?” “No,” Harriet said, “they had barred the door. I could not get out and I could not help myself.” Then, John Broomall also questioned Harriet about her efforts to resist. “Did I understand that you did not try to prevent them from doing these things to you?” Again, Harriet responded, “I did not know what to do. I was there alone, was weak and sick, and I thought I would rather let them do it than to be hurt or punished.” Broomall responded, “[t]hen you gave up out of fear?” “Yes, sir,” Harriet said, “I knew I could not do anything with two men.” At the end of his questioning, Broomall asked Harriet to describe Dunn’s appearance. “He is a young looking man[.]” Harriet said. “He would be a very nice man, but I do not call him nice now.”<sup>29</sup>

*All seven of the men violated us two.*

Frances Thompson, a Black woman who shared a house with Lucy Smith, testified to the committee about a group of seven white men who broke into their house and raped them. At the beginning of her testimony, Frances indicated that she was physically disabled and used crutches because of a cancer in her foot. Frances said that seven men came to the house she and Lucy Smith shared around one or two o’clock in the morning. Frances identified two of the men as police officers. The men demanded Frances and Lucy make them food. After the men ate, “they said they wanted some woman to sleep with.” Frances said she and Lucy “were not that sort of

---

<sup>29</sup> Testimony of Harriet Armour, in *Memphis Riots and Massacre*, 39<sup>th</sup> Cong., 1<sup>st</sup> sess., 1866, House Rept. 101, 176 – 177.

women, and they must go.” One of the men grabbed Frances, hit her, and choked her. The men threatened Frances and Lucy with guns, saying they would shoot both women if they “did not let them have their way with us.” Then, “[a]ll seven of the men violated us two. Four of them had to do with me, and the rest with Lucy[,]” Frances told the committee. Frances was bed ridden for two weeks after the assaults. The men also robbed Frances and Lucy of their clothes and several hundred dollars of money. The men threatened the women because they supported the Union. Frances told the committee that the group of men were all Irish, and the men “said they would drive all the Yankees out of the town, and then there would be only some rebel niggers and butternuts left.” Frances said the men stayed in their house for four hours after the assaults. Frances knew this because “it was near getting day when they left.”<sup>30</sup>

*I bled from what the first man had done to me.*

Lucy Smith, a sixteen-year-old young Black woman, was also gang raped by this group of men. Lucy identified two of the men as police officers because of “their stars.” Lucy and Frances were in bed when the men broke into their home. The men demanded Lucy and Frances make food for them, and then the men stole their money and clothes before raping them. “They tried to take advantage of me, and did[,]” Lucy said. “I told them I did not do such things, and would not. One of them said he would make me, and choked me by the neck. My neck was swollen up next day, and for two weeks I could not talk to anyone.” Then, another man attempted to rape Lucy. However, Lucy was severely injured from the previous assaults. Lucy recounted, “I was so damned near dead he would not have anything to do with me.” “Were you injured?” Washburne asked Lucy. “I bled from what the first man did to me. ... I was injured

---

<sup>30</sup> Testimony of Frances Thompson, in *Memphis Riots and Massacre*, 39<sup>th</sup> Cong., 1<sup>st</sup> sess., 1866, House Rept. 101, 196 – 197.

right smart, and kept my bed two weeks after[,]" she said. Lucy told the committee that while inside their house the men saw red, white, and blue quilts made by Lucy and Frances. The quilt angered the men. "They asked us if we had made them [the quilts] before or after the Yankees came. We said after. They said, '[y]ou niggers have a mighty liking for the damned Yankees, but we will kill you, and you will have no liking for any one then.'" The men also noticed pictures of General Hooker and other Union officers displayed in the house. Lucy told the committee, "they said they would not have hurt us so bad if it had not been for these pictures." Lucy said she laid down on the bed while the men were still inside the house because "I thought they had killed me [...] it was mostly from the choking and the lick on the side of my head."<sup>31</sup>

*He wanted to know if I had anything to do with white men.*

Rebecca Ann Bloom testified that five white men broke into her home, dragged her husband outside, and proceeded to rape her. Rebecca said one of the men demanded she give him money. Rebecca said she did not have any money to give. Then, Rebecca told the committee, "[h]e wanted to know if I had anything to do with white men. I said no." The man threatened Rebecca with a knife and said he would kill her if she "did not let him do as he wanted to do." Rebecca said, "he got into bed with me, and violated my person, by having connexion with me," while still holding the knife to her.<sup>32</sup>

---

<sup>31</sup> Testimony of Lucy Smith, in *Memphis Riots and Massacre*, 39<sup>th</sup> Cong., 1<sup>st</sup> sess., 1866, House Rept. 101, 197.

<sup>32</sup> Testimony of Rebecca Ann Bloom, in *Memphis Riots and Massacre*, 39<sup>th</sup> Cong., 1<sup>st</sup> sess., 1866, House Rept. 101, 351.

*They done a very bad act.*

Lucy Tibbs, a twenty-four-year-old Black woman, testified that she was gang raped by “a crowd of men” who broke into her house one night during the riots. Lucy also told the committee about other events she witnessed during the riots. Lucy saw a group of four white men shoot and burn the body of a Black woman named Rachael Hatcher. “I saw Rachael when they shot her, and I saw her when she was burned up.” Lucy told the committee that Rachael was in a house when the group of men “barred up all the doors, then surrounded the houses and told the folks to stay in there.” When the fires began to consume the houses, men, women, and children fled from the burning buildings. “They shot at them as fast as they could while they were running[,]” Lucy recounted. Rachael Hatcher ran out of the house when it caught on fire, but “just as soon as she turned the corner they shot her in the mouth. She fell down between two houses, and both houses were burned. I saw her body the next day,” Lucy said. Next, the committee asked Lucy if the mob of men who were in her house did anything to her. “They done a very bad act[,]” Lucy said. She said that a crowd of men came into her home that night and demanded to see her husband. Lucy was home alone with her two young children; she begged the men to not hurt her. Washburne asked Lucy how many of the men raped her. Lucy responded, “[t]here was but one who did it.” Other than the description of “a crowd of men,” the exact number of men who raped Lucy was not specified. The men forced Lucy onto the bed, and while they took turns raping her, they also plundered her home. “Did they violate your person against your consent?” Washburne asked. “Yes, sir; I had just to give up to them. They said they would kill me if I did not.” Lucy recalled that one of the men said, ““Let that woman alone – that she was not in any situation to be doing that.”” Washburne proceeded to ask Lucy, “[w]ere you dressed or undressed when these men came to you?” Lucy said she was dressed. “Did you make any resistance?” he asked. “No,

sir; the house was full of men. I thought they would kill me; they had stabbed a woman near by the night before.” Then, Washburne asked Lucy what the men had meant when they said she “was not in a condition to be doing that[.]” Lucy said, “I have been in the family way [pregnant] ever since Christmas.”<sup>33</sup>

None of the men who raped Harriet Armour, Frances Thompson, Lucy Smith, Rebecca Anne Bloom, or Lucy Tibbs were arrested or charged, nor were any charges brought against other rioters. Still, these women “publicly asserted their rights and identities as citizens” by testifying about their assaults before a House select committee. Their testimonies “secured official recognition of the fact that black women – regardless of past condition of enslavement, of poverty, of having chosen to save their lives rather than resist violation – could be raped and had been raped.”<sup>34</sup> The committee decided against arresting and charging any rioters, but their final report concluded

The crowning acts of atrocity and diabolism committed during these terrible nights were the ravishing of five different colored women by these fiends in human shape, independent of other attempts at rape. The details of these outrages are of too shocking and disgusting a character to be given at length in this report, and reference must be had to the testimonies of the parties. It is a singular fact, that while this mob was breathing vengeance against the negroes and shooting them down like dogs, yet when they found unprotected colored women they at once ‘conquered their prejudices’ and proceeded to violate them under circumstances of the most licentious brutality.<sup>35</sup>

The committee acknowledged the rape of Black women, which was a monumental statement in and of itself.

---

<sup>33</sup> Testimony of Lucy Tibbs, in *Memphis Riots and Massacre*, 39<sup>th</sup> Cong., 1<sup>st</sup> sess., 1866, House Rept. 101, 160 – 162.

<sup>34</sup> Previous two quotes from Rosen, *Terror in the Heart of Freedom*, 82.

<sup>35</sup> *Memphis Riots and Massacres*, 39<sup>th</sup> Cong., 1<sup>st</sup> sess., 1866, House Rept. 101, 13.

## **Jacksonville**

*God damn you, open your legs.*

Hannah Tutson, a forty-two-year-old Black woman from Clay County, Florida, was whipped and raped by a group of five white men in the spring of 1871. Testifying before Congress in November 1871, Hannah told the committee that she was asleep in bed when a group of five white men broke into her home. Hannah rushed to hold one of her young children, but two of the men grabbed her. One man, George McCrea, grabbed Hannah by the neck and choked her. The second man, Cabell Winn, “caught hold of my foot, and then there were so many hold of me I cannot tell you who they were.” Hannah later identified all of the men – “I had been working and washing for them,” she said. The group of men carried Hannah out of her house and through the yard. At this point, Hannah saw another group of men who had hold of her husband, Samuel Tutson. “I said, ‘Sam, give up; it is not worth while to try to do anything; they will try to kill us here.’” The men threatened to kill both Hannah and Samuel. Then, George McCrea said to Hannah, “[c]ome right along.” Hannah estimated that the men carried her about a quarter of a mile away from her house before they threw her down in a field and told her she had better pray to God to help her. George McCrea hit her on the head with his gun, and then the men retrieved saddle girths (with buckles) to tie her arms around a pine tree. “They pulled off all my linen, tore it up so that I did not have a piece of rag on me as big as my hand.” Then, Hannah said, “[m]en, what are you going to do with me?” The men continued threatening to kill Hannah, and she told the committee that she stopped talking, except “only as they asked me anything.” The men proceeded to whip Hannah. Occasionally, four of the men would walk away and converse amongst themselves. However, George McCrea stayed with Hannah and treated her “shamefully” every time she was left alone with him. “When he [George] saw them coming

again[.]” Hannah said, “he would make me get up. He would make me squat down by the pine, and say, ‘[w]hat are you trembling for?’” Then, Hannah told the committee that McCrea forced his knees between her legs again and said, ““God damn you, open your legs.”” McCrea raped Hannah again. Then, the group resumed whipping Hannah, and they poured a bottle of liquor over her head before continuing to whip her with saddle girths. When asked by the committee how many times she was whipped, Hannah replied, “I cannot tell you, for they whipped me from the crown of my head to the soles of my feet. I was just raw. The blood oozed out through my frock all around my waist, clean through[.]” Then, after the men carried Hannah back to her house, the group left.<sup>36</sup>

## **Columbia**

*After they got done with me I had no sense for a long time.*

Harriet Simril, a Black woman from York County, South Carolina, was raped by three nightriders in the spring of 1871. Harriet told the committee that the Klan came to her house three times that spring because her husband, Sam Simmons, was “a radical.” The second time the Klansmen came to Harriet and Sam’s house, they threatened and beat Sam because he voted Republican in the 1870 state election. The men forced Sam to renounce his allegiance to the Republican party, thereby swearing to vote the Democratic ticket. Sam laid out in the woods when the Klansmen returned a few days later. The men demanded to see Sam, but Harriet told them she did not know of her husband’s whereabouts. Then, the men “were spitting in my face and throwing dirt in my eyes; and when they made me blind they bursted [sic] open my

---

<sup>36</sup> Testimony of Hannah Tutson, in *Report of the Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States*, vol 13, United States Cong. (Washington, D.C.: Government Printing Office, 1872), 59 – 64.



cupboard.” The men rummaged through the pantry, eating the pies Harriet baked and stealing her food. Next, the men grabbed Harriet and dragged her outside into the middle of a big road, “and they ravished me out there.” Harriet was asked a series of questions about the attackers and the nature of the rape. “How many of them?” “There was three.” “One right after the other?” “Yes, sir[,]” Harriet replied. “Threw you down on the ground?” “Yes, sir, they throwed me down.” Harriet proceeded to identify the three men who raped her – “Ches McCollum, Tom McCollum, and this big Jim Harper.” Harriet was pressed further by the committee, “[w]ho ravished you first?” “Tom McCollum grabbed me first by the arm.” “What next?” “All nasty talk they put out of their mouths.” Here, the court transcript indicates, “(Witness here detailed the conversation on the part of her tormentors, but it was of too obscene a nature to permit of publication.)” The committee asked Harriet, “[w]hat was your condition when they left you? How did you feel?” “After they got done with me[,]” Harriet responded, “I had no sense for a long time. I laid there, I don’t know how long.” After a while, Harriet got up and walked back home. She told the committee that although the Klan returned to her house after the rape, “I was never inside the house.” Harriet, her husband, and their children laid out in the woods for four days to avoid seeing the Klansmen if they came to their house again. After those four days, Harriet and her family returned from the woods to find that the Klansmen had burned down their house.<sup>37</sup>

Testimonies such as these seven “gave voice to black women’s suffering and their demands for legal protection.” Black women brought among the highest number of rape charges to courts, virtually flooding “the courts in the years after emancipation[.]” Citizenship provided greater opportunities for Black women to reclaim autonomy and challenge racist and sexist

---

<sup>37</sup> Testimony of Harriet Simril, in *Report of the Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States*, vol 5, United States Cong. (Washington, D.C.: Government Printing Office, 1872), 1861 – 1862.

stereotypes that first emerged during slavery. Through their activism, Black women “contributed to the ongoing transformation of womanhood and its legal implications.”<sup>38</sup> Black women redefined womanhood through their testimonies by combatting the sexualization and objectification of their bodies. Southern white men continued to view Black women as objects for their sexual pleasure and convenience, but Black women challenged these beliefs. By testifying in court about their assaults, Black women separated themselves from the legacy of slavery that branded them as promiscuous, lascivious, available sexual objects, and temptresses of white men. Through their testimonies, Black women asserted their personhood and agency. They described themselves as women, wives, mothers, workers, community members, and individuals. Black womanhood was redefined in accordance with these traits and values, not the ideas imposed upon them by white men during slavery.

### **Part III – White Women during Reconstruction**

White womanhood also underwent a transformation during Reconstruction, mainly with regard to society’s toleration of interracial sex between white women and Black men. The “dividing line of black slavery and white freedom had sufficiently if imperfectly sustained racial hierarchy, but with the demise of slavery, the maintenance of this hierarchy through other means became essential to white Southerners.”<sup>39</sup> In the colonial and antebellum periods, sex between white women and Black men was tolerated with some leniency only because the institution of slavery separated whites and African Americans in all other political and economic ways of life. It was not uncommon for Black men to be acquitted of rape charges, or not be severely punished

---

<sup>38</sup> Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Chicago: University of Illinois Press, 1997), 200.

<sup>39</sup> Hodes, *White Women, Black Men* (New Haven: Yale University Press, 1997), 147.

for adulterous affairs with white women so long as slavery was an effective means to keep Black men in a subordinate position.<sup>40</sup> Additionally, white women from lower social classes were more likely suspected of sleeping with Black men than were elite white women, so working-class white women's devalued status made their "illicit liaisons" slightly more tolerable in the antebellum South.<sup>41</sup> However, with the demise of slavery and Black men's newfound social, political, and economic mobility, Southern white men no longer had a system of oppression to control Black men. During Reconstruction, attitudes toward white womanhood changed in response to white men's growing anxieties about Black male sexuality.<sup>42</sup> In turn, the more dangerous Black men became, the more valuable white women became. Consequently, white womanhood was resolidified as the symbol of Southern virtue and purity in the aftermath of the war. Southern white men clung to the ideals of white womanhood – piety, purity, submissiveness, and domesticity.

During the war, white women made their entrance into the public sphere as nurses, caretakers, organizers, and temporary heads of households.<sup>43</sup> After the war, however, the white woman was returned to her pedestal. White men believed it was best for white women to remain in their proper sphere also in part because of growing anxieties about Black male sexuality.

---

<sup>40</sup> Martha Hodes, "The Sexualization of Reconstruction Politics: White Women and Black Men in the South after the Civil War," *Journal of the History of Sexuality* 3, no. 3 (1993): 402.

<sup>41</sup> Hodes, "The Sexualization of Reconstruction Politics," 403. White Southerners' toleration of interracial sex between white women and Black men in the antebellum period should not be confused for condonation. Such relations were never encouraged by whites, but slavery was the prevailing institution that allowed white Southern men to control every aspect of Black men's lives and interfere with their relationships should white men choose to. With slavery abolished, white Southern men no longer had legal protection or permissibility to control Black men, and without that social safeguard, white women (especially elite white women) needed to be protected from Black men's unchecked sexuality.

<sup>42</sup> Hodes, "The Sexualization of Reconstruction Politics," 403.

<sup>43</sup> For a detailed discussion on elite white women in the Civil War, see Drew Gilpin Faust, *Mothers of Invention: Women of the Slaveholding South in the American Civil War* (Chapel Hill: The University of North Carolina Press, 1996). For a detailed discussion on women from different social classes, races, and affiliations in Florida during the Civil War, see Tracy J. Revels, *Grander in Her Daughters: Florida's Women during the Civil War* (Columbia: University of South Carolina Press, 2004).

Black freedom was dangerous, white Southerners believed, because Black men who had formal political power and economic independence “had enormous potential to destroy the South’s racial caste system.”<sup>44</sup> Transgressing the racial boundary between whites and African Americans endangered the safety and purity of Southern white women, and therefore, also endangered the purity of the South as a whole. Interracial sex was a political act in this new era of Black freedom. “Weaving together fears about black political power and anxieties about miscegenation into a single design, southern whites converted black men’s desires for economic and political equality into a desire for ‘social equality,’” which white people believed threatened white womanhood.<sup>45</sup>

Southern white men sought to establish a new “racial hierarchy dependent upon black deference and white female subordination.”<sup>46</sup> The Black rapist myth was a product of this new racial patriarchal hierarchy.<sup>47</sup> In white men’s minds, racial violence and lynching became an appropriate, necessary measure to protect white womanhood. The end justified the means. However, “[w]hite Southerners conflated the political rights of black men with sexual transgressions in justifying the Klan-led violence that terrorized freedpeople[.]”<sup>48</sup> Much of the Black rapist myth did not need to be grounded in reality because whether or not white women and Black men were forming loving relationships, or Black men were raping white women, the details were irrelevant. Both situations would arrive at the same outcome. Indeed, the end goal

---

<sup>44</sup> Hodes, *White Women, Black Men*, 147.

<sup>45</sup> Previous two quotes from Feimster, *Southern Horrors*, 50.

<sup>46</sup> Feimster, *Southern Horrors*, 51.

<sup>47</sup> The Black rapist myth was the manifestation of white anxieties about Black male sexuality. Sexually aggressive and inherently animalistic, whites believed, the danger Black men posed to white purity necessitated a violent but righteous response. Black men and white women were caught in a dichotomy: Black men were always rapists, and white women were always victims. In turn, white men victimized and tarnished the purity of the ideal they sought to protect and uphold.

<sup>48</sup> Hodes, *White Women, Black Men*, 151.

was what mattered to white supremacists. The intended effects of lynching were clear – terrorization, psychological intimidation, disenfranchisement, and social and political subjugation.<sup>49</sup> The same group of people were responsible for committing both crimes – Southern white men largely perpetrated acts of rape, and they participated in mob violence that lynched Black men. In this way, “[t]he association between lynching and rape emerges most clearly in their parallel use in racial subordination.”<sup>50</sup>

While it is necessary to examine rape-related lynchings with a certain amount of historical skepticism, one cannot dismiss all rape accusations made by white women against Black men as neither credulous nor incredulous. This binary thinking is problematic because one cannot readily believe that *all* rape accusations made against Black men by white women were false, nor should one believe that *all* of these accusations were true. Some false accusations made by white women were leveled against Black men to justify lynchings. However, this does not suggest that all accusations were false. Similarly, one should not assume that all accusations were true because there were accounts of white women who falsely accused Black men of rape and such cases unfortunately led to the lynchings of a number of Black men across the South.

Two interesting themes emerge from the Black rapist myth. First, white supremacists believed that white women required protection from Black men, yet white supremacists “and gangs of white men were using sexual violence to intimidate or punish black women and their families.”<sup>51</sup> Thus, white Southerners were not concerned about rape so much as they were concerned about race. White men used white women’s purity as a crusade against interracial

---

<sup>49</sup> Jacquelyn Dowd Hall, “‘The Mind that Burns in Each Body’: Women, Rape, and Racial Violence,” in *Powers of Desire: The Politics of Sexuality*, ed. Ann Snitow, et al. (New York: Monthly Review Press, 1983), 330; and Freedman, *Redefining Rape*, 89.

<sup>50</sup> Hall, “‘The Mind that Burns in Each Body,’” in *Powers of Desire*, 331.

<sup>51</sup> Feimster, *Southern Horrors*, 52.

relations, but by touting white women as victims of rape, white men inevitably tarnished white women's purity. White men may have genuinely believed in their fight to preserve racial purity, but their logic was clearly one-sided. The white race was tainted by any sexual interaction, consensual or not, between white women and Black men, but the white race remained surprisingly intact and unblemished when white men raped Black women. The effect of this logic was a racial patriarchy that provided white men "complete control over black and white women's sexuality."<sup>52</sup> At last, white Southern men created an institution that replaced slavery and established a highly stratified racial patriarchal society. This system of oppression was enforced and maintained through Klan violence during Reconstruction and later maintained through Jim Crow laws in the 1880s and onward.<sup>53</sup>

Second, rape was considered a fate worse than death, so why did some white women feign victimhood in order to aid and abet the lynching of Black men? A rape did not have to occur in order to excite a lynch mob. Simply the perception of or lie about a rape was a sufficient indication to white men that "some transgression of caste mores" occurred. "White women were the forbidden fruit, the untouchable property, the ultimate symbol of male power[,]" writes Jacqueline Dowd Hall.<sup>54</sup> Such a perception was a marked departure from society's view of rape throughout the colonial, antebellum, and Civil War eras. As previously discussed, women who were raped had to be perfect chaste victims who also carried the physical marks of a courageous but ultimately failed resistance against their attackers.<sup>55</sup> Even women who were raped and provided such evidence to substantiate their cases were not believed. The question then arises,

---

<sup>52</sup> Feimster, *Southern Horrors*, 52.

<sup>53</sup> For further discussion on the debate that segregation was a creation of the late nineteenth century, not slavery, see C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1955).

<sup>54</sup> Hall, "'The Mind that Burns in Each Body,'" in *Powers of Desire*, 334.

<sup>55</sup> See Chapter Three, part II for discussion on the "perfect victim."

how did these white women feign victimhood without evidence to support their accusations? The situation requires “a world turned upside down” in which, at least momentarily, Black is superior to white. This inverted hierarchy then needs an act of vigilante justice to restore social order – the oppressed rise up against the forces that wronged them. Thus, “rape was more than a hypocritical excuse for lynching” because the Southern rape complex aimed to achieve both racial and sexual oppression.<sup>56</sup> By assuming the role of victim, a white woman

stood on display before the whole community. Here was the quintessential Woman as Victim: polluted, ‘ruined for life,’ the object of fantasy and secret contempt. Humiliation, however, mingled with heightened worth as she played for a moment the role of the Fair Maiden violated and avenged. For this privilege – if the alleged assault had in fact taken place – she might pay with suffering in the extreme. In any case, she would pay with a lifetime of subjugation to the men gathered in her behalf.<sup>57</sup>

Relegated to the role of shameful victim, she fulfilled her feminine destiny as the submissive, obedient woman to men’s demands; that is, submissive to both the “rapist’s” demands and to the mob of white men. The victim is the True Woman, a self-fulfilled prophecy.

The ways in which white and Black women redefined womanhood were greatly influenced by the sociopolitical environment of Reconstruction. Rape, citizenship, white supremacy, Southern nationalism, and misogyny all coexisted in the fractured postwar Southern society. At the same time, white and Black women who were raped during the war were also mending their fractured lives. The story of Reconstruction runs parallel to women’s stories in the postwar South. Tasked with piecing back together their families, communities, and country, Southern women forged new lives in a postwar, post-emancipation society. Citizenship was a powerful, if not capricious advancement for African Americans. Black women fully utilized their

---

<sup>56</sup> See Hall, “‘The Mind that Burns in Each Body,’” in *Powers of Desire*, 335; W. J. Cash, *The Mind of the South* (New York: Knopf, 1941), 117; and Winthrop Jordan, *White over Black: American Attitudes Toward the Negro, 1550 – 1812* (Chapel Hill: The University of North Carolina Press, 1968).

<sup>57</sup> Hall, “‘The Mind that Burns in Each Body,’” in *Powers of Desire*, 335.

rights as American citizens to create safer, more equitable, empowered lives for themselves and their families. White women became the beacon of hope for Southern nationalism during Reconstruction. Elite white women lost their “normal” way of life along with the Confederacy’s defeat, and they had to reintegrate into society much like their beloved Southern states. Although racial divides intensified during Reconstruction, class became an area of social mobility. Working-class and rural white women, and free Black women experienced the most significant social and political developments “to secure public recognition of their legal rights as women – rights that had previously been denied them because of their race or class.”<sup>58</sup>

The Civil War and Reconstruction eras were transformative periods in American history and women’s history. Through the antebellum, Civil War, and Reconstruction years, womanhood and sexual justice experienced significant transformations in how women related to the world, how they understood their role in the world, and how women fought to make the world more just and inclusive for their gender and races. The ways in which white and Black women redefined womanhood during Reconstruction – utilizing citizenship to reclaim sexual and racial justice, taking on new responsibilities in their communities and in their families, and their continued efforts to challenge the racist patriarchal institutions that removed their autonomy and agency – first exemplified the meaning of “the personal is political” a century before second wave feminists continued the fight into the late twentieth century.

---

<sup>58</sup> Edwards, *Gendered Strife*, 199.



## CONCLUSION

### Rape: The Silent Subject.

This thesis challenges historians' claims that the Civil War was a "noble war" characterized by gentlemanly restraint and that Union soldiers were bonded together in combat by a code of honor and brotherly camaraderie. Such respectable values, historians argue, prevented Union soldiers from raping civilian women. This research counters such arguments by contributing a missing piece of scholarship to Civil War historiography. Not only did rape occur during the war, but it was committed with such frequency and brutality that the Union military intervened and established the Lieber Code as a code of conduct by which Union soldiers must abide. In turn, the Lieber Code allowed the Union military to prosecute soldiers who violated this code and committed atrocities against civilians.<sup>1</sup>

Rape is viewed as an unfortunate but inevitably by-product of war. Amidst the conflict between belligerent forces, women's bodies become the conquered battlegrounds for victorious armies. The Civil War was no different from other wars. It is important to remember that rape is a crime committed against another person – not an ideology or an affiliation. In some contexts, like genocide or war, rape may be weaponized as a form of tactical warfare and systematic terrorization to oppress targeted groups. Southern women were targeted by Union soldiers' hostility and the convenience of occupation.

This research follows Southern women through the antebellum, Civil War, and Reconstruction eras showing the changes Southern women underwent during periods of national conflict, instability, and social rebuilding. Southern women's lives were shaped by events on the

---

<sup>1</sup> The Lieber Code was influential in establishing international humanitarian laws in war – such as the fourth treatise after World War II. Now, rape in warfare is recognized internationally as a war crime and a crime against humanity.

national stage, in turn influencing their roles in society and interpersonal relationships. Each chapter provides valuable information to understanding the context of rape in the Civil War and later during Reconstruction.

In the antebellum South, white and Black womanhood were defined by certain social scripts, patriarchal norms, and conditions of enslavement. White women were expected to fulfill their feminine duties living as True Women. True Women were pious, pure, submissive, and domestic. White women were property to their husbands and lived as second-class citizens. White women were expected to be obedient to their husbands and fathers even when subjected to physical, sexual, or emotional harm. White womanhood was weak, passive, and ineffectual, yet the survival of Southern society and values rested firmly on Southern women's success living as True Women. Black women, on the other hand, were property to slaveowners and they were not recognized as human under the law. The absence of their humanity, according to the law, meant that Black women were routinely subjected to physical and sexual violence at the hands of enslavers. Black women had no legal recourse to defend themselves or prevent future abuse from happening. Black womanhood was shaped by white people's false assumptions and consequently Black womanhood was not representative of Black women's lived experiences.

Rape is understood to be as common in warfare as other forms of violence used by soldiers. Enemy women are the spoils of war, conquered bodies and disposable people.<sup>2</sup> Rape in warfare can serve various purposes. Rape can be used as a form of tactical warfare to target, oppress, and demoralize enemy women. Rape can also be perpetrated arbitrarily and not follow any logical or predictable pattern of behavior. This research argues that rape must be examined

---

<sup>2</sup> The term "disposable people" was used by sociologist Kevin Bales in his book *Disposable People* (1999) in which he argues that slavery in the modern world exploits and discards enslaved peoples in the age of the global economy. I believe the term "disposable people" is applicable to the treatment of women raped during wars – they are treated as the means to another's end.

in historical, philosophical, psychological, and sociological contexts. This interdisciplinary approach allows one to analyze trends in wartime rape and what purposes wartime rape achieves.

The discussions from the first two chapters aid in understanding rape in the Civil War. Southern women were the enemy women raped and abused by Union soldiers; Southern women were the spoils of war for the victorious Union army. The ideals of womanhood that predated the war influenced how Southern women responded to the experience of rape – feelings of shame, secrecy, and helplessness. White women were dishonored by rape, meaning their virtue and purity were tarnished. Black women who were raped experienced the difficult transition from enslavement to freedom as they struggled against the very forces who were supposed to protect and liberate them from enslavement. Women from all races, social classes, and ages were affected by rape in the occupied South. In response to this violence, women and young girls from all backgrounds utilized the recourse offered by the Union military to prosecute their attackers in courts-martial. This legal advancement marked a pivotal point in Black women's lives because they were recognized as human under the law, capable of being raped and deserving of receiving justice. Still, these trials were strongly influenced by racial and patriarchal norms, so justice was not guaranteed. Regardless of the trials' outcomes, white and Black women fought to reclaim their agency and autonomy, which were taken from them during the assaults.

Rape continued to affect Southern women after the war. Their experiences of rape in Reconstruction's changing sociopolitical climate influenced how white and Black women defined their lived experiences. Black women were heavily targeted by Klan violence, but they continued to speak out and share their stories in courts and congressional hearings to demand protection and better treatment under the law. Black women redefined womanhood in the Reconstruction South by actively fighting against the legacy of slavery that labeled them as

lascivious, promiscuous, and accessible objects to satisfy white men's sexual desires. Black women continued to face adversity as freedpeople, but they utilized the rights of citizenship to testify about the violence they endured in order to reclaim their sense of safety, justice, and Black empowerment.

White womanhood also underwent transformations during Reconstruction. For Southern white women, many of the ideals of womanhood that predated the Civil War were resolidified. Southern white women were upheld as pillars of Southern purity, the remnants of a bygone era that struggled to establish a new racial patriarchal order. On the other hand, working-class and rural white women experienced newfound social mobility in the postwar South that in turn validated their voices and experiences in courtrooms when bringing rape charges.

It is easy to get lost in the details of women's stories, only focusing on the cruelties committed by Union soldiers during the war and by white supremacists during Reconstruction. However, by positioning women at the center of these stories, women become the storytellers of their lives. Their voices shape the narrative arc of this project, and the narrative of this project aims to bring truth to an overlooked aspect of Civil War history. It is important to not stray away from difficult truths in this research. This project works to amend the cherry-picked, romanticized versions of Civil War history that previous historians have presented. Instead, when one delves into the deep recesses of human history, the greatest victors emerge. In the darkest moments of the Civil War and Reconstruction, resilient women shined the brightest. It was through this imperfect judicial process prompted during the Civil War that Southern women transformed from victims to advocates.

## Bibliography

- Alexander, Shawn Leigh, ed. *Reconstruction Violence and the Ku Klux Klan Hearings*. Boston: Bedford / St. Martin's, 2015.
- Alison, Miranda. "Wartime Sexual Violence: Women's Human Rights and Questions of Masculinity." *Review of International Studies* 33, no. 1 (2007): 75 – 90.
- Ash, Stephen V. *When the Yankees Came: Conflict and the Chaos in the Occupied South*. Chapel Hill: University of North Carolina Press, 1995.
- Askin, Kelly Dawn. *War Crimes Against Women: Prosecution in International War Crimes Tribunals*. The Hague, The Netherlands: Kluwer Law International, 1997.
- Barber, E. Susan., Charles F. Ritter. "Physical Abuse... and Rough Handling." In *Occupied Women: Gender, Military Occupation and the American Civil War*, edited by LeeAnn Whites and Alecia P. Long, 49 – 64. Baton Rouge: Louisiana University State Press, 2009.
- Barber, E. Susan., Charles F. Ritter. "'Unlawfully and Against Her Consent': Sexual Violence and the Military During the American Civil War." In *Sexual Violence in Conflict Zones*, edited by Elizabeth D. Heineman, 202-214. Philadelphia: University of Pennsylvania Press, 2011.
- Barstow, Anne Llewellyn, ed. *War's Dirty Secret: Rape, Prostitution, and Other Crimes Against Women*. Cleveland: The Pilgrim Press, 2000.
- Beard, Mary Ritter. *Woman As Force in History: A Study in Traditions and Realities*. New York: Macmillan Company, 1946.
- Benedict, Helen. "Why Soldiers Rape: Culture of misogyny, illegal occupation, fuel sexual violence in military." In *These Times Magazine*. August 2008.

- Bentley, George R. *A History of the Freedmen's Bureau*. Philadelphia: University of Pennsylvania Press, 1955.
- Blackstone, William. *Commentaries on the Laws of England, Volume IV, Of Public Wrongs*. Oxford: Oxford University Press, 1765.
- Block, Sharon. *Rape and Sexual Power in Early America*. Chapel Hill: The University of North Carolina Press, 2006.
- Brownmiller, Susan. *Against Our Will: Men, Women and Rape*. New York: Random House, 1975.
- Bynum, Victoria E. *Unruly Women: The Politics of Social and Sexual Control in the Old South*. Chapel Hill: The University of North Carolina Press, 1992.
- Cardyn, Lisa. "Sexualized Racism / Gendered Violence: Outraging the Body Politic in the Reconstruction South." *Michigan Law Review* 100, no. 4 (2002): 675 – 867.
- Cash, W. J. *The Mind of the South*. New York: Knopf, 1941.
- Childs, Rhoda Ann. Register of Complaints. Series 893. Griffin, GA, Subassistant Commissioner, Bureau of Refugees, Freedmen, and Abandoned Lands. Record Group 105. National Archives. In *Freedom at Last: A Documentary History of Slavery, Freedom, and the Civil War*, edited by Ira Berlin, et al. New York: Free Press, 1992.
- Clinton, Catherine. "Bloody Terrain: Freedwomen, Sexuality and Violence During Reconstruction." *The Georgia Historical Quarterly* 76, no. 2 (1992): 313 – 332.
- Clinton, Catherine. "'Southern Dishonor': Flesh, Blood, Race, and Bondage." In *In Joy and Sorrow: Women, Family, and Marriage in the Victorian South*, edited by Carole Blesser, 52 – 68. New York: Oxford University Press, 1991.

- Clinton, Catherine. "'Public Women' and Sexual Politics during the American Civil War." In *Battle Scars: Gender and Sexuality in the American Civil War*, edited by Catherine Clinton and Nina Silber, 61 – 74. New York: Oxford University Press, 2006.
- Cocca, Carolyn. "Statutory Rape Laws in Historical Context." In *Jailbait: The Politics of Statutory Rape Laws in the United States*. Albany: State University of New York Press, 2004.
- Cohen, Dara Kay. "Explaining Rape during Civil War: Cross-National Evidence (1980 – 2009)." *The American Political Science Review* 107, no. 3 (2013): 461 – 477.
- Cohen, Dara Kay. *Rape during Civil War*. Ithaca: Cornell University Press, 2016.
- Connolly, Linda. "Sexual violence in the Irish civil war: A forgotten war crime?" *Women's History Review* 30, no. 1 (2021): 126 – 143.
- Copelon, Rhonda. "Surfacing Gender: Reconceptualizing Crimes Against Women in Times of War." In *Mass Rape*, edited by Alexandra Stiglmayer, 197 – 219.
- Dorr, Linda Lindquist. "Rape." In *The New Encyclopedia of Southern Culture: Gender*, edited by Nancy Bercaw and Ted Ownby, 227 - 231. Chapel Hill: The University of North Carolina Press, 2009.
- Edwards, Laura F. *Gendered Strife and Confusion: The Political Culture of Reconstruction*. Chicago: University of Chicago Press, 1997.
- Edwards, Laura F. "Sexual Violence, Gender, Reconstruction, and the Extension of Patriarchy in Granville County, North Carolina." *The North Carolina Historical Review* 68, no. 3 (1991): 237 – 260.
- Enloe, Cynthia. *Maneuvers: The International Politics of Militarizing Women's Lives*. Berkeley: University of California Press, 2000.

- Escott, Paul. *Slavery Remembered: A Record of Twentieth Century Slave Narratives*. Chapel Hill: The University of North Carolina Press, 1979.
- Farr, Samuel. *Elements of Medical Jurisprudence*. 2<sup>nd</sup> Edition. London: T. Beckett, 1814.
- Faust, Drew Gilpin. *Mothers of Invention: Women of the Slaveholding South in the American Civil War*. Chapel Hill: The University of North Carolina Press, 1996.
- Feimster, Crystal N. “General Benjamin Butler & the Threat of Sexual Violence during the American Civil War.” *Daedalus* 138 (2009): 126 – 134.
- Feimster, Crystal N. *Southern Horrors: Women and the Politics of Rape and Lynching*. Cambridge: Harvard University Press, 2009.
- Feimster, Crystal N. “‘What If I Am a Woman’ Black Women’s Campaigns for Sexual Justice and Citizenship.” In *The World the Civil War Made*, edited by Gregory P. Downs and Kate Masur, 249 – 268. Chapel Hill: University of North Carolina Press, 2015.
- Feinstein, Rachel A. *When Rape Was Legal: The Untold History of Sexual Violence During Slavery*. New York: Routledge, 2019.
- Fellman, Michael. “Women and Guerilla Warfare.” In *Divided Houses: Gender and the Civil War*, edited by Catherine Clinton and Nina Silber, 147 – 165. New York: Oxford University Press, 1992.
- Foner, Eric. *Reconstruction: America’s Unfinished Revolution, 1863 – 1877*. New York: HarperCollins, 1988.
- Freedman, Estelle B. *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation*. Cambridge: Harvard University Press, 2013.
- Fry, Gladys-Marie. *Night Riders in Black Folk History*. Chapel Hill: The University of North Carolina Press, 1975.



- Gilman, Caroline Howard. *Recollections of a Southern Matron*. New York: Harper & Brothers, 1838.
- Goldstone, Lawrence. *Inherently Unequal: The Betrayal of Equal Rights by the Supreme Court, 1865 – 1903*. New York: Walker & Company, 2011.
- Gonda, Susan. “Strumpets and Angels: Rape, Seduction, and the Boundaries of Consensual Sex in Northeast, 1789 – 1870.” PhD diss. University of California, Los Angeles, 1999.
- Greenwood, Grace. *Greenwood Leaves: A Collection of Sketches and Letters*. 2<sup>nd</sup> ed. Boston: Ticknor, Reed, and Fields, 1854.
- Grimsley, Mark. “‘Rebels’ and ‘Redskins’: U.S. Military Conduct toward White Southerners and Native Americans in Comparative Perspective.” In *Civilians in the Path of War*, edited by Mark Grimsley and Clifford J. Rogers, 137 – 161. Lincoln, NE: University of Nebraska Press, 2002.
- Hagler, Harland. “The Ideal Woman in the Antebellum South: Lady or Farmwife?” *The Journal of Southern History* 44, no. 3 (1980): 405 – 418.
- Hall, Jacquelyn Dowd. “‘The Mind that Burns in Each Body’: Women, Rape, and Racial Violence.” In *Powers of Desire: The Politics of Sexuality*, edited by Ann Snitow, et al., 328 – 349. New York: Monthly Review Press, 1983.
- Heineman, Elizabeth, ed. *Sexual Violence in Conflict Zones: From the Ancient World to the Era of Human Rights*. Philadelphia: University of Pennsylvania Press, 2011.
- Hine, Darlene Clark. “Rape and the Inner Lives of Black Women in the Middle West.” *Signs* 14, no. 4 (1989): 912 – 920.

- Hodes, Martha. "The Sexualization of Reconstruction Politics: White Women and Black Men in the South after the Civil War." *The Journal of the History of Sexuality* 3, no. 3 (1993): 402 – 417.
- Hodes, Martha. *White Women, Black Men: Illicit Sex in the 19<sup>th</sup> Century South*. New Haven: Yale University Press, 1997.
- Holmes, Emma. *The Diary of Miss Emma Holmes, 1861 – 1866*. Edited by John F. Marszalek. Baton Rouge: Louisiana State University Press, 1994.
- Holmes, Richard. *Acts of War: The Behavior of Men in Battle*. New York: Free Press, 1985.
- Janis, Irving. *Victims of Groupthink*. Boston: Houghton Mifflin, 1972.
- Jewell, K., Sue. "Mammy." In *The New Encyclopedia of Southern Culture: Gender*, edited by Nancy Bercau and Ted Ownby, 170 – 173. Chapel Hill: The University of North Carolina Press, 2009.
- Jones, Goodwyn Anne. "Belles and Ladies." In *The New Encyclopedia of Southern Culture: Gender*, edited by Nancy Bercau and Ted Ownby, 42 – 49. Chapel Hill: The University of North Carolina Press, 2009.
- Jones-Rogers, Stephanie E. *They Were Her Property: White Women as Slave Owners in the American South*. New Haven: Yale University Press, 2019.
- Jordan, Ervin J. Jr. "Mirrors beyond Memories: Afro-Virginians and the Civil War." In *New Perspectives on the Civil War*, edited by John W. Simon and Michael E. Stevens, 149 – 167. Madison, WI: Madison House, 1998.
- Jordan, Winthrop. *White over Black: American Attitudes Toward the Negro, 1550 – 1812*. Chapel Hill: The University of North Carolina Press, 1968.

- Kalaf, Juliana, et al. "Sexual trauma is more strongly associated with tonic immobility than other types of trauma – A population based study." *Journal of Behavior Therapy and Experimental Psychiatry* 215 (2017): 71 – 76.
- Kerber, Linda K. "The Republican Mother: Women and the Enlightenment – An American Perspective." *American Quarterly* 28, no. 2 (1976): 187 – 205.
- Kerber, Linda K. *Women of the Republic: Intellect & Ideology in Revolutionary America*. Chapel Hill: The University of North Carolina Press, 1980.
- King, Wilma. "Out of Bounds: Emancipated and Enslaved Women in Antebellum America." In *Beyond Bondage: Free Women of Color in the Americas*, edited by David Barry Gaspar and Darlene Clark Hine, 127 – 144.
- King, Wilma. *The Essence of Liberty: Free Black Women during the Slave Era*. Columbia, MO: University of Missouri Press, 2006.
- Levison, Ben, ed. *Gender and Law in the Hebrew Bible and the Ancient Near East*. Rev. ed. London: Sheffield Academic Press, 2004.
- Lowry, Thomas P. *Sexual Misbehavior in the Civil War: A Compendium*. Bloomington, IN: Xlibris, 2006.
- Lowry, Thomas P. *The Story the Soldiers Wouldn't Tell: Sex in the Civil War*. Mechanicsburg, PA: Stack Pole Books, 1994.
- MacKinnon, Catherine. "Genocide's Sexuality." *American Society for Political and Legal Philosophy* 46 (2005): 313 – 356.
- McMillen, Sally G. *Southern Women: Black and White in the Old South*. 3<sup>rd</sup> ed. Hoboken, NJ: Wiley Blackwell Publishing, 2018.
- Mill, John Stuart. *The Subjection of Women*. London: Pearson Longman, 1869.

- Mitchell, Reid. *The Vacant Chair: The Northern Soldier Leaves Home*. New York: Oxford University Press, 1993.
- Molloy, Marie S. “The Construction of Femininity in the Antebellum South.” In *Single, White, Slaveholding Women in the Nineteenth-Century American South*. Columbia, SC: University of South Carolina Press, 2018.
- Murphy, Kim. *I Had Rather Die: Rape in the Civil War*. Afton, VA: Coachlight Press LLC, 2014.
- Mukwege, Dennis Muckengere and Cathy Nangini. “Rape with Extreme Violence: The New Pathology in South Kivu, Democratic Republic of Congo. *PLOS Medicine* 6, no. 12 (2009). <https://doi.org/10.1371/journal.pmed.1000204>.
- National Archives. “African American Records: Freedmen’s Bureau.” Accessed April 2, 2021. <https://www.archives.gov/research/african-americans/freedmens-bureau>.
- National Institute of Justice. “Victims and Perpetrators.” Accessed March 15, 2021. <https://nij.ojp.gov/topics/articles/victims-and-perpetrators>.
- Neill, Kevin Gerard. “Duty, Honor, Rape: Sexual Assault Against Women during War.” *Journal of International Women’s Studies* 2, no. 1 (2000): 43 – 51.
- Nowrojee, Binaifer. “Sexual Violence during the Rwandan Genocide and its Aftermath.” Human Rights Watch, 1996.
- Parkhurst, Jessie W. “The Role of the Black Mammy in the Plantation Household.” *The Journal of Negro History* 23, no. 3 (1983): 349 – 369.
- Parsons, Elaine Frantz. “Ku Klux Klan, Reconstruction-Era.” In *The New Encyclopedia of Southern Culture: Violence*, edited by Amy Louise Wood, 246 – 249. Chapel Hill: The University of North Carolina Press, 2011.

- Patton, George. *War as I Knew it*. Boston: Houghton Mifflin, 1947.
- Percival, Walter. *The Lady's Gift: A Souvenir for All Seasons*. Nashau, NH: Charles T. Gill, 1849.
- Pinckney, Cotesworth, ed. *The Lady's Token: Gift of Friendship*. Nashau, NH: J. Buffum, 1848.
- Rable, George C. *Civil Wars: Women and the Crisis of Southern Nationalism*. Champaign, IL: University of Illinois Press, 1989.
- Rape, Abuse & Incest National Network (RAINN). "Sexual Assault." Accessed February 11, 2021. <https://www.rainn.org/articles/sexual-assault>.
- Revels, Tracy J. *Grander in Her Daughters: Florida's Women During the Civil War* (Columbia: University of South Carolina Press, 2004).
- Robertson, Stephen. "Signs, Marks, and Private Parts: Doctors, Legal Discourses, and Evidence of Rape in the United States, 1832 – 1930." *Journal of the History of Sexuality* 8, no. 3 (1998): 345 – 388.
- Rosellini, Anthony J., et al. "Predicting Sexual Assault Perpetration in the U.S. Army Using Administrative Data." *American Journal of Preventative Medicine* 53, no. 5 (2017): 661 – 669.
- Rosen, Hannah. *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South*. Chapel Hill: University of North Carolina Press, 2009.
- Rosenberg, Charles E. "Sexuality, Class and Role in 19<sup>th</sup> Century America." *American Quarterly* 25, no. 2 (1973): 131 – 153.
- Ryan, James Gilbert. "The Memphis Riots of 1866: Terror in a Black Community during Reconstruction." *The Journal of Negro History* 62, no. 3 (1977): 243 – 257.

- Sanday, Peggy Reeves. *Fraternity Gang Rape: Sex, Brotherhood, and Privilege on Campus*. 2<sup>nd</sup> Edition. New York: New York University Press, 2007.
- Sanday, Peggy Reeves. "The Socio-Cultural Context of Rape: A Cross-Cultural Study." *Journal of Social Issues* 37, no. 4 (1981): 5 – 27.
- Schaffir, Jonathan. "The Hymen's Tale: Myths and facts about the hymen." The Ohio State University Wexner Medical Center. Last modified February 2, 2020.  
<https://wexnermedical.osu.edu/blog/myths-and-facts-about-hymen>.
- Schmidt, Norman B., et al. "Exploring human freeze responses to a threat stressor." *Journal of Behavior Therapy and Experimental Psychiatry* 39, no. 3 (2008): 292 – 304.
- Schweninger, Loren. "The Fragile Nature of Freedom: Free Women of Color in the U.S. South." In *Beyond Bondage: Free Women of Color in the Americas*, edited by David Barry Gaspar and Darlene Clark Hine, 106 – 124. Chicago: University of Illinois Press, 2010.
- Simms, Rupe. "Controlling Images and the Gender Construction of Enslaved African Women." *Gender and Society* 15, no. 6 (2001): 879 – 897.
- Smart, Charles, ed. *The Medical and Surgical History of the War of the Rebellion, Part III*. Volume II. 3<sup>rd</sup> Medical Volume. Washington, D.C.: Government Printing Office, 1888.
- Sommerville, Dianne Miller. *Rape and Race in the Nineteenth-Century South*. Chapel Hill: The University of North Carolina Press, 2004.
- Stefatos, Katherine. "The Psyche and the Body: Political Persecution and Gender Violence against Women in the Greek Civil War." *Journal of Modern Greek Studies* 29, no. 2 (2011): 251 – 277.
- Tompkins, Tamara. "Prosecuting Rape as a War Crime: Speaking the Unspeakable." *Notre Dame Law Review* 70, no. 4 (1995): 845 – 890.

- United States Congress. *Testimonies of the Report of the Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States*. Volume 2. Washington, D.C.: Government Printing Office, 1872.
- United States Congress. *Testimonies of the Report of the Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States*. Volume 5. Washington, D.C.: Government Printing Office, 1872.
- United States Congress. *Testimonies of the Report of the Joint Committee on the Condition of Affairs in the Late Insurrectionary States*. Volume 13. Washington, D.C.: Government Printing Office, 1872.
- Vikman, Elisabeth. "Ancient Origins: Sexual Violence in Warfare, Part I." *Anthropology and Medicine*, 12, no. 1 (2005): 21 – 31.
- Wallace-Sanders, Kimberly. *Mammy: A Century of Race, Gender, and Southern Memory*. Ann Arbor: University of Michigan Press, 2008.
- Washburne, Elihu B, et al. *Memphis Riots and Massacre*. 39<sup>th</sup> Congress. House Rept. 101. 1866.
- Welter, Barbara. "The Cult of True Womanhood: 1820-1860." *American Quarterly* 18 (1966): 151-174.
- White, Deborah Gray. *Ar'n't I a Woman? Female Slaves in the Plantation South*. New York: W.W. Norton & Company Inc., 1999.
- Wiley, Bell Irvin. *The Life of Billy Yank: The Common Soldier of the Union*. Baton Rouge: Louisiana State University Press, 1978.
- Wilson, Charles Reagan. "Reconstruction." In *The New Encyclopedia of Southern Culture: Law and Politic*, edited by James W. Ely and Bradley G. Bond, 266 – 271. Chapel Hill: The University of North Carolina Press, 2008.

Williams, Kidada E. *They Left Great Marks on Me: African American Testimonies of Racial Violence from Emancipation to World War I*. New York: New York University Press, 2012.

Wood, Elisabeth Jean. "Sexual Violence during War: Toward and Understanding of Variation." In *Gender, War, and Militarism: Feminist Perspectives*, edited by Laura Sjoberg and Sandra Via, 124 – 137. Santa Barbara: Praeger, 2010.

Woodward, C. Vann. *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction*. Boston: Little, Brown and Company, 1951.

Woodward, C. Vann. *The Strange Career of Jim Crow*. New York: Oxford University Press, 1955.

World Health Organization, et al. "Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence." Accessed February 12, 2021.

<https://www.who.int/reproductivehealth/publications/violence/en/>.

Zagarri, Rosemarie. "Morals, Manners and the Republican Mother." *American Quarterly* 44, no. 2 (1992): 192 – 215.