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Denial of Consent: The Modern Heir of Sexual Violence within Slavery

Introduction

On one night in 1855, a pregnant nineteen-year-old girl named Celia was, understandably, not feeling very well. On this same night, a man entered her room, and attempted to rape her, despite her efforts to convince him to spare her. Acting out of fear and desperation, Celia struck the man twice, accidently causing his death. Celia's actions were a clear case of self-defense–a justifiable homicide. However, Celia was a slave and the man was her owner. The sixty-year-old widower, Robert Newsom, had specifically purchased Celia to fulfill his sexual desires and had, therefore, been raping her regularly. Celia had pleaded and warned him that she might "hurt [Newsom], if he did not quit forcing [raping] her while she was sick"[1] but he did not listen; Celia was his property, to do with as he wished. Ultimately, Celia was executed for murder–executed for fighting back against her own rapist.

The institution of slavery is a stain upon the history and the psyche of the United States and its people. At its core, it was inherently reliant upon an imbalance of power between the enslaved subject and the slave owner. The enslaved individual's capacity to assert their own will was virtually nonexistent, allowing white male slave owners the opportunity to exploit this discrepancy in order to take advantage of the enslaved women and girls under their dominion. The history of slavery in the United States is burgeoning with stories like Celia's of sexual exploitation and victimization at the hands of predatory white men without a thought or care for the well-being of the women and girls they violated and abused. It is from these roots of coercion and violence that myths and stereotypes proclaiming the sexual immorality of black

1 Wilma King, "Prematurely Knowing of Evil Things: The Sexual Abuse of African American Girls and Young Women in Slavery and Freedom," *The Journal of African American History* 99, no. 3 (July 2014): 179.

women emerged, resulting in the discrediting and discounting of their word. For centuries, white men and society at large have ignored and repressed this history in an effort to avoid blame and deny culpability, leaving black women and girls vulnerable and targets of further victimization—an injustice that has veritably stripped them of their right to refuse consent.

Sexual Violence and Exploitation within the Institution of Slavery

As William Wells Brown establishes at the beginning of his literary work, *Clotel or The President's Daughter*, a narrative of the life of a fictionalized enslaved daughter of President Thomas Jefferson:

> A slave is one who is in the power of a master to whom he belongs. The master may sell him, dispose of his person, his industry, and his labour. He can do nothing, possess nothing, nor acquire anything, but what must belong to his master. The slave is entirely subject to the will of his master, who may correct and chastise him, though not with unusual rigor, or so as to maim and mutilate him, or expose him to the danger of loss of life, or to cause his death.[2]

This reality of complete subjection was even more poignant for particularly vulnerable enslaved women and girls. In the United States, white male slave owners took advantage of the power discrepancy between themselves and their enslaved property in order to sexually harass, exploit, and assault the women and girls under their charge. As Mary Church Terrell wrote in her 1904 article "Lynching from a Negro's Point of View": "Throughout their entire period of bondage [...] colored women were debauched by their masters".[3] Slave owners did not consider their behavior as a form of violation or a breach of Christian morality. Based on their southern slaveholding principles, there was no question that they were well within their rights to use these women and girls as they so desired. As James Hammond, a mid-nineteenth century writer and slave owner, who engaged in a sexual relationship with both his slave Sally Johnson and her daughter Louisa, claimed: "I do not remember that I ever intentionally did wrong, I do not think that I

2 William Wells Brown, *Clotel; or, The President's Daughter: A Narrative of Slave Life in the United States,* ed. Robert S. Levine (Boston: Bedford / St. Martin's, 2011), 82.

3 Estelle B. Freedman, "African Americans Redefine Sexual Violence," in *Redefining Rape* (Harvard University Press, 2013), 116.

ever deliberately or otherwise, wronged any human being".[4] In her analysis of Hammond's behavior and professed beliefs, Wilma King, in her work "'Prematurely Knowing of Evil Things': The Sexual Abuse of Africans American Girls and Young Women in Slavery and Freedom," suggests: "Hammond's introspection gives readers pause and may explain why some enslaved people endured suffering peculiarly their own when slaveholders seemed oblivious to it all, or did not see them as equally human, or had no sense of religious morality or moral center"[5]. In essence, within the institution of slavery, the sexual exploitation and victimization of black women and girls was not only accepted but the cultural norm.

Beyond expectations of providing physical labor, enslaved women and girls were considered perpetually sexually available and treated as brood mares. As Harriet Martineau details in her work "Morals of Slavery," following her visit to the United States in the 1830s, on plantations, "it was understood that the female slaves were to become mothers at fifteen"[6]–at *fifteen-years-old,* scarcely out of puberty and certainly not fully into womanhood. Slave owners could simply rape enslaved women and then profit from the results of this assault:

> With the growing population of Slaves in the Southern States of America, there is a fearful increase of half whites, most of whose fathers are slaveowners, and their mothers' slaves. Society does not frown upon the man who sits with his mulatto child upon his knee, whist its mother stands a slave behind his chair.[7]

In many respects, as Robert S. Levine writes in his historical background to Brown's text, "Mastery afforded Southern slave owners an exploitative sexual power, and their practice of treating some of their slaves as concubines became an unspoken part of Southern white culture"[8]. By exploiting the vulnerability of enslaved women and girls, white male slave owners were able to both satisfy their "boundless licentiousness"[9] and increase their own wealth by encouraging and personally participating in the production of enslaved offspring.

4 King, "Prematurely Knowing of Evil Things," 177.

5 Ibid.

6 Harriet Martineau, "Morals of Slavery" in *Clotel; or The President's Daughter,* ed. Robert S. Levine (Boston: Bedford/St. Martin's, 2011), 318.

7 Brown, *Clotel,* 81.

8 Robert S. Levine, "Thomas Jefferson and Sally Hemings," in *Clotel; or The President's Daughter* (Boston: Bedford/St. Martin's, 2011), 274.

9 Martineau, "Morals of Slavery," 318.

Other than outlawing interracial marriage, which simply penalized unions founded in affection rather than protecting women, there were no laws in place to prevent white men from abusing their slaves. Enslaved women were considered overtly sexual by nature; regardless of age, they "were assumed to be experienced without concern about whether or not they were sexually active"[10]. Even the most horrific cases of sexual violence committed against innocent young girls were ignored solely on the basis of race. For example, in 1855, James Keyton was indicted by a grand jury in Tennessee for "violently feloniously and unlawfully"[11] raping an enslaved girl named Beck who was under ten-years-old at the time. Witnesses testified "that Keyton did "forcefully" and "wickedly" come to "carnally know and abuse" Beck "against her will".[12] Unfortunately for Beck, she was not to receive justice. While the grand jury had believed her case was worthy of an indictment, jurors ultimately rendered a verdict of "not guilty in manner and form as charged in the Indictment".[13] The grand jury felt that they had no other choice as a result of an 1852 statute which set down that: "If any slave or free person of color, shall be guilty of the crime of rape, upon the person of any white female child, under the age of ten years, he shall suffer death for such offense, upon conviction,"[14] meaning that because Beck was not white and her assailant was not black, she was not entitled to either protections or recompense under the law.

Keeping these ideas in mind, the sexual exploitation and victimization of enslaved women and girls is a topic that found its way into many anti-slavery works of the eighteenth and nineteenth century, both fictional and non-fictional in nature. William Wells Brown founded the basis of his literary work, *Clotel or The President's Daughter,* on this culture of exploitation and assault. First and foremost, the title of his work refers specifically to the rumored sexual relationship between President Thomas Jefferson and Sally Hemings, one of his female slaves. Historically, "There is considerable evidence that they had seven children together, and that Jefferson gave special privileges to both Hemings and their children".[15] Brown choose to root his narrative in the sexual exploitation of the fictional enslaved woman Currer, an obvious stand in for Hemings, by President Thomas Jefferson in order to represent that this attitude and corresponding belief system could be traced to the highest echelons of American society – the President of the United States. If such a man, a

10 King, "Prematurely Knowing of Evil Things," 174.
11 Ibid., 178.
12 Ibid., 178.
13 Ibid.
14 Ibid.
15 Levine, "Thomas Jefferson and Sally Hemings," 273.

man who preached of liberty and equality, was susceptible to such base desires than it is not surprising his example was followed by other slave owners throughout the country.

The heroines at the center of Brown's text each face sexual exploitation and victimization within slavery at the hands of white men. The experiences of the matriarch, Currer, as has already been elaborated, allude to the sexual relationship between Thomas Jefferson and Sally Hemings. That being said, the experiences of her eldest daughter and titular character, Clotel, represent the southern practice, especially found in New Orleans, of pairing mulatto, mixed race, girls with wealthy white gentlemen. These young girls were specifically "brought up by their mothers to be what they [had] been; the mistresses of white gentlemen"[16]. As Harriet Martineau further elaborates:

> Every young man early selects one, and establishes her in one of those pretty and peculiar houses, whole rows of which may be seen in the Remparts. The connection now and then lasts for life: usually for several years. In the latter case, when the time comes for the gentleman to take a white wife, the dreadful news reaches his Quadroon partner, either by a letter entitling her to call the house and furniture her own, or by the newspaper which announces his marriage.[17]

In Clotel's case, she believes her relationship with Horatio Green to be one founded upon love and mutual affection. Green, in essence, seduces Clotel with notions of love and fidelity. However, after Green purchases Clotel, she has no legal protections within their self-labeled marriage. While he promises that, after purchasing her, he will "make her mistress of her own dwelling"[18], as his property, she is completely under his power. When Green eventually does abandon his vows to Clotel for the advantages of a politically and socially motivated marriage, she refuses to continue their sexual relationship. This choice, she admits: "would no doubt expose her to his wrath, and probably cause her to be sold".[19] Her fears are eventually realized when she is sold first, as a maid and, second, for other, more unseemly, purposes. As Brown explains: "Most quadroon women who are taken to the lower countries to be sold are either purchased by gentlemen for their own use, or sold for waiting-maids".[20] In

16 Martineau, "Morals of Slavery," 318.
17 Ibid.
18 Brown, *Clotel,* 86.
19 Ibid., 122.
20 Ibid., 149.

the end, after first escaping her master and then being recaptured trying to reclaim her daughter Mary, Clotel chooses death over a lifetime of enslavement and further abuse at the hands of white men. While her sister, Althesa, is arguably the most fortunate of Brown's cast of enslaved women, her two daughters are not as lucky. After the death of Althesa and her husband, it is discovered that she was once a slave, invalidating their marriage. As a result, their two daughters are sold. Her eldest daughter Ellen makes the same choice as Clotel upon realizing "for what purpose she had been bought".[21] Ellen's younger sister Jane is similarly purchased by a wealthy young man to be sexually exploited. She, ultimately, dies of a broken heart. In the end, after living lives characterized by exploitation, manipulation, and assault, each of Brown's heroines dies a tragic death.

Turning from fictional examples of the sexual exploitation and victimization of enslaved women and girls, while Frederick Douglass, in his *Narrative of the Life of Frederick Douglass,* avoids overtly discussing the practice, there is one scene which stands out as a particularly gut-wrenching example – the whipping of Aunt Hester. Douglass' Aunt Hester was a uniquely beautiful woman. As he describes: "She was a woman of noble form, and of graceful proportions, having few equals, and few superiors, in personal appearance, among the colored or white women of our neighborhood".[22] As a result, she unfortunately catches the attentions of their master. Douglass is rather demure in elaborating upon these attentions, simply leaving his readers to intuit the facts for themselves: "Why my master was so careful of her, may be safely left to conjecture".[23] However, it may be safely assumed that their master was sexually assaulting or harassing Hester is some form, especially considering how closely he policed her independent sexuality:

> He had ordered her not to go out evenings, and warned her that she must never let him catch her in company with a young man, who was paying attention to her belonging to Colonel Lloyd. The young man's name was Ned Roberts, generally called Lloyd's Ned.[24]

Hester does not heed these commands and continues to visit Lloyd's Ned. As a result, as Douglass details, one night she "happened to be absent when [their] master desired her presence"[25] and was found with

21 Ibid., 197.

22 Frederick Douglass, *Narrative of the Life of Frederick Douglass: An American Slave, Written by Himself* (New York: Simon & Schuster Paperbacks, 2004): 26.

23 Ibid.

24 Ibid.

25 Ibid.

Ned. Douglass and Hester's master is enraged, both that he was not able to satisfy his sexual desires when he wished, and because Hester had the nerve to seek her own satisfaction elsewhere. What follows is a brutal scourging that is both difficult to read and difficult to imagine a woman enduring:

> Before he commenced whipping Aunt Hester, he took her into the kitchen, and stripped her from neck to waist, leaving her neck, shoulders, and back, entirely naked. He then told her to cross her hands, calling her at the same time a d–d b–h. After crossing her hands, he tied them with a strong rope, and led her to a stood under a large hook in the joist, put in for the purpose. He made her get upon the stool, and tied her hands to the hook. She now stood fair for his infernal purpose. Her arms were stretched up at their full length, so that she stood upon the ends of her toes. He then said to her, "Now, you d–d b–h. I'll learn you how to disobey my orders!" and after rolling up his sleeves, he commended to lay on the heavy cowskin, and soon the warm, red blood (amid heart-rending shrieks from her, and horrid oaths from him) came dripping to the floor.[26]

This is Hester's punishment for failing to bend to her master's every whim; for failing to allow herself to be unconditionally sexually available to him. What this scene contradicts, more than any other concept, is the absolutely ludicrous notion that enslaved women and girls were capable of consenting to sexual relationships with their masters within the institution of slavery. They had no options. They had no rights or liberties. A man could rape them or brutalize them. As long as the man was their master, it was his choice – not theirs.

In her fictionalized retelling of her own experiences within the institution of slavery, *Incidents in the Life of a Slave Girl,* through the pseudonym Linda, Harriet Jacobs details the sexual harassment she faced at the hands of her owner, Dr. Flint. Upon turning fifteen her life dramatically shifts as she is thrust from the meager protections of girlhood into the almost complete vulnerability of enslaved womanhood. The slave girl is abandoned by society – abandoned by mankind – to "become prematurely knowing of evil things".[27] The slave girl quickly learns "to tremble when she hears her master's footfall"; she quickly learns "she is no longer a child".[28] In Jacobs' case, Flint begins to "whisper foul words in [her] ear" and fill her "young mind with unclean images" in

26 Ibid., 26–27.

27 Harriet Jacobs, "*Incidents in the Life of a Slave Girl,*" in *The Classic Slave Narratives,* ed. Henry Louis Gates, Jr (New York: Signet Classics, 2002): 437.

28 Ibid.

order to "corrupt the pure principles [her] grandmother had instilled"[29]. Jacobs does her best to combat Flint's advances; however, as she reminds her readers, as his slave she is particularly vulnerable:

> But he was my master. I was compelled to live under the same roof with him – where I saw a man forty years my senior daily violate the most sacred commandments of nature. He told me I was his property; that I must be subject to his will in all things. My soul revolted against the mean tyranny. But where could I turn for protection? No matter whether the slave girl be as black as ebony or as fair as her mistress. In either case, there is no shadow of law to protect her from insult, from violence, or even from death; all these inflicted by fiends who bear the shape of men.[30]

In an effort to break Jacobs' resolve, using diction reminiscent of Brown's Horatio Green, Flint makes promises to "cherish" Jacobs' and treat her as a "lady".[31] He even begins building Jacobs' her own house "in a secluded place"[32] outside of town for their sole use and privacy – effectively promising to make her his mistress. Jacobs escapes the clutches of Dr. Flint, but not before being forced by circumstance into a less detestable form of sexual exploitation at the hand of Mr. Sands, which produces two children.

Emancipation and the Sedimentation of Stereotypes of Black Female Sexuality

Following the course of history, emancipation would, unfortunately, not save black women and girls from sexual exploitation and victimization at the hands of white men. As Estelle B. Freedman writes in her chapter "African Americans Redefine Sexual Violence" from *Redefining Rape*: "From the day they were liberated to the present time, prepossessing young colored girls have been considered the rightful prey of white gentlemen in the South, and they have been protected neither by public sentiment nor by law".[33] As one southern African American woman wrote to a white magazine in the 1890s, "few colored girls reach the age of sixteen without receiving advances"[34]. While no longer subject to the same power dynamics present within the institution of slavery, with the emergence of Jim Crow era segregation and discrimination, black wom-

29 Jacobs, "*Incidents in the Life of a Slave Girl,*" 436.
30 Ibid.
31 Ibid., 444.
32 Ibid., 463.
33 Freedman, "African Americans Redefine Sexual Violence," 116.
34 Ibid.,114.

en and girls continued to be left unprotected by the law and society. One educator, Anna Julia Cooper, expressed her concerns in 1892, by describing "the promising "Colored Girls of the South" who lived "in the midst of pitfalls and snares, waylaid by the lower classes of white men".[35] Especially in the Reconstruction years immediately following the Civil War, "white men raped black women with impunity"[36] as a means of revenge for their perceived losses. Furthermore, young black girls continued to be sexually exploited within the homes of wealthy white men. Activist Fannie Barrier Williams reported receiving frantic letters from mothers desperately asking for help for their daughters "to save them from going into the homes of the South as servants, as there is nothing to save them from dishonor and degradation"[37]. As in slavery, black women and girls continued to be targets of sexual predators.

Potentially the most dangerous concept that has emerged out of this history and culture of sexual exploitation and victimization is confused notions of consent. There have been considerable efforts in the post-slavery years to label enslaved women who had sexual relationships with their owners as *mistresses*. This is dangerous, simply put, because words have meaning – labels have meaning. The fifth edition of *Webster's Collegiate Dictionary* defines a "Mistress" as "A woman paramour"[38]. The more contemporary *Dictionary.com* similarly defines a "Mistress" as "a woman who has a continuing, extramarital sexual relationship with one man, especially a man who, in return for an exclusive and continuing liaison, provides her with financial support"[39]. The problem with applying this label to enslaved women is that it implies mutual consent, despite the reality that any form of sexual contact within the institution of slavery was, if not assault, at least extremely exploitative. Even Brown, who effectively and emotionally described the sexual exploitation and victimization of enslaved women and girls in *Clotel,* voiced similar sentiments within the novel:

> Reader, when you take into consideration the fact, that amongst the slave population no safeguard is thrown around virtue, and no inducement held out to slave women to be chaste, you will not be surprised when we tell you that immorality and vice pervade the cities of the Southern States in a manner unknown in the cities and towns of the Northern States. Indeed most of

35 Ibid.
36 Ibid.
37 Freedman, "African Americans Redefine Sexual Violence," 119.
38 "Mistress," *Webster's Collegiate Dictionary,* 5th edition (1942): 640.
39 "Mistress," *Dictionary.com.*

> the slave women have no higher aspirations than that of becoming the finely dressed mistress of some white man.[40]

Disproportionate power dynamics between an enslaved woman and her master rendered her incapable of consenting to a sexual relationship – any other perspective undermines the horrific reality of the trauma and abuse these women and girls experienced.

Looking back, specially at the case of Thomas Jefferson and Sally Hemings, many scholars and historians have desired to label Hemings as Jefferson's mistress – to impose some sort of consensual and affectionate relationship upon them. However, as mentioned previously, what these romantic notions fail to consider is that, within bondage, a woman was incapable of consenting to any sort of sexual contact with the man who *owned* her. Furthermore, regardless of the idealistic image of Thomas Jefferson that has been propagated throughout the United States within classrooms and the media at large, he unquestionably took advantage and exploited the young woman under his power. Thomas Jefferson first met Sally Hemings, the enslaved daughter of his father-in-law and half-sister of his deceased wife, in 1787, when "she was fourteen and he was forty-four"[41]. Hemings was, at the time, undoubtably, still a child. Calling enslaved women mistresses completely erases the reality of their victimization at the hands of white men.

This victim blaming, while a rather contemporary term, is not a contemporary idea. Within the institution of slavery as well as the years following their emancipation, African American women and girls were blamed for their own violation, both by their communities and society at large. Looking to Mrs. Flint as an example, she tells a young enslaved girl, on the brink of death following the birth of a child fathered by Dr. Flint: "You suffer, do you?" […] I'm glad of it. You deserve it all, and more too".[42] When the girl's mother expresses a wish for her daughter and grandchild to "soon be in heaven," Mrs. Flint cruelly asserts that "There is no such place for the like of her and her bastard".[43] Mrs. Flint blames this young girl for her own violation at the hands of Dr. Flint—as if the child courted and encouraged the predator's attentions. There were some individuals who even believed, like Mrs. Flint, most notably Frances Kellor, that "enslavement made all black women less capable of leading moral, respectable lives".[44] Kellor further blamed African Amer-

40 Brown, *Clotel,* 84–85.

41 Levine, "Thomas Jefferson and Sally Hemings," 273.

42 Jacobs, "*Incidents in the Life of a Slave Girl,*" 422.

43 Ibid.

44 Cheryl D. Hicks, "I want to save these girls: Single Black Women and their Protectors, 1895–1911," *Talk with you Like a Woman: African American Women, Justice, and*

ican women and girls, "without considering that women might resist harassment and rape" by stating that "Negro women yield to white men quite as readily as in slavery"[45]. It is from these roots of coercion and sexual assault that the myth of the inherently sexually immoral black female was born.

Instead of making an attempt to counteract these vicious stereotypes, following Emancipation and into the twentieth century, many individuals among the African American community demonized and condemned lower class black women whom they judged to be immoral. Many middle-class black women "who claimed their rights to sexual respectability often contrasted their own morality with that of lower class black women".[46] These women suggested that the "sexual behavior" of lower-class black women "discredited the race"[47]. In Harriet Jacob's narrative, while her children ultimately serve as her motivation to escape from bondage, in freedom their existence labels her as sexually immoral and promiscuous – as was considered the case for many single mothers. When she is honest regarding the choices she was forced to make as a slave, including the conception of her children, the minister Mr. Durham cautions her: "Your straightforward answers do you credit; but don't answer everybody so openly. It might give some heartless people a pretext for treating you with contempt".[48] Even prominent leaders and intellectuals, like W.E.B. Du Bois, "emphasized that single black women in the city jeopardized the stability of black families".[49] Using rhetoric and ideals very similar to those espoused by actors of rape culture today, many individuals, both from within and outside of the black community, "sought to assist and instruct young black women"[50] in how to avoid becoming victims instead of condemning their victimizers. Women like Jacobs, women who has escaped slavery but not without certain scars, were judged and blamed for the paths their lives had taken – for the consequences of their own exploitation and victimization.

As a result, in contrast to the mainstream African American community, there were some outspoken activists, mainly black women, who desired to expose the hypocrisy of white male views of female virtue and chastity and combat the stereotypes that demonized black women and girls. For example, Ida B. Wells pointedly criticized the "southern

Reform in New York, 1890–1935 (Chapel Hill: University of North Carolina Press, 2010), 93.

45 Hicks, "I want to save these girls," 114.
46 Freedman, "African Americans Redefine Sexual Violence," 105.
47 Ibid., 114.
48 Jacobs, "*Incidents in the Life of a Slave Girl,*" 574.
49 Hicks, "I want to save these girls," 91.
50 Ibid.

sensitivity to women's honor"[51], that led to the lynching of scores of black men as a result of accusations of raping white women, while they participated and continued to participate in the violation of black women and girls without consequences. Wells acutely wrote: "Virtue knows no color line, and the chivalry which depends upon complexion of skin and texture of hair can command no honest respect".[52] Wells, and her fellow African American female activists, understood the danger that notions of black female sexual immorality could have as "Reformers dedicated to protecting young women from moral dangers often found themselves characterized by black men and white society as immoral, or at least morally questionable"[53]. Wells, and other women like her, understood that all black women felt the consequences of "blanket accusations of immorality" that denied the accomplishments of, in her words: "mothers, wives and maidens who have attained a true, noble, and refining womanhood"[54]. Harriet Jacobs was one of these mothers who had overcome adversity and societal prejudice in order to provide for her children. As she ends her narrative: "Reader, my story ends with freedom; not in the usual way, with marriage. I and my children are now free!"[55]. Jacobs is acutely aware that she will always be condemned and excluded by large segments of her own community. Regardless of her accomplishments, she will always be judged for her particular path to motherhood and the circumstances that surrounded this path.

These stereotypes of black female immorality, like the Jezebel, sought to undermine the credibility of black women and girls. The Jezebel being "one of the most overtly sexual images of African American women to have emerged [...] is often depicted as a "mulatto" woman with light skin and long hair" and "perceived as seductive, manipulative, and unable to control her sexual drives"[56]. In order to combat these stereotypes, Wells and other activists "employed a range of arguments to defend the respectability of black women, including an insistence that white men should be held accountable for interracial assaults"[57] as they "agreed that white men deserved most of the blame for the sexual degradation of women of their race".[58] However, despite their best efforts, there continued to be "cases of white men who got away with the rape of black

51 Freedman, "African Americans Redefine Sexual Violence," 104.

52 Ibid.

53 Hicks, "I want to save these girls," 97.

54 Freedman, "African Americans Redefine Sexual Violence," 113–114.

55 Jacobs, "*Incidents in the Life of a Slave Girl,*" 614.

56 Tiffany G. Townsend, Torsten B. Neilands, Anita Jones Thomas, and Tiffany R. Jackson, "I'm No Jezebel; I am Young, Gifted and Black: Identity, Sexuality, and Black Girls," *Psychology of Women Quarterly* 34 (2010): 274.

57 Freedman, "African Americans Redefine Sexual Violence," 104.

58 Ibid., 117.

women and girls".[59] At best these men received "light sentences"[60]. In most cases, the perpetrator never made it to trial as grand juries refused "to indict white men for rape".[61] The complete lack of consequences faced by white men for raping black women and girls, and the labeling of them as inherently sexually experienced, effectively made them the perfect victims.

Denial of Consent as Manifest Today

Looking at the treatment faced by black women and girls today, especially those enmeshed in disadvantaged communities who have been virtually abandoned by the police, it is careless to ignore the reality of their risk for sexual victimization. In the lives of these women and girls "the threat of sexual violence [is] a common theme".[62] As one adolescent black girl named Britney explained in Jody Miller's sociological study *Getting Played: African American Girls Urban Inequality and Gendered Violence*:

> We face…a lot of stuff. Males, if you don't want to give it up they'll probably try to take it. If you walking by yourself and in the dark they'll probably approach you and want to, you know what I'm saying, do something with you. That's why you don't never walk by yourself after dark.[63]

Approximately "11% of girls […] reported having been forced to have sexual intercourse at some time in their lives" – "African Americans girls report[ing] higher rates of involuntary first intercourse than their European and Latina counterparts"[64]. As previously alluded, the greatest threat these stereotypes continue to pose is that they have "made black women more vulnerable to sexual assault".[65] by discounting and discrediting their word. Rape culture is a concept typically roughly defined as "a set of values and beliefs that promote an environment conducive to rape".[66] These labels and stereotypes of black female immorality, that originated within the institution of slavery, are interwoven with rape culture; they have created "an environment conducive to rape" by

59 Ibid.
60 Ibid.
61 Ibid.
62 Jody Miller, *Getting Played: African American Girls Urban Inequality and Gendered Violence* (New York: New York University Press, 2008), 36.
63 Ibid.
64 Townsend, Neilands, Thomas, and Jackson, "I'm No Jezebel," 273.
65 Freedman, "African Americans Redefine Sexual Violence," 115.
66 Miller, *Getting Played,* 4.

"shap[ing societal] perceptions of black womanhood"[67] and influencing "the way in which others value and interact with them".[68] It is much easier to get away with raping a woman who society already considers sexually deviant and desiring of such ill-treatment.

Furthermore, in a society that does not place value in the validity of their word, these women and girls have been forced to remain silent. They have been forbidden to voice their traumas – forbidden to name their abusers – "lest any discussion of sexuality contribute to negative depictions of their morality".[69] In more contemporary examples, the words of Desiree Washington and Anita Hill were both disregarded when they dared to name their assailants. Instead of coming to the aid of these women, the African American community and greater society defended Mike Tyson and Clarence Thomas. Tyson's supporters claimed, "that he was being "railroaded" by a vengeful woman and a biased judicial system" and that her charges "were detrimental to African Americans in general, and black men in particular".[70] The religious leaders of the National Baptists Convention USA even asked their congregations "to ignore Washington's allegations"[71]. These actions and the reactions of African Americans to the assault of a woman from their own community, highlight specifically how "the marginalization of African American women" has eliminated "their right to protection from sexual assault"[72] and effectively "erased their ability to refuse consent".[73] As in the institution of slavery, African American women and girls continue to be left to fend for themselves against a world populated by predators.

Conclusion

In his introduction discussing Thomas Jefferson and Sally Hemings, Robert Levine posed the question: "What sort of culture celebrated human equality and then countenanced slavery and the practice of rape?"[74]. While Levine is specially referring to the United States of the Revolutionary Era, his question still has resonance for the current state of the country. Segments of white society have, since Emancipation, unceasingly called for an end to the discussion of the institution of slavery. They believe, or would like to convince others to believe, that the institution

67 Hicks, "i want to save these girls," 92.
68 Townsend, Neilands, Thomas, and Jackson, "I'm No Jezebel," 273–274.
69 Freedman, "African Americans Redefine Sexual Violence," 114.
70 King, "Prematurely Knowing of Evil Things," 190.
71 Ibid.
72 Ibid.
73 Freedman, "African Americans Redefine Sexual Violence," 114.
74 Levine, "Thomas Jefferson and Sally Hemings," 274.

of slavery is no longer relevant, that it was hundreds of years ago and should be allowed to fade into the recesses of the country's past. However, words have power. History has power. They each, in their own way, form present understandings. Black women and girls continue to live with the consequences of slavery – to live with the consequences of the exploitation and victimization of their ancestors at the hands of white men. While simply acknowledging and recognizing the weight of these evils will not erase the dangers these women and girls face, it is a place to start.

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Odmowa zgody: współczesny spadkobierca przemocy seksualnej w obrębie niewolnictwa

Abstrakt

Instytucja niewolnictwa jest skazą na historii i psychice Stanów Zjednoczonych oraz ich mieszkańców. W istocie polegała ona na braku równowagi sił między zniewolonym podmiotem a właścicielem niewolnika. Zdolność osoby zniewolonej do wyrażania własnej woli praktycznie nie istniała, co pozwalało właścicielom niewolników, białym mężczyznom, korzystać ze zniewolonych kobiet oraz dziewcząt. Historia niewolnictwa w Stanach Zjednoczonych obfituje w opowieści o wykorzystywaniu seksualnym i wiktymizacji dokonywanych przez drapieżnych białych mężczyzn, bez namysłu czy dbania o dobro kobiet i dziewcząt, które gwałcili i wykorzystywali. To właśnie z tych korzeni: przymusu i przemocy, wyłoniły się mity i stereotypy głoszące niemoralność seksualną czarnych kobiet, prowadzące do ich dyskredytowania i bagatelizowania ich woli. Przez stulecia biali mężczyźni i ogół społeczeństwa ignorowali i tłumili tę historię, starając się uniknąć odpowiedzialności i odmawiając przyznania się do winy, pozostawiając czarne kobiety i dziewczęta narażone na niebezpieczeństwo i wiktymizację. To niesprawiedliwość, która w faktycznie pozbawiła je prawa do odmowy zgody.

Słowa kluczowe: Napaść na tle seksualnym, Przemoc, Niewolnictwo, Wykorzystywanie, Kobiety.

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Denial of Consent: The Modern Heir of Sexual Violence within Slavery

Summary

The institution of slavery is a stain upon the history and the psyche of the United States and its people. At its core, it was inherently reliant upon an imbalance of power between the enslaved subject and the slave owner. The enslaved individual's capacity to assert their own will was virtually nonexistent, allowing white male slave owners the opportunity to exploit this discrepancy in order to take advantage of the enslaved women and girls under their dominion. The history of slavery in the United States is burgeoning with stories of sexual exploita-

tion and victimization at the hands of predatory white men without a thought or care for the well-being of the women and girls they violated and abused. It is from these roots of coercion and violence that myths and stereotypes proclaiming the sexual immorality of black women emerged, resulting in the discrediting and discounting of their word. For centuries, white men and society at large have ignored and repressed this history in an effort to avoid blame and deny culpability, leaving black women and girls vulnerable and targets of further victimization—an injustice that has veritably stripped them of their right to refuse consent.

Keywords: Sexual Assault, Violence, Slavery, Exploitation, Women

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