

Rape and Sexual Power in Early America. By SHARON BLOCK. Chapel Hill: University of North Carolina Press, 2006. Published for the Omohundro Institute of Early American History and Culture. 292 pages. \$45.00 (cloth), \$19.95 (paper).

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This ambitious book is an extensively researched study of the meaning of rape in early America. Sharon Block has scoured twenty-five archives and uncovered 912 cases of rape, relying mainly but not exclusively on criminal court records supplemented with diaries and other literary sources. She explicitly rejects the limitations of a regional study, choosing instead to do what she calls a “large-scale project” (5) examining cases from all the colonies and later states and covering the period from the early seventeenth century to 1820. Block seeks to explain exactly how early Americans came to terms with rape, which “was both pervasive and invisible” (1).

Block begins by quickly dismissing the idea that the social practice of rape had anything to do with consent. The modern legal debate, which distinguishes rape from sexual consent, had little relevance in early Americans’ understanding of rape. She persuasively shows that force was considered a natural part of sexual intercourse. Rape was not a distinct and isolated occurrence; it was, as Block writes, “a secondary recourse should a woman refuse a man’s sexual overtures” (25). Anglo-American culture upheld the widely accepted belief that “women might *need* to be forced into sex” (51). All women, no matter how virtuous, made a show of resistance merely as a ruse, a preliminary dance, so that they could lure men into their clutches. “No” meant “yes.” The same rationale reappears today among men who engage in date rape.

Young women, especially servants and slaves, were the most vulnerable, but the victims of rape were not limited to the underclass. Even a modest married woman might find herself fending off sexual attacks from a neighbor who just happened to visit when her husband was away. Masters who had control over a woman’s labor often assumed they had a right to her body. Stepdaughters were likely targets; as one father remarked, “Who has a better right” (76). The deck was stacked against women in every sense: their word was not trusted and it was difficult to prove rape because of “the permeable boundaries between force and consent in heterosexual relations” (51).

Readers should not be surprised by Block’s conclusions. The legal and political concepts of consent were never designed with women in mind. In theory, under coverture married women lost not just the right to make contracts and act as fully consenting adults but their civic identity, which was subsumed into their husbands’. The grand ideal of political consent never included women as equal members of the social compact; women were dependents, ciphers without full legal standing, whose only claims to representation came through fathers and husbands. Rape itself was not recognized in marriage. In eighteenth-century English law, the only way a husband could rape his wife was if he hired another man to do it. Ironically, the one instance when a woman’s consent mattered was when she chose to marry, at which time she gave up her right to consent.

Block meticulously explores another critical debate in the literature: the racial meaning of rape. She convincingly demonstrates that the racialization of rape was not an invention of the nineteenth century. Early on rape by black men was associated with insurrection rather than sexual morality, and slave courts ensured quicker punishments and minimal justice. Yet her most revealing finding is the way courts privileged white male defendants. White men were rarely convicted: charges were often dropped, settlements were reached, and corporal punishment rarely applied. The legal system defined rape as a crime committed by black men because the courts seemed unwilling to see it as a white crime.

In some places an alternative reading from the ones offered by Block might have been productively explored. On the paperback cover and in the text, she highlights the striking frontispiece from an 1809 pamphlet about the trial of a Captain James Dunn, accused of assaulting and seducing a black woman named Sylvia Patterson. Though Block concludes that the image degrades Patterson, making her look like a prostitute being tempted with a bribe, there is more than one reading of this fascinating illustration. Dunn is caricatured as an ugly freak with Patterson as a truly distressed woman fleeing her pursuer. She hardly looks the part of the salacious strumpet or lusty wench. Indeed the portrait of Dunn reveals what would become a more common feature of nineteenth-century thinking: even white men could find their behavior and authority questioned if they lacked the moral fitness to master their own passions.

Dunn's monstrous appearance and desperation makes his manhood suspect. One of the few oversights of this study is that masculinity is an afterthought, which Block leaves to the last chapter of the book. In another story that she discovered, published in the 1769 *Virginia Gazette*, there is more than meets the eye. A man disguises himself as a woman to foil another man's plans to kidnap and rape his sister. The avenger does more than protect his sister; he also rapes the potential attacker's sister. Here biblical justice (an eye for an eye, or a raped sister for a raped sister) is applied to reclaim the honor of a family. Block does not address one interesting aspect of the above story: the man's decision to don female dress. One is reminded of Odysseus, who returned home disguised as an old man so he could slay the many greedy suitors of his loyal wife Penelope. The *Virginia Gazette* tale tells us something important about masculinity: a man can rape a woman without losing his honor or virtue. Indeed, if a man lets down his guard and invites a rapist into his home (and, as in this story, puts the disguised man into his sister's bed), then he is somehow responsible for the crime. This story, as Block concludes, demonstrates that rape was treated as a crime between men. Yet it further suggests that every man, even the most virtuous or noble, can turn into a rapist as easily as he changes his clothes. In fact this man's ability to use rape as revenge and his utter disregard for the rule of law and social mores actually make him heroic. Here readers also see a man exercising his right of self-defense to protect his family, a right that would later be used to justify vigilante violence.

As strong as *Rape and Sexual Power in Early America* is, its organization is imperfect. The discussion of the legal definition of rape does not appear until chapter 4; the topical nature of the chapters gives this book the feel of an essay collection. Nevertheless Block's provocative and well-argued book will change the way scholars think about rape, unearthing many of the issues that later became part of its disturbing history. Block skillfully offers a nuanced analysis of why rape was never a marginal issue but central to how sexual and racial power defined the contours of law and society in America.