



# Beyond Slavery

Overcoming Its Religious and  
Sexual Legacies

*Edited by Bernadette J. Brooten  
with the editorial assistance of  
Jacqueline L. Hazelton*



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*Frauen in der Männerkirche?* (coedited with Norbert Greinacher). Mainz: Grünewald; Munich: Kaiser, 1982.

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# Beyond Slavery

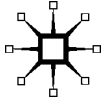
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BEYOND SLAVERY

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# Introduction

Bernadette J. Brooten

*I, too, live in the time of slavery, by which I mean I am living in the future created by it.*

—Saidiya Hartman<sup>1</sup>

This book invites and enables readers to engage with the history of slavery over centuries and across continents—in particular, with its effects on enslaved women and girls and past religious complicity in it.<sup>2</sup> I hope that this new way of viewing slavery will motivate readers to create new strategies for overcoming the vestiges of slavery that continue to shape our daily lives in ways that are often difficult to see. Consider the following modern-day experiences:

“As a descendant of African slave women,” writes Amina Wadud, a leading scholar of Islam who usually wears the Muslim headscarf in public, “I have carried the awareness that my ancestors were not given any choice to determine how much of their bodies would be exposed at the auction block or in their living conditions. So, I chose intentionally to cover my body as a means of reflecting my historical identity, personal dignity, and sexual integrity.”<sup>3</sup>

When Doris Davis, an Orthodox Jewish teacher from Long Island, sought a divorce, her husband refused to write her a bill of divorcement (Hebrew: *get*). Without a *get*, the Orthodox Jewish community would not recognize her divorce, and she would not be allowed to remarry within the community. In 2004, she sought the help of the Organization for the Resolution of Agunot, which staged rallies outside the husband’s home and then posted his photo in synagogues in Brooklyn, where he lived. This community solidarity succeeded, and he eventually wrote her the *get*.<sup>4</sup>

In the summer of 2008, a group of young white women attended a bachelorette party on the West Coast. They hired a male stripper—blond, muscular, tattooed, dressed in a tight black swimsuit—and took turns playing with him, laughing at the raunchy fun. The stripper grabbed one woman by her hair,



pushing her head down toward his groin. He grabbed another woman, pushed her down on all fours, and straddled her from behind as she laughed and he grinned at the camera. One of the women at the party, a devout Catholic who attends church with her adoring husband every Sunday, captured each moment of sexual play on her digital camera.<sup>5</sup>

How do these contemporary situations relate to the history of slavery? Each of these women's stories began generations before they were born, when owning or dominating a human body was not only legal but morally permissible and codified by their religions. Slavery had a profound impact on Jewish, Christian, and Islamic thinking and laws about bodies, sex, and marriage, as well as property and ownership. As a result, many slaveholders forced enslaved persons into sex, compelled individual enslaved women and men to breed enslaved babies, and forcibly broke up intimate relationships between enslaved persons—debasement the humans they owned as well as corrupting sex, marriage, families, and themselves. Slavery therefore influenced how enslaved persons thought about their bodies, how they moved and used their bodies, and which choices were open to them. Enslaved persons, women and girls in particular, often succumbed to the terror of sexual violence, but they also resisted attempts at their dehumanization.

Although slavery technically has been outlawed around the world, its repercussions continue to ripple through modern society, influencing how women perceive themselves and are treated. The effects are both so entrenched in our culture and internalized by individuals that many people often do not see or think about them. With slavery so deeply ensconced in our history and having been so intimately connected with sex, it would be surprising if the imagery of slavery had simply disappeared from our consciousness and imagination. Yet this book proposes ways to imagine and build relationships and communities that are not tainted by the lingering effects of past slavery.

The three stories of contemporary women above echo those of such women from the past as Essie Mae Washington-Williams, the daughter of onetime segregationist U.S. Senator Strom Thurmond, who had impregnated her mother, a fifteen-year-old family servant. (Thurmond went on to become president of the Baptist Young People's Union.) Or of Callie House, who led 300,000 ex-slaves to petition the U.S. government for reparations in the nineteenth and early twentieth centuries. Or of Sally Hemings, enslaved by Thomas Jefferson, who entered into a sexual relationship with Hemings when she was thirteen or fourteen and Jefferson was in his mid-forties. Or of Rosa, a fifteenth-century Russian slave woman who sued for her freedom in Valencia, in what is now Spain, on the grounds that her Christian owner, and father of her two children, had treated her more like a mistress than a slave.<sup>6</sup> Or of Mariyya the Copt, given by the Christian military ruler of Alexandria, Egypt, to the Prophet Muhammad, who took her as a concubine and freed her after she bore him a child. Or of Monica, mother of early Christian theologian Augustine, who told her friends that in becoming wives, they had become slaves. Or of Hagar in Genesis, whom Sarah gave to her husband Abraham in the hope that Hagar would bear them a child; Abraham cast her out into the wilderness for acting

uppity to Sarah, but Hagar managed to survive and raise her son Ishmael. Slavery shaped all of these women's lives, as well as those of the men and children connected to them.

In today's world, slavery's legacies for sexuality and marriage are myriad, as are women's responses to them. One woman covers her body to shield herself from the bold gaze of male onlookers, a freedom denied to enslaved women whose bodies were used for sex without their consent. Another woman struggles with the thin line between slavery and marriage that is enshrined in religious law: just as only an owner may free an enslaved person, so too may only a husband free his wife from the marriage bond. Yet other contemporary women enjoy the freedom to explore their sexuality, which can include domination and slavery imagery.

Slavery as a legal institution has existed for most of recorded history and was allowed by Jewish, Christian, and Islamic sacred texts, traditions, and religious law. The forms of slavery varied considerably but shared the underlying concept of owning a human body. That concept has had a profound impact on Jewish, Christian, and Islamic thinking about sexuality and about marriage between women and men. At the same time, these religions have within them the mercy and compassion necessary to overcome slavery and its long-term effects.

Legal slavery ended in the United States nearly 150 years ago. For that reason, many people think that slavery and its reverberations are a thing of the past. Sadly, slavery continues to exist; the International Labour Organization estimates that 12.3 million people live in conditions of forced labor or virtual slavery.<sup>7</sup> The goal of ending slavery once and for all is both urgent and possible.

Legal slavery has been part of the world's civilizations for so long, and absent so briefly, that the habit of mind that considers slavery normal continues. But people are beginning to ask: Under what conditions are our food and manufactured goods produced? Do persons from whose labor we benefit live in debt bondage from which they can never escape? Do our neighbors have domestic workers whom they do not pay, whose passports they have removed, and whom they physically abuse? What are the working conditions of sex workers, including those in the pornography industry; do their economic circumstances allow them to consent freely to sex work; are they unionized; what is their medical condition, and do they have health benefits? The answers to these questions can help us prevent worker exploitation and forced labor, and the physical and sexual violence that often accompany them.

The authors in this book propose that facing up to slavery can free people and society from its taint. These authors optimistically assess the possibilities for creating joyous, healthy expressions of sexuality, starting today. They argue that communities can eroticize racial and gender equality by creating a healthy society and beneficial interactions among individuals and groups.<sup>8</sup> Men do not have to dominate women. Sexuality does not have to be racially charged. But that requires taking an earnest look at the persistent effects of slavery on social values, religious thought, and economic realities. Such is our task.

## Reading Sacred Texts and Religious Law

Some readers may wonder whether it might not be better to ignore biblical, Talmudic, and Qur'anic texts about slavery and their connection to marriage and sexuality. After all, legal slavery has been abolished, rendering texts on slavery irrelevant. But the interpretation of sacred texts lies at the heart of Judaism, Christianity, and Islam because many followers of these religions seek to base their lives on the values expressed in these and other classical texts.

Slaveholding societies have left their mark not only on the wording of sacred texts but also on the ways in which religious people interpret them. For most of history, Jews, Christians, and Muslims read these texts through the lens of slavery: most religious leaders in the past considered slavery morally acceptable, and that belief colored their thinking on all aspects of social and personal interactions. Overcoming the legacy of slavery therefore requires reading scripture and religious law through the lens of freedom—all texts, not only those about slavery. This means reading sacred texts with compassion for enslaved persons and creating religious support for freedom for all persons. It is illogical, for instance, to separate the biblical texts on slavery from those on marriage, family, and sexuality by arguing that although the slavery passages no longer apply, the overall texts in which they are embedded should guide contemporary life.

A number of this volume's essays demonstrate how teachings on slavery in the Jewish and Christian Bibles, the Talmud, the Qur'an, and early Islamic jurisprudence affected enslaved women differently from enslaved men, and how toleration of slavery shaped religious teachings about marriage and sexuality. For example, enslaved women's sexual vulnerability and ability to give birth to children had a profound impact on their experience of slavery.<sup>9</sup> The essays by David P. Wright, Jennifer A. Glancy, Sheila Briggs, Sylvester A. Johnson, and Fay Botham show that slavery is deeply embedded within Christian scripture. Read together, the essays by Wright and by Gail Labovitz show that slave law and marriage law were interconnected in ancient Israelite (biblical) and early rabbinic thinking. Kecia Ali shows the need to rethink literal Qur'anic interpretation, because the Qur'an accepted slavery as an institution and tolerated the master's sexual access to enslaved women, a toleration that has implications for sexual ethics more generally because it enshrined different moral standards for women than for men. Mende Nazer's responses to Qur'anic and biblical texts, based on her experience as a girl enslaved in Sudan, provide a moral challenge to all readers of those texts to listen to the voices of enslaved people when encountering them. Nazer's experience of slavery as the sundering of family ties shapes how she reads these texts, and should shape our understanding as well.

Yet although slavery and slavery-derived concepts are embedded in these texts, freedom and compassion are quintessentially biblical, Talmudic, and Qur'anic values. Generations of Jews and Christians have found hope in God's deliverance of the people of Israel from bondage into freedom in the Book of Exodus. At Passover, Jews remember their escape from slavery in Egypt.<sup>10</sup> In the New Testament, Paul sees life in Christ as giving people new freedom and

as making them aware of the freedom that the world does not yet enjoy. The Qur'an encourages Muslims to ransom or set free enslaved persons.<sup>11</sup>

These religious claims raise the question of who deserves to be free, a question that resonates in public-policy choices in the United States, both historical and contemporary. The answer is that every human deserves to be free. But Judaism, Christianity, and Islam did not always find this to be true. Whereas ancient Israelite (biblical) law closely regulated the enslavement of fellow Hebrews, it allowed Israelites to enslave foreigners forever. Early rabbinic (Talmudic) law granted enslaved foreigners some rights. For most of Christian history, enslaved Christians did not have an advantage over non-Christians. Islam did not allow the enslavement of fellow Muslims, but it did allow Muslims to enslave non-Muslims. The founders of the United States saw no conflict between declaring liberty to be an inalienable right and distinguishing in the Constitution between "free Persons," "Indians," and "all other Persons" (enslaved persons, who were each counted as three-fifths of a free person). In the eighteenth and nineteenth centuries, virtually all Christian supporters of slavery in the United States drew on the Bible to make their case, and abolitionists did the same. The majority of people in the United States at this time were Protestant Christians, most of whom shared the Protestant view that the meaning of the Bible was plain for all to see and that the Bible should form the basis of public policy.<sup>12</sup> The country was riven over whether the Bible supported slavery or condemned it. This created a theological crisis that still echoes today, because some Christians still struggle over whether to interpret the Bible literally and whether it should play a role in public policy.<sup>13</sup>

In the nineteenth century, a Southern woman named Ella Gertrude Clanton Thomas so firmly believed that the Bible should shape public policy that the abolition of slavery in the United States shook her Christian faith in the Bible, as illustrated by a journal entry from October 8, 1865:

We owned more than 90 Negroes with a prospect of inheriting many more from Pa's estate—By the surrender of the Southern army slavery became a thing of the past...I did not know until then how intimately my faith in revelations and my faith in the institution of slavery had been woven together—true I had seen the evil of the latter but if the *Bible* was right then slavery *must be*—Slavery was done away with and my faith in God's Holy Book was terribly shaken. For a time I doubted God... When I opened the Bible the numerous allusions to slavery mocked me. Our cause was lost. Good men had had faith in that cause.<sup>14</sup>

Thomas felt that biblical values had been defeated. For her, the Bible set forth divinely ordained social institutions. If one institution was gone, what could she trust?

Thomas was not entirely wrong. In her Bible, she would have read that Israelites were not to treat their own people as slaves but that they may treat foreigners as slaves: "And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen for ever: but over your brethren the children of Israel, ye shall not rule one over another with rigour."<sup>15</sup> And she would have learned that the New Testament teaches: "Servants, obey in all things your masters according to the flesh; not with eyeservice, as menpleasers; but in singleness of heart, fearing God."<sup>16</sup>

If Protestants looked to the Bible for guidance, Roman Catholics also looked to the bishops and to the pope. In 1866, the Vatican stated:

Slavery itself, considered as such in its essential nature, is not at all contrary to the natural and divine law, and there can be several just titles of slavery . . . It is not contrary to the natural and divine law for a slave to be sold, bought, exchanged, or given.<sup>17</sup>

These Christians who believed in the justice of slavery were basing their belief upon centuries of religious thought. As Johnson argues, one can make a strong biblical case for slavery. The laws of ancient Israel allowed slavery, Abraham was a slaveholder, Jesus never prohibited slavery, and the New Testament commands enslaved persons to obey their owners in all things. But one can also mount a biblical case against slavery. African American abolitionist David Ruggles, Johnson writes, defined slavery in the United States as adulterous, pointing to the increase in mixed-race children born to enslaved women, to the fact that enslaved persons were not legally allowed to marry, and to the silence of slaveholders' wives in the face of their husbands' adultery. Ruggles unmasked slavery's contradiction of the Christian values of chastity, marriage, and family.<sup>18</sup>

Jewish leaders and the American Jewish community were also drawn into the debates over slavery. In 1861, Rabbi Morris Raphall delivered a sermon in the B'nai Jeshurun Synagogue of New York, expressing surprise that anyone should doubt Scripture's support for slavery.<sup>19</sup> Raphall cited biblical laws on slavery from Exodus, Leviticus, and Deuteronomy to demonstrate the legitimacy of slavery. He also found justification for enslaving the "fetish-serving benighted African" in Genesis 9:25, where Noah cursed Ham's son Canaan, stating that Canaan should be the "meanest of slaves" to his brothers.<sup>20</sup>

In contrast, Rabbi David Einhorn of Baltimore argued that the Bible tolerates but does not promote slavery, just as it tolerates polygamy, which the members of his congregation would certainly oppose. In 1861, in the slaveholding state of Maryland, Einhorn, sharply criticizing Raphall, appealed to Jews to reject slavery:

*Such* are the Jews! Where they are oppressed, they boast of the humanity of their religion; but where they are free, their Rabbis declare slavery to have been sanctioned by God, even mentioning the holy act of the Revelation on Sinai in defense of it.<sup>21</sup>

These debates show that everyone was reading their sacred texts and religious laws through the lens of their own experiences with slaveholding and the lens of their own vision of justice. Although some Christians and Jews insist that the meaning of the Bible is plain for all to see, its meaning has been contested since it came into existence, and the Bible contains differing policies on slavery.

The rise of modern racism created yet another lens through which to read the Bible's teachings on slavery. Unlike in ancient slavery, which was not based on race, modern racist theories undergirded the trans-Atlantic slave trade. These racist theories supported not only the enslavement of Africans but also racial apartheid in Africa and segregation in the United States, including laws

prohibiting interracial marriage (known as anti-miscegenation statutes). Just as slavery supporters and antislavery advocates appealed to the Bible, judges in the United States from the nineteenth through the twentieth centuries justified bans on interracial marriage with religious and biblical arguments; and public officials, including former President Harry S. Truman, viewed interracial marriage as contrary to biblical teaching.<sup>22</sup> Botham explains that opponents of interracial marriage developed a theology of separate races that drew upon the story in Genesis 10–11 of the dispersion of the sons of Noah throughout the world. They claimed that the biblical account represented God’s plan for the races to live separately from one another and not to intermarry.

Johnson and Botham, troubled by past Christian appeals to the Bible in support for slavery and by laws against interracial marriage, draw parallels to contemporary debates over sexual orientation.<sup>23</sup> They argue that earlier generations’ use of the Bible to support policies that most Americans now consider wrong warns us about the dangers of basing public policy on the Bible.

Whereas Johnson and Botham examine modern uses of the Bible, Wright and Glancy examine biblical texts within the context of the eras in which they were written. Wright analyzes the ancient Israelite statutes on slavery within the context of ancient Near Eastern law, arguing that the biblical writers were responding to the Babylonian Laws of Hammurabi and the laws of other neighbors of ancient Israel. Like other scholars, he traces changes over time in these laws on slavery, arguing that slave law developed in three stages. Wright shows that the Laws of Hammurabi were more lenient toward persons in debt bondage than the earliest version of Israelite slave law, the Book of Exodus. He also demonstrates that the ancient Israelite lawgivers tried to improve the situation of enslaved persons by making changes in the laws. But each attempt to resolve one ethical problem created another. For example, whereas in the first set of laws, in Exodus, slaveholders were to release enslaved male Israelites after six years; and in Deuteronomy, slaveholders were to release enslaved male and female Israelites after six years; in the last-written set of laws, Leviticus, owners were to treat fellow Israelites as hired laborers rather than slaves—but owners could force their indebted fellow Israelites to work for them for up to forty-nine years.<sup>24</sup> Writing both as an historian and as an ethical critic, Wright proposes that the Bible can help thoughtful people today if they consider the questions it raises rather than the answers it gives.

Nineteenth-century slavery supporters stressed that Jesus and his apostles, who saw slavery all around them, did not call for its abolition. Glancy finds that she has to agree. Although Jesus did challenge social hierarchies, he did not call upon his followers to refrain from slaveholding. And despite Paul’s preaching a message of freedom, he did not speak out against the sexual use of enslaved women, even though that reality was known throughout the Roman world. Briggs points out that when Paul condemned prostitution, he focused on how going to a prostitute dishonored the male body, not on how prostitution exploited the female body, even though many prostitutes in the Roman world were enslaved and were therefore left without choice.<sup>25</sup>

Jews in the rabbinic tradition, which includes most religious Jews today, do not interpret the Bible separately from ancient and medieval rabbinic commentary on it. Unlike Protestants, rabbinic Jews do not believe that one should

go back to the Bible alone, ignoring later commentary. Although reading the Bible in conjunction with rabbinic commentary brings in a certain elasticity missing from Protestant literalist interpretation, Labovitz shows that rabbinic thinking about slavery and gender has its own problems. For example, one ancient rabbinic commentary interpreted the term “soul” in the biblical phrase “who purchases a soul” to include both a wife and a slave.<sup>26</sup> Labovitz argues that Jews need to rethink the rabbinic metaphor of “acquisition” of a woman in marriage and to find ways of thinking about marriage that do not involve the ownership of property.

Many verses in the Qur’an refer to unfree persons. Although the Qur’an encourages believers to seek freedom, it also allows male slaveholders sexual access to “what their right hands possess,” that is, to their enslaved women.<sup>27</sup> Ali argues that verses containing broad principles of justice should take precedence over verses bound by the specific historical circumstances of the time, such as slavery. Ali thus presents a way to live and honor the precepts of the faith without perpetuating injustices grounded in historical behavior that we now consider abhorrent.

## The Legacies of Slavery for Women and Girls

### *Religious Understandings of Marriage between Women and Men*

Slavery as a legal category has had a powerful impact on religious marriage law and continues to influence ideas about relationships between husbands and wives. Ancient Israel and other cultures of the Ancient Near East, the Roman world that shaped early Christian and early rabbinic understandings of marriage, and the Arab society in which early Muslim communities developed Islamic marriage law were all slaveholding societies. These societies were hierarchical, granting the male head of the family power over his household; these men, if not slaveholders, probably aspired to be such. Although Jewish, Christian, and Muslim religious leaders have always recognized the difference between slavery and marriage between men and women, they have sometimes applied concepts from slavery to marriage.

The example of Monica, mother of fourth- and fifth-century church father Augustine, illustrates how deeply interconnected slavery and marriage were. As Briggs writes, Monica reminded her friends not to resist their husbands, even when their husbands beat them so severely that their faces were disfigured, because their marriage contract rendered them slaves. The long Christian toleration of wife beating and spousal rape is part of this history, as is the double standard regarding fidelity, which punishes a wife’s extramarital sex more harshly than a husband’s, or even dismisses a husband’s sexual affairs.<sup>28</sup> Christian leaders (nearly all male) knew that Roman law (made by men) did not prohibit male slaveholders from having sex with their slave girls or women, and that some did so. Even though Christian leaders considered sex with one’s slave girl or woman to be fornication (if the man were unmarried) or adultery (if he were married), they did not make prevention or church punishment (such as temporary or permanent excommunication) a moral priority. Slavery and chastity have thus coexisted uneasily within Christian history.<sup>29</sup> By promoting

chastity while tolerating slavery, Christian leaders created an impossible situation for both free wives and enslaved girls and women. Free wives suffered their husbands' infidelities with enslaved women, while enslaved women were vulnerable both to male sexual advances and wives' jealous anger.<sup>30</sup>

The interweaving of slavery and marriage, far from being incidental to Christian thought, reaches back into the New Testament, which commands wives to obey their husbands, children their parents, and slaves their masters.<sup>31</sup> These texts highlight the tension inherent in slavery. Enslaved wives may not have been able to obey their enslaved husbands if the master or mistress gave a contradictory command. Enslaved children may not have been able to obey their parents, if the slaveholder even allowed the children to live with their parents. And enslaved Christian women, told to obey their masters in everything, faced the dilemma of how to deal with a master who sought sexual relations with them. Enslaved women and men did not have the same freedom as did free women and men to pursue the Christian virtue of avoiding fornication. I highlight these tensions within the New Testament not to condone wifely obedience, children's obedience in all things, or problematic understandings of sexual transgression, but rather to illustrate how slavery can strike at the heart of the institution of the family and render enslaved persons sexually vulnerable even when they defiantly resist and seek to preserve family bonds not recognized by law and express their sexuality as they see morally fit.

Although church leaders no longer officially teach that slaves should obey their masters, the New Testament texts commanding wives to obey their husbands are often read at Christian wedding ceremonies. In this way, the structure of the slaveholding household continues to affect people's lives. And Christian children whose parents sexually or physically abuse them still have inadequate support to resist the command to "obey [their] parents in everything."<sup>32</sup> The New Testament also commands husbands to love their wives and never to treat them harshly, fathers not to provoke their children, and masters and mistresses to treat their slaves justly and fairly.<sup>33</sup> But for most of history, Christian leaders did not see corporal punishment of wives, children, and enslaved persons as contrary to these commands.

Ancient rabbis, who also lived in slaveholding societies, developed the concepts of Jewish marriage law that remain foundational for many Jews today. Labovitz shows how these rabbis drew parallels between the acquisition of a free wife and the acquisition of an enslaved person. Metaphorically, they classified wives as ownable and marriage as the purchase of property. The Hebrew word for husband is *ba'al*, which one can also translate as "master" or "owner." The early rabbis also derived legal practices concerning betrothal and marriage from a father's biblical right to sell his daughter into slavery.<sup>34</sup> Labovitz argues that the rabbinic concept of marriage as a man's acquisition of a wife underlies the rabbinic teaching that a man may divorce his wife, but a woman may not divorce her husband. This inequality in divorce remains a problem for Orthodox Jewish women today.

Ali demonstrates that the early Islamic jurists similarly thought of marriage between a man and a woman as ownership. They employed the category of "dominion over" (Arabic: *milk*) for both slavery and marriage, and they drew analogies between divorcing a wife and freeing an enslaved laborer. Further, the



Qur'an and classical Islamic jurisprudence draw an explicit parallel between a man's wife and his slave woman: a man is permitted to have sex with both. The concept of marriage as a man's dominion over a woman presents challenges for contemporary Muslims seeking to create religious marriages based on gender equality.

### *Slavery's Corruption of Sexuality*

Slavery as an economic institution is not separate from marriage, sexuality, family, and childbirth. Centuries of accepting slavery as normal have left their mark on how the descendants of slaveholding societies think about moral issues. The concept of owning another human being's body led to the right of sexual access to that body. As the authors of this volume document, from the time of the ancient Israelites through to the spread of slavery in the New World, slavery included masters having sex with enslaved women and girls; jealous mistresses taking out their rage on enslaved persons who were unable to defend themselves against either master or mistress; and owners increasing their wealth by making sure that their enslaved laborers had as many children as possible. To be sure, slavery differed from culture to culture and by legal system. Slavery in the United States (and the Americas as a whole) was much harsher than in many other times and places.

The historical depth and cross-cultural sweep of this volume demonstrate that slaveholders' control of the sexual and reproductive functions of enslaved girls and women was central to the institution of slavery.<sup>35</sup> This feature of slavery is at least as old as ancient Israel. Wright argues that Exodus allows a father to sell his daughter into slavery in part because Israelite lawgivers saw female sexuality as inherently the property of a man, whether the father, the husband, or the slaveholder. The New Testament, which commands slaves to obey their owners in all things, never explicitly prohibits the sexual use of enslaved persons. Glancy raises a troubling question. Jesus taught his disciples not to imitate the hierarchies that they saw around them, not to be a lord or a tyrant, but instead to become a "slave to all."<sup>36</sup> Although appreciating the radical character of this teaching, Glancy asks what it might have meant for women whose enslavement included sexual exploitation.

Chastity and slavery have rarely coexisted. Male slaveholders—Jewish, Christian, and Muslim—considered sexual access to their enslaved women to be their right. As Glancy shows, Ambrose, an early Christian theologian and bishop, assumed that Christian men would continue to have sex with their enslaved women even though he preached against it. Ambrose was not principally concerned with the welfare of the enslaved women. On the contrary, he warned Christian husbands that if they entered into relationships with their enslaved women, these females, like Hagar in Genesis, would get uppity, and their wives would get angry. Ambrose warned Christian men that if they had sex with their enslaved women they should ensure that these women still submitted to their mistresses.<sup>37</sup> Other early Christian theologians also warned men against sex with their enslaved women, and canon law (early Christian religious law) did not penalize Christian men who had done so.<sup>38</sup> Similarly, the early rabbis, who also lived in a world in which slavery included sexual

contact between owners and enslaved girls and women, did not explicitly prohibit it.

As Ali shows, the Qur'an and the early Islamic jurists explicitly allowed male slaveholders sexual access to their slave girls and women. In contrast to the Jewish and Christian leaders who preceded and were contemporaneous with them, the early Islamic jurists gave some rights to enslaved women who bore children fathered by their owner, if the owner acknowledged paternity. The children were born free, the owner was not allowed to sell the mother, and the mother was to be freed upon the owner's death.

Slavery in the United States differed markedly from other systems of slavery in that enslaved women had virtually no hope that they or the children they bore their masters might benefit from the connection to the master.<sup>39</sup> This harshness affected both the slaveholders and the enslaved. Given what we know about Jefferson's sexual relationship with Hemings, his words in *Notes on the State of Virginia* strike a poignant note: "The whole commerce between master and slave is a perpetual exercise of the most boisterous passions... The man must be a prodigy who can retain his morals and manners undepraved by such circumstances."<sup>40</sup>

Far from being unique, Jefferson's sexual contact with his enslaved girl represents the logic of slavery documented throughout this volume. Their sexual contact began when Jefferson was in his mid-forties and Hemings was thirteen or fourteen and living in Jefferson's Paris home as a maid. At the same time, Jefferson sought to live a moral life and to inspire the people of the United States to do so as well. Jefferson found a moral guide in Jesus of Nazareth and set out to extract from the New Testament those sayings and actions of Jesus that he deemed historically authentic. Among these, Jefferson included this passage from the Gospel of Matthew 5:27–28:

Ye have heard that it was said by them of old time, Thou shalt not commit adultery:

But I say unto you, That whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart.<sup>41</sup>

Jefferson's relationship with Hemings was not technically adultery because he was a widower and she was unmarried, but Jesus was not using "adultery" in a technical sense. Jefferson chose to include this expansive understanding of adultery in his collection of key precepts even though chastity and slavery did not coexist in his own home. Jefferson did not free Hemings, and it would have been impossible for him to marry her even had he wished to do so.

The problem of not being able to live up to one's morals runs deep in the history of slavery in the United States. Responding to romantic notions about the sexual relationship between Jefferson and Hemings, Mia Bay argues that asking whether Hemings consented to the relationship and whether she loved Jefferson are the wrong questions. Jefferson literally owned the bodies and the fecundity of his enslaved women. He wrote, "I consider a woman who brings in a child every two years more profitable than the best man on the farm," because the enslaved babies she produced were "capital."<sup>42</sup> Hemings, like other enslaved women, did not have any legal right to refuse to have sex

with Jefferson. Jefferson, like other slaveholders of his time, could not have been prosecuted in the United States for raping Hemings.<sup>43</sup>

Catherine Clinton puts the relationship between Jefferson and Hemings in a broad historical context by narrating three hundred years of the history of European American men's sexual contact with enslaved and free (but subordinate) Black women. In doing so, Clinton highlights the hypocrisy of slavery, exposing "the contradictions within racial separatism and the American ideals of sexual purity and Christian virtue."<sup>44</sup>

Just as slavery affects sexuality, it also shapes the body of the enslaved person on a daily basis. As Glancy describes of the Roman Empire and Nazer confirms from her own experience, enslaved persons learn—without being told—how to hold and move their bodies: head and gaze lowered, hunched over, always aware that a beating may come.<sup>45</sup> Always, slaves were under observation and subject to punishment.<sup>46</sup> Beginning with the Book of Exodus, religious texts have allowed owners to beat their enslaved laborers; Exodus says that only a beating that causes death within one or two days is too much.<sup>47</sup> In the New Testament, the First Epistle of Peter states that enslaved persons who endure unjust beatings "have God's approval." This statement takes for granted that there are just beatings.<sup>48</sup>

### *Racial-Sexual Stereotypes: Blaming the Victim*

Because of the U.S. history of slavery, assumptions about the sexuality of African American women in the United States differ from those made about European American women.<sup>49</sup> Dorothy Roberts analyzes the paradox between the media's display of scantily clad Black women in hypersexual poses and the deafening silence about Black women's sexual desires. Roberts, Emilie M. Townes, and Dwight N. Hopkins demonstrate how racial stereotypes rooted in the beliefs of the slavery era pervade U.S. culture. These include the asexual Black Mammy who cares for white children but not for her own; the hypersexual, irresponsible Jezebel who tempts white men to sin; the Welfare Queen who cheats the taxpayers; and the domineering Black Matriarch who is to blame for her children's failures. The sexual stereotype of enslaved women as licentious extends far back into history; modern racism extended it to all Black women and also used the myth of Black hypersexuality as a reason to enslave Black people. Johnson and Roberts review, for example, the nineteenth-century slavery advocate Josiah Priest's depiction of Black sexual depravity and promiscuity as grounds for enslavement.

Two stories illustrate how slaveholders have blamed the enslaved victims for their sexual exploitation. The nineteenth-century U.S. slave narrative written pseudonymously by Harriet A. Jacobs describes how her owner, "Dr. Flint," who had recently become a church member, told her to obey him by having sex with her. The fifteen-year-old "Linda" sensed Mrs. Flint's jealousy, even though "I had hitherto succeeded in eluding my master, though a razor was often held to my throat to force me to change this line of policy."<sup>50</sup> Dr. Flint, already the father of eleven slaves, threatened to sell her or to beat her if she did not give in, and said, "I would cherish you. I would make a lady of you. Now go, and think of all that I have promised you."<sup>51</sup>

Centuries earlier, around the second century CE, the popular *Acts of Andrew* recounted the legend of Maximilla, a Christian woman who tried to lead a celibate life, much to the chagrin of her pagan husband, Aigeates.<sup>52</sup> To avoid sex with her husband, Maximilla devised the remarkably successful plan of selecting her beautiful and “by nature extremely undisciplined” slave woman to act as her surrogate.<sup>53</sup> The slave woman’s character and euphemistic name “Euklia” (Greek for “of good reputation”) seem to have predestined her for the task. Not being pure (because she was enslaved and thus by definition impure), she could not be corrupted. The whole plan went horribly wrong when Euklia, like Hagar in Genesis, took pride in sleeping with the master and even told others. In response, her master mutilated her body and cast her out into the street until she should die and the dogs consume her corpse. But the *Acts of Andrew* describes Maximilla as the “blessed one,” not criticizing her with a single word.

The logic of slavery is to blame the enslaved for their plight. As Briggs writes, this connection of slavery, impurity, and criminality was also evident in the entertainments put on for the masses in Roman amphitheaters. The elaborate shows included nude, enslaved prostitutes and public execution of criminals.<sup>54</sup>

### *Resilience and Resistance*

Throughout history, enslaved women and girls, men and boys, have resisted the role of victim. Beginning with Genesis, in which Hagar fled her mistress Sarah’s harsh treatment, fleeing slavery is an age-old form of resistance.<sup>55</sup> Flight from cruelty testifies to enslaved persons’ rejection of their treatment as lesser beings or as property and challenges anyone today who believes that slavery may have been morally tolerable in the past. If slavery were morally acceptable to enslaved people, why do the most ancient of historical sources document their attempts to flee their owners?<sup>56</sup>

In some circumstances, enslaved women were able to take legal steps to challenge their position. Of the ninety-four lawsuits demanding freedom that were filed between 1425 and 1520 in Valencia, in what is now Spain, thirty-three were filed by enslaved women who claimed that their masters had fathered their children or that their own fathers were free men, and thus they were due their freedom under the law. They characterized themselves as virtuous or as devoted concubines to their masters. Of these thirty-three women, Debra Blumenthal writes, fifteen won.<sup>57</sup>

Enslaved women in the United States had no such right. Antebellum inheritance cases illustrate how little enslaved women in the United States could hope to gain from a liaison with the master. In Louisiana, some masters freed their enslaved sexual partners in their wills. But heirs frequently contested these manumissions because under state law, a man was not allowed to bequeath more than ten percent of his estate to a concubine. If the value of the concubine herself exceeded ten percent of her master’s estate, she remained enslaved.<sup>58</sup> In the “sexual economy” of slavery in the United States, judges had to walk a fine line between recognizing men’s right to control and dispose of their property as they wished, and preserving the racial hierarchy that kept wealth in the hands of whites while keeping many African Americans enslaved.<sup>59</sup>

In spite of their precarious position, enslaved girls and women sometimes initiated sexual relationships with their masters or other free men.<sup>60</sup> Sexual attractiveness and the ability to bear the master or his son a child could be an enslaved woman's best hope for a better life and could even entitle her to legal rights. In the Roman Empire, including among early Christians, most unmarried men could free an enslaved woman and then legally marry her. Similarly, a woman enslaved to a Muslim man who acknowledged paternity of her children gave birth to free children, could not be sold, and would be free upon the master's death. Contrast Hemings's situation as Jefferson's slave with that of Caenis, formerly enslaved concubine of first-century CE Roman Emperor Vespasian: "Even after he became emperor he treated her almost as a lawful wife."<sup>61</sup>

### *Public Policy and Law*

When the Civil War ended in 1865, the majority of religious people in both the North and the South who found biblical support for slavery did not turn to the Book of Deuteronomy, which commanded slaveholders to give freed slaves what they needed to start a new life.<sup>62</sup> They turned back to what they knew: slavery as a God-given right. De facto slavery persisted, particularly in the Southern states. A number of African American men were arrested on trumped-up charges such as loitering and forced into industrial slavery.<sup>63</sup> The Ku Klux Klan, a Protestant Christian terrorist organization, employed all means of violence against formerly enslaved people and their descendants.<sup>64</sup> The Klan's reign of terror included sexual violence against women and men, practiced with impunity.<sup>65</sup>

Several of this volume's authors suggest that the U.S. criminal justice system still reflects the attitudes of the slavery era. This will seem implausible to some readers, especially decades after the Civil Rights Movement. In fact, the conceptual linkage between slavery and imprisonment in the United States dates to at least the Thirteenth Amendment to the Constitution, which abolished slavery in 1865: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." But the problem of how U.S. society treats African Americans (and others) who break the law actually lies deeper, in the assumption that only the virtuous deserve freedom or citizenship. Nineteenth-century abolitionists understood this assumption, promoting narratives of formerly enslaved women and men who strove to attain Christian virtue.<sup>66</sup>

Every society needs a criminal justice system to hold perpetrators accountable for their behavior. That justice system, if it is to retain its authority and effectiveness, must carefully determine guilt and innocence, and it must treat convicted persons according to the highest moral standards. A moral society is one that treats all its members—even the weakest, most vulnerable, and most damaged—with equal respect for their rights as human beings. But as Ellen Barry documents, African Americans are incarcerated in numbers highly disproportionate to their percentage of the population, which means that prison policies disproportionately affect them.<sup>67</sup> Certain prison practices echo the treatment of women enslaved in the United States, including shackling while

women are giving birth (a practice that in its brutality goes even beyond the treatment of most enslaved women in the United States), the removal of newborns from their mothers, and using men to guard female prisoners.<sup>68</sup>

The attitudes of the slavery era also continue to shadow the U.S. justice system's treatment of women who have been sexually assaulted. In the time of slavery, European Americans portrayed Black women as hypersexual, and enslaved women had no legal right to protection from rape.<sup>69</sup> After the Civil War, the Ku Klux Klan used sexual violence against African Americans with impunity. Today, Black women are less likely to report a rape, prosecutors are less willing to file charges, and juries are less prone to convict than if the rape complainant were white.<sup>70</sup>

## What Has Changed and Why?

### *Changing the Stories We Tell*

People in the United States are beginning to recognize the ways in which the stories they tell about themselves and each other reinforce the damage done by slavery. They are also starting to realize that it is possible to change those stories to reflect the society that they wish to create. In this volume, Frances Smith Foster analyzes how stories about slavery can keep women whose ancestors were (or could have been) enslaved separated from those whose ancestors were (or could have been) slaveholders.<sup>71</sup> The difficulty of sustaining interracial friendships between women hinders the struggle for racial and sexual equality, making it more difficult to promote the goals of feminist sexual ethics: sexual relationships based on meaningful consent (that is, consent without any form of pressure, whether economic, familial, social, or political) and the mutual respect and pleasure of each partner. Foster uses Sherley Anne Williams's *Dessa Rose* to illustrate how differing stories about slavery keep women apart. In the novel, Ruth, a white woman, remembers the love of her "Mammy," the Black woman who cared for her as a child. Dessa asks what "Mammy's" real name was, and Ruth replies sharply that "Mammy" was her name. But Dessa says that "Mammy" had a name of her own and children of her own. Foster argues that we can change our stories, because it has been done before. Nineteenth-century progressive African American women claimed the title "Mrs." (whether or not they were married) to counter the prevailing view that they lacked sexual virtue and family ties. Foster challenges the reader to create new stories that will unite rather than divide. This includes recognizing that many enslaved women were not raped, not all African Americans are the descendants of slaves, and many enslaved women resisted victimhood.<sup>72</sup>

Florence Ladd creates a new story in her poetic meditation on Winslow Homer's painting *A Visit from the Old Mistress*.<sup>73</sup> In point/counterpoint, she gives voice to the differing narratives of the previously enslaved family and the former mistress who visits their cabin. Ladd lays bare the chasm between the two sides, inviting the reader to a greater understanding of the costs of slavery to both enslaved and enslaver.

Nancy Rawles creates a new story in her prayer for her daughter, that her child not be afraid; that she understand her ancestral history, but never

experience its humiliations; that she know the power of love over hate; and that she gain strength from her mother's love.<sup>74</sup>

### *Religious Communities and Governments Face Up to Past Support for Slavery*

In 1975, John Francis Maxwell, a Roman Catholic priest, introduced his collection of Catholic historical sources on slavery by arguing that it was not good enough to sweep evidence of the church's complicity under the rug. He proclaimed that an error of such gravity requires official correction, investigation of its causes, and attempts to ensure that it does not happen again.<sup>75</sup> This eminently reasonable proposal matches what we expect from government, business, and nonprofit organizations, but we rarely expect religious institutions to correct their mistakes.<sup>76</sup> Yet the church was complicit in slavery. Popes were slaveholders; canon law excommunicated those who persuaded an enslaved person to flee from their master; in the fifteenth century, the Vatican granted official approval to Portugal and Spain to engage in the slave trade in West Africa "to invade, conquer, crush, pacify, and subjugate any whomsoever Saracens, and pagans, and other enemies of Christ... and to reduce their persons to perpetual slavery";<sup>77</sup> and the Vatican supported slavery as late as 1866.<sup>78</sup>

This book aims to do precisely what that brave priest called for thirty-five years ago. The authors examine why Roman Catholicism and other branches of Christianity, Judaism, and Islam accepted slavery for so many centuries, and they consider how slavery shaped gender and sexual ethics in these three religious traditions. They also consider how Jews, Christians, and Muslims can draw upon the compassionate values of their traditions to overcome the lingering effects of slavery.

The Book of Leviticus prefaces its slave law with instructions on how to prevent slavery: "If any of your kin fall into difficulty and become dependent upon you, you shall support them; they shall live with you as though resident aliens." Leviticus also reminds the Israelites of their own past enslavement.<sup>79</sup> As in the time of Leviticus, society can create public policies that support the millions of persons worldwide at risk of enslavement.

In this volume, Christian ethicist Townes proposes a way to think about public policy that is free of the racial-sexual stereotypes developed during and after the U.S. system of slavery. She describes how the lingering perception of African American families as depraved has shaped contemporary welfare policy. She suggests that the stereotypes of the Welfare Queen and the Black Matriarch, for example, led lawmakers to focus on preventing teenage pregnancy rather than on resolving the deeper structural problems of bad schools and the lack of affordable day-care centers.<sup>80</sup> Townes argues that the Protestant work ethic, combined with the focus on the individual in isolation from the community, has contributed to the injustice of social policy in the United States. But Christian values can also help to create a more just society. Townes implies that sexual morality never exists in a vacuum—that people make sexual decisions within the context of their educational opportunities, their ability to engage in meaningful work, and their access to health care. She

calls upon individuals to care for one another, rather than first and foremost for themselves. For Christians, their life's meaning lies in their relationship to God and to others in the world, and not just in their job.

Creating a sexual ethics untainted by slaveholding values requires first gaining a clear understanding of the religious belief that owning another person's body is morally permissible and then developing sexual ethics based on the premise that all human beings deserve freedom. By "sexual ethics," the authors of this volume mean far more than individual decisions about whether to have sex, when, or with whom. These authors are thinking about the whole person within the context of the social units to which they belong: a family (however configured), a circle of friends, a support group, a workplace, a school, a religious or spiritual community, a city, an ethnic group, a nation, a transnational community. Sexual ethics includes a society's assumptions about the sexuality of an ethnic group; the ways in which young people's access to health care, safe neighborhoods, and a good education affect their sexual experiences and choices; how a criminal justice system treats an incarcerated woman while she takes a shower or gives birth; whether religious marriage grants equal rights and responsibilities to each party; whether religious and civil marriage are restricted to one man and one woman or include same-gender marriage; whether prosecutors and juries respond to all rape complaints based on the merits of the case rather than on biased assumptions; and how families and communities respond to sexual abuse within a family.

This book's authors are full of hope because numerous Jews, Christians, and Muslims already *are* reading their sacred scriptures and religious law through the lens of freedom, and because most people today, and the laws of all nations, reject slavery. Why did this seismic shift happen? Perhaps, in line with the essays of Hopkins, Townes, and Nazer, religious people chose the most compassionate aspects of their tradition, those that stress human equality and caring for one another. Nazer cites the Islamic principle that all human beings are equal, "like the teeth of a comb."<sup>81</sup> Or perhaps, as Briggs suggests, religious people have adopted the human rights values that became the basis of secular society, that is, Enlightenment values. There is a fruitful tension between Briggs and Townes on this point. Whereas Townes argues against the individualism that grows out of the Enlightenment value of personal responsibility as opposed to dependency, Briggs links the abolition of slavery to a secular Enlightenment discourse of human rights and human equality and to a secular belief that humans can improve their condition on earth. Townes stresses the problems with the Enlightenment value of individualism, but Briggs sees the Enlightenment's focus on human rights as a resource for religious communities.<sup>82</sup>

We are witnessing unprecedented progress in facing up to the history of slavery. The Church of England has apologized for having sustained and benefited from slavery in the Caribbean in the eighteenth century. Archbishop of Canterbury Rowan Williams explained, "The Body of Christ is not just a body that exists at any one time; it exists across history and we therefore share the shame and the sinfulness of our predecessors, and part of what we can do, with them and for them in the Body of Christ, is prayerful acknowledgement of the failure that is part of us, not just of some distant 'them.'"<sup>83</sup>



In the United States, both the House of Representatives and the Senate have apologized for slavery and for subsequent discriminatory laws.<sup>84</sup> Congressman John Conyers, Jr., Democrat of Michigan, has introduced House Resolution 40, the *Commission to Study Reparation Proposals for African-Americans Act*.<sup>85</sup> Supporters include religious and civic organizations.<sup>86</sup> Some other religious denominations and groups have apologized for slavery but made no move toward reparations.<sup>87</sup>

Biblical slave law calls for owners to supply their freedpersons with some of the wealth that they helped to create: "Thou shalt furnish him liberally out of thy flock, and out of thy floor, and out of thy winepress; out of that where-with the LORD thy God hath blessed thee shalt thou give unto him."<sup>88</sup> In this volume, Hopkins argues the case for reparations for slavery on the basis of the theology of enslaved women. Formerly enslaved African Americans fought hard for reparations, beginning in the nineteenth century.<sup>89</sup> For example, Maria Stewart wrote in her 1834 autobiography, "We will tell you, that it is our gold that clothes you in fine linen and purple, and causes you to fare sumptuously every day; and it is the blood of our fathers, and the tears of our brethren that have enriched your soils. AND WE CLAIM OUR RIGHTS."<sup>90</sup> Hopkins bases his argument for reparations today on the long-term and deeply entrenched disparities in wealth between African Americans and European Americans.<sup>91</sup> None of this is to deny African complicity in the slave trade, which, however, does not diminish European and European American responsibility.<sup>92</sup> In contrast, in opposing reparations, Nazer argues that they mean placing a monetary value on human life, a choice that she finds repugnant.<sup>93</sup>

Readers of this book may find many and diverse ways to address the long-term economic effects of slavery. Some may support governmental reparations to direct descendants of enslaved persons, or scholarships or health care targeting affected communities. Others may work toward the public disclosure of past relationships to slavery, such as the statutes enacted by some cities and states, which may expose past corporate relationships to slavery.<sup>94</sup> For example, in 2005 J. P. Morgan Chase Bank apologized for its predecessor bank in Louisiana's ownership of slaves and acceptance of slaves as collateral, and it established a \$5 million scholarship fund for Black students in Louisiana.<sup>95</sup>

Some readers will reject the idea of reparations, instead working for racial and ethnic equality through other means. I hope that all readers of this volume will see that moving beyond slavery urgently requires action of some type.

### *This Volume Builds on the Path-Breaking Research of Others*

Over the last three decades, historians, theologians, creative writers, legal historians, and literary scholars have created a renaissance in the study of enslaved girls and women and of female slaveholders. Angela Y. Davis was one of the first to examine the situation of enslaved women in the United States, calling upon historians to write their complete history.<sup>96</sup> Deborah Gray White's *Ar'n't I a Woman? Female Slaves in the Plantation South* was the first such major study.<sup>97</sup> Numerous scholars have established the field, examining enslaved girls' and women's labor, sexual vulnerability, resistance, religious beliefs and

practices, and literary activity, and they have created a theoretical framework for a world untainted by slaveholding values.<sup>98</sup> Without their work, this volume would not be possible.

## **We Can All Take Actions, Large and Small, to Move Beyond the Legacies of Slavery**

- We must directly face the history of slavery.
- We must work for change on all levels: within ourselves, in our religious communities, and in civic and governmental institutions.
- We must create conditions in which sexual intimacies will be based on the meaningful consent (that is, consent without any form of pressure, whether economic, familial, social, or political) and the mutual respect and pleasure of each partner.

Following are some possible projects.

### *Jewish, Christian, and Muslim Examinations of their Religion's Past Involvement in Slavery, as Well as of the Religious Values Leading These Communities to Renounce Slavery*

- Individual congregations can investigate their past relationship to slavery. If a church, synagogue, or mosque were built with the labor of enslaved persons, a congregation could erect a plaque to memorialize those laborers.
- Jews, Christians, and Muslims can look closely at the question of how slavery shaped religious thought and law about sexuality and marriage.
- Jews, Christians, and Muslims can read their sacred texts and religious laws through the lens of freedom, rather than through the lens of slavery. This means giving preference to texts and traditions based on compassion with enslaved persons and with free wives and free children—whose treatment continues to be based on concepts founded in slavery, although to a much lesser extent than in the past.
- Creative members of these religious communities can continue to find ways to reformulate marriage and family law so that all parties are equal.

### *Religious and Public Policymakers' Recognition of Slavery's Effects on Sexuality and of the Damage of Racial-Sexual Stereotypes*

Sexual decisions are not isolated, individual choices. Decisions are more likely to be free and fully consensual when communities support individuals, including through education, health care, and employment. Public statements recognizing slavery's effects will better equip everyone to

- transform society into one in which all members enjoy reproductive freedom and opportunities for free and healthy expressions of sexuality;
- live without fear of sexual coercion;
- enjoy equality within heterosexual and same-gender marriage;
- have full access to excellent education, health care, and employment opportunities.

### ***Removal of Echoes of Slavery in the Criminal Justice System***

This step is necessary to ensure that

- reports of sexual assault are judged on the merits of the case, without racial prejudice;
- incarcerated women and their children are treated according to international human rights standards, which grant greater rights to incarcerated persons than does U.S. law.

People also need to consider the negative effects of the extremely high incarceration rates in the United States on African American and other communities and to find ways to lower these rates.

### ***Creation of a National Slavery Museum and Slavery Museums in Each State***

Exhibits need to explore the following issues:

- the sexual exploitation of enslaved persons and their resistance to it
- the effects of slavery on the family, including the lack of legal recognition of slave marriage, the breakup of families, slave-breeding by masters, and enslaved persons' creation of families under the most difficult of circumstances
- the economic advantages of slavery to consumers
- religious, governmental, and other institutional roles in condoning slavery
- tributes to those persons who fought back

Curators can do this in ways sensitive to the presence of children, and they can develop educational programs on enslaved children.

### ***Inclusion of Slavery Education in All School Curricula***

- The curriculum must be honest.
- All teaching must recognize that legal slavery in the United States was a national phenomenon that benefited Northern slave traders, Northern textile mills and other industries, and consumers throughout the nation and in countries that imported U.S. products.

### ***Enactment of Slavery-Era Disclosure Statutes in Towns, Cities, and States***

- Publish findings locally.
- Issue public apologies to descendants of enslaved persons.

### ***Serious Consideration of Reparations for Slavery and for the Discriminatory Laws and Public Policies that Lasted into the 1960s and Beyond***

These could be trust funds for direct descendants of enslaved persons and for those who experienced substantial discrimination during the Jim Crow period *and* who did not benefit from affirmative action. These funds could be directed toward the following areas:

- health care
- education
- housing

### *Serious Consideration of Alternatives to Reparations for Those Who Disagree with the Concept*

Create public policies that end the long-term effects of slavery. Ensure that all descendants of the enslaved have full access to the following:

- health care
- equal employment opportunities
- reproductive freedom
- education
- housing

### *Prevention of Forced Labor and Contemporary Slavery*

Activists need to prevent all forms of forced labor and child labor. Some activists target sexual slavery alone, as if it were possible to eradicate sexual slavery before abolishing other types of forced labor.<sup>99</sup> But as the essays of this volume illustrate, sexual exploitation is inherent to slavery because of the enslaved person's economic and political vulnerability. The International Labour Organization, a United Nations agency, monitors forced labor and reports on initiatives to prevent it.<sup>100</sup> Free the Slaves is one particularly effective organization.<sup>101</sup>

\* \* \*

Everyone can contribute something to freedom each day, in memory of those who lived in slavery all the days of their lives and in compassion with those who are living in slavery now.

## Notes

1. Saidiya Hartman, *Lose Your Mother: A Journey Along the Atlantic Slave Route* (New York: Farrar, Straus, and Giroux, 2007) 133.
2. This is not to deny how horrific slavery was for men or its long-term effects on them but rather to fill in an important gap in the public and religious understanding of slavery.
3. Amina Wadud, *Inside the Gender Jihad: Women's Reform in Islam* (Oxford: Oneworld, 2006) 221.
4. In Hebrew, *'agunot* means "chained women" and designates wives whose husbands refuse to give them the bill of divorcement that would allow them to remarry. According to rabbinic law, only the husband may write a bill of divorcement. See Rebecca Spence, "Protesters Rally Outside a Home as Debate Continues Over Best *Get* Tactics," *Jewish Daily Forward*, March 20, 2009, <http://www.forward.com/articles/103844/> (accessed September 7, 2009). Also see the Web site of Organization for the Resolution of Agunot, <http://www.getora.com/> (accessed September 7, 2009) and of the Jewish Orthodox Feminist Alliance, <http://www.jofa.org/> (accessed September 7, 2009), which seeks a rabbinic solution to the problem.
5. This story occurred as described.
6. The master's wife eventually granted Rosa her freedom. See Debra Blumenthal, "'As If She Were His Wife': Slavery and Sexual Ethics in Late Medieval Spain," in this volume; and ARV *Gobernación* 2383: M. 20: 1r.
7. Beate Andrees and Patrick Belser, eds., *Forced Labor: Coercion and Exploitation in the Private Economy* (Boulder, CO: Rienner, 2009) 181; and "Forced Labour," under

- “Themes,” International Labour Organization, [http://www.ilo.org/global/Themes/Forced\\_Labour/lang-en/index.htm](http://www.ilo.org/global/Themes/Forced_Labour/lang-en/index.htm) (accessed October 9, 2009).
8. “Eroticizing equality” is Gloria Steinem’s brilliant term, the alternative to the eroticized domination of much of history and much of the present. *On Point*, “Gloria Steinem,” NPR, December 6, 2006, <http://www.onpointradio.org/2006/12/gloria-steinem> (accessed October 9, 2009).
  9. In some systems of slavery, all children born to enslaved women were enslaved, which enriched the owner. In other systems, such children were enslaved only under some circumstances.
  10. Mishnah, Tractate *Pesachim* 10:5.
  11. Qur’an 2:177.
  12. By comparison, the Roman Catholic hierarchy taught that Catholics should follow the biblical interpretation of the pope and the bishops, while Jewish rabbis taught that Jews should follow the centuries of rabbinic interpretation of the Bible.
  13. Mark A. Noll, *The Civil War as a Theological Crisis* (Chapel Hill: University of North Carolina Press, 2006).
  14. *The Secret Eye: The Journal of Ella Gertrude Clanton Thomas, 1848–1889*, ed. Virginia Ingraham Burr (Chapel Hill: University of North Carolina Press, 1990) 276–277.
  15. Leviticus 25:46 (King James Version).
  16. Colossians 3:22 (KJV).
  17. Instruction of the Holy Office, June 20, 1866, signed by Pope Pius IX; cited by J[ohn] F[ran]cis Maxwell, “The Development of Catholic Doctrine Concerning Slavery,” *World Jurist* 11 (1969–1970) 306–307.
  18. David Ruggles, *The Abrogation of the Seventh Commandment, by the American Churches* [1835], in *Early Negro Writing, 1760–1837*, ed. Dorothy Porter (Boston: Beacon, 1971) 478–493.
  19. “Bible View of Slavery,” in *Fast Day Sermons; or, The Pulpit on the State of the Country* (New York: Rudd and Carleton, 1861) 235–236, under “Jews in the Civil War” at Jewish-American History on the Web, <http://www.jewish-history.com/civilwar/raphall.html> (accessed November 6, 2009); discussed by Mark A. Noll, *The Civil War as a Theological Crisis* (Chapel Hill: University of North Carolina Press, 2006) 3. Raphall notes that the English translation used by his congregants had “servant of servants” for ‘*eved ‘avadim*, but he himself offered the rendering “meanest of slaves.”
  20. Jewish Publication Society translation.
  21. “David Einhorn’s Response to Rabbi Morris Raphall’s ‘A Biblical View of Slavery’” (1861), Jewish-American History on the Web, under “Jews in the Civil War,” <http://www.jewish-history.com/civilwar/einhorn.html> (accessed April 12, 2008).
  22. “Truman Opposes Biracial Marriage,” *New York Times*, September 12, 1963.
  23. See also the summary of Barbara D. Savage’s paper “The Same-Sex Marriage Debate in the African American Churches: An Historical Perspective” (presented at the “Beyond Slavery: Overcoming Its Religious and Sexual Legacy Conference,” Brandeis University, October 16, 2006), at the Feminist Sexual Ethics Project Web site, under “How Slavery Has Shaped Our Understandings of Marriage and Friendship,” <http://www.brandeis.edu/projects/fse/Conference/Conf-main4.html#savage> (accessed December 6, 2009).
  24. Exodus 21:2–11; Deuteronomy 15:12–18; Leviticus 25:35–43. On the year of the jubilee, see Leviticus 25:8–12 (New Revised Standard Version; Jewish Publication Society).
  25. 1 Corinthians 6:13–18 (NRSV).
  26. The *Sifra* on Leviticus 22:11 (the Hebrew uses the term “soul”).
  27. Qur’an 4:3; 23:5–6; 70:29–30.
  28. Fourth-century Bishop Basil of Caesarea, for example, requires husbands to divorce unfaithful wives but prohibits wives from divorcing their unfaithful husbands. *Canonical Letter* 188, canon 9; *Canonical Letter* 199, canon 21; see also *Canonical Letter* 199, canon 34, in *St. Basil: The Letters*, vol. 3, trans. Roy J. Deferrari, Loeb Classical Library (Cambridge, MA: Harvard University Press, 1930) 34–39; 112–113; 124–125.

29. While enslaved men were vulnerable to sexual exploitation by their masters and mistresses, enslaved women were doubly vulnerable in that their capacity to give birth was also owned by another.
30. Basil of Caesarea recognized that enslaved girls and women could be violated by their own masters, but wives were not allowed to divorce their husbands for that reason. *Canonical Letter* 199, canon 49, in *St. Basil: The Letters*, vol. 3, trans. Roy J. Deferrari, 134–135. On sexual relations between male slaveholders and their enslaved women or girls, see Margaret Y. MacDonald, “Slavery, Sexuality, and House Churches: A Reassessment of Colossians 3.18–4.1 in Light of New Research on the Roman Family,” *New Testament Studies* 53 (2007) 94–113, and many essays in this volume, along with the literature to which they refer.
31. Colossians 3:18–4:1; Ephesians 5:21–6:9; Titus 2; 1 Peter 2:13–3:7; see also 1 Timothy 2:8–15; 6:1–2 (New Revised Standard Version).
32. Colossians 3:2 (NRSV).
33. Colossians 3:19, 4:1; cf. Ephesians 5:25, 6:4, 9 (NRSV).
34. Exodus 21:7–11 (NRSV; Jewish Publication Society).
35. On the ambivalence of enslaved motherhood as represented in music, see Judith Tick and Melissa J. de Graaf, “Slave Lullabies in the American South: Mothers’ Voices Recovered,” Feminist Sexual Ethics Project, <http://www.brandeis.edu/projects/fse/slavery/slave-lullaby/slav-lul-index.html> (accessed December 6, 2009).
36. Mark 10:44; cf. Matthew 20:26–27, 23:11; Mark 9:35; and Luke 22:26 (NRSV).
37. Ambrose, *On Abraham* 4.26; Ambrose, *On Abraham*, trans. Theodosia Tomkinson (Etna, CA: Center for Traditionalist Orthodox Studies, 2000) 14.
38. Basil of Caesarea acknowledged that masters can force sex on their enslaved women, but he chose not to penalize Christians for so doing, instead simply pronouncing these women not guilty; *Canonical Letters* 199, canon 49, in *St. Basil: The Letters*, vol. 3, trans. Roy J. Deferrari, Loeb Classical Library (Cambridge, MA: Harvard University Press, 1930). According to the *Apostolic Constitutions* 8.32.12 (early fourth century), a Christian man with a concubine (either enslaved or free) is to stop extramarital sexual relations with her and marry her legally or face excommunication, but the *Apostolic Constitutions* stop short of penalizing him for any past sexual acts; Marcel Metzger, ed. and trans., *Les Constitutions apostoliques*, vol. 3; Sources chrétiennes 336 (Paris: Du Cerf, 1987) 238–239.
39. For a summary of Adrienne Davis’s paper “Miscegenation and Morality: The Contemporary Politics and Racial Meanings of Marriage” (presented at the “Beyond Slavery: Overcoming Its Religious and Sexual Legacy Conference,” Brandeis University, October 15, 2006), visit Feminist Sexual Ethics Project, <http://www.brandeis.edu/projects/fse/Conference/Conf-main4.html#davis> (accessed November 30, 2009).
40. Thomas Jefferson, *Notes on the State of Virginia*, ed. David Waldstreicher (Boston: Bedford/St. Martin’s, 2002) 195; discussed in Mia Bay, “Love, Sex, Slavery, and Sally Hemings,” in this volume, 191.
41. Thomas Jefferson, *The Jefferson Bible: The Life and Morals of Jesus of Nazareth* (1904; reprint, Boston: Beacon, 1989) 46.
42. Thomas Jefferson to John Wayles Eppes, Monticello, 1820, in *Thomas Jefferson’s Farm Book with Comments and Relevant Extracts from Other Writings*, ed. Edwin Morris Betts (Princeton: Princeton University Press, 1953) 45–46.
43. Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006) 65.
44. Catherine Clinton, “Breaking the Silence: Sexual Hypocrisies from Thomas Jefferson to Strom Thurmond,” in this volume, 213.
45. Jennifer A. Glancy, “Early Christianity, Slavery, and Women’s Bodies,” in this volume; and Mende Nazer, with Bernadette J. Brooten, “Epilogue,” in this volume.
46. As New Testament scholar Clarice J. Martin writes of enslaved persons in the Roman Empire, “There was no way they could escape the uninhibited supervisory gaze of their owners.” Martin, “The Eyes Have It: Slaves in the Community of Christ-Believers,” in

- A People's History of Christianity*, vol. 1, *Christian Origins*, ed. Richard A. Horsley (Minneapolis: Fortress, 2005) 233.
47. Exodus 21:20–21 (New Revised Standard Version).
  48. 1 Peter 2:20 (NRSV).
  49. Assumptions about women of other ethnic backgrounds also exist, but they differ from those about women whose ancestors could have been enslaved or could have been slaveholders.
  50. Harriet A. Jacobs, *Incidents in the Life of a Slave Girl: Written by Herself: Contexts, Criticism*, ed. Nellie Y. McKay and Frances Smith Foster (1861; New York: Norton, 2001) 29.
  51. Jacobs, *Incidents*, 32.
  52. *Acta Andrea*, ed. Jean-Marc Prieur, Corpus Christianorum, Series Apocryphorum 5–6 (Tournhout, Belgium: Brepols, 1989). Prieur dates the final edition of the *Acts of Andrew* to the second half of the second century, *Acta Andrea*, vol. 5, 414. English translation in *New Testament Apocrypha*, ed. Wilhelm Schneemelcher, trans. R. McL. Wilson, vol. 2 (Louisville, KY: Westminster/John Knox, 1992) 101–151.
  53. This incident is in *Acts of Andrew*, chaps. 17–22; *New Testament Apocrypha*, vol. 2 (1992) 139–141 (Detorakis's edition, 339–341).
  54. Sheila Briggs, "Gender, Slavery, and Technology: The Shaping of the Early Christian Moral Imagination" in this volume.
  55. Genesis 16 (New Revised Standard Version; Jewish Publication Society).
  56. E.g., Laws of Hammurabi 16–20; Deuteronomy 23:15–16 (which commands that Israelites grant refuge to fugitives).
  57. Debra Blumenthal, "As If She Were His Wife": Slavery and Sexual Ethics in Late Medieval Spain," in this volume.
  58. *Civil Code*, article 1468. See Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana* (Baton Rouge: Louisiana State University Press, 1994) 185.
  59. Adrienne D. Davis, "The Private Law of Race and Sex: An Antebellum Perspective," *Stanford Law Review* 51 (1999) 221–288.
  60. Lalita Tademy's historical novel *Cane River* (New York: Warner, 2001), which is based on cryptically brief family records, vividly helps readers to imagine how enslaved girls could have hoped that their relationship with the master's son or another free white boy or man would be different—that he truly cared for her and would care for their children—even as their respective mothers and grandmothers realistically planned for their futures. I thank Barbara Brooten Job for this reference.
  61. Suetonius, *Lives of the Caesars: Vespasian* 3; *Suetonius*, vol. 2, trans. J. C. Rolfe, Loeb Classical Library (rev. ed., Cambridge, MA: Harvard University Press, 1997) 271. As a man of the senatorial class, Vespasian was not allowed to marry a freedwoman.
  62. Most read the King James Version of Deuteronomy 15: <sup>13</sup>And when thou sendest him out free from thee, thou shalt not let him go away empty: <sup>14</sup>Thou shalt furnish him liberally out of thy flock, and out of thy floor, and out of thy winepress: of that wherewith the Lord thy God hath blessed thee thou shalt give unto him. <sup>15</sup>And thou shalt remember that thou wast a bondman in the land of Egypt, and the Lord thy God redeemed thee: therefore I command thee this thing to day. <sup>17</sup>...And also unto thy maidservant thou shalt do likewise. <sup>18</sup>It shall not seem hard unto thee, when thou sendest him away free from thee; for he hath been worth a double hired servant to thee, in serving thee six years: and the Lord thy God shall bless thee in all that thou doest.
  63. Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Doubleday, 2008). On complaints of involuntary servitude and peonage filed between 1961 and 1963, see Harry H. Shapiro, "Involuntary Servitude: The Need for a More Flexible Approach," *Rutgers Law Review* 19 (1964–1965) 65–85, who outlined the enormous hurdles faced by plaintiffs in establishing that involuntary servitude or peonage was occurring.

64. Kathleen M. Blee, *Women of the Klan: Racism and Gender in the 1920s* (Berkeley: University of California Press, 1991), shows that women, including feminists, were involved in the Klan. She documents the Klan's emphasis on attending church and its increasing anti-Catholicism. Blee's illustration number 11 (from the Library of Congress) of a 1924 Klan baby christening is particularly chilling.
65. Lisa Cardyn, "Sexualized Racism/Gendered Violence: Outraging the Body Politic in the Reconstruction South," *Michigan Law Review* 100 (2002) 675–867. For a summary of Lisa Cardyn's paper "Practices of Sexual Terrorism in the Reconstruction South" (presented at the "Beyond Slavery: Overcoming Its Religious and Sexual Legacy Conference," Brandeis University, October 16, 2006), visit the Feminist Sexual Ethics Project Web site, <http://www.brandeis.edu/projects/fse/Conference/Conf-main3.html#cardyn> (accessed September 19, 2009).
66. William Grimes, *Life of William Grimes, the Runaway Slave: Written by Himself* (New York: 1825), available at Documenting the American South, <http://docsouth.unc.edu/neh/grimes25/menu.html> (accessed December 1, 2009). Grimes's work forms a rare exception in its straightforward depiction of the range of human moral behavior. I thank Joan Bryant for this reference.
67. Ellen Barry, "From Plantations to Prisons: African American Women Prisoners in the United States," in this volume.
68. Several states have banned shackling during labor and delivery: See Cal. Penal Code § 5007.7 (West 2008); Cal. Penal Code § 3423 (West 2008); 55 Ill. Comp. Stat. Ann. 5/3-15003.6 (West 2008); 730 Ill. Comp. Stat. Ann. 125/17.5 (West 2008); 28 V.S.A. § 801a (West 2008); N.M. Stat. Ann. § 33-1-4.2 (West 2009); Tex. Gov't Code Ann. § 501.066 (Vernon 2009); Tex. Hum. Res. Code Ann. § 61.07611 (Vernon 2009); Tex. Loc. Gov't Code Ann. § 361.082 (Vernon 2009); and N.Y. Correct. Law § 611 (McKinney 2009). In a recent decision, a federal court of appeals held that the Eighth Amendment to the U.S. Constitution protects pregnant women in prison from the unnecessary and unsafe practice of shackling during labor. The federal court found that constitutional protections against shackling pregnant women during labor are clearly established by previous decisions of the Supreme Court and the lower courts. This is the first time a circuit court has made such a determination, *Nelson v. Correctional Medical Services, et al.* F.3d, 2009 WL 3151208 (8th Cir. 2009). Shawanna Nelson, the woman who had been shackled, alleged permanent damage to her hips, stomach, and other parts of her body, resulting in a disability. Senator Richard J. Durbin, Democrat of Illinois, was instrumental in altering the policy employed by the Federal Bureau of Prisons, Program Statement: Escorted Trips, No. 5538.05 at §570.45 (October 6, 2008), available at [http://www.bop.gov/policy/progstat/5538\\_005.pdf](http://www.bop.gov/policy/progstat/5538_005.pdf) (accessed October 31, 2009). I thank Amy Fettig of the ACLU National Prison Project and Gail T. Smith of Chicago Legal Advocacy for Incarcerated Mothers (<http://www.claim-il.org/> [accessed December 1, 2009]) for the information on shackling.
- Although allowing male guards to guard female prisoners flies in the face of international norms, a federal appeals court has held that assigning male guards to prison areas in which incarcerated women were unclothed did not violate their right to privacy, if the prison made reasonable efforts to reduce the women's exposure to viewing by the male guards. *Forts v. Ward*, 621 F.2d 1210 (2d Cir. 1980). For the international standards, see United Nations, *Standard Minimum Rules for the Treatment of Prisoners*: August 30, 1955, UN High Commissioner for Refugees, Refworld, <http://www.unhcr.org/refworld/pdfid/3ae6b36e8.pdf> (accessed August 26, 2009); rule 53 states: "(1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution. (2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer."
69. See the essays by Dorothy Roberts, Emilie M. Townes, Dwight N. Hopkins, Mia Bay, and Catherine Clinton in this volume, as well as the unusual 1859 Virginia case, *Commonwealth v. Ned*, in which the judge joined the cases of an enslaved African



American girl and a free European American girl who complained of sexual assault by an enslaved man. The court found the man, named Ned, guilty. For a summary of Wilma King's paper "He said He Would Give Us Some Flowers': Sexual Violations, Girls, and the Law in the Antebellum South," (presented at the "Beyond Slavery: Overcoming Its Religious and Sexual Legacy Conference," Brandeis University, October 16, 2006), which analyzes *Commonwealth v. Ned*, visit the Feminist Sexual Ethics Project, <http://www.brandeis.edu/projects/fse/Conference/Conf-main3.html#king> (accessed September 19, 2009). In response to *George [a slave] v. State*, 37 Miss. 316 [1859], which quashed the indictment of an enslaved man for raping an enslaved girl under the age of ten, the Mississippi legislature passed a highly unusual statute that criminalized the rape of a "female negro or mulatto," if she were under the age of twelve and the assailant a "negro or mulatto" (Mississippi Session Acts, ch. 62, p. 102 [1860]). See Helen Tunnicliff Catterall, ed., *Judicial Cases Concerning American Slavery and the Negro*, vol. 3 (Washington, DC: Carnegie Institute, 1932) 363. I thank Wilma King for this reference.

70. I thank Anita F. Hill for the idea to commission research on this topic and for her collaboration in supervising it with a grant from the Ford Foundation. See Elizabeth Kennedy, *Victim Race and Rape* (Waltham, MA: Feminist Sexual Ethics Project, Brandeis University, 2003), <http://www.brandeis.edu/projects/fse/slavery/slav-us/slav-us-articles/slav-us-art-kennedy-full.pdf> (accessed August 26, 2009); and Jennifer C. Nash, *Black Women and Rape: A Review of the Literature* (Waltham, MA: Feminist Sexual Ethics Project, Brandeis University, 2009), <http://www.brandeis.edu/projects/fse/slavery/slav-us/slav-us-articles/Nash2009-6-12.pdf> (accessed August 26, 2009).
71. Frances Smith Foster, "Mammy's Daughters; Or, the DNA of a Feminist Sexual Ethics," in this volume.
72. See also Frances Smith Foster, ed., *Love and Marriage in Early African America* (Hanover, NH: University Press of New England/Northeastern University Press, 2007); and *'Til Death or Distance Do Us Part: Love and Marriage in African America* (New York: Oxford University Press, 2010).
73. Florence Ladd, "A Visit from the Old Mistress," in this volume.
74. Nancy Rawles, "Prayer for my daughter," in this volume.
75. John Francis Maxwell, *Slavery and the Catholic Church: The History of Catholic Teaching Concerning the Moral Legitimacy of the Institution of Slavery* (Chichester: Barry Rose, in association with the Anti-Slavery Society for the Protection of Human Rights, 1975) 11.
76. Even the intense public scrutiny in the clergy sexual abuse scandal in the Catholic Church has not resulted in adequate institutional reflection on the moral priorities of the hierarchy, and the Vatican continues to resist giving laypeople oversight over personnel or financial decisions. For more, see Voice of the Faithful, <http://www.votf.org/> (accessed September 26, 2009) and Survivors Network of those Abused by Priests, <http://www.snapnetwork.org/> (accessed September 26, 2009).
77. Pope Nicholas V, *Romanus pontifex* (January 8, 1455), papal bull granting King Alfonso V of Portugal the rights named above; and Pope Alexander VI, *Inter caetera* (May 3, 1493), papal bull granting Castille's rulers and successors the same rights. See John T. Noonan, Jr., *A Church that Can and Cannot Change: The Development of Catholic Moral Teaching* (Notre Dame, IN: University of Notre Dame Press, 2005) 62–65, and for the fuller history, chaps. 4–17.
78. See also the documentation by Kenneth J. Zanca, ed., *American Catholics and Slavery: 1789–1866: An Anthology of Primary Documents* (Lanham, MD: University Press of America, 1994).
79. Leviticus 25:35; see also 25:36–38 (New Revised Standard Version).
80. Emilie M. Townes, "From Mammy to Welfare Queen: Images of Black Women in Public-Policy Formation," in this volume, note 61.
81. Mende Nazer, with Bernadette J. Brooten, "Epilogue," in this volume.

82. Townes, "From Mammy to Welfare Queen," in this volume; Sheila Briggs, "Gender, Slavery, and Technology: The Shaping of the Early Christian Moral Imagination," in this volume.
83. Stephen Bates, "Church Apologises for Benefiting from Slave Trade," *Guardian*, February 9, 2006, <http://www.guardian.co.uk/uk/2006/feb/09/religion.world> (accessed October 4, 2009). For the full speech, see "Bicentenary of the Act for the Abolition of the Slave Trade: Speech to General Synod," February 8, 2006, Archbishop of Canterbury Web site, under "Articles, Interviews, and Speeches," <http://www.archbishopofcanterbury.org/315> (accessed October 4, 2009).
84. *Apologizing for the Enslavement and Racial Segregation of African-Americans*, HR 194, 110th Cong., 2nd sess., *Congressional Record* 154, no.127, daily ed. (July 29, 2008) H 7224; *Apologizing for the Enslavement and Racial Segregation of African-Americans*, S. Con. Res. 26, 111th Cong., 1st sess. (June 11, 2009), *Congressional Record* 155 (June 18, 2009) S 6761.
85. For details on HR 40, *Commission to Study Reparation Proposals for African-Americans Act*, visit Library of Congress, THOMAS database, under "Bills, Resolutions," <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:h40>: (accessed December 6, 2009).
86. Supporters include the NAACP, Southern Christian Leadership Conference, Nation of Islam, and National Baptist Convention. Several largely white religious denominations have also moved toward support for reparations. In 2001, the United Church of Christ General Synod and the Disciples of Christ General Assembly passed a joint resolution on reparations for slavery, which calls upon congregations, regions, agencies, and national ministries "to join in active study and education on issues dealing with reparations for slavery." The United Church of Christ version amended the resolution to distinguish between reparations and restitution, stating that reparations "can never be singularly reducible to monetary terms." See "The Twenty-Third General Synod Adopts the Resolution 'A Call for Study on Reparations for Slavery,'" United Church of Christ, <http://www.ucc.org/synod/resolutions/CALL-FOR-STUDY-ON-REPARATIONS-FOR-SLAVERY.pdf> (accessed October 4, 2009).
- In 2004, "[d]elegates to the top legislative assembly of the United Methodist Church voted to support a study of reparations for African Americans and to petition the vice president and House of Representatives to support the passage and signing of House Resolution 40." See Linda Green, "United Methodist Church Supports Reparations for African Americans," May 7, 2004, United Methodist News Service, <http://archives.umc.org/interior.asp?ptid=17&mid=4711> (accessed October 4, 2009).
- Also in 2004, the Presbyterian Church (USA) "adopted the report of the Task Force to Study Reparations," which states: "The point is not to indict any particular group of people for such atrocities. Rather, as members of the same body, the body of Christ, we must all bear equal responsibility for the sins of our past. The Scriptures call us to bear one another's burdens and so fulfill the law of Christ (Gal. 6:2, NRSV). We do so first, by remembering what we have done and failed to do; second, by doing everything in our power to restore the human dignity and material loss of our sisters and brothers; third, by repairing the moral and spiritual breach that was formed between the offended and the offenders; and fourth, by sincerely attempting to reconcile all differences that are directly related to our behaviors of the past." See *Report of the Task Force to Study Reparations*, <http://www.pcusa.org/racialjustice/pdf/reparations-paper-final2005.pdf> (accessed October 4, 2009).
- In 2006, the General Convention of the Episcopal Church (USA) passed a resolution acknowledging its complicity in slavery and in segregation and the economic benefits it derived from slavery, and it urged its members to take measures to be "the repairer of the breach" (Isaiah 58:12), both materially and relationally." See "Study Economic Benefits Derived from Slavery," Archives of the Episcopal Church, resolution number 2006-A123, [http://www.episcopalarchives.org/cgi-bin/acts/acts\\_resolution-complete.pl?resolution=2006-A123](http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution-complete.pl?resolution=2006-A123) (accessed October 4, 2009).

The remarkable documentary *Traces of the Trade: A Story from the Deep North*, directed by Katrina Browne (Ebb Pod Productions, 2008), has helped the Episcopal and other churches in these efforts. Browne, a descendant of the largest slave-trading family in the United States, a family that was heavily involved in the Episcopal Church, retraced the triangle trade of her ancestors, from Rhode Island to Ghana to Cuba and then back to the United States, seeking ways to repair the damage to today's descendants of those enslaved by her ancestors. Visit <http://www.tracesofthetrade.org/> (accessed October 4, 2009).

87. These include the Southern Baptist Convention, which in 1995 called on convention delegates to "lament and repudiate historic acts of evil such as slavery from which we continue to reap a bitter harvest"; *Christian Century*, July 5, 1995. In 2000, according to the *National Catholic Reporter*, sisters from three Roman Catholic orders in Kentucky—the Dominicans, the Loretos, and the Sisters of Charity of Nazareth—held a reconciliation service to ask "forgiveness for their orders' participation in slavery"; Dennis Coday, "Exhibit Aims to Dispel 'Myth' About Sisters," February 17, 2009. On Jesuit slave holding, see, e.g., R. Emmett Curran, "Splendid Poverty: Jesuit Slave-Holding in Maryland, 1805–1838," in *Catholics in the Old South: Essays in Church and Culture*, ed. Randall Miller and Jon Waklyn (Macon, GA: Mercer University Press, 1983) 125–146; and Thomas Murphy, *Jesuit Slaveholding in Maryland, 1717–1838* (New York: Routledge, 2001).
88. Deuteronomy 15:14 (King James Version, the translation read by most slaveholding Christians in the nineteenth century).
89. Callie House led an organization of 300,000 formerly enslaved persons to petition the government for an old-age pension in recognition of their unpaid work during slavery. Mary Frances Berry, *My Face Is Black Is True: Callie House and the Struggle for Ex-Slave Reparations* (New York: Knopf, 2005).
90. Maria W. Stewart, "Productions of Mrs. Maria W. Stewart Presented to the First African Baptist Church & Society of the City of Boston," in *Spiritual Narratives*, ed. Schomburg Library of Nineteenth-Century Black Women Writers (1835; reprint, New York: Oxford University Press, 1988) 17–21. See Dwight N. Hopkins, "Enslaved Black Women: A Theology of Justice and Reparations," in this volume.
91. See, e.g., Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 2006); and Thomas M. Shapiro, *The Hidden Cost of Being African American: How Wealth Perpetuates Inequality* (New York: Oxford University Press, 2004).
92. See the Transatlantic Slave Trade Database, <http://www.slavevoyages.org/tast/index.faces> (accessed May 28, 2010).
93. For the debate on reparations, see, for example, Michael T. Martin and Marilyn Yaquinto, eds., *Redress for Historical Injustices in the United States: On Reparations for Slavery, Jim Crow, and Their Legacies* (Durham, NC: Duke University Press, 2007); Alfred L. Brophy, *Reparations: Pro and Con* (New York: Oxford University Press, 2006); Pamela D. Bridgewater, "Ain't I a Slave: Slavery, Reproductive Abuse, and Reparations," *UCLA Women's Law Journal* 14 (2005) 89–161; Raymond A. Winbush, ed., *Should America Pay? Slavery and the Raging Debate on Reparations* (New York: Amistad/HarperCollins, 2003); David Horowitz, *Uncivil Wars: The Controversy over Reparations for Slavery* (San Francisco: Encounter, 2002); Adrienne D. Davis, "The Case for United States Reparations to African Americans," *Human Rights Brief* 7:3 (2000) 3–5; and Randall Robinson, *The Debt: What America Owes to Blacks* (New York: Dutton/Penguin, 2000).
94. Among others, these include the cities of Chicago, Los Angeles, Detroit, San Francisco, and Philadelphia; and the states of Illinois, Iowa, California, and Maryland.
95. Richard Slawsky, "Bank One Seeks to Make Amends for Past Ties to Slavery," *Louisiana Weekly*, February 14–20, 2005, section A. (J. P. Morgan Chase assumed responsibility because it had bought out Bank One.)
96. Angela Y. Davis, *Women, Race, and Class* (New York: Random House, 1981) 3–29.

97. Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South* (New York: Norton, 1985).
98. Limited space permits me to mention only a few of the many contributions: Dorothy Sterling, ed., *We Are Your Sisters: Black Women in the Nineteenth Century* (New York: Norton, 1984); Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family, from Slavery to the Present* (New York: Basic, 1985); Jean Fagan Yellin, ed., *Incidents in the Life of a Slave Girl: Written by Herself*, by Harriet A. Jacobs, ed. L. Maria Child (Cambridge, MA: Harvard University Press, 1987); Katie G. Cannon, *Black Womanist Ethics*, American Academy of Religion Series 60 (Atlanta: Scholars, 1988); Melton A. McLaurin, *Celia: A Slave* (Athens: University of Georgia Press, 1991); Delores S. Williams, *Sisters in the Wilderness: The Challenge of Womanist God-Talk* (Maryknoll, NY: Orbis, 1993); Karen Baker-Fletcher, "The Difference Race Makes: Sexual Harassment and the Law in the Thomas-Hill Hearings," *Journal of Feminist Studies in Religion* 10 (1994) 7–15; Karen Baker-Fletcher, "Womanism, Afro-centrism, and the Reconstruction of Black Womanhood," *Journal of the Interdenominational Center* 22 (1995) 183–197; Katie Geneva Cannon, *Katie's Cannon: Womanism and the Soul of the Black Community* (New York: Continuum, 1995); Wilma King, *Stolen Childhood: Slave Youth in Nineteenth-Century America* (Bloomington: Indiana University Press, 1995); David Barry Gaspar and Darlene Clark Hine, eds., *More Than Chattel: Black Women and Slavery in the Americas* (Bloomington: Indiana University Press, 1996); Brenda E. Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1996); Catherine Clinton and Michele Gillespie, eds., *The Devil's Lane: Sex and Race in the Early South* (New York: Oxford University Press, 1997); Charlotte Pierce-Baker, *Surviving the Silence: Black Women's Stories of Rape* (New York: Norton, 1998); Darlene Clark Hine and Kathleen Thompson, *A Shining Thread of Hope: The History of Black Women in America* (New York: Broadway, 1998); Kelly Brown Douglas, *Sexuality and the Black Church: A Womanist Perspective* (Maryknoll, NY: Orbis, 1999); Martha Hodes, ed., *Sex, Love, Race: Crossing Boundaries in North American History* (New York: New York University Press, 1999); Thandeka, *Learning to Be White: Money, Race, and God in America* (New York: Continuum, 1999); Traci C. West, *Wounds of the Spirit: Black Women, Violence, and Resistance Ethics* (New York: New York University Press, 1999); Carolyn M. West, ed., *Violence in the Lives of Black Women: Battered, Black, and Blue* (New York: Haworth, 2002); Anthony B. Pinn and Dwight N. Hopkins, eds., *Loving the Body: Black Religious Studies and the Erotic* (New York: Palgrave Macmillan, 2004); Patricia Hill Collins, *Black Sexual Politics: African Americans, Gender, and the New Racism* (New York: Routledge, 2004); Patrick Mingos, *Far More Terrible for Women: Personal Accounts of Women in Slavery* (Winston-Salem, NC: Blair, 2006); Traci C. West, *Disruptive Christian Ethics: When Racism and Women's Lives Matter* (Louisville, KY: Westminster John Knox, 2006); Annette Gordon-Reed, *The Hemingses of Monticello: An American Family* (New York: Norton, 2008); Renee K. Harrison, *Enslaved Women and the Art of Resistance in Antebellum America* (New York: Palgrave Macmillan, 2009); and M. Shawn Copeland, *Enfleshing Freedom: Body, Race, and Being* (Minneapolis: Fortress, 2010).
99. Some forms of sex work are consensual, whereas others are forced and are as brutal as any other form of slavery.
100. The International Labour Organization defines the characteristics of child labor that should be eliminated. See the ILO International Programme on the Elimination of Child Labour, under "About child labour," <http://www.ilo.org/ipecc/facts/lang-en/index.htm> (accessed November 25, 2009).
101. Free the Slaves, <http://www.freetheslaves.net> (accessed October 30, 2009).

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I

A Prayer

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## Prayer for my daughter

Nancy Rawles

Dear Lord

Lift this burden from my heart  
that I might not give it  
to my daughter

This passel of bitterness  
I have carried many lives  
May I spare my child  
the weight of it

Bring me to healing waters  
so the sores of my womb  
may be washed in faith

*She need not be afraid*

Teach me to protect her  
without frightening her  
When I see her trembling eyes Lord  
When I hear her violent tears  
Make me forget the times I've trembled  
with rage and longed for comfort

Let me go to her  
on legs of grace  
not feet worn down  
by the sharp smell of acrimony

When words pierce her soul  
Let those words not  
be mine

Keep her from the sorrow  
of my hand may she bear  
no mark of me against her  
heart

*She need not be afraid*

For comfort shall be hers  
When condemnation flees my lips



She will have my arm to squeeze  
my shoulder on which to cry out  
the pain of years

the proverbs of our ancestors  
Let me take the best of them  
and walk with her down  
tender streets

Let her not be visited by  
the ghosts of Senegambia  
Let her not be defeated by  
the ghosts of Mississippi  
Let her grow in stride with the spirits  
of change and redemption

*She need not be afraid*

May I teach her to gaze upon  
our age-old enemies  
with knowledge of their  
fearful humanity

Let me lead her to recognize  
Hatred  
for what it is—  
a foe that won't withstand  
the light of reason  
the heat of love

*You need not be afraid*

Let my world not be your world  
dear daughter  
May the world of our fathers  
fall down and be calmed  
at the sight of you

May you not know  
the grief of your grandfather who  
worked all his life at jobs he  
loathed and would have gladly  
traded for the pleasure of slipping  
under cars in a torn checkered robe  
or your pepe proud and tall refusing  
to bow when the government black  
listed him and people had to bring  
him food in return for knowledge  
traded in secret like the family  
who threw themselves over  
the garden wall and hid for  
months under the beds  
when the state police came round

May you never understand  
your grandmother's humiliation

when her immigrant friends realize  
 they are White nurses aides  
 Irish Polish Russian slaves no more  
 in this different place where  
 they prove their Americanness by  
 disproving of us

like the Italian policeman who made  
 your grandmarie cry in front of  
 her children on the way to school  
 she ran a stop sign he said and for this  
 she was denounced on the side of the road  
 and called many things none of them  
 great-grandchild oh you daughter  
 of a long remembered rape

Your face is like the face of  
 your aunt cocooned inside her polyester  
 house dress reading foreign dictionaries  
 teaching herself Hebrew and Farsi her  
 spirit broken by the move from her  
 island country where she played

Chopin as her sisters waltzed  
 the polished wooden floors gleaming  
 beneath flat brown feet while  
 servants cooked the evening meal  
 in the outdoor kitchen  
*reste avec nous*  
 one and two and three and Lord  
 the last supper how she played

We all remember  
 the girls whose mothers sold  
 them at the gas station  
 the girls whose fathers took  
 them in the night  
 the girls captured by the  
 soldiers claiming to be from God  
 we remember and

*Weep not daughters*

of Jerusalem of Darfur of Hebron of  
 Mosul and Kabul and Mumbai  
 weep not for the children of statues  
 the sons of stone  
 the children of guilt and iron

give them your good counsel  
 give them your loud protests  
 your long dissent  
 your fierce opposition  
 not your tears

save those for your children  
 the children of flesh  
 save your tears for  
 the children of poetry  
 flesh made the word  
 flesh given over  
 to mouths for food  
 that yielding flesh  
 given up for thoughts of purity  
 impossible innocence never possessed  
 that patient flesh  
 made sacred by desire  
 made holy by need

Oh, Guadalupe  
 Oh, Magdalena  
 Oh, Yemanja  
 Oh, Kuan Yin

*I call upon you*

God of Hager  
 God of Sara and Rochel  
 Astraea, Goddess of Justice  
 Aphrodite, Goddess of Love  
 All you cursed and conquered

*I cry unto you*

La Virgin  
 Las Madres de la Plaza  
 La Black Madonna

*I weep with you*

Malaika, Gabriela, Angelina  
 Messengers of God  
 My God  
 Lama sabachtani  
 Elohenu melech ha'olam  
 ¿Por que me deja plantada?

*I waited for thee*

My daughter my love  
 Your tiny arms around my neck  
 What will I say when the time comes to talk  
 about Tulsa Selma Birmingham Watts Detroit  
 When you come upon the hell of Bergen-Belsen  
 Baba Yar Phnom Penh Kigali Lahore  
 Wounded Knee

How will I answer for the  
 cruelty of animals  
 skinned and left to perish in the fire of day  
 the day that God has made

*You must be strong*

I thank you for the blessing of thunder  
You who look me in the eye from a height  
I never imagined

If I can love you well  
Then love will be yours all the days of your life  
And when I am gone  
love will speak to you still  
in a great booming voice

On that hallowed ground  
In that fervent whisper  
With that breathless ache

I could not protect you  
I could not unknow you  
I could only claim you as mine

*She need not be afraid of me*

I am lost and gone  
I am lost and nearly gone  
What for me was never ending  
Is completed every time  
I gaze upon your face

Oh, daughter of the desert  
daughter of forest and mist  
daughter of oceans and rivers

*Forgive*

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II

Overcoming Slavery's Legacies  
in the United States

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## The Paradox of Silence and Display: Sexual Violation of Enslaved Women and Contemporary Contradictions in Black Female Sexuality

*Dorothy Roberts*

### Introduction

In 1994, twenty-four-year-old artist Kara Walker mounted her first exhibition of visual vignettes set in the antebellum South. Composed of life-sized stylized silhouettes cut from black paper, a genteel nineteenth-century art form, they were pasted directly onto the New York gallery's expansive white walls. Stock racial characters—Mammies, Pickaninnies, Sambos, Jezebels, Southern belles, and Confederate soldiers—cavorted across the walls in lewd scenes that were at once seductive and repulsive, comic and tragic.

Against a lush moonlit landscape, a gentleman at left courts a lady in petticoats, while his sword threatens to poke his bastard child, who is wringing the neck of a chicken; the child's mother, a slave wench floating in the water, looks on in outrage. Center stage, children engage in sex play, while the wench lifts her leg to do a jig and squeezes out a couple more babies. She then flies off shrieking stage right, carried by her master, whose head is partly buried under her skirt.<sup>1</sup>

By dragging these latent images into the limelight, Walker hoped to enable viewers to confront, interrogate, and disrupt them.

Commentators likened Walker's cutouts to a Rorschach test that elicits highly subjective and starkly different interpretations.<sup>2</sup> The silhouettes were met with immediate and widespread acclaim, including a prestigious 1997 MacArthur "genius" award, for compelling viewers to explore a more complicated understanding of our collective past by insisting that they deal with deeply repressed fantasies about slavery. But the silhouettes also gravely offended many African Americans, who charged that they merely reinforced damaging racist images that appealed to white collectors' own prejudices. The elder artist Betye Saar initiated a ferocious letter-writing campaign to politicians and art organizations denouncing what she saw as the uncritical and premature celebration of Walker's work in venues where African American artists who depict more uplifting aspects of black culture are underrepresented.<sup>3</sup>



The vociferous reaction to Walker's work confirms that slavery's sexual imagery still resonates in our imaginations, not only because of anger at the *past* injustices it depicts but even more because it continues to influence attitudes about black women's bodies and character. Black female sexuality is most prominently characterized by two starkly conflicting features that can be traced to slavery. There is a profound silence in scholarship, including feminist writing, as well as in public discourse about black women's subjective sexual experiences. The unattractive, asexual black woman is the most prominent icon of black female respectability. At the same time, public displays of black women's bodies that replay myths about black female promiscuity abound. Black female sexuality is at once hidden and paraded. How tricky it is for contemporary black women to resist these sexual stereotypes without bowing to the dominant values that delight in placing black female bodies on display or to the requirements of respectability that tend to silence sexual expression.

In this essay, I seek to understand the paradox of silence and display that characterizes contemporary black female sexuality by examining its relationship to the sexual violation of enslaved women and girls. I argue that slavery's identification of black female sexuality with licentiousness and black female acceptability with asexuality led to silencing the subjective sexual experiences of black women even while the media are full of images of black women flaunting their bodies in sexual displays. In what follows, I first describe the legally sanctioned sexual exploitation of black women and girls during slavery and the degrading mythology that supported it. The dichotomy between the mythical Jezebel, which portrayed black female sexuality as inherently depraved, and the Mammy, which portrayed black female respectability as necessarily asexual, is the source of the paradox of silence and display.

I then elaborate this paradox by discussing displays of black women's sexuality in contemporary U.S. culture, especially rap music videos, as well as the ways in which black women are encouraged to be silent about their sexual desires, pleasures, and decisions. In particular, after Emancipation, black elite women created a "politics of respectability" that emphasized chastity as a key means of erasing the sexual stigma inherited from slavery. Thus, black women's subjective sexual experiences have been silenced by stereotypes that excused and enabled whites' sexual abuse of enslaved women as well as by black communities' attempts to contest these stereotypes.

I then contend that the extremes of promiscuity and asexuality have left a gaping void in the cultural terms needed for black women to freely and publicly define their own sexual identities. Although black women have historically struggled to create alternative sexual ethics, both through their artistic expression and social activism, their impact has been limited by slavery's legacy. Although white women are also affected by racism and sexism, they are not seen as *inherently* licentious; U.S. culture therefore gives them greater leeway to explore sexual expression while remaining socially respectable. I move on to discuss examples of black women's use of the arts to fill this cultural void. I conclude that challenging the paradox of silence and display in black female sexuality requires subverting racist sexual stereotypes as well as changing unjust social policies, institutions, and conditions that reinforce them and that

deny black women the cultural and material resources needed to promote their own sexual identities and ethics.

## The Paradox's Origins in Slavery

The sexual violation of enslaved women and girls set a long-lasting foundation for contemporary notions about black female sexuality. White slaveholders classified Africans as an animal-like race that could be legally treated as chattel. The colonists relied on the biblical story of Noah and his sons Ham, Shem, and Japheth to explain race and justify their enslavement of Africans.<sup>4</sup> According to this legend, Noah cursed Ham's son Canaan to be enslaved by Noah's other two sons. Whites claimed that Africans were the descendants of Ham, and their enslavement was the fulfillment of Noah's prophecy.

One of the most horrific aspects of slavery's ownership of black bodies was enslaved women's experience of sexual exploitation by white men. The institution of slavery created for slaveholders the possibility of unrestrained sexual access and control. This encompassed both slave masters' sexual aggression at will against their female slaves and their requirement that enslaved girls have early sexual experiences with them and enslaved men. The pervasiveness of sexual victimization in the lives of enslaved women and girls is reflected by the fact that "[v]irtually every known nineteenth-century female slave narrative contains a reference to, at some juncture, the ever present threat and reality of rape."<sup>5</sup> Equally prominent in these women's stories is their effort to resist sexual violation so as to preserve some control over their own sexuality.

Although black women and girls served as objects of sexual gratification, their own sexual health, desires, and decisions were disregarded.<sup>6</sup> The autobiography of Harriet Jacobs, who was sexually pursued by her white owner from age thirteen, dramatically describes how her reduction to a sexual object shaped every aspect of her life.<sup>7</sup> "Slavery is terrible for men," wrote Harriet Jacobs, "but it is far more terrible for women."<sup>8</sup> Jacobs referred not only to forced sex but also to the premature exposure of girls to sexualization by masters, impressing on girls at an early age that their value was reduced to sexual commodity.<sup>9</sup>

The law sanctioned whites' denial of black women's humanity by deeming any child born to an enslaved woman to be a slave. This permitted owners to profit from their assaults and failed to recognize the rape of an enslaved woman as a crime. Not only did slave masters have the legal right to treat their enslaved property as they wished, but enslaved women had no legal interest in preserving their own bodily integrity. The law did not recognize the rape of black women by *any* man. When a slave named George was charged with having sex with a child under the age of ten, a Mississippi court dismissed the indictment on grounds that "the crime of rape does not exist in this State between African slaves."<sup>10</sup> The laws that regulated sex among whites were simply not relevant to slaves: "Their intercourse is promiscuous" and "is left to be regulated by their owners," the court wrote. In 1860, the Mississippi legislature responded to the dismissal by passing a law punishing enslaved men for the rape of "negro or mulatto" girls under twelve years of age.<sup>11</sup> It is unlikely, however, that this law stemmed sexual abuse of enslaved girls because slave

owners had an economic interest in avoiding criminal punishment, especially execution, of their male slaves.<sup>12</sup>

The law also failed to protect enslaved women by punishing their acts of resistance against sexual abuse. Because black women did not have the right not to be raped, they could not appeal to laws that made white women's self-defense against rape justifiable. When an enslaved girl in Missouri named Celia killed her master, Robert Newsom, who had raped her repeatedly from the time he purchased her in 1850, she was hanged.<sup>13</sup>

Slavery also put black women's bodies on display. White society did not accord enslaved women the physical privacy that Victorian standards of modesty required. Women were paraded on auction blocks for sale with potential customers invited to feel the most intimate parts of their bodies to test their fertility and fitness for field labor.<sup>14</sup> Enslaved women were often provided only scanty clothing and were stripped naked for beatings. White men's voyeuristic obsession with black women's bodies turned enslaved women into pornographic objects because white men had the power literally to treat these women's bodies as property.<sup>15</sup> In the early nineteenth century, European whites kidnapped Sarah Baartman, the so-called Hottentot Venus, from what is now South Africa to use her as an illustration of the physical differences between blacks and whites. She was exhibited in a cage at Piccadilly Circus in London and paraded at fashionable parties in Paris, barely clothed, for the entertainment of the white guests. After her death in 1815, she was literally reduced to her sexual parts when her body was dissected and her genitalia and buttocks placed on display at the *Musée de l'Homme* in Paris. It was not until 1974 that her remains were placed in storage; she was finally buried in her homeland of South Africa in August 2002.

Emancipation did little to protect black women from sexual victimization. No longer the property of a particular white slaveholder, freed black women were vulnerable to sexual assault by any white man.<sup>16</sup> Indeed, Reconstruction escalated sexual violence against black women as a tool of racial terror to reinstitute white supremacy.<sup>17</sup> Even after the rape of black women constituted a crime, rape law barely applied to them because prosecutors and jurors presumed they were unchaste.<sup>18</sup> White law enforcement has historically trivialized the sexual assault of black women because it failed to see the injury these women suffered. Thus, black women were twice victimized: they were physically assaulted and then denied legal recognition of the harm.

The sexual exploitation of enslaved women generated a degrading iconography of black female sexuality designed to legitimize white men's immorality. These images were created within the broader backdrop of an ideology about black sexuality that was essential to whites' rationale for enslaving other human beings. Sexuality is a critical arena for establishing differences among human beings—among races and classes, as well as between genders.<sup>19</sup> The biological classification of Africans as an animal-like race separate from and inferior to whites justified the legal classification of enslaved Africans as chattel. Whites held that blacks demonstrated their proximity to animals in their wild behavior owing to their inability to control their bodily impulses. They claimed that blacks' position between human beings and apes was especially

manifested in black women, who were thought to be more attractive to male orangutans than were female orangutans.<sup>20</sup>

A key aspect of the Western view of blacks' instinctual nature was the myth of black wantonness. Because black people were classified as biologically close to animals so that they could be treated legally as such, they were seen to have the same sexuality as animals. Like animals, blacks were thought to be promiscuous because they were uncivilized and incapable of reason and culture.<sup>21</sup> This imaginary association of Africans with wild animals also reflected whites' fear of black sexuality and belief that it had to be contained. In his influential book, *Slavery, as It Relates to the Negro, Or African Race* (1843), New Yorker Josiah Priest defended slavery as an essential means of protecting the white race from the dangers of black sexual perversity.<sup>22</sup>

Two of the most prominent images of enslaved women are erotic opposites—the oversexed Jezebel and the asexual Mammy. Jezebel, a woman governed by her sexual desires, was one of the most prevalent images of enslaved women.<sup>23</sup> Whites appropriated Jezebel from the Bible, where she is portrayed as the evil Phoenician princess and wife of King Ahab of Israel.<sup>24</sup> The Bible suggests that Jezebel led King Ahab astray by encouraging him to worship Baal, the Phoenician's pagan idol, and to oppose the Lord's prophets.<sup>25</sup> Jezebel meets a grisly fate when she is thrown from a window at the command of Jehu, the newly anointed king, and trampled to pieces by horses.<sup>26</sup> Jezebel represented women's power to use their sexual allure to trap innocent men. The ideological construct of the lascivious Jezebel legitimized white men's sexual abuse of black women; for if black women were inherently promiscuous, they could not be violated. This myth allowed white men to perpetrate a colossal hoax: white men could use their power to commit sexual aggressions while pretending to maintain the moral superiority that justified their slaveholding status.<sup>27</sup> Recent revelations about the secret sexual liaisons of revered Southern statesmen Thomas Jefferson and Strom Thurmond with vulnerable black women poignantly illustrate this deception.<sup>28</sup>

In addition, Jezebel defined black women in contradiction to the prevailing image of the True Woman, who was virtuous, pure, and white. Black women's sexual impropriety was contrasted with white women's sexual purity. While white wives were placed on pedestals of spotless morality, all black women were, by definition, whores. As an unidentified Southern white woman wrote in 1904, "I cannot imagine such a creature as a virtuous black woman."<sup>29</sup> Some whites defended the sexual exploitation of enslaved women as necessary to protect white womanhood from men's base passions; slaveholders, they argued, could satisfy their sexual appetites with enslaved women, thereby preserving white women's purity.

In contrast to Jezebel, the myth of the happily subservient Mammy served to justify the exploitation of house slaves' labor and to symbolize ideal slave behavior.<sup>30</sup> Mammy was both the perfect mother and the perfect slave: whites saw her as a totally loyal caregiver whose only desire was to serve her white master by caring for his children.<sup>31</sup> Unlike the exotic Jezebel, Mammy was totally unattractive according to white standards. She was depicted as overweight, having distinctly African features and a dark complexion, and always wearing a head rag and apron. This portrayal accentuated her domesticity and

lack of sex appeal, especially for white men.<sup>32</sup> Her advanced age also negated any threat of sexual liaison between her and her white charges.<sup>33</sup> Mammy represented the utmost safety in womanhood because she was both asexual and enslaved. Her absolute, desexed devotion to the master's children eased white people's fear of uncontrollable black sexuality.

The sexual distinction between Jezebel and Mammy reflected slavery's division of blacks into two classes of workers: those who labored in the fields and house servants, who worked in close proximity to whites. Mammy (and Uncle Tom) represented domesticated blacks who were suitable to work in white homes because they had been "stripped of their predilection for unrestrained sexuality and violence (in other words, their stereotypical Blackness)."<sup>34</sup> This early dichotomy between the natural black woman who is sexually licentious and the respectable black woman whose sexuality is erased marks the origins of the contemporary paradox of black female sexuality as something that is at once concealed and displayed.

These images reinforced a corollary belief that black women procreate recklessly and pass on an immoral lifestyle to their offspring. Because Mammy was asexual, she could serve as a surrogate mother to children who were not born of her own sexual activity. Mammy, moreover, remained under the moral supervision of her white mistress. Jezebel, by contrast, was portrayed as a bad mother because her sexuality was inherently depraved. In his 1889 book *The Plantation Negro as a Freeman*, historian Philip A. Bruce explicitly tied black women's sexual impurity to their dangerous mothering. He claimed that black women raised their children to follow their own licentious lifestyle, charging that "no principle is steadily instilled that makes [their children] solicitous and resolute to preserve their reputations untarnished."<sup>35</sup>

## The Paradox of Black Female Sexuality: Display and Silence

The sexual exploitation of enslaved women and girls, and the degrading mythology that supported it, continues to affect black female sexuality today. The dichotomy between the intrinsic depravity of Jezebel and asexual respectability of Mammy reverberates in the pervasive displays of black women's bodies in the media at the same time that black women's sexual desires, pleasures, and decision making remain largely hidden.

### *Black Female Sexuality on Display*

It is not hard to find displays of black female sexuality in contemporary U.S. culture. The media, music videos, and policy discourse all scream images of oversexed black women. During the last three decades, black women's reckless childbearing has been a central focus of domestic policy proposals. The Reagan administration blamed the (black) Welfare Queen, who bred children to fatten her government check, for the crisis of welfare dependency. One of the main purposes of the federal welfare reform law passed in 1996 was to curb the supposed irresponsible sexuality of welfare recipients, who were incorrectly seen as predominantly African American.<sup>36</sup> (Black women made up 37 percent

of the welfare population in 1996.<sup>37</sup>) These prominent policy discourses constantly remind the American public that black women's sexuality is a major social problem.

Also in the early 1990s, the depiction of women in the most popular music videos by black male artists shifted dramatically from celebrating black women's bodies to objectifying them.<sup>38</sup> Much of rap music expresses black youth's urgent challenge of oppressive U.S. institutions, including mass incarceration, police abuse, inner-city poverty, and a bankrupt education system.<sup>39</sup> Rap artists have been unfairly targeted by law enforcement and demonized by mainstream media for their militant form of social protest. A great deal of rap, however, is full of misogynistic and homophobic lyrics that have little to say about racial injustice. Unlike the politically subversive elements of hip-hop culture, these rap videos peddle sexist values that are prominent in the dominant culture, including disparaging notions of black female sexuality, to white as well as black audiences.<sup>40</sup>

In these videos, the male star is typically surrounded by black women whose scant clothing reveals large breasts and backsides and whose only function in the scene is to add sexual titillation. Often a particular body part—these days, usually the “booty”—is the focus of attention. In an especially egregious scene in his video “Tip Drill” (referring to an ugly woman with a nice body), the rapper Nelly slides a credit card down a faceless woman's rear, as if making a direct payment to a prostitute, pornographically deploying the dominant values of sexism and commercialism at once. Some rap lyrics portray women purely as sexual objects whose purpose is to be “busted” or “hit” (violent terms for sexual penetration) and discarded; the message is that men enjoy sex most if it hurts and humiliates women.<sup>41</sup> These violent lyrics are reminiscent of white masters' attitudes that enslaved women were suited for sexual assault and degradation.

Black male artists (and the powerful businessmen who produce and market their music) invoke a readily available sexual mythology to make money while black women adopt the very poses that have stereotyped them to gain entrance into the entertainment business. Although many prominent black female vocalists, such as India Arie, Erykah Badu, Lauren Hill, and Jill Scott, have powerfully challenged racist and sexist stereotypes, others like Lil' Kim, Trina, and Foxy Brown revel in them. As Tricia Rose observes, “This explosion of sexually explicit expression by black female performers simply represents the music and film industry's profiting from the long-standing sexual ideas about black women.”<sup>42</sup>

In addition to profiting from the objectification of black women, these videos reinforce gender inequality among young black men and women. Sarita, a twenty-two-year-old black woman interviewed by Tricia Rose, commented on a music video by the rapper Redman in which he looks down from a rooftop on a scene of black prostitutes “with blond wigs on, short shorts and halter tops and really slimy outfits”:

Why is it that you can represent me like that? Why are you representing me like that to the world? . . . I have a lot of anger about it; it directly affects the way black men treat black women because we're seen as objects, commodities. Like when

I'm hanging around Malcolm's [her boyfriend's] house, guys drop by all the time from around the way and just shoot the shit and then leave. So they'll come in, completely ignore me, shake Malcolm's hand, and sit down. If Malcolm doesn't introduce me, they can't come to me as an individual and say hello. They have to do it through a man because in their eyes, I'm his bitch—I'm his property.<sup>43</sup>

Through the perpetuation of degrading sexual stereotypes, the long shadow of slavery links white slave masters' use of black women as property to Sarita's sense of being treated as property by black men.

### *Sexual Silence and the Politics of Respectability*

In the face of these explicit displays of black female sexuality is an acute secrecy surrounding black women's subjective sexual experiences. Paradoxically, perhaps the most common scholarly observation about black female sexuality is the silence surrounding it. In 1999, Evelyn Hammonds pointed out that there was no full-length historical study of African American women's sexuality.<sup>44</sup> "Black feminist theorists have almost universally described black women's sexuality, when viewed from the vantage of the dominant discourses, as an absence," she wrote. When sexuality is discussed, black writers have emphasized how it has been an object of repression by others, with less attention to black women's own sexual desires, pleasures, and decision-making capacity.<sup>45</sup>

Moreover, black women's efforts to discredit the myth of sexual decadence has often focused more on hiding black women's sexuality than expressing it in egalitarian, self-affirming ways. Black women's own narratives about sexuality are rarely voiced in public. With relatively few positive accounts of black female sexuality and ethics, healthy black sexuality still sounds like an oxymoron.

The sexual violation of enslaved women and girls led to a politics of silence about black women's sexuality. One of the premier goals of black women's politics after Emancipation was to redeem black women's honor from the scurrilous libel of sexual immorality perpetrated during slavery. At the turn of the twentieth century, social clubs organized by elite black women refuted the myth of black female licentiousness in part by educating the public about white men's victimization of black women, imploring white men to stop exploiting black women and black men to do a better job of defending them.<sup>46</sup> During the same period, a women's movement within the black Baptist church also engaged in a "politics of respectability" that defended black women's sexual identities from white reproach.<sup>47</sup> The black Baptist women played key roles in the church and in 1900 established a national Woman's Convention, auxiliary to the National Baptist Convention, then the largest organization of African Americans.

Black club women pointed out the hypocrisy in whites' judgments about black immorality. According to Mary Church Terrell, the first president of the National Association of Colored Women's Clubs, established in 1896, images of black women's sexual depravity proliferated because "[f]alse accusations and malicious slanders are circulated against them constantly, both by the press and by direct descendants of those who in years past were responsible for the moral degradation of their female slaves."<sup>48</sup> One of her aims for the organization was to uncover "the enormity of the double standard of morals, which

teaches that we should turn a cold shoulder upon a fallen sister, but greet her destroyer with open arms and a gracious smile."<sup>49</sup>

Most of black club women's efforts, however, were directed at elevating the status of black motherhood and the morality of black domestic life.<sup>50</sup> They waged a campaign of respectability intended both to train poor and working-class black women in bourgeois culture and to show whites that black women were capable of this civility.<sup>51</sup> Rejecting the belief that sexual immorality was an inherent racial trait, they attempted to make up for the deficits in moral, social, and hygienic values caused by slavery and discriminatory socioeconomic conditions.<sup>52</sup> Similarly, the black Baptist women advocated "adherence to temperance, cleanliness of person and property, thrift, polite manners, and sexual purity . . . to refute the logic behind their social subordination."<sup>53</sup>

Black club women and churchwomen established kindergartens and day nurseries that trained children in the basics of moral living, as well as mothers' classes that educated women in homemaking skills. They also built homes for working girls who migrated from the South to Northern cities in search of better lives working as domestic servants but who, because of poverty wages and racial discrimination, sometimes turned to prostitution to survive. (Darlene Clark Hine argues that Southern black women's reasons for migrating north included escaping sexual exploitation and rape by both white and black men.<sup>54</sup>) These shelters rescued girls from the urban streets and helped to replace a lifestyle that reinforced sexual stereotypes with an image of moral womanhood.

On one hand, these elite club women and churchwomen saw the fate of all black women as linked and understood that racial betterment necessitated universal programs for the benefit of entire communities. As Terrell noted about the organization's motto, "Lifting as We Climb," "[i]n no way could we live up to such a sentiment better than by coming into closer touch with the masses of our women."<sup>55</sup> On the other hand, club women and churchwomen's interest in regulating the sexual behavior of less privileged black women centered too much on white people's approval.<sup>56</sup> In Terrell's view, the most fortunate black women had both a moral obligation to and selfish interest in helping improve the moral status of poorer women in the race. Terrell reasoned that white Americans judged black people on the basis of the "most illiterate and vicious representatives [rather] than by the more intelligent and worthy classes."<sup>57</sup> It behooved educated Negro women, then, to work toward reforms that would elevate the morality and intellect of their most disadvantaged sisters.

Darlene Clark Hine argues that black women created a "culture of dissemblance" that self-consciously resisted disparaging images of their sexuality.<sup>58</sup> Lacking the power to eradicate these images, "it was imperative that they collectively create alternative self-images and shield from scrutiny these private, empowering definitions of self." A "secret, undisclosed persona" allowed black women to survive in an extremely hostile culture that sanctioned violence against them and perpetuated demeaning characterizations of their sexual identities. In addition, by making educated and socially accomplished women the representatives of true womanhood, the black community embraced a definition of femininity based on intellect as much as physical beauty.<sup>59</sup>

There is little record, however, of the positive notions of their own sexuality that black women may have harbored in secret at the turn of the twentieth



century. Instead, club women's focus on propriety as the primary means to erase sexual stigma promoted a silence about black female sexuality. Although calling attention to black women's victimization, the campaign for respectability placed most of the responsibility for redressing it on the victims themselves. The prescribed remedy was a hidden sexuality that denied sexual expression rather than a liberated sexuality that promoted black women's own desires and decisions. The elite crusaders emphasized chastity as the key means of throwing off the degrading sexual stereotypes they inherited from slavery. As Deborah Gray White observes, "chastity became the litmus test of middle-class respectability."<sup>60</sup> With little power to influence white behavior in the era of Jim Crow, black club women and churchwomen relied on black women's moral improvement as the most feasible weapon for challenging sexual exploitation and vilification. The race and sex inequalities of the time left little opportunity for these women to defeat the myth of sexual wantonness by creating their own emancipated sexual ethics.

In addition to silencing sexuality, the focus on respectability made this silence a racial obligation. Black club women and churchwomen recognized that whites used stereotypes about black female sexuality to reinforce sexual myths about black men and to defend the brutal enforcement of taboos about interracial sex. In *The Plantation Negro as a Freeman*, Philip A. Bruce traced the alleged propensity of black men to rape white women to "the sexual laxness of plantation women as a class."<sup>61</sup> According to Bruce, black men lacked any understanding of sexual violation because the women of their race were always eager to engage in sex. Black women's sexual purity, then, improved the status of black men by refuting the myth about their sexual inclination toward white women. It also helped to restore black men's dominance in relation to black women, which had been demeaned by slavery. Thus, reconstructing black women's sexuality became as much a duty to salvage the entire race from disrepute, violence, and discrimination as a means to liberate black women themselves.<sup>62</sup>

### *The Continuing Deviance Divide*

Many middle-class black women continue to take pains to differentiate themselves from the stigmatized promiscuity and fertility of their poorer sisters. Legal scholar Regina Austin presents an illustration of this "deviance divide" in a defamation lawsuit brought against the American Broadcasting Network (ABC) by a black woman, Ruby Clark, after her photograph appeared in a television program about prostitution.<sup>63</sup> The photo's placement called into question whether ABC portrayed Mrs. Clark as a prostitute or as one of the neighborhood residents who complained about prostitution taking place near their homes. Mrs. Clark, a slim, young, stylishly dressed woman, was juxtaposed with two "matrons," including an obese, bespectacled black woman carrying groceries, who clearly represented residents who were protesting the problem. Austin notes that this ambiguity about Mrs. Clark invited viewers to engage in the same humiliating speculation as white johns cruising the neighborhood: "Is she or isn't she?"<sup>64</sup> To win her claim, Mrs. Clark had to distinguish herself from two stereotypical groups of black women: "On the one side are the 'de-sexed,' 'de-heterosexed,' and androgynous females who are lumped

in with the self-declared lesbians; on the other are the wild, wicked women who are written off as whores.”<sup>65</sup> But what cultural terms could Mrs. Clark deploy to explain her sexuality as neither nonexistent nor deviant?

The asexual norm of acceptable black womanhood is reinforced by network television depictions of “modern mummies,” hardworking professionals who are completely devoted to their jobs, typically institutions of law and order, and who apparently have no family life.<sup>66</sup> Characters like Washington DC police department data analyst Ella Farmer in *The District* (played by the late actress Lynne Thigpen) and Anita Van Buren, a New York City police department lieutenant in *Law and Order* (played by S. Epatha Merkerson) are “tough, independent, smart, and asexual.”<sup>67</sup> These representatives of black female respectability remain completely clothed and on the job. Switch channels, though, to MTV or Black Entertainment Television, and one will be deluged with images of nearly naked black women dancing in sexually explicit postures to lyrics that describe them as sexual commodities. The Mammy and the Jezebel are alive and well on television sets across the nation.

Young black women beginning to shape their own sexual ethics have a woefully cramped set of options to work with. Today, there may be more pressure on female students to accept a sexually demeaning role than to preserve their chastity. In *Shifting: The Double Lives of Black Women in America*, Charisse Jones and Kumea Shorter-Gooden note the contradiction between black college women’s academic achievements and their tolerance for sexist mistreatment by black men. “Thus, even as many of these women study by day to become independent professionals, by night they party to sexist fraternity chants like: ‘We pimp the ho’s, we drink the wine, come on (boys), it’s party time!’”<sup>68</sup> In contrast, other black college women have challenged their portrayal in rap and hip-hop videos, such those at Spelman College whose protests of “Tip Drill” forced the rapper Nelly to cancel a benefit concert on campus.

## The Paradox’s Repressive Impact

The asexual Mammy and hypersexual Jezebel work together to suppress black women’s own liberated sexual ethics that reflects their perspectives, values, and humanity. Slavery’s stereotypes linking natural black femaleness to sexual promiscuity and black female respectability to sexlessness leave a crippled cultural language for black women to define an alternative sexual ethics. There is a significant difference between the Mammy/Jezebel dichotomy and the Madonna/whore dichotomy, which helps to police white women’s sexual behavior. Black sexuality is defined as *inherently* and *essentially* immoral; the black female body represents promiscuity. Unlike black women, white women were never defined as animal-like and naturally immoral. Indeed, at the time of African enslavement, Victorian culture treated white women as essentially pure and moral, corruptible but not innately corrupted. Evelyn Brooks Higginbotham observes that the pervasive imagery of black female promiscuity had the effect of “ascrib[ing] pathological uniformity onto black women as a group, such that every black woman, regardless of her income, occupation, or education became the embodiment of deviance.”<sup>69</sup> Thus, redeeming the black female body has often meant desexualizing it. It is extremely difficult in a culture seeped with

these slavery images to imagine a positive black female sexuality because black women's bodies and behavior are so easily seen as depraved.

The easy association of the black female body with wanton sexuality can be plainly seen in the common experience of professional women like Mrs. Clark who are mistaken for prostitutes. Sex researcher Gail Wyatt recounts in her book *Stolen Women* a disturbing encounter she had while waiting in a hotel lobby for her husband to accompany her on an evening out to celebrate their wedding anniversary. Dressed in her finest suit, Dr. Wyatt was accosted by a group of white men who audibly wondered what her price was, suggesting she was a prostitute.<sup>70</sup>

Two recent television spectacles further reflect the presumption of black women's sexual availability. When white actor Adrien Brody stepped on stage to accept the Oscar for best actor at the 2003 Academy Awards ceremony, he grabbed the African American actress Halle Berry, who made the announcement, and very forcefully, without seeking permission, French-kissed her. "[Brody] felt so entitled...he saw a black woman he thought was attractive, and didn't think anything of it," observed critical studies professor Todd Boyd.<sup>71</sup> Some blacks were disappointed that Halle Berry won the Academy Award for best actress the year before for a role that was memorable largely for its graphic sex scene with white actor Billy Bob Thornton. At the opposite end of the sexual spectrum, Hattie McDaniel, a heavy-set, dark-skinned woman, received an Academy Award for best supporting actress in 1940 for her performance as Mammy in *Gone with the Wind*. The Academy apparently only bestows its honors on black women who fulfill the sexual stereotypes.<sup>72</sup>

Like Adrien Brody, the white pop star Justin Timberlake received relatively light reprimand when he ripped black vocalist Janet Jackson's bodice during the 2004 Super Bowl halftime show, exposing the singer's breast to a prime-time audience. Although the incident generated a huge amount of press coverage and government attention, most of the blame focused on Jackson, who was demonized for being a degenerate exhibitionist. These public displays of sexual manhandling mirror the private, everyday encounters at work, school, and clubs that black women have with white men who assume their sexual availability.<sup>73</sup> Although sexual harassment is a common form of gender discrimination, black women appear more likely to experience an especially direct form of it. A study of 248 women in Los Angeles County found that, of those who reported at least one incident of sexual harassment at work, 67 percent of black women, compared with 45 percent of white women, were directly propositioned.<sup>74</sup>

It takes little sexual accoutrement to make a black woman appear indecent. In defending *Smooth*, a magazine catering primarily to young African American men, editor Sean Cummings noted the double standard applied to black and white women who pose for magazines. "If you have a white girl in a bikini lounging on a chair, she's a beautiful girl next door," he told a *New York Times* reporter. "The minute you put a woman of color who's a Size 10 in the same setting, she's a whore. Mainstream Americans still fear black sexuality."<sup>75</sup> Because whites view black women as naturally depraved, any allusion to their sexuality seems to be immoral and dangerous. White women, on the other hand, have greater leeway to appear sexual but not immoral because

they lack this historical association with natural depravity. This type of cultural policing limits black women's ability to freely and publicly explore their own conceptions of black female sexuality.

A 2004 program on National Public Radio about the impact of pop stars' provocative attire on the fashion industry illustrates Cummings's astute observation. Reporter Karen Michel began by describing white celebrity Britney Spears's sexually suggestive look: "Even when she wasn't like a virgin but allegedly was one, Britney Spears didn't wear much. Her boobs, back, midriff and whatever else was available looked available. And gazillions of teens and twenties, with both taut and flabby flesh, emulated the look."<sup>76</sup> How did Britney avoid appearing too sexually deviant to be an appropriate role model for American teenagers? Harold Koda, curator of The Costume Institute at the Metropolitan Museum of Art, explained that Spears was able to maintain respectability while flirting with a provocative style "because she is so all-American that to transpose, for example, a bare midriff or a piercing on that kind of wholesome canvas suddenly makes it accessible for a broader spectrum of individuals."<sup>77</sup> "All-American" is a code word for "white" in the dominant culture that still considers whiteness to be the ideal national identity.

Britney Spears's whiteness gave her flexibility within the virgin/whore dichotomy to experiment with sexiness while remaining socially acceptable. A black woman's body, by contrast, could never serve as a "wholesome canvas" on which to benignly transpose sexual symbols. A bare midriff or a piercing would have precisely the opposite effect in juxtaposition with black female sexuality. Our society accords black women little flexibility to "flirt with more dangerous and marginal" aspects of sexuality without falling off the precipice of deviance.

Another critical limitation on black women's sexual creativity that stems from slavery is the link between sexuality and whiteness as the standard for physical beauty. Black women's kinky hair, dark skin, and broad facial features and body shape all fall short of the white ideal. Although the obsession with unrealistic beauty standards affects all women, there is a qualitative difference between white and black women's failure to meet them. The despair felt by Pecola Breedlove, the character in Toni Morrison's *The Bluest Eye* who spends her childhood praying for blue eyes, is deeper than the disappointment by a little white girl who prefers different features.<sup>78</sup> Pecola is despondent "not because she's even further away from the ideal of beauty than white women are, but because Beauty *itself* is white, and she is not and can never be, despite the pair of blue eyes she eventually believes she has."<sup>79</sup>

Like Pecola, many black women have internalized the message that black bodies are not beautiful and succumb to monumental social pressure to modify their appearance to look more like white women. Since the late 1800s, the cosmetics and hair products industries have helped to define femininity in white terms and offered to "make over" black women with whitening creams, face powders, and hair straighteners as a route to greater social acceptance.<sup>80</sup> Many black women believe that they can be beautiful only by acquiring these features that represent whiteness.<sup>81</sup>

The white ideal is profoundly damaging to notions of black female sexuality because feminine identity and sex appeal are strongly tied to outward

appearance. The self-hatred that stems from failure to meet beauty standards also limits black women's ability to define their own self-affirming sexuality.<sup>82</sup> Cocoa, a thirty-seven-year-old African American woman interviewed by Tricia Rose, connected the European standard of beauty with conflicting understandings of black female sexuality:

I don't think that society understands black women's sexuality or that they represent it well because, again, when I look at it and society, when they think that black women are very pretty, they hardly ever go to the dark-skinned woman as being pretty and sexy. They go to a light-skinned woman with long hair and say this is pretty, and when they see the dark-skinned lady, they say this is the nurturing type... Or if they show a dark-skinned woman in a sexual light, she's poor, she's loud talking, she's not intelligent, she's not smart.<sup>83</sup>

From this vantage, the black female body may be lurid, but it is not beautiful; it is the object of lust, but not admiration. Although Mammy and Jezebel were sexual opposites, neither was fully feminine. Mammy's appearance negated sexual allure; Jezebel's depraved sexuality also distinguished it from white women's ladylike loveliness and sensuality. In many rap lyrics, black women's bodies are described as "nasty" and "freaky," not attractive and alluring. Sexual *beauty*, as opposed to sexual depravity, is reserved for white women.

## Black Women Artists Challenging the Paradox

Slavery's stereotypes of natural sexual licentiousness and respectable asexuality continue to constrain black women's ability to describe their subjective sexual experiences and define their own sexual ethics. Because of the voluminous sexual baggage black women carry, any public expression of sexuality by black women is likely to be controversial. We should not only criticize the myth of black female licentiousness but subvert it in a way that makes room for black women to delineate their own sexuality apart from this stereotype on the one hand and the silence imposed by asexual respectability on the other.

The arts have provided a limited space where black women could explore their sexual desires, pleasures, and self-definition. Hazel Carby, Angela Davis, and others have identified the blues as a medium through which black working-class women exerted a sexual identity that was unconstrained by both white slave masters and bourgeois ideals of sexual purity and true womanhood.<sup>84</sup> "The Blues singers had assertive and demanding voices; they had no respect for sexual taboos or for breaking through the boundaries of respectability and convention," writes Carby.<sup>85</sup>

Cautioning against a neat sexual polarity between club women's bourgeois respectability and working-class blues singers' sexual expressiveness, Carol Batker argues that novelist Zora Neale Hurston made use of both club writings and blues lyrics to disrupt this opposition.<sup>86</sup> Janie Mae Crawford, the central character of Hurston's best-known novel *Their Eyes Were Watching God*, is a Southern black woman in the 1930s seeking freedom from the constraints of respectability imposed by her grandmother, Nanny, and of her husbands' expectations in her two unhappy marriages. She ultimately finds fulfillment

with a third husband named Tea Cake. Batker writes that Hurston “collapses the dichotomy between Nanny and Tea Cake, between respectability and desire, in order to position Janie as sexual but not libidinous.”<sup>87</sup> Through literature, blues, and club-movement politics, black women actively struggled in sometimes-contradictory ways to establish their own sexual identities and ethics. Their disenfranchisement in the national community and gendered obligations to the race worked against a more widespread exploration of black female sexual ethics that rejected racist sexual ideology without repressing sexual expression.

Black female rappers provide a more contemporary example of challenging the paradox of silence and display. In contrast to black male rappers who exploit sexual stereotypes, some black women artists have employed sexuality symbolically in rap lyrics as a means to liberation from a subordinated role. Legal scholar Imani Perry describes how BWP’s (Bytches With Problems) “Two-Minute Brother” uses comedy to irreverently reject both societal expectations of respectable behavior and male expectations of female submissiveness.<sup>88</sup> By poking fun at a man’s conceit about his sexual prowess, the female rappers deflate the very phallogocentric sexuality so rampant in videos by male rappers (who are fond of grabbing their crotches), emphasizing instead the women’s own sexual experience and power.<sup>89</sup> Black women rappers who refuse to adopt a sexually demeaning posture, however, remain relatively obscure in the entertainment industry.

## Conclusion

In this essay, I sought to understand the paradox of silence and display that characterizes contemporary black female sexuality by examining its relationship to the sexual violation of enslaved women and girls. The law of slavery sanctioned sexual exploitation of black women and girls, supported by a degrading mythology about their sexuality. This mythology featured a dichotomy between the mythical Jezebel, which portrayed black female sexuality as inherently depraved, and Mammy, which portrayed black female respectability as necessarily asexual. Slavery’s identification of black female sexuality with licentiousness and black female acceptability with asexuality led to silencing the subjective sexual experiences of black women, even while the media flaunt their bodies in sexual displays. The extremes of promiscuity and asexuality have left a gaping void in the cultural terms needed for black women to freely and publicly define their own sexual identities. Although black women have historically struggled to create alternative sexual ethics, both through their artistic expression and social activism, their impact has been limited by slavery’s legacy.

The racist imagery of black women discussed in this essay has shaped and been reinforced by unjust social policies and institutions. The opposition of black female sexuality and moral motherhood was perpetuated in the 1960s stereotype of the black matriarch whose sexual aggression emasculated black men and drove them from the household. Daniel Patrick Moynihan and others blamed female-headed households for the demise of the black family.<sup>90</sup> In the last two decades, the pregnant crack addict was added to the iconography of

depraved black maternity. Newspaper articles portrayed crack addicts as careless and selfish black women who put their love for crack above their concern for their children. Reinforcing the link between black female sexual immorality and maternal irresponsibility, reporters often represented them as prostitutes who became pregnant after trading sex for crack.<sup>91</sup> Unlike any other drug, the chemical properties of crack were said to destroy the natural impulse to mother.

As I have elaborated elsewhere, these deeply embedded stereotypes of black female sexual and reproductive irresponsibility support welfare reform and law enforcement policies that severely regulate poor black women's sexual and child-bearing decisions.<sup>92</sup> In the 1990s, for example, hundreds of women were charged criminally for using drugs while they were pregnant. Although black women have similar rates of substance abuse as white women,<sup>93</sup> the vast majority of prosecutions were against black crack-cocaine users. During the same period, poor black women were the targets of campaigns to distribute risky, long-acting contraceptives; policies that denied welfare recipients any additional aid if they had more children; and even proposals to condition welfare receipt on sterilization. Judges, prosecutors, and legislators see black women as suitable subjects for harsh reproductive penalties because mainstream society does not view them as suitable mothers in the first place.

The inequitable sexual roles among black people portrayed in some rap lyrics are also reinforced by repressive social conditions that affect the sexual relationships in inner-city neighborhoods. Recent social-science research shows that, by skewing the ratio of women to men, the mass removal of men from inner-city communities to prisons is affecting gender norms. The men and women anthropologist Donald Braman interviewed in the District of Columbia described high incarceration rates as "both encouraging men to enter into relationships with multiple women, and encouraging women to enter into relationships with men who are already attached."<sup>94</sup> Because both men and women perceive a shortage of men in communities already blighted by poverty, women have less leverage in intimate relationships and are therefore more vulnerable to male exploitation. As Louise, a twenty-three-year-old woman who is HIV-positive, explains about "rollers," men who can afford to pay the bills, "it's almost a given he's got a chick on the side. You're not really his woman. It's more like rental property. It's all temporary."<sup>95</sup> Although state and federal governments are enforcing welfare policies that attempt to impose sexual ethics by penalizing poor black women for having children outside of marriage, they perpetuate a prison policy that discourages marriage and other stable intimate relationships in these women's communities. Sexual ethics are not just a matter of dictating individual morality but also of addressing the social conditions that affect people's sexual decisions and relationships.

Filling the void created by the paradox of silence and display requires subverting racist sexual stereotypes as well as changing unjust social policies, institutions, and conditions that reinforce them and that deny black women the cultural and material resources needed to promote their own sexual identities and ethics.

## Notes

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## From Mammy to Welfare Queen: Images of Black Women in Public-Policy Formation

*Emilie M. Townes*

White supremacist ideology in the United States depends on creating and maintaining a nonhuman status for Black and other darker-skinned peoples. We may think of White supremacists as long gone, merely a dark part of the American past, but the fundamental belief of this ideology, that non-Whites are lesser breeds, still exerts a strong influence on how we think of ourselves and each other and the decisions we make as a society. One way to trace the continuing impact of the slaveholding White supremacist ideology is to see how its racial and sexual stereotypes affect our public-policy decisions. This ideology includes stereotypical images of Black womanhood: we are all familiar with the Mammy who loves her White master's children as though they were her own, the Black Matriarch who rules her home and her neighborhood yet cannot keep a husband and thus cannot raise her children right, and the Welfare Queen who lives in luxury thanks to the hard work of the taxpayer. The negativity of these images, particularly those of the Black Matriarch and the Welfare Queen, allows us to assume the worst about Black women (and all Black folk). We then go on to develop welfare policies based on these imaginary characters' personal failings—policies that affect not only poor people of all colors, but all of us. In forming these policies, we rarely question the justice of the structures in which we all exist and the economic, moral, political, and social impact these structures have on our lives.

Recognizing these brutalizing images of Black womanhood for what they are provides an opportunity to think through how to address the legacies of slavery that remain in our minds, in our environment, and in our public policies, where they play out with perhaps the greatest cost in the lives of Black women and girls. I will explore the sources of these stereotypes, how they serve the dominant culture that created them, and their impact on public policy, especially welfare policy. This exploration of the religious, historical, and intellectual roots of our demonization of poor people will also show how we have come to live in a selfish, me-first society where many people believe that those down on their luck have only themselves to blame; the rich are in their position because they are blessed; government is only a hindrance, never a help; and none of us bears any responsibility to those around us. I conclude by offering a

religious ethical critique with constructive proposals for forming a society that provides justice for all.

Whereas many people think of sexual ethics as a purely individual matter, in reality, people's experience of sexuality and their decisions about it never occur in a vacuum. The racial-sexual stereotypes that I discuss here, along with the unjust social structures that they justify, limit Black women's opportunities to live prosperous lives and harm their physical and mental health. In the area of sexuality, the toll is heavy, including greater vulnerability to HIV/AIDS, decreased access to reproductive health services and neonatal care, and the greater hurdles faced by Black rape complainants than by White ones in the criminal justice system.<sup>1</sup>

## Images of the Perfect Black Woman: Perfectly Good, Perfectly Bad

The American imagination is peopled with a handful of images of Black women. This family of stereotypes, all useful to the dominant White culture that spawned them, includes fat, old Mammy with the rag around her head; Jezebel in her provocatively torn dress; the determined, emasculating Black Matriarch; and the weak-willed, sly Welfare Queen, out for all she can chisel from the well-meaning, naïve taxpayer. All play a role in the way we view one another. I will begin with the older images of the Mammy and the Jezebel for the sake of historical depth, then focus on how the contemporary images of the Black Matriarch and the Welfare Queen allow Americans to demonize the poor as we shape public policies.

We must start with the Mammy, because she came first in the White popular imagination. The most positive image of Black womanhood from this imagination is the asexual, overly nurturing Mammy. This mythological creation does not want freedom. In fact, she neglects her own kids to care for White children and their families. Mammy does not display any need for sex: this perfect Black woman focuses totally and completely on White people and their needs. Mammy is fat, an excellent cook and housekeeper, and above all loyal to her (White) family.

Unlike the Mammy, the more recently invented Black Matriarch does not forsake her family to care for Whites. She runs her household (with or without a man) and is responsible for the moral upbringing of her own children. She is the failed Mammy because she violates the image of the submissive, hard-working servant of White masters, even when she is in fact an employee serving the needs of White families. The Black Matriarch is a bane to the American cultural order because she works instead of tending to her children. But she has brought this upon herself. The Black Matriarch is single because she is overly aggressive and unfeminine. She emasculates her lovers and husbands, who then refuse to marry her or desert her.<sup>2</sup> Because she is a single working mother, she cannot supervise her children and contributes to their lack of success in school and in society. This makes the Black Matriarch a failure to her own Black community as well.

The Welfare Queen is the Matriarch's companion—the bad Black mother. She drives a white Cadillac, the story goes, and pays for her steaks with food stamps. The Welfare Queen is, like the Black Matriarch, a failure twice over. She is a failed Mammy because she does not care for her own children (or anyone else's), and she is a failed Matriarch because she relies on the welfare system (the rest of us) to support her family.

## Where Did They Come From?

If we rely on the popular “historical” accounts, we must believe that Mammies existed in legion. In fact, most of the White antebellum evidence for Mammies comes from fictional sources and romanticized memoirs. Catherine Clinton's exhaustive study *The Plantation Mistress: Woman's World in the Old South* shows that only a handful of women actually fit the Mammy image.<sup>3</sup> Herbert Gutman's research also reveals that the prevalence of Mammies has been completely distorted.<sup>4</sup> He found that there were few older Black women who served the role of Mammy as late as the 1880s, when Southern memoirs began to tout her presence and importance. Gutman shows that most domestic workers in White households were young single girls rather than mature Black women. The conditions of slavery rarely allowed for such a large old woman to be in a position to care for the master's and mistress's children.<sup>5</sup>

The stereotype that we know as the Black Matriarch first received wide attention with the work of Daniel Patrick Moynihan's 1965 government report, *The Negro Family: The Case for National Action*, better known as the Moynihan Report.<sup>6</sup> The two highly respected Black academics on whose work Moynihan relied had seen the rise of the strong female figure in Black society as the *result* of racial oppression and poverty.<sup>7</sup> Moynihan himself, however, lauded female-led families as the *cause* of Black poverty and moral depravity.

One of Moynihan's sources was W. E. B. Du Bois, a founding figure in American sociology, who published *The Negro American Family* in 1908. Du Bois painted Black enslaved women as victims of slavery: depraved mothers, brutalized sex objects, and promiscuous. Discussing the Black women of his own era, he focused on their sexual behavior, pointing to high rates of illegitimacy and a lack of chastity.<sup>8</sup> Even more potent ammunition for Moynihan's viciously drawn image of the Black Matriarch came from E. Franklin Frazier, one of the premier Black sociologists of his time. Frazier began positively in *The Negro Family in the United States*, published in 1939, stating, “The Negro woman as wife or mother was the mistress of her cabin, and, save for the interference of master and overseer, her wishes in regard to mating and family matters were paramount.” Further, “neither economic necessity nor tradition had instilled in her the spirit of subordination to masculine authority.”<sup>9</sup> Later, in *The Negro in the United States*, appearing in 1949, Frazier described Black female-male relationships with such phrases as “considerable equality,” “generally equalitarian,” “tradition of independence,” “spirit of democracy,” and “considerable cooperation.”<sup>10</sup> By 1957, however, in examining the rise of the Black middle class, Frazier presented wives as the masters of their husbands and essentially accused Black men of not being manly enough.<sup>11</sup>

Seizing on these negative portrayals, Moynihan labeled Black women as doubly deviant: they were masculine, and they were unnaturally superior. He portrayed Black men as deviant, effeminate, and passive.<sup>12</sup> Moynihan argued that female-headed households, which were more common in Black communities, were the *cause* of Black poverty and moral depravity. Moynihan did not believe that Black women played any positive role.

The Welfare Queen of all colors took her place on the American stage at least as far back as the 1976 presidential campaign, when Ronald Reagan conjured her up to personify the need for welfare reform. “She has 80 names, 30 addresses, 12 Social Security cards, and is collecting veteran’s benefits on four non-existing deceased husbands,” Reagan would say. “She’s got Medicare, getting food stamps and she is collecting welfare under each of her names. Her tax-free cash income alone is over \$150,000.”<sup>13</sup>

The stereotype of the Welfare Queen spread further after a 1986 CBS special report, “The Vanishing Family: Crisis in Black America,” portrayed the Welfare Queen as a failed Black Matriarch who is depicted as the domineering female head of the American Black family. Both figures represent, Bill Moyers told us, the moral corruption of Black childbearing.

## Why White Society Needs the Mammy, the Matriarch, and the Welfare Queen

White society created these stereotypes, and they persist in our collective imagination because they serve a purpose. Mostly, these images let Whites off the hook for the injustices of the dominant group—themselves. The image of the Mammy allows Whites to praise Blacks who follow her contentedly subservient path and to criticize those who do not. Mammy is a super-mother, but she conveys an ambiguous message about motherhood: to be the perfect Mammy, the Black woman must neglect her own family.<sup>14</sup> The de-eroticized Mammy also provides a fantastic facade meant to disguise White men’s sexual exploitation of Black women during the post–Civil War era. Who would abuse a fat, old Black woman? She is “confirmation” that White men did not find Black women desirable. This convenient fiction allows Whites to overlook the living proof that Blacks and Whites were reproducing together. More recently, the imagined Mammy has served the needs of nostalgic White southerners seeking to make sense of and defend slavery and segregation by creating plantation legends featuring a bucolic, idyllic society filled with nurturing Mammies who embraced their servitude along with the White children they raised. The stereotypes place the perceived moral failures of Black children and Black men in the laps of Black women.

The images of the Black Matriarch and the Welfare Queen allow us to feel better about cutting back the help that we, as a society, give to poor people. These false images open the floodgates for theorizing about Black poverty as an affliction passed down through the generations. Black poverty persists, this theory has it (see Moynihan, Frazier, and Moyers), because the female heads of Black households pass down the alleged values or lack of values that “support” poverty from one generation to the next. From the viewpoint of an elite

White male, Black children lack the attention and care allegedly showered on middle- and upper-class White children, and this deficiency retards Black children's achievement. These children grow up to fail. The Black Matriarch and the Welfare Queen become *the* cause of all social problems because of their singleness, their blackness, and their children. The authors of the 1996 welfare reform legislation, those whose debate shaped the legislation, and the rhetoric of welfare reform today, all vilify these mythical, bad Black women.

The images of the Black Matriarch and Welfare Queen throttle Black life into narrow, haunting spaces. They take bits of Black reality and transform them into a norm of immorality. These two stereotypes divert our attention from structural inequalities—economic, political, and social—that affect not only Black mothers and their children but all of us. The structural causes of poverty are many. A partial list includes a tax system designed to keep and grow wealth in the hands of those who already have it (Whites); less funding for education, health care, transportation, housing, infrastructure, and other public services in poor areas; and a justice system tilted for the haves and against the have-nots.

But belief in the stereotypes of the Welfare Queen and the Black Matriarch make all those problems go away. If you agree with these stereotypes, the public-policy solution becomes simple: teach good values in the home and anyone can rise from poverty. Although it is important to teach good values and reinforce those values throughout our lives, this is not the sole or even best response to the structural inequalities that spawn poverty. Blaming Blacks who are poor for their plight and using Black women's imagined failure as mothers and wives to explain economic apartheid yokes classism, racism, and sexism into a tight, neat package that labels Black family structures deviant because they fall short of patriarchal assumptions about the family ideal.

## Religious Roots of the Demonization of the Poor

The Mammy, the Black Matriarch, and her sister the Welfare Queen are the female faces of the poor in America. These images, combined with a work ethic that considers wealth a sign of God's grace and condemns poverty as a personal failing, added to the American cult of the individual, create a noxious stew of White supremacist ideology that infects every discussion of public policy involving the poor and the Black in the United States. The result is an attitude that considers the poor and the Black different from other Americans: less responsible, lazier, more undisciplined, less able to make the right decisions for themselves, and less deserving of society's consideration.

The foundation of the belief in the virtue of wealth is the work of the sixteenth-century theologian and Protestant reformer John Calvin, who believed that we achieve the Christian life by being obedient to God. For Calvin, obedience includes recognizing that God has given us our station in life.<sup>15</sup> A secular version of Calvin lives on today, one in which God is stripped out: each person is solely responsible for her or his place in the social order. Although there are myriad explanations for why people are poor, assumptions about the lazy poor run through public-policy discussions today, even though Calvin himself may not have been that harsh.<sup>16</sup>



The eighteenth-century Enlightenment thinkers who were interested in understanding the individual separate from society made a significant contribution to the religious identity of many Protestants in the United States. This inheritance is a sense of self that is rooted in the Enlightenment understanding that all people have inherent rights and that each person is an independent unit. But the Enlightenment notion of the self has evolved into a rampant sense of individualism that stresses personal responsibility and despises any hint of dependency (while refusing to recognize the benefits that the government lavishes on those with advantages). This mean-spirited duo of skewed Calvinistic and Enlightenment thinking encourages the view that government is a necessary evil that we must keep from cutting into our personal freedom.

Calvin's emphasis on the godly nature of work, combined with the legacy of the Enlightenment, formed a worldview that served the needs of the eighteenth- and nineteenth-century Industrial Revolution. It provided the industrializing world with hardworking, thrifty entrepreneurs who took pride in and derived their sense of self from being driven and prudent businesspeople. They had to work hard, limit their consumption, and reinvest their profits to produce greater wealth. The ability to do this required a strong sense of duty to one's work, based on the following convictions: work gives meaning to life; hard work is necessary and one should give work the best of one's time; work contributes to the moral worth of the individual and to the health of the social order; wealth is a major goal in life; leisure is both earned by work and prepares one for it; success in work results primarily from personal effort; and finally, the wealth that one amasses from work is a sign of God's favor. We are inheritors of a work ethic that has abandoned its roots in the individual's sense of community to trumpet the value of the independence of the individual from the community.

## Values and Policies Today

The so-called Protestant work ethic, formed from the views of Calvin, Enlightenment thinkers, and the demands of the Industrial Revolution, remains with us, and recognizing it helps us understand many contemporary U.S. public policies.<sup>17</sup> These policies grow from religious values of which we are often unaware and which the makers of these policies are ill equipped to recognize because they cannot remember what they never knew.<sup>18</sup> At the same time, in a more positive vein, the Enlightenment view of the independent self and the Protestant work ethic have helped to build large segments of our culture and society. They have aided in carving out enormous national wealth based on a capitalist economy. And these beliefs have often fueled movements for social change, including the Civil Rights Movement; attempts by residents of public housing complexes, often led by women, to take back and define their living spaces; and movements for economic empowerment in which churches set up independent corporations to address community problems. These movements rest, to varying degrees, on the values of hard work and thrift *and* the dignity and worth of the individual.

The difference between these movements and the view that government is a necessary evil lies in their conception of the proper relationship between

the individual and society. These movements yearn for a robust, inclusive, interdependent society. In many dispossessed communities, the notion of personal freedom remains a utopian folly: constraints are everywhere. In sharp contrast, those who see government as a necessary evil attempt to limit and direct its scope in ways that have stunted the daily lives of poor people, to the point where many Black folk see current public policies as attempts at genocide. Efforts to limit the size of government fall punitively on poor people because they deprive those most in need of teachers, doctors, food, child care, public transport, and other necessities. The Welfare Queen and her children are at the mercy of public policies that stress equality and personal liberty, as if our societal playing field were equitable and fair, with equal access to goods and services for all.

But we have become an intensely stratified nation economically. The top 10 percent of U.S. households owns over 71 percent of this nation's wealth.<sup>19</sup> The top 1 percent of families owns slightly more than 34 percent of this nation's wealth. At the other end of the spectrum, under the 1996 welfare reforms, a family of three (a mother with two children under age 18) qualifies for federal cash assistance if its gross income is below \$784 a month and its assets are worth less than \$1,000. There is a four-year lifetime limit on receiving assistance from this program, and work is a major component, with the hope that it will help recipients gain the experience needed to find a job and become self-sufficient.<sup>20</sup>

## Public-Policy Making

The inequities of our system are no accident. Public policies reflect our national value judgments. Our decision as a society to hold the poor morally responsible for their plight is a gruesome and death-dealing one. The poor in U.S. culture are alternately ignored, rendered faceless, and labeled undeserving; or considered an eyesore, their own worst enemy, or simply down on their luck. When we do see the face of the poor, it is often the face of the Black Matriarch or the Welfare Queen. Both stereotypes played a tremendous (sub)conscious role in the minds of those crafting the 1996 welfare reforms. We know this from the language that they used. The degrading stereotypes of Black women reassure us that poverty is a glitch, a bump in the road that does not contradict the grand narrative of progress and success that fuels our culture. The message is that we must simply work harder to reap the benefits that are there for the taking. This attitude prevents us from considering the possibility that we live in a socioeconomic system that is structured to ensure inequality but touts an alleged openness to all. If we question the status quo, we might choose to contest it, and a challenge would not serve the needs of those who benefit from our system's structural inequities.

Our culture suffers from the enormous impact of market forces on everyday life. Neoliberal economics, with its emphasis on limiting government intervention in the domestic economy and its focus on lessening restrictions on business operations and property rights, is now the order of the day. This philosophy places the interests of those who own or manage corporations and wealth at the center of all major public-policy considerations. Although this approach

has a new name today, it has prevailed in the United States for most of our history. We see its constraints when we look at who can get and afford adequate health care, when we see employment patterns that show discrimination by race and gender, when we recognize how limited the access to affordable housing is, and when we note the lack of public transportation systems that address the needs of citizens. This tumble-down (versus trickle-down) economic reality exists amid a mix of racist, sexist, and classist ideologies that mask the morally bankrupt economic system of the United States. These deadly ideologies disguise the fact that the majority of the poor and those on welfare are White.<sup>21</sup> Policy makers view and present inner-city neighborhoods, largely inhabited by darker-skinned racial and ethnic groups, as sites of pathology and hopelessness. They ignore rural areas, which are largely inhabited by Whites, or paint them with the pastoral gloss of rugged individualism and as the last vestige of true Americana.

Our views of welfare and welfare reform grow from downright incorrect views of life in America. The previous welfare law needed reform because it did not adequately require or provide opportunities for work and parental care-taking to help families to get off the rolls. Indeed, it often locked families into dependency that could, but did not necessarily, become generational. But the myth that led to the welfare reforms of 1996 was that of the Black Matriarch and the Welfare Queen, with their irresponsible sexual activity, childbearing, and childrearing and their female-headed households. Thus the reforms were intended to reduce the number of out-of-wedlock pregnancies and promote the formation and maintenance of two-parent families in poor communities, rather than to address the structural problems that hobble the ability of poor people to get and keep jobs and take care of their children at the same time—problems like bad schools and no affordable day care centers.

Our views of what we think the poor are like make it easy to stereotype poor Black women as Welfare Queens. We have created a society that simply refuses to care beyond our narrow self-interests. We are not even concerned enough to recognize that welfare-reform efforts are doomed if we craft them to fit the familiar stereotypes and abstractions. To speak of “the poor” in U.S. society is to lump together highly diverse groups of people who need different kinds of help. The single White woman with a baby and no high school diploma; the elderly Black man living on his Social Security checks; the strong young man who cannot hold a job because he is developmentally disabled; the middle-aged factory worker whose skills have been swamped by the onrushing twenty-first-century economy—these are some of America’s poor. Some will need public assistance only briefly; others will always need our help. Some need cash aid or food stamps; others need job training or doctor visits, or a way to get to the doctor’s office. Welfare is a set of complex and interlocking dynamics that combine, at bare minimum, education, jobs, housing and homelessness, crime, addictions, race, gender, class, health care, and geography. As long as policy makers try to formulate a single policy to deal with the poor, they will fail, because they will not be addressing the structural problems that create poverty. The fallout for our society and many of its members will continue to be disastrous.

The bottom line is: can these reforms, built on mean-spiritedness, self-interest, stereotypes, and political expediency, enhance the lives of those who

are living in whirlpools of catastrophe? The religious values of justice and love contradict public policies that require low-income and poor people to bear the weight of balancing the budget. Policy makers slash social spending on welfare and education while promoting tax cuts for the wealthy that have sent the federal debt spiraling beyond \$11 trillion. Our religious values ask, What do politicians mean when they argue for tax cuts, Charitable Choice, the Defense of Marriage Act, the Contract with the American Family and its predecessor the Contract with America, charter schools, and empowerment zones? The latest assault on welfare recipients is a strategy that political leaders—Democrat and Republican—are using to shift attention away from the government’s redistribution of wealth to the rich through tax cuts, attempts to dismantle Social Security, and pandering to big business (e.g., the Deficit Reduction Act of 2005).<sup>22</sup> Left behind as political fodder in this race to help the wealthy are the Welfare Queen, her children, and many of her friends.

## Building a Just Society

I have examined the sources of the religious values at the core of American policies that harm people in need, including the identification of the individual as an independent unit, the emphasis on personal responsibility, and the disgust at dependency. We have seen how these values protect us from facing the structural evil created over generations that has resulted in inequities in our society. These values encourage us to label the victims irresponsible (at best) and to shrug off any responsibility of our own. In the face of these injustices, we must form public policies that move *beyond* the notion that government must work through individuals who care about themselves first and foremost. We need public policies that offer strategies more complex than the incremental conversion of individual souls. As a society, we concentrate far too much on individual morality. We discuss pieces of the social structure that we want to change rather than examining the structure in its entirety. Religious values led us into this situation, and they also offer us a way to consider that structure ethically, in its entirety, and to work our way toward the creation of a more just society for all.

Perhaps one reason we remain skeptical of the government’s ability to do much about poverty is that our theological worldviews do not offer us much of an alternative, either. And yet, viewing the self as the center of the universe actually turns the Christian Gospel on its head. Moreover, the Bible hardly supports the notion embedded in welfare reform that a person must first earn merit (meet an obligation) before being accepted (receiving an entitlement). The Christian faith is built on God’s grace. For Protestants, this grace is not rare and does not have to be earned; it is constant and free. One is accepted first (the entitlement), and then one follows with a life of joyous (but sometimes cranky) response (obligation).

If, however, we see ourselves as the independent Enlightenment self, refusing to yoke our identities and concerns into the community, we will never be able to engage in democratic politics with a spirit of justice or peace. If we remain absorbed in the consumer market, we will be unable to offer any genuine alternative to the way public policy has been formed; instead, we will continue

to make and accept political deals. We will continue to lose our essence, that is, a genuine power arising from our desire for salvation. We will be even more complicit with the dominant political powers, for religious folk and religious discourse and religion itself will no longer be the sigh of the oppressed or the heart of the world without a heart, as Karl Marx said so well.

As we engage in public-policy debates, we often lose track of the fact that although Calvin viewed the world as sinful, his ethic is also one of grateful obedience that leads to self-denial. He held together love of God and love of neighbor, calling for us to extend charity to our neighbor and to share with that person our blessings. For Calvin, neighbors include those we do not know and those we consider to be enemies.

When it comes to work, the work ethic, and public-policy making, we would do well to incorporate other elements of Calvin's work ethic: work as a calling or vocation rather than simply a career or job, and work in service to others and not only for our own self-fulfillment. We should acknowledge that work does not give us our basic identity or meaning; this comes from our relationships with God, from the world around us, and from the people in it.

Building on Calvin, three basic public-policy questions emerge. The first two, What kind of society do we want? and What sort of people do we need to be to achieve this society? dominate current public-policy debates and decisions. They are, unsurprisingly, based on the conception of the individual as an independent being who should take responsibility for his or her situation despite the structural inequalities in our society. These two questions are vital for our lives together, but they do not go far enough. It is the third question that helps to balance and enrich public-policy formation: What kinds of social structures do we need to help form people to make the society we want to live in? This last question pushes beyond a concentration on the self and individual character to include an examination of social institutions and structural change. It also recognizes our individual responsibility to one another and to our society as well as to ourselves.

It is apt, then, to add another set of religious values that shape public policies as we answer the third question, about shaping ourselves and our society. One of the earliest words we learn in church is "love." We take great delight in telling the story that love can lift us, that Jesus loves us, that Jesus loves all the little children of the world. Yet love without justice is asking for trouble. Justice is that notion that each of us has worth, and that each of us has the right to have that worth recognized and respected. In short, justice lets us know that we owe one another respect and the right to personal dignity.

Justice leads to public policies that claim rights as a part of the assertion of our dignity. Justice has to do with our relationships with one another. It leads to a sense of caring that takes concrete form in the provision of accessible and affordable health care and child care, and in the development of urban and rural infrastructures that promote the health, safety, and well-being of residents. This includes public transportation, green spaces for recreation and exercise, and zoning policies that support neighborhoods and communities. It recognizes the interdependence in which we all actually live.

Justice, then, is more than giving to each what is due or treating all cases equally. It requires attention to our diversities and particularly to those people

most marginalized. Simply put, justice involves uncovering, understanding, and rejecting oppression—that is, structural evil. This means recognizing the privileges and benefits that come a-waltzing to some in concert with the oppression of others. The point is fundamental structural transformation. Reform is not enough.

As we consider notions of democracy and public policy within *conscious* religious frameworks, we need to make explicit our conception of the common good in terms of how we understand it from our various religious and nonreligious worldviews, and to realize that we will not always agree. More importantly, for those of us who are middle-class Christians, we need to bring the poor to the center of our decision making. We need to set aside our images of Mammy, the Black Matriarch, and the Welfare Queen and engage with poor people to develop the questions we need to ask about the common good, and then develop strategies to achieve it.

I envision the common good as including social structures that benefit all people in an inclusive and democratic social and moral order. This society would include accessible and affordable health care, a just political system that holds all people to the same law, a fair educational system, effective and non-discriminatory public safety, a clean environment, and an effective and humane social welfare system. The common good calls us to think more deeply and strategically about our conceptions of community. Rather than community shaped by competition and domination, community can be a site of strength and meaning that helps citizens take an active role in society. This understanding of community embraces individualism by encouraging self-definition and self-determination but always in the context of the larger community's defining and shaping of the common good.

Such a conceptual shift requires that we recognize the ways in which each of us takes on powerful roles and powerless ones at different times and in varying circumstances. In recognizing the myriad views that we adopt with our different roles, we may begin to see that where we stand offers only a partial perspective on the world. We are unable to perceive absolute truth, but as individuals working together, we can share our perspectives as we participate in constructing the common good, one that does not grow from the demonizing stereotypes of the White supremacist worldview.

Establishing and maintaining the common good requires all of our cooperation, and this demanding task is part of what genuine democracy is about. To settle for a weak democratic system that runs roughshod over people is to reconcile ourselves to structural evil. Our diversity helps us in our quest for a rich and vital common good, because within it we understand the need for each of us to hear other perspectives if we are to “see” more fully the world around us and how we are shaping it. This is a very different stance from one that rests on the independent self as the center of the universe or the Welfare Queen as an accurate depiction of Black women and Black culture. It is very different from a society that demonizes Black women who leave the home to earn money to support their children, shames Black women who stay home and accept public assistance to feed their families, condemns as emasculating those Black women who take on the burden of heading up their families and their communities, and defines Black women by their sexuality and their breeding ability.

Rather than settling for half-truths and inaccurate information, we commit to understanding the sometimes harsh realities of life in the United States. Instead of negative competition that seeks to dominate and win at all costs, in achieving the common good we practice a competition that pushes all of us toward excellence and growth. This competition builds a vital and healthy social order rather than one that can fall like a house of cards under the unrelenting pressure of capitalism's market forces. In this contest, we shift our perspective just enough to realize that we are members of the same community, the same society, and that we can respect and value individual freedom *and* pursue those goals we hold in common.

Traditionally, society gives us a choice: to submit either to religious values focused on private character or to those that stress public morality. There is at least one other option: find a healthier ground where we can craft a creative, progressive, and inclusive space for *everyone*. This space would demand the best from us as individuals; this space would expect nothing less than attempts by all of us, as a group, to create a just society.

## Notes

1. See Dorie J. Gilbert and Ednita M. Wright, eds., *African American Women Living with AIDS: Critical Responses for the New Millennium* (Westport, CT: Praeger, 2003); Quinn M. Gentry, *Black Women's Risk for HIV: Rough Living* (New York: Haworth, 2007); Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York: Vintage, 1998); Elizabeth A. Howell, Paul Hebert, Samprit Chatterjee, Lawrence C. Kleinman, and Mark R. Chassin, "Black/White Differences in Very Low Birth Weight Neonatal Mortality Rates Among New York City Hospitals," *Pediatrics* (2008) 121(3) 407–415; Jennifer C. Nash, *Black Women and Rape: A Review of the Literature* (Waltham, MA: Feminist Sexual Ethics Project, Brandeis University, 2009), <http://www.brandeis.edu/projects/fse/slavery/slav-us/slav-us-articles/Nash2009-6-12.pdf> (accessed August 3, 2009); and Elizabeth Kennedy, *Victim Race and Rape* (Waltham, MA: Feminist Sexual Ethics Project, Brandeis University, 2003), <http://www.brandeis.edu/projects/fse/slavery/slav-us/slav-us-articles/slav-us-art-kennedy-full.pdf> (accessed June 20, 2009).
2. Robin Good, "The Blues: Breaking the Psychological Chains of Controlling Images," in *Dismantling White Privilege: Pedagogy, Politics, and Whiteness*, ed. Nelson M. Rodriguez and Leila E. Villaverde (New York: Peter Lang, 2000) 112. Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (Boston: Unwin Hyman, 1990) 73f.
3. Catherine Clinton, *The Plantation Mistress: Woman's World in the Old South* (New York: Pantheon, 1982) 201f, notes:  
The Mammy was created by white Southerners to redeem the relationship between black women and white men within slave society in response to the antislavery attack from the North during the ante-bellum era, and to embellish it with nostalgia in the post-bellum period. In the primary records from before the Civil War, hard evidence for her existence simply does not appear.
4. Herbert G. Gutman, *The Black Family in Slavery and Freedom 1750–1925* (New York: Vintage, 1976) 443.
5. Patricia A. Turner, *Ceramic Uncles and Celluloid Mammies: Black Images and Their Influence on Culture* (New York: Anchor, 1994) 44. Turner writes, "At no time during the pre-Civil War era did more than 25 percent of the white Southern population own slaves...most slave owners possessed ten or fewer slaves, the majority of whom—men and women—were consigned to field labor. Like the field hands, those black

bondswomen who worked indoors were unlikely to be overweight because their foodstuffs were severely rationed. They were more likely to be light than dark because household jobs were frequently assigned to mixed-race women. They were unlikely to be old because nineteenth-century black women just did not live very long; fewer than 10 percent of black women lived beyond their fiftieth birthday.”

6. Daniel P. Moynihan, *The Negro Family: The Case for National Action* (Washington, DC: U.S. Government Printing Office, 1965). Moynihan misappropriated E. Franklin Frazier’s *The Negro Family in the United States*. The 1948 abridged edition of Frazier’s work, which is the most widely available, paints a much more complex and rich description of the Black family and the roles of Black men and women in it. Moynihan did not include this material. It is important to note that the 1939 unabridged edition of Frazier’s work contains more material than the 1948 edition. In short, Moynihan did a highly selective and suspect reading of Black life. See E. Franklin Frazier, *The Negro Family in the United States* (Chicago: University of Chicago Press, 1939). See also W. E. B. Du Bois, *The Negro American Family* (Atlanta: Atlanta University Press, 1908).
7. Collins, *Black Feminist Thought*, 75.
8. See Patricia Morton, *Disfigured Images: The Historical Assault on Afro-American Women* (Westport, CT: Praeger, 1991) 58.
9. Frazier, *Negro Family*, 125.
10. Cheryl Townsend Gilkes, “They Have Careers! Women, Class, and Families in the Sociology of E. Franklin Frazier [or “Re-Reading” Frazier’s Sociology of Women Through the *Black Bourgeoisie*]” (unpublished manuscript) 7. See also Frazier, *The Negro in the United States* (New York: Macmillan, 1949).
11. Frazier, *Black Bourgeoisie: The Rise of a New Middle Class* (New York: Free, 1957) 221; Gilkes, “They Have Careers!” 7.
12. Moynihan, *Negro Family*; Patricia Bell Scott, “Debunking Sapphire: Toward a Non-Racist and Non-Sexist Social Science,” in *All the Women Are White, All the Blacks are Men, But Some of Us are Brave: Black Women’s Studies*, eds. Gloria T. Hull, Patricia Bell Scott, and Barbara Smith (Old Westbury, NY: Feminist, 1982) 87.
13. Walter Mears, “‘Welfare Queen’ Becomes Issue in Reagan Campaign,” *New York Times*, February 15, 1976.
14. Cheryl Thurber, “The Development of the Mammy Image and Mythology,” in *Southern Women: Histories and Identities*, ed. Virginia Bernhard, Betty Brandon, Elizabeth Fox-Genovese, and Theda Purdue (Columbia, MO: University of Missouri Press, 1992) 88.
15. See John Calvin, *Institutes of the Christian Religion*, vol. 1, ed. John T. McNeill, trans. Ford Lewis Battles (Philadelphia: Westminster, 1960) 724. Ethicist Joan Martin notes that Calvin’s rigid social class structure became problematic for the later development of a notion of the work ethic because the contemporary social order is more complex and fluid than Calvin could have imagined. Joan M. Martin, *More Than Chains and Toil: A Christian Work Ethic of Enslaved Women* (Louisville, KY: Westminster John Knox, 2000) 124.
16. In an interesting twist, in a speech he made at Columbia University in September 2000, billionaire Warren Buffett pointed out the inequities of wealth: “I hear friends talk about the debilitating effects of food stamps and the self-perpetuating nature of welfare and how terrible that is. These same people are leaving tons of money to their kids, whose main achievement in life had been to emerge from the right womb. And when they emerge from the womb, instead of a welfare officer, they have a trust fund officer. Instead of food stamps, they get dividends and interest.” Beth J. Harpaz, “Billionaire Buffett Takes a Swipe at Rich Kids Living Off Trust Funds,” Associated Press, September 27, 2000.
17. Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (New York: Scribner, 1958).
18. Katie Geneva Cannon, “Remembering What We Never Knew,” *The Journal of Women and Religion* 16 (1998) 167–177.
19. A further breakdown reveals that the bottom 40 percent of the U.S. population owns less than 1 percent of the nation’s wealth. These figures represent the most recent survey,



conducted in 2004. For the most recent statistics on the distribution of wealth in the United States, see the Survey of Consumer Finances, sponsored by the Federal Reserve Board, which provides data from 1983 onward: <http://www.federalreserve.gov/pubs/oss/oss2/scfindex.html> (accessed June 20, 2009).

20. The 1996 welfare reform bill, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), includes the Temporary Assistance for Needy Families (TANF) block grants to states, which replaced the Aid to Families with Dependent Children (AFDC) program that had provided cash welfare to families with children since 1935.
21. Martin Gilens, *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty* (Chicago: University of Chicago Press, 2000) 67–72.
22. The Deficit Reduction Act of 2005 was signed in February 2006. It includes cuts to spending on Medicare, Medicaid, and education. The Congressional Budget Office estimates that the Medicaid cuts alone will cause 65,000 people (mainly children) to lose health insurance, and cause many who are able to retain insurance to forgo medical care because they cannot afford the increased co-payments.

## From Plantations to Prisons: African American Women Prisoners in the United States

*Ellen M. Barry*

Although the United States was founded on principles of liberty and justice, in practice this country has a long and unfortunate history of denying justice to subgroups in its population, particularly on the basis of race. From the initial forays of Europeans into what they saw as a new continent and the resultant decimation of Native tribes, to the adoption and spread of the slavery system and its devastation of African families and communities, to contemporary attacks on undocumented immigrants, this country has denied justice to marginalized populations within its borders.<sup>1</sup> Today, research documents the impact of racial discrimination at every level of the criminal justice system, from arrest through sentencing and incarceration.<sup>2</sup>

The U.S. prison-industrial complex incarcerates marginalized groups at rates staggeringly disproportionate to their presence in the larger population. In 2008, the number of U.S. citizens in prisons, jails, and detention centers exceeded 2.3 million, and more than 65 percent of those people were men, women, and children of color. That racial breakdown is the opposite of our overall societal mix: 66 percent of the total population is white.<sup>3</sup> Yet in 2000, one in twenty African American men over the age of eighteen were incarcerated, in contrast to one in 180 white men. African American men are almost six times as likely to go to prison as white men are.<sup>4</sup> Although there are significantly fewer women in prison than men, over the past several decades this country has jailed a growing percentage of women of color compared with white women.<sup>5</sup> African American women are five and a half times more likely than white women to experience incarceration.<sup>6</sup> In 2006, one in every 279 African American women was behind bars, compared to one in every 1,064 white women.<sup>7</sup>

Women are often imprisoned in appalling conditions. Inadequate medical care, even the punitive denial of care, and sexual abuse and assault at the hands of guards are two of the more egregious areas of human rights violations. The practice of employing male guards to oversee women prisoners flies in the face of international norms, and the routine removal of newborns from their imprisoned mothers shocks the conscience.<sup>8</sup> Thousands of women have testified to such treatment in legislative hearings, court proceedings, and other public forums; and international human rights groups and United Nations

investigations have confirmed their testimony.<sup>9</sup> The majority of women prisoners have made bad choices in their lives, committing criminal acts for a variety of complex reasons. Regardless of their actions, these women—like all of us—are still entitled to their constitutional and human rights.

Why do we imprison vastly higher numbers of African Americans than whites, and why do we treat our prisoners so poorly? Our judicial system, like our society, has been shaped by our history of slavery. Racism and slavery are not unique to the United States. When, however, the Thirteenth Amendment to the Constitution abolished slavery in 1865, it read, “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” Although we generally assume that the Thirteenth Amendment put an end to slavery, this language indicates that slavery was actually codified and restricted to the prison setting, not abolished outright. Thus, the effort to abolish slavery is, in a sense, ongoing.

It is easy to condemn the actions of our white forefathers, who benefited financially, politically, and personally from the slaughter and enslavement of hundreds of thousands of indigenous people and forcibly transported Africans. It is difficult for us as a society to acknowledge the ways in which our racially biased criminal justice system evokes memories of and replicates the American plantation slavery system and to take the steps necessary to move toward a fair and equitable system of justice.

In this essay, I draw parallels between the experiences of African American women in slavery and in modern-day prisons in order to explore one way in which our shared past as a slaveholding/enslaved nation shadows and weakens our society.<sup>10</sup> Without an impartial judicial system supported by citizens’ belief that they will be treated fairly if they break laws, no democratic society can flourish. Young people of color from low-income communities experience a very different sense of justice than do many white youths. As the terms “driving while black” and “living while black” imply, youths of color are routinely exposed to a level of scrutiny and suspicion from police, prosecutors, judges, and juries that creates a deep and abiding distrust of the legal system. Communities of color experience racism at every level of the criminal justice system, from unjustified searches and traffic stops; to higher instances of arrest for similar conduct; to inequity in bail, higher levels of prosecution, more frequent convictions, and longer prison sentences.<sup>11</sup>

My discussion is drawn from my experience working with women, particularly African American women, in U.S. prisons and includes first-person accounts that bring home the abuses and the costs—individual and societal—built into our judicial system. Each woman’s case illustrates a pattern of mistreatment and abuse experienced by numerous women in California prisons and jails and is documented in interviews, letters, and legal files. These patterns are not unique to any one state or jurisdiction.<sup>12</sup>

*A. Z. was a slight African American woman in her teens. She and her Asian American husband and infant were attacked by a group of young white men at a lake in rural California. The gang spewed racial epithets at the family and started to beat A. Z.’s husband. Defending her husband, her baby, and herself, A. Z. stabbed one of their attackers with a steak knife. Even though*

*she had no prior convictions, A. Z. was sentenced to prison for attempted murder.*

## Women Imprisoned

The imprisonment of women of color has increased in the past generation for several reasons, including the War on Drugs, the sentencing disparity between powder- and crack-cocaine offenses, and increasingly harsh social policies regarding low-income women.<sup>13</sup> In the early 1980s, with the inception of the War on Drugs, the prosecution of women of color rose dramatically. Women, who rarely held positions of power in the drug trade, but were used as runners and mules, were often the most vulnerable to prosecution. With little information to trade, they received more severe sentences in proportion to their culpability than “kingpins” who profit from the trade.<sup>14</sup> Because of the international nature of the drug trade and the imposition of mandatory minimum sentences in federal court, many noncitizen women entered the federal prison system, most of them women of color. Later in the 1980s, crack cocaine became readily available, often replacing more expensive powder cocaine in low-income communities. New laws criminalized the use and sale of crack cocaine at a dramatically higher level than that of powder cocaine, the drug of choice in well-heeled white communities.<sup>15</sup> In addition, during the mid-1980s, pundits and policy makers demonized pregnant women addicted to drugs and alcohol, claiming they disregarded the health of their fetuses.<sup>16</sup> Many judges began to sentence pregnant, drug-addicted women to serve time. This punishment was most often applied to poor women of color.<sup>17</sup>

## Historical Parallels between American Slavery and the U.S. Criminal Justice System

### *Sexual Violence and Physical Abuse*

Sexual assault and abuse of African American women and girls by slave owners and overseers was widespread during slavery. Women were frequently flogged and mutilated, even raped, as an expression of the owner’s mastery.<sup>18</sup>

Women in U.S. prisons and jails are subjected to daily humiliation and insults, often including racially and sexually demeaning terms, intrusive pat-down searches, demands for sexual favors in exchange for privileges, and rape by male guards and staff members—all conducted to demonstrate mastery over their prisoners. Although sexual misconduct by guards has received a great deal of scrutiny in the past several years, and domestic as well as international human rights groups are challenging such behavior, it remains one of the most prevalent violations of the rights of women imprisoned in the United States.<sup>19</sup>

Incarcerated women have little or no recourse against their abusive keepers, making them a particularly vulnerable group. Between 48 and 80 percent of women in prison report a history of physical and/or sexual abuse by parents and/or male partners.<sup>20</sup> Mistreatment at the hands of guards and other staff is likely to trigger memories of this prior abuse.<sup>21</sup>

*B. Y. was an African American woman who shared a cell with C. X., a Latina who spoke no English. Although they did not know each other well, B. Y. realized that C. X. was extremely frightened. One afternoon, B. Y. returned to their cell to discover a male guard raping her roommate. B. Y. confronted the guard, who hit her and told her to shut up. B. Y. screamed until other guards arrived. B. Y. was later brutally assaulted by the guard who raped C. X. Both B. Y. and C. X. were placed in solitary confinement and eventually transferred to different correctional facilities. The guard was not prosecuted for the rape of C. X. or the assault on B. Y. This failure to prosecute is a very common phenomenon.*

*D. W. was an African American woman who served time in a federal prison camp. While incarcerated, she was transferred to the male-segregated housing unit and subjected to rape and assault by male prisoners who entered her cell with the knowledge and consent of guards. Guards also pimped two other women prisoners to this group of male prisoners.<sup>22</sup>*

*E. V. was an African American woman and a devout Muslim. While imprisoned in a federal facility, she experienced daily taunts and sexual innuendoes from male guards, as well as pat searches a dozen times a day and occasional strip searches. Although all women at the prison were subjected to this degrading treatment, E. V. and other devout Muslim prisoners were particularly affected by this routine sexual humiliation because modesty in the presence of men is part of their religion.*

*F. V. was an African American woman with multiple sclerosis who was serving time in a California state prison. On several occasions while she was confined to the prison infirmary, a male prison nurse entered her cell at night and sexually assaulted her. She compared the experience to the many times that she had been molested by her stepfather as a child. She also witnessed the same male nurse molesting another African American woman prisoner paralyzed by a stroke.*

*G. T. was a slightly built, five-foot African American woman who suffered from paranoid schizophrenia. While in a psychotic state, she boarded a bus and stuck a stranger in the shoulder with a hatpin. G. T.'s insanity defense failed, and she was sentenced to prison where she remained in solitary confinement most of the time. She was systematically taunted, harassed, and sexually assaulted by two male guards. When she was brought out of her cell for visits with her attorney, she was forced to wear a black hood. She never received appropriate treatment for her mental illness.<sup>23</sup>*

### **Control of Reproduction**

African women enslaved by white Americans were often stripped of control over their reproductive capacities. Regardless of whether they became pregnant by their husband or partner or were raped, they had little control over the outcome of their pregnancies or the fate of their children.<sup>24</sup> Women in U.S. prisons and jails sometimes lose their right and their ability to determine the outcome of their pregnancies, or the ability to maintain custody of or contact with their children.<sup>25</sup>

*H. S. was a nineteen-year-old African American who was approximately four months pregnant when she entered state prison for selling a small amount of marijuana. Within a few weeks, she started to experience uterine cramping and vaginal bleeding. Over the next three months, as her symptoms worsened, she went repeatedly to the prison medical clinic, asking and finally begging for help. The chief medical officer, an orthopedist by training, finally saw her. Without giving her a physical examination or ordering laboratory tests, the doctor prescribed Flagyl for a vaginal infection, a drug contraindicated during pregnancy because it can trigger labor. Within days, H. S. went into premature labor. Her son was born in the ambulance on the way to the outside hospital. He was dead within two hours of birth. Prison officials insisted that H. S. be returned to prison immediately after her baby died. When she returned to the prison and became upset about her baby's death, she was placed in solitary confinement for a week.*

*I. R. was an African American woman in an urban county jail. She requested an abortion, but a high-ranking jail official opposed to abortion told her, incorrectly, that it was illegal for her to receive one. She finally received an abortion after the sheriff intervened. Access to abortion is a recurring problem for women in county jails, which are often subject to less external scrutiny than state prisons.<sup>26</sup>*

### Removal of Children

Of all the negative consequences of slavery in the United States, perhaps the most horrific is the multigenerational damage caused by the rending of children from their mothers and fathers. There are searing accounts of separation of African mothers from their children throughout the literature on American slavery.<sup>27</sup> Mothers in U.S. prisons are also subjected to separation from their children, an experience that many find the most painful part of their experience of incarceration.<sup>28</sup> The costs of removing children from their families can also create further personal and social problems. Young people who grow up in foster care without a permanent family are substantially more likely to face criminal prosecution than children who do not share this experience.<sup>29</sup>

*J. Q. was an African American woman who killed her husband after enduring years of serious physical and emotional abuse. She was sentenced to six years in prison and gave birth to her youngest daughter while she was inside. When she was in her early teens, the daughter became pregnant by a forty-five-year-old man who also introduced her to methamphetamine. J. Q. did not find out about her granddaughter until the baby was eight months old and her daughter had had a mental breakdown. When the baby was made a dependent of the juvenile court, J. Q. petitioned the court for custody of her granddaughter but was denied primarily because of her twenty-one-year-old felony conviction.*

### Withheld or Inadequate Medical Care

During the generations in which slavery was practiced in the United States, a slave owner's interest in protecting his or her investment was the primary determinant of a slave's welfare.<sup>30</sup> Conditions in today's prisons and jails reflect

a remarkably callous attitude toward prisoners, particularly with respect to treatment for medical problems and mental illness. Prison staff and guards who do not themselves mistreat prisoners may look the other way when fellow employees treat them as less than human.<sup>31</sup>

*K. P. was an African American woman with a genetic predisposition for early-onset breast cancer. She discovered a lump in her breast at the age of twenty-eight, while she was serving time in state prison. When she went to the clinic to have the lump examined, the doctor sexually assaulted her. Like many women in U.S. prisons, K. P. had been a victim of childhood sexual and physical abuse, making her experience even more traumatic. She was subjected to this abuse several times and finally stopped going to the clinic until the lump grew so large that it was visibly protruding from her skin. When her regular physician went on vacation, another doctor, a woman, finally saw her. The new doctor immediately scheduled her for a mammogram and biopsy, and K. P. was given a radical mastectomy within a month. Tragically, the cancer had already spread to her lymph system, and K. P. died a long and very painful death. Prison authorities rarely permitted her anything stronger than Tylenol with codeine for her cancer pain.*

*L. O. was an African American woman diagnosed with late-stage Lyme disease while she was in prison. As she lay dying in the (misnamed) skilled nursing facility, she was ignored for long periods by medical staff and forced to lie in her own excrement. She was unable to speak and could only move her left hand, but she would moan at night because she was being undermedicated for pain. To punish her for moaning, guards turned the television set in her room to the wall so that she couldn't see.*

*M. N. was an African American woman serving a life sentence for killing her abusive partner. She had been diagnosed with sickle-cell anemia when she was a child, but prior to her incarceration, she had successfully managed her disease. Once in prison, M. N. no longer received appropriate treatment for her illness. She lived in almost constant pain, eventually losing her eyesight and some major organ function. In spite of her illness, M. N. took on the mantle of lead plaintiff in litigation on behalf of women prisoners seeking proper medical care.<sup>32</sup> She was badly treated by many members of the correctional and medical staff, but she prevailed and eventually gained the respect of a handful of staff as well as the majority of other prisoners. Although the lawsuit was successfully settled on behalf of women prisoners, M. N. died before advocates could obtain her compassionate release from prison.*

## Resistance

Just as women in slavery resisted their oppressive environment, women in U.S. prisons have banded together against unjust conditions. And just as enslaved women suffered retaliation for their resistance, incarcerated women organizing against abusive prison conditions have also suffered consequences.

Resistance within the prison walls often must take place underground. The network of rebellion can be more visible in the community at large, although people who are formerly incarcerated may still face retaliation for organizing

against the prison-industrial complex. Despite the great deal of racial conflict among prisoners on the inside and between formerly incarcerated people on the outside, women from different racial groups have sometimes come together, both inside prisons and out, to accomplish their goals. Women have rallied around medical issues, AIDS education, programs for children of incarcerated mothers, issues affecting lifers, treatment of pregnant women and battered women in prison, and in the context of lawsuits, legislative hearings, and special events.<sup>33</sup>

Traditional religion and religious organizations also played, and still play, a complex role in resistance to and collaboration with the system of slavery and the criminal justice system. There are many instances in which priests, ministers, imams, rabbis, and other religious volunteers have figured prominently in humanizing the correctional system and in challenging the abuses that they have witnessed. In a few documented cases, however, clergy have sexually abused women prisoners.<sup>34</sup> Many nonprofit organizations working with prisoners and their families have strong religious ties, and these organizations have played a variety of roles as well. Some organizations have urged radical change in an unjust legal system, opposing the death penalty and other abuses. Other groups have stayed more neutral, providing necessary services to prisoners and their families.

## Punishment Through the Generations

It is worth probing further the causes and consequences of the justice system's removal of children from their imprisoned mothers. When men go to prison, wives, girlfriends, and mothers most often maintain the home environment, providing care and continuity for children and remaining in contact with their loved one in prison. When women go to prison, their male partners rarely maintain custody of the children and often do not continue to have contact with their wives or partners.<sup>35</sup> In more fortunate situations, grandmothers or aunts care for these children. Sadly, increasing numbers of children of incarcerated mothers are becoming dependents of the juvenile courts, and when children are placed in foster care, incarcerated mothers may face permanent termination of parental rights.<sup>36</sup>

In the United States, women who are sentenced to jail or prison are generally not allowed to remain with their children. Although administrative regulations vary from state to state, when pregnant women give birth in prison, they are routinely separated from their newborns within twenty-four to seventy-two hours. Because of the great distances between most women's prisons and the urban areas where the majority of imprisoned women are from, almost all imprisoned mothers see their children infrequently or not at all.<sup>37</sup> Even in the best cases, when children are placed with grandmothers or other relatives, families can rarely afford the cost of regular visits or expensive collect phone calls, and children often suffer deeply from this separation. If the mother is unable to reunite with her child in a relatively short time, federal and state laws allow permanent severance of parental rights, even when the mother has never mistreated her child.<sup>38</sup> A study of proceedings terminating the rights of parents between 1997 and 2002 found a significant increase in the number



of cases filed against incarcerated parents; parental rights were terminated in 92.9 percent of cases involving mothers and in 91.4 percent of cases involving fathers.<sup>39</sup>

## Costs of the U.S. Prison System

Since the mid-1970s, we have seen a dramatic increase in the percentage of women who are being sent to prison; and we see a dramatic and widening gap between the percentage of African Americans and other people of color in jail and the percentage of white people in jail.<sup>40</sup> Every day that goes by, we come closer to the point of no return, when people in communities of color will be shut out of society by their status as criminals. Fewer people in these communities will be able to hold a meaningful job, get an education, or even vote for those who govern them. In recent years, with laws varying by state, people with felony convictions have been barred from receiving public housing, Pell grants and other college financial aid, welfare benefits, and licensure for many forms of employment.<sup>41</sup> People pushed out of mainstream society because of their felony convictions no longer have an investment in the American dream. Langston Hughes and Lorraine Hansberry have cautioned us about the consequences of a dream deferred.<sup>42</sup>

## Creating Justice: Ending the Slavery of Imprisonment

Fifty years from now, if we continue along this route, we will find that we have created a society so deeply divided that there will be no bridge that can span it. We must envision sweeping changes in our criminal justice system. People of conscience are challenging the growth of the prison-industrial complex at every level, every day. These day-to-day steps are crucial to success, but I lay out some wider ideas as a way of pointing to a future beyond slavery, beyond imprisonment, beyond injustice.

Regarding women in prison:

1. We need to develop clear standards and practices regarding guards' sexual and physical assault of women. These standards must address the range of inappropriate behaviors, from the use of sexually based and racist language to rape; must incorporate safe and effective ways for women prisoners to report inappropriate conduct; must include consequences for the abusers; must allow for medical and psychiatric treatment for rape and assault to take place outside the jurisdiction of the correctional system; and must be implemented nationwide through an impartial non-correctional agency.
2. We must address serious systemic inadequacies within women's prisons concerning medical, dental, psychiatric, and mental health treatment. Pregnant women in prisons and jails must have access to competent obstetrician-gynecologists, standard pregnancy care, reproductive services, and postpartum follow-up. Women with serious and life-threatening illnesses must have access to appropriate medical specialists, medications, surgeries, and follow-up care. Women living with HIV/AIDS or hepatitis C must have access to medical care that is responsive to the ways in which these conditions affect women differently. Elderly women and women with disabilities must have access to geriatric medical care and to

appropriate accommodations. Women with mental illnesses (including postpartum depression) must be treated by trained and compassionate medical and correctional staff, and dying women must have hospice services and be able to die with dignity.

3. Incarcerated mothers and their children need more consistent and positive ways of maintaining contact with each other, including expanded visiting hours; humane, child-friendly conditions for visiting; elimination of exorbitant charges for collect phone calls; and, most importantly, non-correctional alternatives to incarceration that allow for placement of women with their children in residential programs in the community.
4. Children of incarcerated mothers should only be placed in non-relative foster care as a last resort. When grandparents or others are available to provide a temporary home for children, they should be provided with financial subsidies comparable to the subsidies that would be provided to non-relatives. The period of time for reunification between incarcerated mothers and children in foster care must be adjusted to the period of incarceration when possible.

At a broader level, we must move toward the abolition of the prison-industrial complex, just as we moved to abolish the system of slavery:

1. We need to de-carcerate as many people as possible, starting with low-level, nonviolent prisoners; elderly and dying prisoners; battered women who have committed their crimes in defense of themselves and their children; mentally ill and mentally fragile individuals who can be placed in community-based treatment facilities; people who have already received parole dates but have not been paroled; people who have been sentenced under racially biased laws (as in the case of the crack/powder-cocaine sentencing disparity); people who are seeking recovery from drug and alcohol addiction; and, most significantly for this essay, mothers of infants and young children.
2. We must remove the many and growing collateral consequences of felony convictions from people who have shown that they have been rehabilitated, including by lifting restrictions on voting rights, educational opportunities, and employment.
3. The role of the justice system should be reexamined at every level, from the streets to the courts, from arrest to reentry, to determine how we define crime and responsibility, guilt and innocence, and to address its racial and class bias.
4. We need to redirect funding from the prison-industrial complex toward health and human services agencies to improve physical and mental health, drug and alcohol recovery, and education services.<sup>43</sup> Our focus is skewed: from 1988 to 2008, state correctional budgets grew 303 percent while public-assistance budgets grew 9 percent.<sup>44</sup>
5. We must reduce prison construction, prison beds, and correctional jobs; and we should increase funding for educational programs, schools, and teaching jobs.
6. Finally, we need to broaden and deepen our commitment to restorative justice, giving as much weight and value to the experiences of communities that have been historically enslaved, excluded, and disproportionately incarcerated as we do to communities with historically greater privilege.

## Notes

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3. Jennifer Warren, *One in One Hundred: Behind Bars in America 2008* (Washington DC: Pew Center on the States), [http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS\\_Prison08\\_final\\_2-1-1\\_forweb.pdf](http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_final_2-1-1_forweb.pdf) (accessed August 17, 2009). Census data find that 12.8 percent in the United States are black, while non-Hispanic whites make up 66 percent of the population. See U.S. Census Bureau, “State and County QuickFacts,” under “Data Access Tools,” <http://quickfacts.census.gov/qfd/states/00000.html> (accessed August 25, 2009).
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6. Bureau of Justice Statistics, *Prevalence of Imprisonment in the U.S. Population, 1974–2001* (Washington, DC: U.S. Department of Justice, 2003) 5.
7. Warren, “One in One Hundred,” 34, table A-6.
8. United Nations, *Standard Minimum Rules for the Treatment of Prisoners*, August 30, 1955, UN High Commissioner for Refugees, Refworld, <http://www.unhcr.org/refworld/pdfid/3ae6b36e8.pdf> (accessed August 26, 2009).
9. Radhika Coomaraswamy, *Report of the Mission to the United States of America on the Issue of Violence Against Women in State and Federal Prisons*, Addendum E/CN.4/1999/68/Add.2 (New York: United Nations, 1999); and Human Rights Watch, *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons* (New York: Human Rights Watch, 1996).
10. In this essay, I focus specifically on the experience of African American women in U.S. prisons in order to explore the connections between the legacy of slavery in the United States and today's criminal justice system. In doing so, in no way do I wish to minimize the experiences of women prisoners of other races and ethnicities, nor do I mean to imply that African American women, or women in general, are subject to greater mistreatment in prisons than African American men, or male prisoners. For a broader analysis of slavery, race and incarceration in the United States, see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New

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11. Jolanta Juszkiwicz, Pretrial Services Resource Center, *Youth Crime/Adult Time: Is Justice Served?* (Washington, DC: Building Blocks for Youth, 2000), <http://www.buildingblocksforyouth.org/ycat/> (accessed August 27, 2009); Tushar Kansal, *Racial Disparity in Sentencing: A Review of the Literature* (Washington, DC: Sentencing Project, 2000), [http://www.sentencingproject.org/doc/publications/rd\\_reducingracial-disparity.pdf](http://www.sentencingproject.org/doc/publications/rd_reducingracial-disparity.pdf) (accessed August 27, 2009); Ian Ayres and Joel Waldfogel, "A Market Test for Race Discrimination in Bail Setting," *Stanford Law Review* 46 (1994); and David Cole, *No Equal Justice: Race and Class in the American Criminal Justice System* (New York: New, 1999). Blacks convicted of drug trafficking receive sentences 13.7 percent longer than whites, according to a study by David B. Mustard, "Racial, Ethnic, and Gender Disparities in Sentencing: Evidence from the U.S. Federal Courts," *Journal of Law and Economics* 44 (2001) 285–314.
  12. Cases cited in this article concern clients and former clients of Legal Services for Prisoners with Children (LSPC), a program the author founded in 1978 and directed through 2001. Clients are referred to by coded initials. The length of this essay limits the number of case examples that can be used and also restricts the level of detail. There is extensive documentation of these and numerous other cases. For further information, contact LSPC staff or Ellen Barry at 1540 Market Street, Suite 490, San Francisco, CA 94102, or visit the LSPC Web site at <http://www.prisonerswithchildren.org>, and click on the link to this chapter.
  13. On causes of the increasing incarceration of women of color, see Amnesty International, *Not Part of My Sentence: Violations of the Human Rights of Women in Custody* (Washington, DC: Amnesty International, March 1999) 5. On the sentencing disparities between powder- and crack-cocaine offenses, see Paula C. Johnson, *Inner Lives: Voices of African American Women in Prison* (New York: New York University Press, 2003) 46; and Tanya Telfair Sharpe, *Behind the Eight Ball: Sex for Crack Cocaine Exchange and Poor Black Women* (New York: Haworth, 2005). On the harsh social policies affecting low-income incarcerated women generally, see Beth Richie, "Challenges Incarcerated Women Face as They Return to Their Communities: Findings from Life History Interviews," *Crime and Delinquency* 47 (2001) 368–389; Johnson, *Inner Lives*; and Barbara Bloom and Meda Chesney-Lind, "Women in Prison: Vengeful Equity," in *It's a Crime: Women and Criminal Justice*, 2nd ed., ed. Roslyn Muraskin (Upper Saddle River, NJ: Prentice Hall, 2000) 183–204.
  14. Drug Policy Alliance Network, "Women of Color," under "Communities Affected," "Race and the Drug War," <http://www.drugpolicy.org/communities/race/womenof-color/> (accessed August 17, 2009). By 1995, 55 percent of all women sentenced under the federal mandatory minimum drug laws were classified as low-level drug mules and street dealers.
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  21. Human Rights Watch, *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons* (New York: Human Rights Watch, 1996). See *Jordan v. Gardner*, 986 F.2d 1521 (9th Cir. 1993), *en banc*, which held that cross-gender random body searches constitute cruel and unusual punishment and cited the emotional distress experienced by female prisoners when they are searched by male guards; compare with *Forts v. Ward*, 621 F.2d 1210 (2d Cir. 1980), which held that assigning male guards to areas of the prison where female prisoners were unclothed did not violate the prisoners’ constitutional right to privacy, so long as the prison made reasonable efforts to reduce the opportunities for viewing unclothed prisoners.
  22. Bobbie Stein, “Sexual Abuse: Guards Let Rapists into Women’s Cells,” *Progressive* (July 1996); Nina Seigal, “Locked Up in America: Slaves to the System,” *Salon.com*, September 1, 1998, under “Mothers Who Think,” [http://www.salon.com/mwt/feature/1998/09/cov\\_01feature.html](http://www.salon.com/mwt/feature/1998/09/cov_01feature.html); Radhika Coomaraswamy, *Report of the Mission to the United States of America on the Issue of Violence Against Women in State and Federal Prisons*, Addendum E/CN.4/1999/68/Add.2 (New York: United Nations, 1999); and Amnesty International, *Not Part of My Sentence: Violations of the Human Rights of Women in Custody* (Washington, DC: Amnesty International, March 1999).
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III

Overcoming Slavery's Legacies  
in Religious Law



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## The Purchase of His Money: Slavery and the Ethics of Jewish Marriage

Gail Labovitz

*An infidel said to Rabban Gamli'el, "Your God is a thief, for it is written, 'And the Lord God caused a deep sleep to fall upon the man, and he slept. And He took one of his ribs.'"*

*His daughter said to Rabban Gamli'el, "Leave him be, for I will answer him." She said to the infidel, "Get me an officer!"*

*He said, "Why do you need him?"*

*[She said] "Thieves came to us last night and took from us a silver pitcher and left us a gold pitcher!"*

*He said to her, "Oh! Would that they would come to us every day!"*

*[She said] "And was it not well for the first man that a rib was taken from him, and he was given a slave-woman to serve him?"*

— *Babylonian Talmud*<sup>1</sup>

### "You Are Designated to Me": Introduction

At my wedding, in the summer of 1988, my husband placed a ring on my index finger and proclaimed, "*Harei 'at m'kuddeshet li b'taba'at zo, k'dat Moshe v'Yisra'el*," or "You are designated to me with this ring, according to the law of Moses and Israel." This was in keeping with the law as laid out in the Mishnah, a text codified in Roman Palestine around the beginning of the third century CE. The Mishnah is the foundational text of rabbinic Judaism, which established the codes of conduct that continue to shape life and worship for many Jews today.<sup>2</sup> The opening of the section in the Mishnah on betrothals reads:

A woman is acquired in three ways, and acquires herself in two ways. She is acquired by money, by document, and by sexual intercourse. And she acquires herself by a divorce document, and by death of the husband.<sup>3</sup>

Following this law, the ring that my husband placed on my finger represents some amount of money, and with it he “acquired” me as his wife.

My wedding is a demonstration that classical rabbinic discourse on marriage (and many other areas of Jewish life and practice) is by no means a thing of the past, confined to distant historical works of literature. Despite being known as the “People of the Book,” Jews do not take Biblical law on its own but rather in conjunction with and through the lens of generations of rabbinic commentators. We can trace back the roots of practices observed today through Jewish legal codes, other legal writings, and commentaries on classical rabbinic literature. Rabbinic literature is still a voice of authority for many modern Jews; even among those who do not consider themselves bound by Jewish law, these texts, along with the laws and ideas they expound, often have a vote—if not a veto—in discussions of Jewish ethics and practice.

This text from the Mishnah, laying out the laws of Jewish life, considers marriage to be a man’s acquisition of property. In the continuation of the passage cited above, the Mishnah moves on to discuss the acquisition of slaves, animals, movables, and real estate, thereby placing the acquisition of a woman squarely within the context of property transactions.<sup>4</sup> This classification, as I have demonstrated elsewhere, reveals that the rabbis whose work makes up the Mishnah and related words developed their concepts of marriage and gender relations by thinking metaphorically about marriage as the purchase of property and women as ownable.<sup>5</sup> Indeed, the Hebrew word for husband, *ba'al*, can also mean “master” or “owner.”

When I say that these men thought about the purchase of property as a metaphor for marriage, I do not mean that they used property and ownership as literary or rhetorical devices. I mean that they went through a process of understanding and reasoning about one broad area of life (marriage) by linking it conceptually to another broad area (ownership).<sup>6</sup> In rabbinic literature, rabbis put this metaphorical association of wives with property, and marriage with purchase, to highly productive use as they engage in legal and ethical dialogues. The model of woman as ownable and marriage as the acquisition of property allows rabbis to use a variety of concepts and precedents from the realm of property to think about marriage, gender relations, and sexuality.<sup>7</sup> Their ideas about marriage as ownership continue to influence the lives of many Jews today.

Along with wives, another type of owned human being also appears regularly in rabbinic literature: the slave. We may not usually associate Judaism with slaveholding, except perhaps for the dramatic story of the Israelites’ flight from slavery in Egypt. Yet, it should not be surprising that rabbinic texts discuss and legislate for a slave society. Biblical law includes regulations for slaveholding within Israelite society, and both the Greco-Roman and Sassanian (ancient Iraqi/Iranian) societies in which rabbinic Judaism developed were slaveholding societies. Some Jews of late antiquity, including rabbis, owned slaves, and some Jews were held as slaves.<sup>8</sup> Rabbinic sources regularly consider the presence of slaves and slaveholding not only in the surrounding culture and communities but also as deeply embedded elements of their own culture and material lives.<sup>9</sup> No rabbinic text ever considers the notion that slavery should be abolished or even addresses slavery as a particular evil.<sup>10</sup>

Most scholars now agree that it is unlikely that Jews in late antiquity conformed their slaveholding practices to rabbinic laws. Rather, Jews followed the norms of the surrounding cultures.<sup>11</sup> For this reason, it has been easy for researchers studying rabbinic Judaism to overlook, even suppress, the questions that might arise from acknowledging slavery as an integral part of rabbinic ideology and Jewish life in the rabbinic era. Indeed, the topic of slavery in the rabbinic world has elicited very little modern research.<sup>12</sup> The continued importance of rabbinic literature and thought to the structuring of Jewish identities, communities, and practices, combined with the permeating presence of slavery in these texts, suggests, however, a critical need for a fundamental reconsideration of our analyses of rabbinic rhetoric.

One key area for this reconsideration is the intersection of slavery and marriage. We may be surprised to find ways in which the former lies at the heart of rabbinic thinking about the latter. Such a discovery demands that we consider the ethics of Jewish marriage practices today. I hope to contribute to the beginning of this work here by examining slavery as it existed in ancient Jewish communities, considering rabbinic thinking about female sexuality, and discussing the ways in which these commentators entwined marriage and slavery in these foundational texts. My goal is to begin a conversation about how recognizing the rabbinic acceptance of slavery changes our understanding of Jewish marriage and sexual ethics as they exist to this day.

## “The Purchase of His Money”: The Intersections of Gender and Slavery

Let me turn, then, to considering the rabbinic reading of a verse in the biblical Book of Leviticus that describes two classes of subordinate people found in the households of male priests, classes of people who thus may eat the sanctified food (*t'rumah*) designated exclusively for the priestly caste. The verse reads, “And a priest who purchases a soul, the purchase of his money, he may eat of it; and the one born of his house, they may eat of his bread.”<sup>13</sup> When the ancient rabbis interpret this passage, they understand the first category of person cited, those purchased by money, to include not only the slaves of priests but also the wives of priests:

From where (in scripture) do we learn that if a priest married a woman or bought slaves, they eat of *t'rumah*? The text teaches “And a priest who purchases a soul...”<sup>14</sup>

Nor is the rabbinic categorization of wives with slaves unique. Roman legal works such as Ulpian’s *Digest* and Gaius’s *Institutes* defined the “familia” as comprising two groups: the children of the householder (the “paterfamilias”) on the one hand, and his wife and slaves on the other. Children have a relationship to the father through blood, but both wives and slaves come into the household and under the power of the paterfamilias by law rather than by ‘natural’ kinship. Both were considered “outsiders-within.”<sup>15</sup>

This clear association between slavery and marriage appears in rabbinic literature from both Roman Palestine and Babylonia, and from the Mishnah to the close of the Babylonian Talmud. Rabbis sometimes merge and sometimes differentiate between wives and slaves, and between marriage and servitude, but they continue to think about each in relation to the other. First and foremost, the rabbinic texts classify both wives and slaves as purchased possessions of the husband/master.<sup>16</sup> Both the men writing these commentaries and their intended audience probably understood the ownership of a slave, as well as the acquisition of a wife, as metaphorical. The idea of a living human being as property is a claim “both true and untrue.”<sup>17</sup> Thus wives and slaves share similarities in their relationship to the householder. For example, legal procedures by which they become part of or leave the household bear striking similarities, and, as members of a household, they fulfill some very similar roles, particularly as regards the household economy.<sup>18</sup>

This is not to say that there were no critical differences in power, social standing, and economic status between free women and slaves. Rabbinic texts specify, for example, that free women may own slaves and may oversee their husbands’ slaves. Nonetheless, free women’s status and privilege could be constructed, defined, and described precisely by the ways in which it contrasted to that of enslaved women. Here, too, Jewish society of that time and place was not unique in its conceptual treatment of free women and enslaved women. The contrast was also apparent in Roman society, where the fundamental distinction between slave and free was often defined in terms of honor: the free person had, and was expected to maintain, personal honor, while the slave had none. For women, “the very existence of women who were not free gave meaning to the status of those who were.”<sup>19</sup> In what follows, I will explore the ways in which similarities and differences between slavery and marriage appear in rabbinic thought and writing.

## “Behold You Belong to Yourself”: The Comings and Goings of “Outsiders-Within”

In the two rabbinic passages discussed so far, Mishnah Qiddushin 1:1–5 and the midrashic commentary on Leviticus 22:11, the rabbinic authors directly link a man’s acquisition of a wife to a man’s acquisition of slaves. The connection appears elsewhere as well. According to rabbinic law, a father has the authority to arrange his underage daughter’s betrothal.<sup>20</sup> In the *Mekhilta*, the midrashic commentary on Exodus, the rabbis locate this exercise of paternal power in Exodus 21:7–11, which details a father’s right to sell his daughter into servitude and possibly eventual marriage to the master or his son.<sup>21</sup> The author of this passage reasons that if the father has the right to sell his daughter as a slave, thereby preventing her from marrying (unless she marries her master or his son), then even more so does he have the right to arrange an actual marriage for her.<sup>22</sup>

Although it is unlikely that this material reflects the actual practices of Jewish communities of the time, Exodus 21:7–11 became a critical source for rabbinic discourse on marriage. The same commentary on Exodus also uses

the biblical connection between betrothal and sale as authority for the rabbinic rule that giving money seals a marriage. Because the biblical passage goes on to discuss a case in which the master/son takes a second wife along with the first wife—the former slave—one rabbi, Rabbi ‘Aquila’, suggests that the Bible means to compare the two women. He proposes an analogy: just as the husband (that is, the former master) acquired his first wife through a payment, so too he should be able to acquire his second wife with money.

Later rabbinic scholars further developed the association between the acquisition of a slave and the acquisition of a wife. The writings examined so far explain the use of money to seal a marriage. The Babylonian Talmud also uses this association to explain the amount of money necessary for this purpose.<sup>23</sup> One view is that marriage can be created with a very small sum because it is the minimal amount with which a slave could buy her freedom (after the purchase price has been reduced due to the time she has already served). Alternately, a larger amount should be required because “just as a Hebrew slave woman is not sold for a penny, so too a [free] woman is not betrothed for a penny.”<sup>24</sup> Either way, slavery is the model that rabbis use to justify the different points of view on this question.

Clearly, the rabbis think about enslaved women and wives in similar ways. Just as a father has the power either to sell or betroth his daughter, the legal formalities involving both types of transactions are similar. The language and structure is identical, except for the verb, and the rabbinic author of one passage presents them together:

“I, So-and-so, have sold my daughter to So-and-so.”

“I, So-and-so, have betrothed my daughter to So-and-so.”<sup>25</sup>

So similar are the two statements that only the difference of one word prevents them from being mistaken for each other. Of course, marriage was also celebrated with a variety of rituals and ceremonies beyond the legal acquisition, making it clear that there were real differences in status between a free wife and an enslaved person. Despite this, the examples I have given show that the legal core is similar in both types of transactions.

This understanding of marriage as a property relationship also structures the way that rabbinic authors understand the process by which a woman may leave a marriage. In the model of marriage in this literature, the husband is the active agent and the woman the object of his activity. The man alone can decide to end the marriage. In ancient rabbinic law, divorce is a unilateral decision by the husband:

The man who divorces is not like the woman who is divorced; the woman goes out [*of the marriage*] whether she desires it or not, but the man sends out [*his wife*] only if he desires it.<sup>26</sup>

So too a slave can be freed only by the unilateral action of her/his master. The rabbis thus develop a model in which they understand the dissolution of a marriage to be like the freeing of a slave. In both cases, a male free agent relinquishes his rights over the other person.<sup>27</sup>

Most significantly, the legal formulas for divorce and manumission parallel each other and are presented in the same passage in the Mishnah. The divorce document says, "Behold you are permitted to any man." The manumission document says, "Behold you are a free woman, behold you belong to yourself."<sup>28</sup> As with the sale or betrothal of a daughter, the similarities between a deed of divorce and a deed of manumission raise concerns in the rabbinic texts about possible confusion between the two. The rabbis warn that telling a wife she is a free woman is legally meaningless, just as it is similarly inconsequential to tell an enslaved woman that she is "permitted to any man." On the other hand, the rabbis do consider the possibility that if the statement "Behold, you belong to yourself" frees a slave, then all the more so the same statement can release the wife from marriage.<sup>29</sup> Wives are already free, as distinct from enslaved women. Unlike wives, female slaves are not defined by their availability as marital partners, that is, as "permitted to any man."<sup>30</sup> But both are owned, to a greater or lesser degree, and thus both can be given over into their own possession if a man decides to do so.

There are also other legal parallels between divorce and manumission. Thus, the rabbis repeatedly discuss these processes and the legal documents that accompany them together in ways that are nearly identical. For example, corresponding rules direct how the documents must be delivered if sent from one place to another and who may sign them. In fact, the Babylonian Talmud includes an extended discussion listing similarities between the two cases.<sup>31</sup>

Coming and going, free wives and slaves are "outsiders-within" in the rabbinic family structure. They are brought into the household when purchased by a man and released from it only by the will and at the discretion of the husband or owner. The texts surveyed here are merely a sample of those showing how often rabbinic thinking connected marriage and slavery.

## "Treating Her Like Ownerless Property": Slavery, Honor, and Sexual Ethics

Free wives and slaves not only cross paths in rabbinic literature when they become part of or leave households. Inside the home, they may fulfill almost interchangeable needs for the male householder. In one rabbinic account, a rabbi allows a deaf-mute man to take a wife (this is significant because the deaf-mute's inability to communicate means that she or he is not usually able to participate in a binding legal act such as marriage). What is more, the rabbi goes so far as to allot a very large marriage settlement (Hebrew: *ketubah*) for the bride. The rabbi is reported to have considered the matter of the deaf-mute man in this way: "If he wanted a female slave to serve him, would we not buy one for him? All the more so should we find him a wife, where there are two benefits."<sup>32</sup>

Elsewhere in the Babylonian Talmud we find linguistic as well as legal slippage between the two categories of wives and slaves. In one passage, a wife who brings a slave with her into marriage is imagined as telling her husband, "I have brought you a 'woman' in my place."<sup>33</sup> Given that the one whose place is being taken is the wife and that the Aramaic term for woman that is used here can mean "wife" as well as "woman" (as is also the case in Hebrew), the

text implies that the slave is a wife of sorts. In a few sources, including the one quoted at the beginning of this chapter, the wife herself may be directly referred to as a female slave.<sup>34</sup> Both wives and slaves perform domestic and other labor on behalf of the male householder.

Yet in the story of the rabbi and the deaf-mute man, the man's wife provides a second, unspecified benefit to her husband. Something differentiates between—as well as unites—the free wife and the slave. In Greco-Roman culture, the most notable difference was honor, something no enslaved person could have.<sup>35</sup> Moreover, for women, honor was particularly about sexual behavior. No slave had the ability or right to protect the boundaries of his or her body from the hands of the free, whether by physical or sexual abuse. The free woman could consider herself somewhat protected from random assault. But she had to maintain her honor by protecting the inviolability of her body. Any violation of her chastity affected her status and, more importantly, the legitimacy, honor, and authority of her male relatives.<sup>36</sup>

The presence of slaves in Jewish communities of this era, as in those of early Christian communities (see, for example, Jennifer Glancy's essay in this volume), require us to reconsider our ideas about rabbinic sexual ethics. We need to think about how the practice of slavery, and the sexual demands made of slaves, affected rabbinic ideas and ideals about female sexual self-determination, sexual availability, and chastity. Again, we must take on this task because rabbinic ideas and ideals about marriage and women remain important for many Jews today. Do rabbis consider the sexual behavior expected of the free woman in contrast to, and as the opposite of, that expected of the enslaved woman? This is a topic that has hardly been raised in the study of rabbinic literature, if at all. Here I offer only an initial, tentative survey of the question.

To answer, let us return to the account of the rabbi who found his deaf-mute neighbor a wife. The amount of the marriage settlement (*ketubah*) promised by the deaf-mute man to his future wife gives us a clue from which to start our examination of the sources. The marriage system created by the rabbis requires that divorced or widowed wives receive a set amount of money that the groom had promised to his bride in their marriage contract. The minimum payment varied according to circumstances that were tied to assumptions about social status and chastity. A virgin, for example, would receive a settlement of 200 coins of a certain value. A widow, presumed to not be a virgin, would get half that. Women who had converted to Judaism, or Israelite women who had been held captive and then returned to the community, or who had been freed from enslavement, fell into two categories. Those who had been converted, redeemed, or freed before the age of three years and one day would receive the same amount as the virgin. Converts, captives, and freedwomen who did not meet the age requirement only got half as much.<sup>37</sup>

Note the assumption that a full-fledged Israelite girl will be a virgin at marriage. She will receive a premium on her virginity. Also note that the rabbis consider the convert, captive, and freedwoman to be non-virgins and thus not eligible for the full payment. They assume that these women may have been subject to sexual violence or morally lax sexual behavior. Even the presumption that a girl removed from any of these sexually dangerous situations before the age of three years and one day is physically a virgin is not based on an idealistic belief that girls below this age would not be subject to sexual violence.



Rather, this supposition grows from a rabbinic belief that the physical signs of virginity cannot be permanently destroyed in girls younger than this.<sup>38</sup>

Just as the groom is responsible for pledging the marriage settlement, the betrothed girl or woman is responsible for preserving her virginity. If she has not done so, her husband can sue her to dissolve the marriage, or reduce the amount of his marriage settlement. Her value lies in her virginity. She is somewhat protected by the possibility that she can claim that any premature loss of her virginity was the result of rape or coercion.<sup>39</sup> The enslaved woman has no such protection.

Why might the freedwoman not be a virgin? Because the texts assume that she is now part of the Jewish community, this suggests that she was previously enslaved in a Jewish household. Thus her possible sexual partner/abuser could well have been the male head of the household or a son of the family. Indeed, the texts take for granted the chance of sexual contact between a Jewish man and an enslaved woman. For example, the rabbis discuss the potential consequences of such behavior, including the possibility that a child will be born to the slave woman and thus what her child's religious and social status should be.<sup>40</sup> The question they debate is not the morality of such sexual contact. Rabbinic texts contain no explicit prohibition of sexual engagement between slave and free.<sup>41</sup>

The presumed sexual availability of the enslaved woman in the Jewish household means that rabbis, like some of their Roman contemporaries, sometimes project responsibility for her violation onto the enslaved woman herself. As one rabbi put it, "The more slave women, the more lewdness."<sup>42</sup> Others say that both male and female slaves may be judged by their lack of "proper" sexual restraint. It is even suggested in a pair of parallel passages that a male slave may prefer slavery to freedom if it gives him continued access to sexually unrestrained enslaved women.<sup>43</sup>

The free woman must behave in ways that distinguish her from the enslaved, such as not interacting with slaves in too familiar a manner, so as to avoid calling her chastity into question. At the same time, the enslaved woman may aspire to the ideals of honor, self-restraint, and dignity that mark the free members of the community. The positive influence of her master or mistress may guide her. One story in the Palestinian Talmud presents an ideal version of an enslaved woman who resists a man's demand for sex. Her would-be partner suggests that she is like a beast in having no bodily integrity to preserve. She accepts his characterization of her as a beast, but she then cleverly parries by quoting to him Exodus 22:18, that anyone who has sex with a beast must be stoned to death.<sup>44</sup> The ideal enslaved woman protects her virtue at the cost of her dignity.

The rabbinic description of enslaved women as sexually available "ownerless property" opens up an array of paradoxes. The "ownerless property" is in fact owned property. Further, the texts reveal that ownership by a husband is meant to protect a wife from being treated like "ownerless property." Marriage is meant to preserve free women from sexual exploitation by others. Thus, the enslaved woman is actually at greater risk of being sexually "ownerless." The enslaved woman has no right to claim rape or coercion, whereas the free wife's status as a possession should save her from exploitation.

Other sources using the same language show that the picture is even more complicated. In rabbinic Judaism, an enslaved woman cannot legally marry a free Jewish man, but the master has the right to create sexual partnerships between his slaves. He can save the enslaved woman from being like ownerless property by pairing her with an enslaved man.<sup>45</sup> This ruling suggests that no woman should be like ownerless property, that is, that no woman's sexuality should go uncontained. Every woman, free and enslaved, should be in a relationship with a man who has (and will protect) exclusive sexual access to her. The master's responsibilities include containing and regulating the sexual activity of both the free and enslaved women in his household.

One rabbinic report of a case involving a sexually active enslaved woman is revealing:

There was a female slave in Pumbedita' with whom men were committing forbidden acts. 'Abbaye said: If it were not the case that Rav Yehudah said in the name of Shmu'el that anyone who emancipates his slaves violates a positive commandment,<sup>46</sup> I would force her master to write her a document of emancipation.

Ravina' said: In such a case, Rav Yehudah would agree [*that emancipating the slave is permissible*], in order to prevent the forbidden activity.

And as for 'Abbaye, he would not [*free the slave woman*] because of the forbidden activity?!

... [*in our case*], it is possible for him [*the master*] to designate her for a male slave [*rather than emancipate her*], and he [*the slave*] will guard over her.<sup>47</sup>

The rabbis who address this case consider the slave woman's activity a matter of concern to the community, but they do not express any concern for the woman herself. They argue that it is her master's responsibility to control his possession's sexuality and that he can do so by pairing her with one of his male slaves, who "will guard over her." The result is that the woman will be owned by two men: her master and her slave partner.

In sexuality, as in other areas, the rabbinic texts distinguish between free women and enslaved women by highlighting the contrasts between them. The free woman is protected by the honor she gains from her status, and she must take responsibility for protecting that honor. Her honor, moreover, holds meaning because the community denies it to the enslaved woman. At the same time, the patriarch must contain the sexuality of both types of women, free and enslaved. For the rabbinic thinkers, gender and freedom converge and diverge over and over again, but they are always twined together.

## "An Exclusive Conjugal Servitude": Ethical Implications of the Metaphors We Marry By

I will conclude by jumping forward again more than a millennium in time and across an ocean in space, back to my own wedding. Other rites observed on that occasion provide evidence that we cannot dismiss the purchase model of marriage as a symbolic, innocuous vestige of the past. My husband gave me not

only a ring, but also a *ketubah*, a marriage contract much like that described in the rabbinic texts. In fact, my *ketubah* specifies that I have been promised the 200-coin marriage settlement due a first-time bride. Many *ketubot* continue to identify the bride as a “virgin,” “convert,” or “divorcée,” with the appropriate amount specified. Yet no one would expect me to ever try to collect that money were I to become entitled to it. These documents have mostly become a ritualized and standardized part of (some) Jewish weddings rather than enforceable contracts.

My marriage contract does include, however, one clause that would not have appeared in an ancient marriage contract. This is the “Lieberman clause,”<sup>48</sup> which dictates that should either my husband or I choose to summon the other to the *bet din*, the court of Jewish law, of the Conservative Movement (with which we are affiliated), the person summoned will appear and abide by its dictates. It is meant to be enforceable as a civil, as well as religious, contract. The need for this clause stems from the fact that the purchase model of marriage still underlies not only the making of Jewish marriages but also Jewish divorce.

A divorce performed according to Jewish law, as interpreted in both the Conservative Movement and in all streams of Orthodoxy, remains a unilateral act in which the husband releases the wife. This has led to the phenomenon of “chained” women (Hebrew: *‘agunot*) whose husbands refuse to divorce them, or who use the threat of refusal to extract money, child custody, and/or favorable divorce terms from their wives. Such women, if they wish to abide by Jewish law, cannot remarry. The Lieberman clause in my marriage contract is meant to protect me from that fate.

The rabbinic leaders of Orthodoxy have been more reluctant to endorse a resolution to this problem. As recently as 1998, one Orthodox scholar used a telling metaphor to bolster his argument that divorce should remain a male prerogative in Jewish law:

The legalistic essence of marriage is, in effect, an *exclusive conjugal servitude* conveyed by the bride to the groom...Understanding that the essence of marriage lies in the conveyance of a “property” interest by the bride to the groom serves to explain why it is that only the husband can dissolve the marriage. As *the beneficiary of the servitude*, divestiture requires the husband’s voluntary surrender of the right that he has acquired.<sup>49</sup>

As of this writing, there continue to be a significant number of *‘agunot* in Diaspora Orthodox communities and in Israel, where Orthodox religious authorities control the marriages and divorces of Jewish citizens.

But even the solutions offered by the Conservative Movement, including the Lieberman clause in my marriage contract, try to resolve the harm done by the ownership metaphor in Jewish marriage law without addressing the fundamental inequity at its heart. Other adaptations of the wedding ceremony, such as double ring ceremonies, or ceremonies in which the bride states her willingness to be bound by the marriage, attempt to make the ceremony seem more equal. But they leave the traditional legal act of acquisition at the ceremony’s center, and they do not resolve the ethical issue. The definition of marriage as

a man owning a woman remains. As the feminist theologian Rachel Adler has observed, herself invoking slavery as a metaphor, a master who promises to treat his slave as an equal leaves his slave reliant upon no law for redress, with only the hope that “his owner was an exceptionally nice guy.”<sup>50</sup>

Drawing out the associations between marriage and slavery in rabbinic literature forces us to ask probing and unsettling questions about Jewish traditions, laws, and practices in our own day. But until we confront this element of Jewish marriage and reconfigure it on a model that does not involve metaphors of ownership, slavery will continue to exert its legacy on Jewish women. Many of us may find it easier to accept the continued authority of these traditions (even as we might subject them to reinterpretation) and harder to imagine what we might put in their place that would still satisfy our desire to feel and act “authentically” Jewish. One possible beginning is Adler’s proposal for a Lovers’ Covenant (Hebrew: *B’rit ’Abuvim*). She suggests a ceremony based on rabbinic laws for business partnerships, between equal partners, as a metaphorical model to help us build marriages between two beings, rather than between owner and property.<sup>51</sup> Whether we continue to develop Adler’s model or experiment with other possibilities, a feminist ethics of sexuality and relationship demand no less than our best effort.

## Notes

1. Babylonian Talmud, Tractate *Sanhedrin* 39a.
2. The rabbinic movement of late antiquity flourished in both Roman Palestine and Sassanian Babylonia (modern-day Iran/Iraq), originating in Palestine around the beginning of the common era and continuing in Babylonia well into the sixth century. The major literary works of rabbinic Judaism are composed of the Mishnah, Tosefta, a variety of midrashic (biblical exegetical) works, and the Palestinian (or “Jerusalem”) and Babylonian Talmuds. The Mishnah was redacted in Roman Palestine at approximately the beginning of the third century of the common era. It is made up of material primarily from the latter half of the first and from the second centuries (although some earlier materials are included). The Tosefta includes additional materials from the same general time period as those found in the Mishnah; although scholars disagree as to its approximate date of redaction, it is agreed that its redaction postdates that of the Mishnah. Several midrashic (exegetical) works are also attributed to this period, notably Mekhilta to Exodus, Sifra to Leviticus, and Sifre to Numbers and Deuteronomy. Again, dating the redaction of these works is difficult and unsettled but is generally thought to be post-Mishnaic.

Commentary on the Mishnah is referred to as *gemara*; Mishnah and *gemara* together comprise the Talmuds. Both Talmuds follow the Mishnah’s format and were developed in Roman Palestine and Sassanian Babylonia. The redaction of the Palestinian Talmud is generally presumed to have taken place in the early fifth century CE. Citations to the Palestinian Talmud are by the relevant paragraph of Mishnah, and/or by folio and column (a–d). Scholars date the reaction of the Babylonian Talmud (the Bavli) to approximately the middle of the sixth century CE. Citations to the Bavli are by folio and side (a or b). For a variety of literary and historical reasons, the Babylonian Talmud is generally considered the more authoritative of the two Talmuds; indeed, this is generally what is meant when someone refers simply to “the Talmud.” Several Palestinian midrashic collections, notably Genesis Rabbah and Leviticus Rabbah, are also attributed to the Talmudic period.

All translations from primary texts, biblical and rabbinic, are my own unless otherwise noted. I have added explanatory notes and additions as needed in brackets and italic type.

3. Mishnah, Tractate *Qiddushin* 1:1.
4. Mishnah, Tractate *Qiddushin* 1:2–5.
5. Gail Labovitz, *Marriage and Metaphor: Constructions of Gender in Rabbinic Literature* (Lanham, MD: Lexington, 2009).
6. For an introduction to this understanding of metaphor, see George Lakoff and Mark Johnson, *Metaphors We Live By* (Chicago: University of Chicago Press, 1980). Lakoff has also authored and co-authored a number of subsequent works elaborating his cognitive theory of metaphor.

7. A source far removed in time and space from classical rabbinic literature, one of William Shakespeare's plays, provides a particularly good example of the kind of metaphorical reasoning I am describing here. In *The Taming of the Shrew*, Petruchio, defending his right to remove his new wife, Kate, from her family and their wedding feast, says,

I will be master of what is my own.

She is my goods, my chattels; she is my house,

My household stuff, my field, my barn,

My horse, my ox, my ass, my anything... (III. ii. 229–232)

The theory of metaphor I am espousing here would suggest that this is not to be read as “merely” poetry. Rather, there is an intimate connection between Petruchio's metaphorical speech and his subsequent behavior, depriving Kate of food and sleep to secure her obedience to him. That is, Petruchio is engaging in metaphorical reasoning, using his knowledge about the rights an owner has over his chattel to reason about the nature of his relationship to Kate, and the results of his reasoning have far-reaching implications for his behavior toward her.

8. See, for example, Dale B. Martin, “Slavery and the Ancient Jewish Family,” in *The Jewish Family in Antiquity*, ed. Shaye J. D. Cohen (Atlanta: Scholars, 1993) 113–129; Catherine Hezser, “The Social Status of Slaves in the Talmud Yerushalmi and in Graeco-Roman Society,” in *The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 3, ed. Peter Schäfer (Tübingen: Mohr [Siebeck], 2002) 91–137 (particularly 93–104); and Hezser, *Jewish Slavery in Antiquity* (New York: Oxford University Press, 2005).
9. Turning even to just the Mishnah, we find that slaves may be part of a woman's dowry upon entering marriage (Tractate *Yevamot* 8:1, Tractate *Ketubot* 5:5); though usually ineligible to serve as witnesses, slaves may testify to a man's death in order to allow his widow to remarry (Tractate *Yevamot* 17:7); a rabbi mourns his deceased slave and defends his behavior when questioned by his students (Tractate *Berakhot* 2:7).
10. With the obvious exception of horror expressed at the capture and enslavement of Jews by non-Jews.
11. Martin, “Ancient Jewish Family,” 113. See also Isaiah M. Gafni, *The Jews of Babylonia in the Talmudic Era* (Hebrew; Jerusalem: The Zalman Shazar Center for Jewish History, 1990) 134; Hezser, “Social Status of Slaves”; Hezser, *Jewish Slavery in Antiquity*, 14f; 380–392; and Natalie B. Dohrmann, “Manumission and Transformation in Jewish and Roman Law,” in *Jewish Biblical Interpretation and Cultural Exchange: Comparative Exegesis in Context*, ed. Natalie Dohrmann (Philadelphia: University of Pennsylvania Press, 2008) 52f; and 251, note 35. Elsewhere in this volume, David P. Wright makes a similar claim regarding biblical slave law and the actual practices of slaveholding in ancient Israelite communities.
12. The most comprehensive recent work on this topic is Hezser, *Jewish Slavery in Antiquity*. Other recent works beyond those cited above include Paul Virgil McCracken Flesher, *Oxen, Women, or Citizens? Slaves in the System of the Mishnah* (Atlanta: Scholars, 1988) and Dina Stein, “A Maidservant and her Master's Voice: Discourse, Identity, and Eros in Rabbinic Texts,” *Journal of the History of Sexuality* 10 (2001) 375–397. See also Tal Ilan, *Jewish Women in Greco-Roman Palestine* (Peabody, MA: Hendrickson, 1996) 205–211. Some slightly earlier works include: Yu. A. Solodukho, “Slavery in the Hebrew Society of Iraq and Syria in the Second through Fifth Centuries A.D.,” in *Soviet Views of Talmudic Judaism*, ed. Jacob Neusner (Leiden, Netherlands: Brill, 1973) 1–9; Dean A. Miller, “Biblical and Rabbinic Contributions to an Understanding

- of the Slave,” in *Approaches to Ancient Judaism: Theory and Practice*, ed. William Scott Green (Missoula, MT: Scholars, 1978) 189–199; and E[fraim] E[limelech] Urbach, *The Laws Regarding Slavery as a Source for Social History of the Period of the Second Temple, the Mishnah, and Talmud* (New York: Arno, 1979).
13. Leviticus 22:11.
  14. *Sifra*, 'Emor, *parasha* 5:1. Later, parallel versions of this tradition appear in the Palestinian Talmud, Tractate *Yevamot* 7:1 [7d–8a] and the Babylonian Talmud, Tractate *Yevamot* 66a. See also Palestinian Talmud, Tractate *Ketubot* 5:4 [29d], and Babylonian Talmud, Tractates *Ketubot* 57b and *Qiddushin* 5a.
  15. See Holt Parker, “Loyal Slaves and Loyal Wives: The Crisis of the Outsider-Within and Roman *Exemplum* Literature,” in *Women and Slaves in Greco-Roman Culture: Differential Equations*, ed. Sandra R. Joshel and Sheila Murnaghan (New York: Routledge, 1998) 154.
  16. Scholars often assume that ownership defines slavery and distinguishes it from all other social statuses; that is, the ownership of one human being by another constitutes slavery, and a slave is distinguished from other (subordinate) members of society by virtue of being human property. Yet, as Orlando Patterson has written in his groundbreaking work on slavery, “to define slavery *only* as the treatment of human beings as property fails as a definition, since it does not really specify any distinct category of persons. Proprietary claims and powers are made with respect to many persons who are clearly not slaves... The fact that we tend not to regard ‘free’ human beings as objects of property—legal things—is merely a sociological convention.” Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1982) 21f. Among Patterson’s examples of persons who can be sold and/or owned without thereby being defined as slaves are brides in tribal Africa and elsewhere, and American professional athletes.
  17. Thomas Ross, “Metaphor and Paradox,” *Georgia Law Review* 23 (1989) 1069f; see also the reference in note 43 (1070). Ross was writing about the Dred Scott case, in which the Supreme Court of the United States decided that a slave was not an American citizen: “If a slave is literally a chattel, there is no sense in even asking whether it might be a ‘citizen.’ It would be like asking whether a chair was a citizen... In that time, however, to say that a living human being was a chattel would have been heard by many as both true and untrue—as metaphor. ‘Surely the slave is a chattel,’ they might have said, ‘but surely she is not like other chattels.’”
  18. Space limits me from discussing the latter of these points in this article. See Gail Labovitz, *Marriage and Metaphor: Constructions of Gender in Rabbinic Literature* (Lanham, MD: Lexington, 2009) 168–185; and Labovitz, “The Scholarly Life—The Laboring Wife: Gender, Torah, and the Family Economy in Rabbinic Culture,” *Nashim* 13 (2007) 8–48.
  19. Joshel and Murnaghan, “Introduction: Differential Equations,” in *Women and Slaves*, ed. Joshel and Murnaghan, 4. See also Patricia Clark, “Women, Slaves, and the Hierarchies of Domestic Violence: The Family of St. Augustine,” in the same volume, 118.
  20. Mishnah Tractate, *Ketubot* 4:4.
  21. Exodus 21:7–10: “When a man sells his daughter as a slave, she shall not be freed as male slaves are. If she proves to be displeasing to her master, who designated her for himself, he must let her be redeemed... And if he designated her for his son, he shall deal with her as is the practice with free maidens. If he marries another, he must not withhold from this one her food, her clothing, or her conjugal rights” (New Jewish Publication Society translation).
  22. *Mekhilta*, *Mishpatim*, *parashah* 3. It should be noted that in the rabbinic understanding, the marriage between the master/son and Hebrew slave woman is a full marriage (not concubinage), in which she now has the status of a freedwoman. See Michael L. Sarlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001) 195.
  23. A point discussed in Mishnah, Tractate *Qiddushin* 1:1, after the section cited above.

24. Babylonian Talmud, Tractate *Qiddushin* 11b–12a. See also Palestinian Talmud, Tractate *Qiddushin* 1:1 [58c].
25. Palestinian Talmud, Tractate *Qiddushin* 1:2 [59a].
26. Mishnah, Tractate *Yevamot* 14:1. See also Tosefta, Tractate *Bava' Batra'* 11:5, cited below. There are a few grounds within rabbinic law for a wife to petition the court for divorce. Yet even if the (all-male) court finds merit in her request, the ultimate power to grant or withhold the divorce remains with the husband; the court may attempt coercive measures to get the husband's "consent" but cannot grant a divorce on its own. See Judith Romney Wegner, *Chattel or Person? The Status of Women in the Mishnah* (New York: Oxford University Press, 1988) 80–84, 135–137; and Judith Hauptman, *Rereading the Rabbis: A Woman's Voice* (Boulder, CO: Westview, 1998) 114–121.
27. "One writes a divorce document for a man [to divorce his wife] without the consent of the wife, but one only writes [it] with the consent of the man . . . [One writes a document of manumission] for the master without the consent of the slave, but one only writes [it] with the consent of the master." Tosefta, Tractate *Bava' Batra'* 11:5. Although a woman who owned slaves would be also be able to manumit them (with some restrictions if married, given that a husband usually has rights over the profits and disposition of his wife's property), rabbinic texts generally address and legislate toward a male reader.
28. Mishnah, Tractate *Gittin* 9:3. See also Palestinian Talmud, Tractate *Gittin* 9:2 (3) [3b], in which the same manumission formula is applied to a male slave.
29. Babylonian Talmud, Tractate *Gittin* 85b and *Qiddushin* 6a–b. See also Palestinian Talmud, Tractate *Gittin* 9:2 (3) [3b].
30. Though female slaves are, not unexpectedly, often presumed to be sexually available to free men—a topic that will be discussed in the next section.
31. See, for example, Mishnah, Tractate *Gittin* 1:1 and 1:4; Tosefta, Tractate *Gittin* 1:4, and Babylonian Talmud, Tractate *Gittin* 9b–10a.
32. Babylonian Talmud, Tractate *Yevamot* 113a. In the Palestinian Talmud, Tractate *Ketubot* 4:8 [28d], a similar equation between buying a man a female slave and finding him a wife is made: "Rabbi Mana' said, 'Is it not reasonable that we employ a slave for him or allow him to marry a wife so that she will serve him?'"
33. Babylonian Talmud, Tractate *Ketubot* 61a.
34. See also Babylonian Talmud, Tractate *Nedarim* 58b; similarly, Palestinian Talmud, Tractate *Yevamot* 13:2 [13c] and *'Avot de Rabbi Natan*, version A, chap. 16.
35. Richard P. Saller, "Symbols of Gender and Status Hierarchies in the Roman Household," in *Women and Slaves in Greco-Roman Culture: Differential Equations*, ed. Sandra R. Joshel and Sheila Murnaghan (New York: Routledge, 1998) 85.
36. Sandra R. Joshel and Sheila Murnaghan, "Introduction: Differential Equations," in *Women and Slaves*, ed. Joshel and Murnaghan, 4.
37. Mishnah, Tractate *Ketubot* 1:2, 4.
38. Mishnah, Tractate *Niddah* 5:4.
39. Mishnah, Tractate *Ketubot* 3:1.
40. Mishnah, Tractate *Qiddushin* 3:12; *Mekhilta Mishpatim* [Neziqin] 2; and *Sifra, Behar, parasha* 6:3; the status of such a child follows that of the enslaved mother. The possibility that a free woman might bear a child by a male slave is also considered. The law on the status of this child is not settled in rabbinic literature. All authorities recognize the child as Jewish, but some argue that the child should be considered to be of impaired caste status. See Mishnah, Tractates *Qiddushin* 3:12 and *Yevamot* 7:5; and Tosefta, Tractates *'Eduyot* 3:4 and *Qiddushin* 4:16.
41. With the possible exception of the case of a man who has sex with the "designated" slave woman, as described in Leviticus 19:20–22. Rabbinic sources addressing this passage include Mishnah, Tractate *Kritot* 2:5; Tosefta, Tractate *Kritot* 1:17; *Sifra, Qedoshim, pereq* 5:1–10; and Leviticus *Rabbah* 9:5.
42. Mishnah, Tractate *'Avot* 2:7. See also Genesis *Rabbah* 86:3.
43. Babylonian Talmud, Tractates *Gittin* 13a and *Ketubot* 11a.
44. Palestinian Talmud, Tractate *Berakhot* 3:4 [6c].

45. *Mekbilta, Mishpatim* [Neziqin] 2, commenting on Exodus 21:4; and see sources cited below.
46. Based on a strong reading of Leviticus 25:45f, regarding slaves of non-Israelite origins: "These shall become your property: you may keep them as a possession for your children after you, for them to inherit as property *for all time*." Emphasis added.
47. Babylonian Talmud, Tractate *Gittin* 38a–b; see also Babylonian Talmud, Tractates *Gittin* 43b and *Yevamot* 66a.
48. Named for the rabbi and rabbinic scholar who drafted it. Saul Lieberman, "Ketubah," *Proceedings of the Rabbinical Assembly of America* 18 (1954) 66–68.
49. J. David Bleich, "*Kiddushei Ta'ut*: Annulment as a Solution to the *Agunah* Problem," *Tradition* 33:1 (1998) 114; emphasis added.
50. Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics* (Philadelphia: Jewish Publication Society, 1998) 191.
51. See Adler, *Engendering Judaism*, 192–207, 214–217. (It should be noted that Adler's ceremony is also intended to be usable no matter the gender of the two partners involved.)



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## Slavery and Sexual Ethics in Islam

Kecia Ali

All religions that survive for any appreciable period of time must eventually confront the problem of adapting to historical change. How much can beliefs and practices shift without losing the tradition's essence? How does one determine which things may change and which may not? These are especially complicated questions for faiths with fixed scriptures and carefully preserved texts against which adherents can measure deviation. Just as Christians and Jews have struggled to interpret and apply biblical, rabbinic, and priestly guidance in circumstances quite unlike those of the traditions' origins, Muslims have engaged their sacred heritage in a wide variety of settings over the centuries. Some of the things that appear as ordinary and normal in the core texts of all three faiths, such as death by stoning for certain types of sexual misconduct, are no longer widely accepted by individual believers.<sup>1</sup> But how does someone who believes in the divine provenance of scriptural rules reconcile them with a manifestly different set of ordinary ideas about what is right and wrong? These questions arise urgently when one considers that classical Islamic law accepts both slavery as an institution and the sexual use of female slaves, whereas the overwhelming majority of Muslims today completely reject all forms of slavery.

The dissonance between medieval views and modern ones is illustrated by two dramatically different summaries of the Islamic stance on lawful sex. Ibn Rushd, a highly respected twelfth-century jurist from Muslim Spain, was in many respects a freethinker. Yet he took for granted the acceptability of concubinage, that is, a man's sexual access to his female slaves: "A woman becomes permissible [to a man] in two ways: marriage or ownership by the right hand."<sup>2</sup> On the other hand, Ahmed Hassan, in his twentieth-century translation of *Sahih Muslim*, a respected collection of hadith (i.e., reports about the Prophet Muhammad and the first Muslims), repeatedly shows his deep commitment to the classical tradition. Nonetheless, he rejects one of its elements in an off-hand way, prefacing the chapter on marriage by insisting that only sex within marriage is lawful "in Islam." His claim for "the absolute prohibition of every kind of extra-matrimonial connection" notwithstanding, the chapter contains numerous references to Muslim men having sex with their female slaves and no hint of condemnation of their actions.<sup>3</sup>

For historians, other scholars of the classical era, and traditionally trained Muslim scholars, slavery obviously has a place in Muslim sacred history and religious texts, just as in other ancient and premodern religions and societies. Yet quite a number of late twentieth-century and early twenty-first-century Muslim authors and laypeople gloss over the existence of slavery, and especially concubinage, in Muslim history and texts. One explanation for this attitude lies in the common view of Islam as uniquely oppressive toward women. Western media frequently portray Muslim men as lascivious and wanton toward sexually controlled females. Ignoring or denying the place of slavery and slave concubinage is one way to reject this portrait of Islam as a debased religion. Hassan's attempt to position Islam as morally superior on sexual matters relies on the simple pretense that slave concubinage did not exist. His words are not rhetoric aimed at non-Muslim Westerners but rather an indicator of the extent to which premodern and modern expectations and assumptions clash, even among Muslims.

Given that the vast majority of contemporary Muslims reject slavery, many have chosen to ignore the issue. Rather than reiterate the classical religious permission for slavery and slave concubinage, even to oppose it, they seem to believe that a moderate or progressive agenda is better served by emphasizing the contemporary agreement that slavery, and especially concubinage, is forbidden as completely outside the bounds of Muslim sexual morality. Although a few authors deny the validity of slave concubinage outright, asserting that "those jurists of Islamic law who laid down the rule that a master may have [a] sexual relationship with his female slave without marriage are totally mistaken,"<sup>4</sup> most simply ignore what prevailed as the consensus for over a millennium. Nonetheless, I see at least three reasons for explicitly engaging with scriptural and legal permission for the sexual use of female slaves: (1) the contemporary reality of actual enslavement and slavery-like conditions in some places in the Muslim world; (2) the influence of slaveholding values on the development of doctrines and attitudes concerning sex and marriage that many Muslims consider binding today; and (3) the power of slavery as an example to illustrate the need to rethink the literal application of other scriptural and prophetic prescriptions.

First, slavery in Muslim societies has had lingering contemporary effects, especially in certain parts of Africa and the Gulf states. These regions were the world's last to outlaw slavery; Saudi Arabia did so in 1962. Vestigial effects of domestic slavery persist there and in other rich Gulf nations in the failure of police and lawmakers to protect immigrant household workers against potential abuses. Female "guest workers" employed as maids and nannies have little recourse against sexual coercion or beatings; in some cases, those who have escaped and sought refuge with police have been forcibly returned to their abusive employers. Such women are not legally enslaved, and they generally receive compensation for their work, which distinguishes their situation from that of women in debt bondage. Nevertheless, because of the acceptance of controls on their mobility (employers often take their passports) and the refusal of law enforcement officials to respond to complaints of maltreatment, female "guest workers" are particularly vulnerable.<sup>5</sup> In some African nations, such as Mauritania, actual slavery continues, despite repeated declarations

of abolition, the last in 1980; according to one recent report, 90,000 black Mauritians remain essentially enslaved to Arab/Berber owners. In southern Sudan, Christian captives in the civil war are often enslaved, and female prisoners are used sexually, with their Muslim captors claiming that Islamic law grants them permission.<sup>6</sup>

Islamic law is not, however, the only salient frame of reference in these cases, even if it is sometimes used as justification for enslavement and slaveholding. Custom plays a role. Although premodern Muslim jurists permitted slavery without qualms, they surrounded its practice with a number of limitations and absolutely forbade the enslavement of other Muslims. Contrary to this principle, Muslim combatants sometimes take Muslim captives, usually from other ethnic groups, in today's civil or tribal conflicts. In a chilling memoir, Mende Nazer, a Sudanese Muslim (and contributor to this volume), recounts her own experiences of capture and enslaved domestic labor in the Sudan and the United Kingdom, where she eventually escaped her captors.<sup>7</sup> Though most common in Africa, slavery also occurs elsewhere; one scholar has suggested that among the Taliban's "atrocities" toward Afghani Shiites was "the enslavement of Hazara women as concubines."<sup>8</sup>

The existence of actual slavery and quasi-slavery is by no means unique to the Muslim world; slavery and slavery-like practices are found in numerous states and societies worldwide. Further, they are not found everywhere in the Muslim world. Rather than "Islam" being the cause, specific socioeconomic and political factors help to account for their existence. Still, the religious justifications for slaveholding in some of these cases make addressing them particularly urgent. Although the vast majority of contemporary Muslims agree that there is no place for slavery in the modern world—and some nineteenth- and twentieth-century reformers, such as Sir Sayyid Ahmad Khan, opposed the practice—the pressure to abolish slavery generally came from some combination of European colonial powers and economic and demographic shifts that lessened the utility of slaveholding.<sup>9</sup> Although all Muslim-majority nations eventually abolished slavery, activists, legislators, and government officials did not primarily frame their critiques of slaveholding in religious terms. By contrast, isolated defenders of slavery have used religious tradition to justify the practice; a few Muslim clerics, such as one writing in the mid-nineteenth-century Arabian Peninsula, opposed abolition on the grounds that slavery was accepted in religious texts.<sup>10</sup> Similarly, one scholar argues, "slavery enjoyed a high degree of legitimacy in Ottoman society. That legitimacy derived from Islamic sanction," among other factors.<sup>11</sup> Indeed, today there are some fringe elements that insist that slavery would still be a viable part of the social order if Muslims were to return to their natural place of political and military supremacy in the world.<sup>12</sup>

Second, slavery was a key part of the ancient societies where the core discourses of Islam developed.<sup>13</sup> Recognizing this allows one to appreciate the extent to which particular ideas about sex and gender affected the development of legal doctrines and attitudes concerning marriage and divorce. Both marriage and slavery were forms of ownership or control (in Arabic: *milk*) that legitimized sex. In the case of slavery, the category of ownership or control applied only when the owner was male and the owned, female. In this model,

the early Islamic jurists make frequent analogies between the dower paid to a wife and the purchase price paid for a slave. They also link divorce and manumission.<sup>14</sup> Dower payment to the wife and the exclusively male right to extrajudicial divorce are vital elements of the regulations governing marriage that many Muslims still consider authoritative.

Indeed, it is in the matter of divorce that slavery's legacy to contemporary sexual ethics is most clear. The principle that divorce is a husband's prerogative that cannot be tampered with stems from the view that only a husband, like a slave's master, is in a position to unilaterally dissolve the tie joining the parties. The practice of repudiation by a husband's declaration already existed in pre-Islamic Arab society, along with other forms of divorce, and it is not directly a result of slavery. Despite this, it was strengthened as medieval texts made free use of analogies between a husband's repudiation of his wife and a master's manumission of his slave. Some referred to both wives and slaves as belonging to an "owner." Though a wife was emphatically not her husband's slave, she could no more simply decide to divorce him than a slave could decide to free himself or herself.

That is not to say that wives did not have some rights to divorce; they could do so by mutual agreement, by a stipulation put in their marriage contract, or through obtaining a judicial divorce for cause. These rights, which have existed since early Muslim history, have been the basis for many legal reforms in the modern Muslim world expanding women's access to divorce. Even so, reformers have found it a greater challenge to restrict unilateral extrajudicial divorce by men. Indeed, for Muslims living as minorities in countries where Islamic law is not enforced in any way by the state, some Muslims assume that a man's declaration of divorce is both sufficient and necessary to sever the religious bond between the spouses. This may leave a woman believing that her civil divorce is insufficient to allow her to remarry religiously. Alternately, if her husband has pronounced a religious divorce and then contests a civil divorce, it may make the situation difficult for the woman.<sup>15</sup>

To take a further example, the double standards surrounding marital sexuality—namely, the notion that women's sexuality must be exclusive to one husband and that wives' sexual rights in marriage are a matter of ethics while husbands' sexual rights are a matter of legal obligation—are part and parcel of the view of male sexuality as unrestricted and multiple, which formed part of the slaveholding ethos. Again, this is not to suggest that slavery *caused* this mindset—such double standards have been present in many societies without the concomitant practice of slavery—but rather that it helped shape the surrounding discourses in Islam's formative years. These seldom-acknowledged interrelationships continue to affect attitudes surrounding marriage, divorce, and sex. The once-ubiquitous conceptual vocabulary of ownership or dominion applied to slavery is seldom used today to discuss marriage, and the previously common parallels between husbands and masters as well as wives and slaves have largely disappeared from learned discourse. Yet understanding the historical and legal dimensions of Muslim slavery, particularly regarding sexual access, is a necessary precursor to thinking through an ethics of sex.

Finally, and of greatest importance, the way that Muslims treat slavery has enormous implications for the way that they address other matters on which there is explicit scriptural, prophetic, and legal regulation. If one acknowledges that the Qur'an and Muhammad's *sunnah* (i.e., the Prophet as a model) accept slavery but views slavery as subject to historical change, so that slaveholding is unthinkable for Muslims today, that same insight can be applied to such other matters as inequities in divorce rights, corporal punishments for theft, and gender disparities in inheritance. If one simply ignores slavery or treats it as an aberration—the result of past generations of misinterpretation of the sacred texts—one misses an opportunity to promote changes in the way one approaches other vital areas.

## Slavery in the Qur'an, Muhammad's Example, and Islamic Law

Before the abolition of slavery in the nineteenth and twentieth centuries, marriage was not the exclusive mode of licit sexual relationship in most Muslim societies but rather coexisted with slave concubinage, which was practiced by men wealthy enough to afford it. In concubinage, men would have sexual relationships, potentially of long duration, with their female slaves. This possibly resulted in offspring, who would be legitimate and of equal standing with heirs born to wives. The regulations eventually finalized by Muslim jurists governing owners' treatment of female slaves had certain unique features, such as protection from being sold and eventual manumission for those who bore children to their masters. Yet the use of enslaved women as sexual partners was broadly accepted throughout the ancient Mediterranean and Near Eastern world, where Islam originated in the seventh century. Indeed, in seeking to establish friendly relations with the Prophet Muhammad, the Christian commander of Alexandria sent him two enslaved sisters as a gift, along with a donkey and other goods. Medieval Muslim tradition records that the Prophet took one of these young Coptic women, Mariya, as his concubine, eventually freeing her after she bore him a child.<sup>16</sup>

Maria the Copt, as she is generally known, appears in most premodern sources as the Prophet's slave, but many twentieth- and twenty-first-century works authored by Muslims imply or outright declare that she was his wife. For example, Henry Bayman writes, "[T]he Prophet was *legally married* to all his wives, even to slave girls with whom he was presented."<sup>17</sup> Bayman's statement is circular: by definition, Muhammad was married to his wives; it is only through marriage that a woman becomes a wife. He presumably means that Muhammad was married to all the women with whom he had sex. Connecting the subject of concubinage to broader questions about sexual morality, Bayman insists that Muhammad did not simply have sex with "slave girls." Nor did he seek them out; rather, he "was presented" with them. Bayman's remarks associate Muslim marriage with lawfulness ("legal marriage") and safety ("protective umbrella"), thereby claiming Islamic superiority in matters of sex. Nonetheless, to accept his characterization—as with the translator Hassan's comments on

*Sahih Muslim*—requires one either to ignore the Islamic legal tradition’s permission for slave-concubinage and the hadith evidence showing that the Prophet (or even just his Companions, whose behavior has not been questioned by revisionists) had sex with female captives and slaves, or to define both legal doctrine and Muslim history as falling outside the scope of “Islam.”

Many Muslims today find it almost unimaginable that a sexual relationship between a man and a woman bound to him only by the tie of ownership and not matrimony could be legal, much less moral. And yet, because the Prophet is the standard for morality, the exemplar of uprightness, understanding his actions, both personal and as a leader of Muslims, takes on importance. His deeds are only intelligible (if nonetheless still troubling for some) within the context of broader medieval sensibilities. The fact that a seventh-century Christian figure saw nothing amiss in sending a female as a gift to a powerful leader shows that using women and girls as sexual commodities was widely acceptable throughout the region. In pre-Islamic Arabia, as well, men frequently used women captured in intertribal warfare as sexual partners. Early Muslim interpreters consider this practice approved in the Qur’an’s repeated references to the permissibility of men’s sexual relations with women “that their right hands own.”

The Qur’an makes numerous references to persons in bondage: servants, captives, and slaves. These categories are not mutually exclusive and frequently overlap.<sup>18</sup> Like numerous passages in the Hebrew Bible and the New Testament, the Qur’an assumes the permissibility of some individuals owning or controlling others—“what their right hands own”—which was an established practice in Arabia before its revelation. The Qur’an does not explicitly condemn the practice of slavery or attempt to eradicate it, but it does attempt to improve the situation of those who are owned. It recommends freeing slaves, especially “believing” slaves, a mode of classification that presumes sufficient personhood on the part of those owned to have individual faith.<sup>19</sup> Expiation for certain misdeeds requires manumission of a slave, and owners are told to allow slaves who demonstrate good qualities to purchase their own freedom.<sup>20</sup> Enslavement was not always a permanent state.

The Qur’an also suggests means of integrating enslaved captives into the Muslim community, with special attention to interpersonal relationships. It allows slaves to marry other slaves or free persons and prohibits owners from prostituting unwilling female slaves.<sup>21</sup> Despite this protection against one form of sexual exploitation, female slaves did not fully control sexual access to their own bodies. Rather, the Qur’an includes “what your right hands own” alongside “wives” or “spouses” as those to whom sexual access is licit, thus distinguishing between spouses and slaves or captives, who are mentioned separately, and establishing their joint status as lawful sex partners.<sup>22</sup>

In the first generations of Muslims, there was ambiguity and variability in status among enslaved women, with less clear differentiation between the pre-Islamic category of captured wives and the Islamic category of female captives taken as war booty and subject to sexual use.<sup>23</sup> The hazy distinctions among those classified as “what your right hands own” were subject to refinement over time. The classical jurists elaborated significantly on the Qur’anic material concerning slavery, drawing on the practice of the Prophet and the

first Muslims as well as on the customs of conquered areas, as the Muslim empire expanded and solidified under the Umayyads and then the Abbasids. Legal works from the eighth through the twelfth centuries regulate the enslavement of war captives along with the purchase and sale of slaves. Although it was decidedly forbidden to enslave other Muslims, if a non-Muslim converted to Islam after enslavement, he or she remained a slave and could be lawfully bought and sold like any other slave. (This rule, justifiable on the basis of the Qur'anic praise of freeing "believing" slaves, meaning that the simple fact of belief does not itself free the slave, closes a potential loophole allowing slaves to gain their freedom through conversion.) The jurists also prescribed penalties for slave owners who maltreated or abused their slaves, up to and including freeing the slave without compensation to the owner.

Regulations for slave marriage and concubinage also developed over time, with special emphasis on rules to determine the paternity and/or ownership of children born to a female slave. A man could not simultaneously own and be married to the same female slave. The male owner of a female slave could either marry her off to a different man, thus renouncing his own sexual access to her (while retaining a right to have her perform other work), or take her as his own concubine, using her sexually himself. Both situations had a specific effect on the status of any children she bore. When female slaves were married off, any children born from the marriage became slaves belonging to the mother's owner, though her husband was established as their legal father. When a master took his own female slave as a concubine, by contrast, any children she bore would be free and legitimate, with the same status as any children born of a free wife. The slave who bore her master's child became what is known in Arabic as an *umm walad* (literally, "mother of a child"), gaining certain protections. Most importantly, she could not be sold, and she was automatically freed upon her master's death. These guidelines for the *umm walad* were not set forth in the Qur'an; they are frequently attributed to the caliph 'Umar (d. 644), though the Prophet's precedent in freeing Mariya after she bore him Ibrahim (who died in infancy) was, no doubt, influential.<sup>24</sup>

Concubines often received additional privileges, such as better quality food and clothing and usually exemption from duties of household service. They were also subject to extra restrictions, often related to keeping them exclusively available to their masters to remove any doubts about paternity in case of pregnancy. A concubine's status was, however, informal; law and custom allowed a master to have sex with any of his (unmarried) female slaves. It was also insecure: a concubine could be freed and married by her owner, or she could be sold off, so long as he had not impregnated her.

Although the Qur'an accepts the notion of men's sexual access to some enslaved women, whose social if not legal status may have been ambiguous,<sup>25</sup> it does not explore the possibility of large-scale concubinage, nor was such practiced in the first Muslim community. Some modern authors have argued that sex with captive or enslaved women only became permitted by marriage, but this is not the view of the medieval jurists, nor, if one accepts the hadith sources as historically accurate, was it the practice of the first Muslim community; records show that the Prophet as well as a number of his Companions had a concubine or two. Still, after the Arab conquests of the seventh and eighth



centuries, when the wealth of the Muslim elite increased dramatically, rulers mimicked their non-Muslim Sassanian predecessors, keeping dozens if not hundreds of female slaves and using many of them for sexual pleasure.

The widespread availability of female slaves as sexual objects had dramatic implications for the development of Muslim thought on sex and marriage, even if in practice the “harem” culture of the elite bore little resemblance to the practices of the majority of the populace.<sup>26</sup> Demographic and financial realities meant that most men did not take a second wife, let alone a third or fourth, nor did they own concubines. Yet the jurists defended their prerogative to do so for more than a millennium, seeing, as in Ibn Rushd’s remarks, a close connection between marriage and concubinage.<sup>27</sup> The seventeenth-century chief jurist of Damascus, Muhammad ‘Ala al-Din Haskafi, made remarks that clarify both the connection and the distinction between the two types of sexual relationship. A firm limit on the number of wives (“a free man may marry four”) contrasted with the lack of any such limit on female slaves (“he may take as many concubines as he wishes”). He considered it sacrilegious to attempt to limit this divinely bestowed privilege:

If a man has four free [wives] and a thousand concubines and wants to buy another [concubine] and a man reproaches him for that, it will be as if [that man] had committed unbelief. And if a man wants to take a concubine and his wife says to him “I will kill myself,” he is not prohibited [from doing so], because it is a lawful act, but if he abstains to save her grief, he will be rewarded, because of the hadith “Whoever sympathizes with my community, God will sympathize with him.”<sup>28</sup>

No man should criticize another’s choice to take an excessive number of concubines (though the absurdly high number as well as the accusation of unbelief seem to be rhetorical flourishes). A wife’s appeal carries a bit more weight; Haskafi recognizes that a man’s taking a concubine might cause her “grief.” Nonetheless, “he is not prohibited” from taking a concubine “because it is a lawful act”; ethics remains distinct from law.

The jurists’ discussions did not reflect most people’s practice; large-scale ownership of female slaves for sexual use was limited to the elite. But slavery was a social fact in most of the Muslim world, though practices could vary dramatically across time and space. Many slaves, male and female, were employed in domestic service as well as commerce until abolition occurred in the late nineteenth and twentieth centuries. Although often there were distinctions made between types of slaves based on race, slavery as a whole was not racialized in Muslim contexts in the way that it was in the American South.<sup>29</sup> Large-scale agricultural slavery was seldom practiced in the Muslim world, not because such forms of slave labor were prohibited but because of economic and geographical factors. This does not mean that Islamic slavery was not harsh, as some apologists have argued, or that masters were not sometimes brutal to their slaves. Nonetheless, despite the fact that some unscrupulous owners violated legal protections for enslaved persons, most scholars and officials assumed that Muslims would follow Islamic law with respect to their slaves.

Paradoxically, slavery did not always equal low social status. In medieval Egypt, the Mamluk (literally, “owned”) dynasty ruled for some time, with manumitted military slaves rising to govern others. The conscript slave troops (*janissaries*) of the Ottomans are another example. Most striking is the case of the royal concubines who wielded tremendous influence and amassed considerable wealth in the later centuries of the Ottoman Empire. Their situation was unusual, however, and some have suggested that scholarship should not treat them alongside other slaves, or perhaps even as slaves at all.<sup>30</sup> If nothing else, their situation serves as a reminder that “regardless of law or theory, a slave’s actual status could historically vary along a broad spectrum of rights, powers, and protections.”<sup>31</sup> The same is true for women in general: there have historically been other types of constraints governing female sexuality, and the patriarchal, hierarchical kinship structures found throughout the Muslim world varied dramatically in their effects depending on women’s class, age, and marital history.

## Moving Beyond Apologetic and Denial

Recognizing the historical practice of slavery in Muslim societies, though, is not the same thing as grappling with the religious implications of slavery for Muslim practice in the modern world. Muslims often attempt to separate what “Muslims” have done from what “Islam” allows. But the case of slavery is important precisely because Muslims widely reject it today despite the fact that the Qur’an and records of Muhammad’s exemplary conduct (in Arabic: *sunnah*) clearly show that it was once acceptable. The usual approach of bypassing the troublesome topic in silence does not always work, and sometimes the silences speak volumes.

One Saudi author, Ghazi Algosaibi, presents an egregious example of this attempt to get around the critical moral and interpretive issues raised by sex with enslaved women in his short work *Revolution in the Sunnah*, a selection of seven reports about the Prophet and the first Muslims (that is, hadith) with his commentaries. Algosaibi chose his title, he explains, because the hadith he recounts were revolutionary in their original Arabian context and “continue to represent a real ‘revolution’ against the outmoded and discredited practices prevailing in these areas of life in some, if not the vast majority of, Muslim countries.” By making a distinction between “Islam” and “culture,” although not in so many words, Algosaibi aims to prove that instead of “need[ing] to import reform from abroad,” Muslims can find the necessary resources for reform within Islam, “provided the opportunistic selectivity with which Islam is practised in Muslim countries is brought to an end.”<sup>32</sup>

Yet Algosaibi himself practices “opportunistic selectivity.” In order to make a point about the permissibility of contraception, he uses an account of Muslim combatants having sex with Arab women they had captured in battle: the soldiers report that they “were suffering from the absence of our wives, and we wished to have sexual intercourse with them,” that is, the captives, “engaging in coitus interruptus” (in Arabic: *‘azl*). The men, however, were concerned about the moral status of practicing withdrawal as a contraceptive measure and considered it necessary to consult the Prophet. His answer was, “It does

not matter if you do not do it, for every soul that is to be born up to the Day of Resurrection will be born."<sup>33</sup> Muslim scholars debate whether the Prophet's words, reported with slight variations in other versions of this story, mean that one *may* practice withdrawal but *should* not, or whether they grant permission without taint of disapproval, serving only as a warning that conception may occur despite the measure taken to avoid it. The moral status of withdrawal concerned the victorious Muslim soldiers enough that they asked the Prophet about it, yet all the men involved, including the Prophet himself, took for granted the permissibility of sex with the prisoners. (There is no indication of what the captured women thought, or the soldiers' wives.) Not only do the Prophet and the soldiers ignore the question of the women's consent or lack thereof but so does Algozaibi, focusing solely on contraception in his discussion of this hadith.<sup>34</sup>

The nonconsensual elements of the tale were not surprising or troubling for the seventh-century narrator, Abu Said al-Khudri, but are deeply problematic for many Muslims today who view the Prophet as an inerrant champion of justice and protector of the weak. What does it mean for those who view the Prophet's actions as exemplary to accept that he tacitly allowed the rape of female captives? Is it correct to refer to the actions of the Muslim soldiers as rape, or does that term have connotations that are contextually inappropriate? Does the fact that "marriage" by capture was a common Arab custom at the time make Muhammad's actions intelligible? Acceptable? Finally, assuming one accepts that the accounts in the authoritative hadith compilations are essentially accurate, what are the implications of the Prophet's action for the contemporary world? Is his precedent binding, or is it to be understood as limited to the particular circumstances of his time and place?

Muslim silence on these questions and their implications is deafening. Algozaibi mentions the incident in passing, under the title "Family Planning," without any analysis or acknowledgment of its significance for matters beyond contraception. Other influential works treat the issues of slavery differently but no more satisfactorily. For instance, in his 1991 translation of the classic legal manual *Reliance of the Traveller*, Nuh Keller excises nearly all mention of slavery from the English text, leaving it, bracketed off, in the parallel Arabic discussions of marriage, divorce, and other social transactions.<sup>35</sup> The translation carries no ellipses or notation that something has been removed. As a result of this editorial sleight of hand, the importance of slavery to the medieval Middle Eastern context in which this text originated simply disappears. By way of rationale for these frequent changes, Keller affirms in his introduction that "[n]ot a single omission has been made from it," that is, the Arabic text, "though rulings about matters now rare or non-existent have been left untranslated unless interesting for some other reason."<sup>36</sup> A specific reference to the missing material on slavery comes in place of a translation of the chapter on manumission: "Like previous references to slaves, the following four sections have been left untranslated because the issue is no longer current."<sup>37</sup> Keller thus suggests that the regulations on slavery, a now-obsolete social institution, are somehow separable from the rest of the work; meanwhile, the other rules contained in this "classic manual of Islamic sacred law," as the translation's subtitle proclaims, are directly relevant to the lives of contemporary Muslims.

A different approach, utilized by the official Saudi council that issues fatwas (nonbinding legal opinions), as well as some other twentieth- and twenty-first-century jurists, has been to reiterate classical doctrines as though slavery had never been abolished by national governments. In their responses to legal queries, which have influence far beyond Saudi boundaries through online distribution and subsidized translations into European languages, they maintain references to slavery throughout, just as their medieval counterparts would have. Evaluating the conditions making polygamy permissible, the late Saudi mufti Ibn Baz stated, "If a person fears that he will not do justice [between wives], then he may only marry one wife in addition to having slaves."<sup>38</sup> Though seemingly the opposite of Keller's strategy of excision, this rote inclusion of material presuming the existence of slavery (even when slavery was not mentioned in the original question) demonstrates the same unwillingness to engage with the basic problem at hand: how does one reconcile the presumption of slaveholding in the Qur'an, hadith, and classical jurisprudence with the contemporary reality of the Muslim world, where legal slavery no longer exists? Although the vast majority of Muslims do not consider slavery, especially slave-concubinage, to be acceptable practices for the modern world, the reticence to confront the juristic, as well as social, legacies of slavery has resulted in blindness to the hierarchical residue of its practice to Islamic gender relations broadly, and to marriage and sexual relations in particular.

Slavery is deeply embedded in Muslim history and Islamic tradition, but many Muslims overlook its relevance. Slavery, particularly the sexual use of female slaves, appears in the Qur'an, is attested in the practice of the Prophet and his Companions, and is explicitly permitted by classical Islamic jurisprudence. In this last realm, it deeply affected the development of legal regulations surrounding marriage that many Muslims still treat as authoritative today. Recognizing that the structure of marriage is based on patriarchal and hierarchical assumptions that they already reject in connection with slavery opens new ways to conceptualize relations between spouses. Even more radically, the rejection as unfitting for Muslim life today of one practice that appears as lawful and normal in the Qur'anic text and the Prophet's *sunnah* opens the way to consider other issues in a historically contextualized fashion. Accepting that the Qur'an is not determinative in all its particulars for every time and place in the case of slavery makes it possible to argue against the literal implementation of verses regulating family relationships, criminal punishments, and other features of social life.

Contemporary Muslims, especially in the West, have devoted little attention to thinking about or discussing the religious, ethical, and legal issues associated with slavery, perhaps because it is difficult to acknowledge and confront the scriptural and traditional permission for it.<sup>39</sup> Although other religions and cultures have practiced slavery, Islam is often singled out for criticism, and Muslims may be reluctant to provide more fodder for Islamophobic discourses. This understandable defensiveness is an obstacle to honest and open engagement with the relevance of slaveholding values to Muslim history and Islamic religious norms. Confronting this legacy is a vital task, not only because some Muslim women continue to be subject to actual slavery or quasi-slavery, but also because the conceptual vocabulary of ownership was central to classical

Muslim legal discourses on marriage and sex. Although legal reforms in many nations have meant that classical legal doctrines are not directly implemented today—it makes more sense to speak of “Moroccan law,” “Pakistani law,” and “Indonesian law” than “Islamic law”—key elements of those legal frameworks draw on rules and doctrines that originated in a time in which a man’s sexual access to enslaved women was taken for granted.

The vast majority of contemporary Muslims find the scriptural and legal acceptance of slavery troubling, when they think about it at all. Because of the repugnance with which Muslims view slavery today, arguing that other matters are linked with or analogous to slavery creates an opening for Muslims to think differently about them. I claim no originality for this tactic; the Pakistani scholar Fazlur Rahman applied it to good effect at least two decades ago, when he compared slavery to polygamy.<sup>40</sup> Both, he argued, were institutions that were impossible to eradicate at once but that were harmful and that God intended to abolish, even if one had to follow indications in the Qur’an of a trajectory toward abolition rather than its literal words. Treating the Qur’an as a document with some verses bound by context but others containing broad principles of justice that should take precedence over specific, time-bound commands is one essential element of feminist and other reformist interpretations of scripture.<sup>41</sup> For many ordinary Muslims, particularly those for whom slavery is distant history, it is simple common sense. This should not, however, be mistaken for the view that it is “obvious” that Islam disallows slavery and that it was always intended for abolition.<sup>42</sup>

Some Muslim thinkers who explicitly reject slavery as unjust have argued that this rejection of slavery is based in the Qur’an, that abolition is implicit in the Qur’anic message, and that Muslims—blinded by their social circumstances—simply did not see it before. The implications of rejecting slavery are more powerful, though, if one acknowledges that abolition was not a foregone conclusion but rather the result of both nonreligious historical processes and interpretive choices by individuals.

Developing Rahman’s approach, others have argued for a trajectory from hierarchical institutions to more egalitarian ones, from acceptance of slavery to its abolition: the practical limitations of the Prophet’s mission required the distasteful but necessary acquiescence to slave ownership, but God intended this to be only a temporary measure. According to a similar interpretation, the Prophet’s acceptance of husbands’ rights to practice polygamy and to control their wives was an unavoidable compromise with patriarchal power in the interests of ensuring the success of Islam.<sup>43</sup> Both perspectives contain valid points: the presuppositions of interpreters matter a great deal in the implementation (or lack thereof) of the Qur’an’s precepts, and there is evidence that in some instances the Qur’an accommodates or gradually prohibits certain practices that God and/or Muhammad might have preferred to abolish immediately (for example, consumption of alcohol). This approach to revelation allows one to interpret scripture without being bound by the assumptions of previous generations of exegetes who accepted male superiority and other social hierarchies, including slavery, without question. One can see certain passages and Prophetic *sunnahs* as gestures in the direction of egalitarianism, capable of full realization only in a world where equality and freedom are commonly shared values.

## Egalitarian Sexual Ethics and Islam

For Muslims committed to egalitarian sexual ethics, addressing the presence of slavery and slaveholding values in religious texts and history is vital, not only for the sake of intellectual honesty but because this acknowledgment provides a way to approach the fundamental questions: What is the best way for Muslims to structure intimate relationships? Which values are the most important guides? And how do these relate to the specific prescriptions and examples set forth in the Qur'an and *sunnah*?

Previous generations of scholars have attempted to answer these questions. In the classical legal model, as articulated by Ibn Rushd above, lawfulness is established when a man has exclusive control of a particular woman's sexuality, either in marriage or in concubinage. Many consequences flow from this model of licit relationships, not the least of which is the view that divorce is a male prerogative—just as manumission is the right of the master, not the slave. Women did have legal avenues to get out of marriages in law and practice in the past, and modern national reforms have often increased the scope of these options. Nonetheless, the underlying view that the husband's desire alone can determine whether a marriage lasts grows out of a legal view of marriage as a relationship of control or ownership. Of course, marriage was never tantamount to slavery, and wives were not their husbands' slaves. Moreover, even slaves, especially concubines, had protections; and wives had rights beyond those granted to slaves. Many thinkers stressed the importance of a man's good treatment of his wife, his satisfaction of her sexual needs, and the general climate of kindness and tenderness that ought to prevail between spouses. Yet, unless modern thinkers explore the linkage between the statuses of wife and slave—and repudiate it—marriages cannot be fully egalitarian. Unless Muslims treat the Qur'anic regulations for the conduct of marriage and divorce, like those governing slavery, as not binding in their particulars for all of history, marriages cannot be fully mutual. The Qur'an itself advocates that its readers follow the best meaning in it.<sup>44</sup> The subordination of one human being to another in intimate contexts is not the best meaning; reciprocal love, mercy, and tranquility, which the Qur'an also advocates, ought to be—and it is a human responsibility to make them reality.<sup>45</sup>

## Notes

An earlier version of this essay first appeared in a somewhat different form as "‘What Your Right Hands Possess’: Slave Concubinage in Muslim Texts and Discourses," chap. 3 in Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* (Oxford: Oneworld, 2006). Those interested in following up on the topics presented here will find resources in its more extensive endnotes. My thinking on the topic of slavery has been shaped by productive exchanges with other contributors to this volume at three Feminist Sexual Ethics Project colloquia; in addition to Bernadette Brooten, whose insight over the last six years has been particularly valuable, I would especially like to thank Jennifer Glancy, Emilie Townes, and John Noonan, who presented formal responses to my drafts at those events. More recently, Jill Hazelton provided very helpful suggestions for revision, and Alexander Barna helped track down a few stubborn citations. Needless to say, I alone am responsible for any errors of fact or interpretation herein.

1. In the case of Islam, stoning is not a Qur'anic punishment but is found in the authoritative collections of traditions about the Prophet Muhammad and his Companions, known as *hadith*. See Kecia Ali, "Prohibited Acts and Forbidden Partners: Illicit Sex in Islamic Jurisprudence," chap. 4 in *Sexual Ethics and Islam*.
2. Ibn Rushd, *The Distinguished Jurist's Primer: A Translation of Bidayat al-Mujtahid*, 2 vols., trans. Imran Ahsan Khan Nyazee (Reading, UK: Centre for Muslim Contribution to Civilization, Garnet, 1994–1996). These and all other dates refer to the common era. I have slightly altered Imran Ahsan Khan Nyazee's translation of this passage.
3. Ahmed Hassan, "Translator's Preface to the Chapter on Marriage," in *Sahih Muslim: Being Traditions of the Sayings and Doings of the Prophet Muhammad as Narrated by His Companions and Compiled Under the Title Al-Jami'us-Sahih*, 4 vols., trans. 'Abdul Hamid Siddiqi (1977; New Delhi: Kitab Bhavan, 1995); and Muslim ibn al-Hajjaj al-Qushayri, *Sahih Muslim*, 8 bks. in 2 vols. (Egypt: Maktabah wa Matbu'ah Muhammad 'Ali Sahih wa awlad, n.d. [1963?]).
4. The quotation is from Mohammad Ali Syed, *The Position of Women in Islam: A Progressive View* (Albany: State University of New York Press, 2004) 36.
5. Mathias Diederich, "Indonesians in Saudi Arabia: Religious and Economic Connections," chap. 6 in *Transnational Connections and the Arab Gulf*, ed. Madawi Al-Rasheed (London: Routledge, 2005) 128–146.
6. U.S. Department of State, Bureau of African Affairs, *Slavery, Abduction, and Forced Servitude in Sudan*, International Eminent Person's Group (2002), <http://www.state.gov/documents/organization/11951.pdf> (accessed July 11, 2009).
7. Mende Nazer and Damien Lewis, *Slave: My True Story* (Cambridge, MA: PublicAffairs, 2005).
8. Hamid Algar, *Wahhabism: A Critical Essay* (Oneonta, NY: Islamic Publications International, 2002) 57.
9. Ahmal Alawad Sikainga, "Slavery and Muslim Jurisprudence in Morocco," *Slavery and Abolition* 19 (1998) 64–66, 70. But for a more nuanced view of the Muslim debates, see William Gervase Clarence-Smith, *Islam and the Abolition of Slavery* (New York: Oxford University Press, 2006) 114; intriguingly, in the case of the Sudan, British colonial regulation may have led to more religiously focused justifications for slavery.
10. Bernard Lewis, *Race and Slavery in the Middle East: An Historical Enquiry* (Oxford: Oxford University Press, 1990) 80f.
11. Ehud Toledano, *Slavery and Abolition in the Ottoman Middle East* (Seattle: University of Washington Press, 1998) 127.
12. Fatwas by the Permanent Committee, in Muhammad bin 'Abdul-'Aziz al-Musnad, collector, *Fatawa Islamiyah: Islamic Verdicts* (Riyadh, Saudi Arabia: Darussalam, 2002) 5:96–99. Group fatwas issued by some Saudi scholars stress that enslavement of prisoners would be legal "if any lawful Islamic war took place today between the Muslims and the disbelievers," according to the ruler's decision; in the absence of lawful "Jihad against the disbelievers... it is not permissible to establish or institute slavery." Yet the descendants of those who were lawfully enslaved remain in bondage "until [they] are granted the opportunity to obtain [their] freedom." See also Clarence-Smith, *Islam and the Abolition of Slavery*, 184, 221.
13. Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven, CT: Yale University Press, 1992) 72–101. Broadly, see Shaun E[lizabeth] Marmon, "Domestic Slavery in the Mamluk Empire: A Preliminary Sketch" in *Slavery in the Islamic Middle East*, ed. Shaun E[lizabeth] Marmon (Princeton, NJ: Markus Wiener, 1999) 1–23.
14. Kecia Ali, *Marriage and Slavery in Early Islamic Law* (Cambridge, MA: Harvard University Press, 2010).
15. Zahra Ayubi, "American Muslim Women Negotiating Divorce" (senior thesis, Women's and Gender Studies Program, Brandeis University, 2006).
16. Ibn Kathir, *The Life of the Prophet Muhammad: Al-Sira Al-Nabawiyya*, 4 vols., trans. Trevor Le Gassick (Reading, UK: Garnet, 2000); and Aysha Anjum Hidayatullah,

- “Mariyah the Copt: Gender, Sex, and Heritage in the Legacy of Muhammad’s *Umm Walad*” (master’s thesis, University of California, Santa Barbara, 2005).
17. The text continues: “In Islam, not multiple marriages but illicit sex—pre- or extramarital fornication and adultery—is immoral. Islam limited the number of female consorts to four (but recommended one), and with this the proviso that all were brought under the protective umbrella of legal marriage.” Henry Bayman, *The Secret of Islam: Love and Law in the Religion of Ethics* (Berkeley, CA: North Atlantic, 2003) 173. Italics in the original.
  18. See, in addition to other verses cited below, Qur’an 2:178, 16:75, and 30:28. All Qur’anic citations are to chapter followed by verse.
  19. Qur’an 2:177.
  20. Qur’an 4:92, 58:3, and 24:33.
  21. Qur’an 2:221, 4:25, and 24:32f.
  22. See Qur’an 23:5f and 70:29f. Although in some instances these references are gender-neutral, the possibility that such verses permitted women’s, or for that matter men’s, access to male captives or slaves was never seriously countenanced.
  23. See Ingrid Mattson, *A Believing Slave is Better Than an Unbeliever: Status and Community in Early Islamic Society and Law* (Ph.D. diss., University of Chicago, 1999) 131–141, for a discussion of these issues, and the suggestion that the Qur’anic verses may make a distinction between permissible sex with war captives and (impermissible) sex with female slaves obtained in another fashion.
  24. In addition to Mattson, *Believing Slave*, see Jonathan Brockopp, *Early Maliki Law: Ibn ‘Abd Al-Hakam and His Major Compendium of Jurisprudence* (Leiden, Netherlands: Brill, 2000) 192–205, on the early development of regulations surrounding the *umm walad*.
  25. Mattson, *Believing Slave*, 134.
  26. Ahmed, *Women and Gender in Islam*, 67, 79–101.
  27. See Qur’an 4:3; and Muhammad ibn Idris al-Shaf’i, *Al-Umm* (Beirut: Dar al-Kutub al-‘Ilmiyya, 1993) 5:215.
  28. Muhammad Ala-ud-din Haskafi, *The Durr-ul-Mukhtar: Being the Commentary of the Tanvirul Absar of Muhammad Bin Abdullah Tamartashi*, trans. B. M. Dayal (New Delhi: Kitab Bhavan, 1992) 24. I have altered B. M. Dayal’s translation of this passage in several respects.
  29. Lewis, *Race and Slavery*.
  30. See EHUD TOLEDANO, “Representing the Slave’s Body in Ottoman Society,” *Slavery and Abolition* 23 (2002) 57–74. Also see Leslie P. Peirce, *The Imperial Harem: Women and Sovereignty in the Ottoman Empire* (New York: Oxford University Press, 1993) for a full study of the subject.
  31. David BRION DAVIS, *In the Image of God: Religion, Moral Values, and Our Heritage of Slavery* (New Haven, CT: Yale University Press, 2001) 125.
  32. Ghazi A. Algosaibi, *Revolution in the Sunnah*, trans. Leslie McLoughlin (London: Saqi, 2004) 10.
  33. Algosaibi, *Revolution in the Sunnah*, 37f. There are similar reports in Muslim, *Sahih Muslim: Being Traditions of the Sayings and Doings of the Prophet Muhammad as Narrated by His Companions and Compiled Under the Title Al-Jami’-us-Sahih*, 4 vols., trans. ‘Abdul Hamid Siddiqi (1977; New Delhi: Kitab Bhavan, 1995) 2:732f. See Muhammad Ibn Isma’il Al-Bukhari, *The Translation of the Meanings of Sahih Al-Bukhari*, trans. Muhammad Muhsin Khan (Arabic–English rev. ed., New Delhi: Kitab Bhavan, 1987) 7:103.
  34. Algosaibi, *Revolution in the Sunnah*, 40f.
  35. Ahmad ibn Naqib al-Misri, *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law*, ed. and trans. Nuh Ha Mim Keller (Evanston, IL: Sunna, 1991; rev. ed., Beltsville, MD: Amana, 1999) 529. *Reliance of the Traveller* is a work of the Shafi’i school of law (Arabic: *madhhab*), one of four major Sunni schools that have dominated Muslim history alongside one major and several minor Shi’i schools.
  36. Al-Misri, *Reliance of the Traveller*, ix.



37. Al-Misri, *Reliance of the Traveller*, 459.
38. 'Abd al-Aziz ibn 'Abd Allah ibn Baz, et al., "Concerning Polygyny," in *Islamic Fatawa Regarding Women: Shariah Rulings Given by the Grand Mufti of Saudi Arabia Sheikh Ibn Baz, Sheikh Ibn Uthaimin, Sheikh Ibn Jibreen and Others on Matters Pertaining to Women*, ed. Muhammad bin Abdul-Aziz al-Musnad, trans. Jamaal Al-Din M. Zarabozo (Riyadh, Saudi Arabia: Darussalam, 1996) 178. He is responding to a questioner who partially quotes Qur'an 4:3, mentioning orphans but avoiding the portion of the verse discussing "what your right hands possess." On the interconnections between polygyny and slavery, see Zeeshan Hasan, "Polygamy, Slavery, and Qur'anic Sexual Ethics," *Star Weekend Magazine*, August 30, 1996, <http://www.liberalislam.net/polygamy.html> (accessed May 6, 2006).
39. Toledano, *Slavery and Abolition*, 122–129 remarks on the Muslim view of Muslim slavery as humane and, in particular, distinct from chattel slavery as practiced in the American South.
40. Fazlur Rahman, *Major Themes of the Qur'an* (Minneapolis: Biblioteca Islamica, 1980) 48. See also Amira Mashhour, "Islamic Law and Gender Equality: Could There be a Common Ground? A Study of Divorce and Polygamy in Sharia Law and Contemporary Legislation in Tunisia and Egypt," *Human Rights Quarterly* 27 (2005) 568f.
41. There are, however, limits to its usefulness as an interpretive approach. See Kecia Ali, "Timeless Texts and Modern Morals: Challenges in Islamic Sexual Ethics," in *New Directions in Islamic Thought: Exploring Reform and Muslim Tradition*, ed. Christian Moe et al. (London: I.B. Tauris, 2009) 89–99.
42. See, for instance, Majid Khadduri, "Marriage in Islamic Law: The Modernist Viewpoints," *American Journal of Comparative Law* 26 (1978) 213–218; Azizah Y. Al-Hibri, "Islam, Law, and Custom: Redefining Muslim Women's Rights," *American University Journal of International Law and Policy* 12 (1997); and Mashhour, "Islamic Law and Gender Equality," 569. Mashhour argues that "what is definitely clear in the Qur'an is that all its texts encourage the release of slaves." Amina Wadud expressed a similar view in *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective*, 2nd ed. (Oxford: Oxford University Press, 1999) 101, but makes a different and, I think, more persuasive argument in her later essay, "Alternative Qur'anic Interpretation and the Status of Muslim Women," in *Windows of Faith: Muslim Women Scholar-Activists in North America*, ed. Gisela Webb (Syracuse, NY: Syracuse University Press, 2000) 14f.
43. Khadduri, "Marriage in Islamic Law," 217; Fatima Mernissi, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*, trans. Mary Jo Lakeland (Reading, MA: Addison-Wesley, 1991) 139; and Wadud, *Qur'an and Woman*, 9.
44. Qur'an 39:18.
45. Qur'an 7:189, 30:21.

IV

## Ancient Origins of the Problem

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## “She Shall Not Go Free as Male Slaves Do”: Developing Views About Slavery and Gender in the Laws of the Hebrew Bible

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Biblical law and narrative describe a world that is quite agreeable to a man—specifically a man who is successful in his occupation or is wealthy, and one who is an Israelite. If you are not an Israelite, male or female, you might end up as a chattel slave, you and your children permanently enslaved, passed on as property from one generation to the next, and ruthlessly beaten. If you are a female chattel slave, you should expect to submit sexually to your master. If you are an Israelite male but unsuccessful in your trade or otherwise poor, you might be enslaved for some time, even your whole life, to pay off a debt, and be subject to beatings. If you are an Israelite woman, you might be enslaved to pay off your father’s or husband’s debts, and you could be forced to marry your father’s creditor.

When I teach the passages of the Hebrew Bible that reflect these customs in my university classes, female students usually respond with dismay and disbelief. More than men, they are willing to admit that something is amiss. The Bible does not promote the values that they hold. They feel a glaring sense of contradiction. They have heard—and may believe—that the Bible models what society should be, but they clearly perceive and are disturbed by the subordination of women in biblical texts. In contrast, for many male students the text matches their experience of empowerment. Though many of the customs are not suited to their ideals—none aspires to be a debt slave or to own one, though many would aspire to be employers or possibly creditors, and employers and creditors can be exploitive—the text validates male control of the economy and polity and male dominance in gender relationships. The text represents a society that is advantageous to males. It validates their perception of how they fit into the world, and it supports their goals. In short, the Bible ratifies a male vision of social, economic, and political success.

The custom of slavery is found throughout the Hebrew Bible, and even has God setting forth laws that authorize the practice of slavery and includes praise for the owners of slaves. For example, the stories of Genesis tell us that Abraham and the other exemplars of piety owned slaves.<sup>1</sup> Their human property is mentioned positively—along with their animals, gold, and silver—as

a sign of wealth and prestige. God is even said to have provided them with this property. Abraham's slave, who went to Syria to get a wife for Isaac, tells Laban, Rebekah's brother, "Yahweh has blessed my master greatly and he has become rich. He has given him flock animals, cattle, silver, gold, male slaves and female slaves, camels, and asses."<sup>2</sup> In addition, some of the wives of Abraham and Jacob were slaves.<sup>3</sup> All of these slaves were chattel slaves, that is, slaves owned as permanent property. Presumably these slaves were foreigners, taken captive in war, purchased on the slave market, or descended from enslaved people acquired in these ways. For example, Hagar, Sarah's slave, whom she gives to Abraham for procreation, is an Egyptian.

The Bible also speaks of another type of slave, debt slaves. These were poor Judeans or Israelites forced into slavery by creditors to pay off debts. In real life, such persons may have remained enslaved most of their lives, though debt slaves could theoretically pay off their debts or buy themselves out of enslavement, perhaps with the help of members of their extended family. The book of Amos condemns egregious examples of this practice: "For the three atrocities of Israel, for four I will not turn [its punishment] back: for their selling the innocent for silver, and the poor for a pair of sandals."<sup>4</sup> But Amos does not condemn debt slavery outright—only what it considers unjustified debt slavery. Later, in the Persian period, Nehemiah deplors developments in the practice of debt slavery and goes so far as to institute a release of debts to remedy the situation, but this appears to be a reaction to the enslavement of those of the national group rather than a rejection to debt slavery per se.<sup>5</sup> The Pentateuch—the first five books of the Hebrew Bible (also called the Torah)—provide the most detail about debt slavery. These works accept it, and they protect the interests of the creditor-owners at least as much as they protect the enslaved.

This essay looks specifically at the debt-slave laws of the Pentateuch and particularly the laws as they pertain to women. It will explore this topic specifically in the three major and distinct collections of law within that larger work: the Covenant Code in Exodus, the laws of Deuteronomy, and the Holiness Legislation, mainly in Leviticus. (These collections will be defined more specifically later on.) The goal is to inform readers of how scholars approach the text and to show those who value the text a way to understand its disconcerting expression of male domination and enslavement. Slavery was taken for granted throughout the ancient world, from Mesopotamia to Egypt. This historical background to the biblical text helps a reader realize that even though it is considered sacred and even represented as having been dictated by a deity, the text does not transcend its broader Near Eastern cultural context, in which slavery was considered a valid social and economic institution. This study will also go further to point out that the laws of the Pentateuch reflect differing and evolving views about slavery. The laws on slavery in each successive collection depend on and respond to problems in earlier collections. Thus within the Pentateuch we find a procession of authors struggling, just as modern readers do, with ethical and other dilemmas in prestigious and authoritative texts. The solution of later legislators was to amend and even rewrite the received texts to include new application or meaning. The later writers did not hold themselves to established dictates but used their experience and perspectives to creatively reenvision the meaning of the earlier legislation.

## The Law Collections of the Pentateuch and the Technique of Literary Revision

First, some background. People read the Bible in very different ways. Many believing Jews and Christians today consider Moses to be the author of the Pentateuch, comprising the multiple law collections that we will be considering. Many academics, including those who are active in religious congregations, have come to recognize that the Pentateuch and its laws were actually written down over the centuries by various unknown individuals or groups and that the text broadly reflects the concerns of these various authors and their culture.<sup>6</sup> They have learned to acknowledge and even expect a divergence of views between different parts of the biblical text. They also see that the views expressed by the text may reflect imperfections deriving from the human hands that produced them. This perspective is particularly helpful when it comes to understanding the Bible's slavery laws, especially as they express social ideals against which we modern readers recoil, and because clear contradictions exist between the various collections of law in the Pentateuch.

An emerging hypothesis explaining the textual development of the various law collections of the Pentateuch helps further clarify the nature and relationship of the various laws on slavery. Until now, academic scholarship has generally believed that the various collections were composed to reflect or encode the practices of the Israelites at various points and places in their history. They were seen as more or less transcripts of what went on, or what was expected to go on, in everyday legal engagements. It is now becoming clear that the various law collections of the Pentateuch take up and revise preexisting written law sources to a significant extent. This is not to say that law practices of the time of a particular writer did not influence the formulation of laws expressed by the writer in the text. But the texts appear to have developed as revisions of earlier law. Each successive law composition responded to and corrected, as well as expanded, existing legislation. This helps explain the divergent views expressed in biblical laws.

Before we review the three main collections of law found in the Pentateuch that deal with slavery, it is important to understand something about the authors' orientation in the world. Unfortunately, we do not know any specifics about the individual authors. We do not know their names, partly because in antiquity it was less important who wrote a text than what was written. Moreover, there was a tendency to ascribe or tie a composition pseudonymously to a leading figure of the past (such as Moses), in order to give it an aura of authority. In any case, we can be quite certain that the various law texts that we are considering were written not just by human beings but by men. There is little evidence that women were trained as scribes. What is more, the male scribes behind our texts would have been connected to institutions of power and wealth. Early on, this would have been the royal court and later, the priestly class connected with the temple, especially when the monarchy ceased to function as a political institution after the fall of Jerusalem in 586 BCE.<sup>7</sup> These well-positioned individuals and the institutions that supported them would have had little incentive to rescind or even question the practice

of slavery. In addition, although the authors of the three main law collections of the Pentateuch shared a common general institutional foundation, each nevertheless lived in a somewhat different historical and social context. This helped to generate the distinctive laws in the different collections.

The earliest of the three collections is the Covenant Code, found in Exodus 20:23–23:19.<sup>8</sup> According to the narrative context of Exodus, this collection was revealed to Moses immediately after the revelation of the Ten Commandments (Exodus 20:1–17). When the people expressed fear about experiencing the divine theophany, Moses alone approached the deity and received the content of the Covenant Code. Despite this narrative explanation, the Covenant Code is actually based primarily on the Laws of Hammurabi and written about six hundred years after the time that Moses was thought to live.<sup>9</sup> The Laws of Hammurabi was the best known law composition of culturally dominant Mesopotamia. Hammurabi was a king of ancient Babylon from about 1790 to 1750 BCE, long before there was an Israel. He authorized the creation of his law collection as propaganda to demonstrate his sense of justice and to validate his rule. The Covenant Code has many laws similar to those of Hammurabi and a comparable order of laws and themes. The Covenant Code probably used Hammurabi's text as a model during the late Neo-Assyrian period between 740 and 640 BCE, when the Assyrian empire in Mesopotamia held decisive political and cultural sway over Israel and Judah. The Laws of Hammurabi were being copied by Mesopotamian scribal schools at this time, almost a millennium after their original composition. Before this time, there was little or no contact between the Israelites and Judeans in Canaan and Mesopotamia. The text does not make sense as a product of the time of Moses, who, if a historical personage, would have lived around 1250 BCE. The creation of the Covenant Code appears to have had the ideological goal of responding to Assyrian imperialism. One of its creative techniques was to replace Hammurabi as the author of law with Yahweh, the God of Israel, a change that is especially visible in the laws that begin and end the collection (Exodus 20:23–26, 22:20–23:19).

The second major Pentateuchal law collection is the set of laws of Deuteronomy, mainly in chapters 12–26 of that book. The basic laws of these chapters were created not long after the Covenant Code's laws, probably by 620 BCE, the time of Josiah, who used the laws as the basis of his reform (2 Kings 22–23). Deuteronomy's laws rely upon a number of sources, including the earlier Covenant Code. Deuteronomy used the same techniques of legal revision on its sources that the Covenant Code used to recast the Laws of Hammurabi. The changes that Deuteronomy made to the Covenant Code's legislation, plus the evidence of other sources that Deuteronomy used, indicates that it sought to replace or at least *amend* the Covenant Code rather than to simply supplement or expand it.<sup>10</sup> Indeed, Deuteronomy 5 retells the story of the revelation of the Ten Commandments at Sinai just as Exodus 19–20 tells it, but it does not include the story of the revelation of the Covenant Code. Instead, it substitutes the content of the laws of Deuteronomy for the laws of the Covenant Code. Other sources that Deuteronomy used include the Assyrian treaty (see Deuteronomy 13 and 28), a group of laws about family, marriage, and sexual relations, which may ultimately go back to Mesopotamia (scattered in Deuteronomy 21–25); and a text on dietary practices (Deuteronomy 14, also

used by Leviticus 11). Deuteronomy transformed an Assyrian-treaty text in the same way that the Covenant Code transformed the Laws of Hammurabi, by replacing the Mesopotamian monarch with Yahweh.

The third major body of Hebrew biblical law is the Holiness Legislation. It is concentrated in Leviticus 17–26, and scholars have given these chapters the label "Holiness Code." But certain chapters and passages in the books of Numbers and Exodus also belong to the Holiness Legislation.<sup>11</sup> This set of laws was written not long after Deuteronomy. The laws were probably written partly as a reaction to Neo-Babylonian oppression around 600 BCE and were expanded in response to the Babylonian destruction of the Judean Kingdom, which occurred in 586. The Holiness Legislation builds in part on the laws found in both the Covenant Code and Deuteronomy. It is primarily based, however, on the Priestly Law and Narrative (including the detailed laws having to do with the wilderness tabernacle), which are found in other places in Leviticus as well as Genesis, Exodus, and Numbers.<sup>12</sup> Although it could be argued that Deuteronomy only amended the Covenant Code, the Holiness Legislation (along with its Priestly Law and Narrative foundation) quite clearly sought to supplant and otherwise replace the Covenant Code and Deuteronomy.

That the three collections appear together in the Pentateuch is because of the work of later editors in the Persian period sometime after 500 BCE, who created an anthology of different law collections and narratives pertaining to the early history of Israel. Their editorial techniques and sentiments allowed them to place together contradictory bodies of law and story, much like modern literary anthologies might bring together works by different authors.

As we examine the topic of debt slavery in the three law collections just described, for good or bad, we will combine the interests of the historian and the ethical critic.<sup>13</sup> Engaging in ethical criticism of ancient texts, or any text, is a precarious process. All such judgments are made according to the worldview and experience of the modern interpreter and the perceived context (historical, political, economic, and so forth) of a custom. Imposing an outside measure on a text from an entirely different time and culture is questionable. Sometimes a practice becomes reasonable, or at least understandable, once we recognize its place within its own cultural setting. Furthermore, ethical criticism is at odds with historical analysis, which generally seeks to limit itself to reporting historical data and reconstructing a narrative from it, not making value judgments. Nevertheless, examining the ethical differences between ideas expressed in different texts is permitted for a historian who analyzes those texts in terms of the history of ideas, as long as one text is not privileged over another by virtue of some prior assumption (for example, a belief that it is a revealed text or is well known, or that it has or should have personal meaning). In any case, ethical criticism becomes appropriate for a reader when a text like the Bible is brought to bear on public policy and the life of modern religious communities. To the extent that it is thought to be a guide for modern society, the Bible may be assessed according to the perspectives of social justice within that society.

One of the things that we will discover is that the successive law texts themselves appear to be concerned with resolving ethical problems in their source laws. They seek to improve the institution of debt slavery in one way or another. But, alas, none of them abolishes it. Moreover, every step forward



seems to be accompanied by an unintended consequential step or two backward. Theological interests, to whatever extent they may have led to improvements, also led to points of idealization that generated new difficulties. For the biblical writers, the goal seems to be less legislation for humanitarian relief and more aggrandizement of the deity for ideological purposes.

In what follows, I provide a fictional tale to exemplify and give perspective to each set of biblical slavery laws, followed by a discussion of the respective legislation.

### **The Sale of a Daughter in Exodus 21 of the Covenant Code**

*During the reign of Hezekiah, king of Judah, lived a very poor Judean named Baruch. He had a wife and two children, a son and a daughter—Tobit and Shoshanna. He farmed a small plot of land north of Jerusalem. Because this did not produce enough to sustain his family, he took a loan to expand his farm. To secure the loan, he put up his children as surety. Unfortunately, the entire kingdom was stricken with drought, and Baruch could not produce crops to sell and thus pay his debt.*

*His creditor, as law allowed, pressed his claim and took Baruch's son into debt bondage. Tobit worked off part of the debt over the course of the next six years. Throughout this time, the creditor often thrashed Tobit to make him work harder. During Tobit's final years of servitude, the creditor supplied him with a wife. He thought the robust Tobit would produce offspring that would supply valuable labor for the estate in future years. Tobit's wife was an Egyptian whom the creditor had acquired as a permanent chattel slave through his business dealings. Tobit's labors were mitigated somewhat by the joy that he shared with his wife. Their delight was increased by the birth of two sons.*

*When Tobit's six years of servitude were complete, he had to make a decision. He could go free and return to his father's household but without his wife and children. They would remain the property of the creditor. Alternatively, he could become a permanent slave to the creditor and thus remain with his wife and children. He chose the latter option. He formally declared that he loved his master, his wife, and his children and refused the option of release. He went with his creditor to the local sanctuary to have his ear pierced before God as a sign of his interminable bondage.*

*Tobit's initial six-year period of servitude did not satisfy the total debt of his father. Consequently, Baruch had to surrender his daughter Shoshanna to the creditor. Her sale meant that she would become the wife of the creditor or possibly of his son, if the creditor so wished. The creditor decided to take young Shoshanna for himself. In doing so, he was mainly concerned to produce offspring to bolster the economic well-being of his household.*

*But Shoshanna was not able to bear children—in those days, it was only women who were thought to be infertile. The creditor was therefore displeased with her. He wished that he could sell her to visiting Assyrian merchants or to his neighbor to recoup his loss. But this type of sale was prohibited. Unfortunately, neither Baruch nor his kin could afford to buy Shoshanna out of bondage. The creditor might have sent Shoshanna to her father anyway*

*because law required the creditor to provide her with shelter, clothing, and food. But he kept her on in his household because she was, by definition, a slave. She could thus at least work in his household. She could also provide him with sexual diversion when he felt it necessary.*

The foregoing tale articulates the laws and values found in the Covenant Code in Exodus 20:19–23:19. As noted earlier, the Covenant Code builds on the Laws of Hammurabi. Its debt-slave law in 21:2–11 builds specifically on Hammurabi Law 117 as a foundation and uses other laws from Hammurabi’s text to flesh out the details. Hammurabi’s basic law reads:

If an obligation has come due for a man, and he sells his wife, son, or daughter, or he gives any (of them) (alternatively: he surrenders himself) for dependent debt servitude, they shall work in the house of their buyer or creditor for three years. In the fourth year their freedom shall be effected.<sup>14</sup>

Here a father may sell his wife, son, or daughter to pay off a debt that he has incurred, and the law may be read to indicate that he may also sell himself. The Covenant Code writers broke down the legislation and wrote two sets of laws on this topic. The first addresses the case of males who might become debt slaves (in Exodus 21:2–6):

<sup>2</sup>If you acquire a Hebrew slave, he shall work for six years. In the seventh he shall go free, without further obligation. <sup>3</sup>If he came in by himself, he shall go free by himself. If he is the husband of a woman, she shall go free with him. <sup>4</sup>If his master gives him a woman and she bears him sons or daughters, the woman and her children shall belong to her master, and he (the male debt slave) shall go free by himself. <sup>5</sup>If the (male) slave should say, “I love my master, my wife, and my children; I will not go free,” <sup>6</sup>then his master shall bring him to the God and bring him to the door or the doorpost. His master shall pierce his ear with an awl, and he will become a slave permanently.

The next unit of legislation deals specifically with a daughter who becomes a debt slave (Exodus 21:7–11):

<sup>7</sup>If a man sells his daughter as a slave-woman, she shall not go free as male slaves go free. <sup>8</sup>If she is displeasing in the eyes of her master who has designated her for himself, he shall let her be redeemed. He shall not have power to sell her to a foreign people because he betrayed her. <sup>9</sup>If he designates her for his son, he shall treat her according to the law pertaining to daughters. <sup>10</sup>If he takes another (woman), he shall not withhold (the first wife’s) food, clothing, and habitation. <sup>11</sup>If he does not do these three things for her, she may leave without further obligation; no payment is due.

Why does the Covenant Code allow a father to sell his daughter into slavery? The answer in part has to do with the view in Israelite law that female sexuality—the sexuality of a girl or woman—belongs to a man: a father, a husband, or a slaveholder. But more than this, the Covenant Code apparently saw a problem in its source text. If a daughter were to be given to a

creditor to pay off a debt according to the rule in Hammurabi's laws, the creditor would no doubt take advantage of her sexually, especially because the woman would have to be unattached legally to another man.<sup>15</sup> Otherwise, her father would not be able to use her to pay off his debt, because her legal attachment would be to another male unassociated with the debt.<sup>16</sup> The Covenant Code telescopes the situation with a simple solution: the daughter sold into debt slavery must marry her new owner or his son.

Later in the collection, the Covenant Code appended a law that justified this legal reformulation of the law from Hammurabi's collection. Exodus 22:15–16 reads:

<sup>15</sup>If a man seduces a maiden who is not betrothed, and he lies with her, he shall acquire her as a wife by paying the bride price. <sup>16</sup>If her father refuses to give her to him, he shall (still) weigh out silver as the bride price of maidens.

This legal footnote is probably based upon another earlier Near Eastern law. The Middle Assyrian Laws, originating from northern Mesopotamia between 1300 and 1100 BCE, include two parallel laws that say that a man who rapes or seduces an unbetrothed virgin must marry her.<sup>17</sup> In a case of rape, the assailant must hand his wife over to the virgin's father to be raped. If the rapist has no wife, he must pay the virgin's father triple the usual price for marriage to a virgin. In a case of seduction, the man who had intercourse does not need to hand over his wife, but he must still pay the tripled bride price. In both cases, the father has the right to refuse giving his daughter in marriage.

The Covenant Code included the rule on seduction (as opposed to rape) because this would have been closer to the situation imagined for sexual exploitation of a daughter in debt slavery.<sup>18</sup> The woman would have been effectively imprisoned, and such a power inequity would give the woman no choice but to "consent" to the creditor's advances. The Covenant Code simplified the penalty in its seduction law to a basic payment of the bride price. In the daughter debt-slave law, the Covenant Code removed the requirement of payment of the bride price to the father because he owed money to the creditor, who would have paid the bride price if this were a standard marriage arrangement. In these various laws, marriage was a way to legitimate sexual access to a woman, even after the fact. The law about selling a daughter as a debt slave moved such a legitimating marriage to the beginning of the transaction and thus made the daughter a lifetime slave wife of the creditor or his son.

An associated law in the Covenant Code says that if the creditor gives the debtor's daughter to his son, he is to treat the woman "according to the law pertaining to daughters" (Exodus 21:9; see citation above). This does not mean that the woman gains the status of a free woman but that the father-in-law cannot have sex with her. Hammurabi's laws include regulations about a father's sexual access to his daughter or daughter-in-law, and the Covenant Code appears to be referring to prohibitions such as these.<sup>19</sup>

The Covenant Code is concerned in other ways about sexual access to slaves. As noted above, the Laws of Hammurabi allow a debtor to sell his wife as a debt servant. The Covenant Code does not address this directly. But the law

about a male slave cited in full above says that “if he [a male debt slave] comes in by himself, he shall go free by himself; if he is a husband of a wife, his wife shall go free with him” (Exodus 21:3). This appears to be saying that a wife by herself cannot enter into debt slavery. She comes in only with her husband. This regulation makes sense as part of the Covenant Code’s attempt to control creditors’ sexual access to women. It is theoretically less likely that the creditor will have sex with a woman whose husband is with her.

The law about the male slave also speaks of a case in which the creditor gives a male debt slave a wife and they have children. When it comes time for the release of the male debt slave, he can go free without his wife and children, or he can remain with his family by submitting himself to permanent slavery. The reason his wife and children cannot go free with him is that she is a chattel slave, and because of this, the children are chattel slaves. They are the possessions of the creditor. The father can remain with them only by himself becoming the equivalent of a chattel slave. Although this law overtly is concerned about the family relations of the slave, it is implicitly concerned about the creditor’s use of the reproductive services of his slaves to increase his pool of slave labor. Thus, we see that the Covenant Code’s concern about the sexual use of slaves is not so much a concern about the ethical treatment of another person as it is a concern about the legal avenues for using enslaved women’s sexual reproductivity to increase slave labor. The marriage of the debtor’s daughter to the creditor is also ultimately for producing slave labor. Note that if the creditor does not like the woman, he can let her be redeemed. In that culture, a chief reason a husband might not like his wife is her apparent barrenness.

In summary, the Covenant Code’s reaction to the institution of debt slavery in Hammurabi’s text is not to do away with it. Rather, it accepts debt slavery as legitimate and only answers technical questions that might arise in implementing the regulations. The modifications do not arise from ethical considerations but from problems inherent in legal logic observed in Hammurabi’s laws. Cosmetically, it appears to make slavery more palatable because it provides legal avenues to control the sexual and reproductive exploitation of debt slaves. The new legislation, however, makes debt slavery more repressive compared to Hammurabi’s rules.<sup>20</sup>

### Female Debt Slavery in Deuteronomy 15

*Judith had been married only a few years when her husband went off to war and died in the battle in which king Josiah of Judah also died. Left with two young children, Judith found it hard to provide food and otherwise sustain the family. Although she derived some income from a small olive grove, she needed to take out subsistence loans to make ends meet. Her mounting debts finally caught up with her, and she was forced to enter debt slavery to her creditor. She did not have the option of giving over her adolescent son or daughter to help pay off the debt because at that time, society was beginning to frown on using one person’s labor to pay off another person’s debt. Only the debt holder himself or herself could become enslaved for this purpose. Nonetheless, from a practical point of view, her children did provide the creditor with labor as they worked alongside their mother. That ideal, however, masked an underlying case of exploitation.*

*The change in custom that allowed only a debt holder to labor to pay off a debt brought with it another change: women laborers were to be treated just like men. They could serve a limited term of just six years, or they could choose to become enslaved to the creditor for life. This new ideal, however, was hard to realize in the case of a woman. Male creditors were as likely as ever to take sexual advantage of women, and this happened tragically in the case of Judith. One day when she was working in the creditor's home and others were away, he forced her to have intercourse with him. The elders of the community debated her case because there was no clear law on the subject. They determined that, similar to a case where a man must pay a bride price for an unbetrothed virgin whom he rapes, the creditor now had an economic liability to the woman. They gave her the choice of allowing this liability to offset her debt and go free or to remain with the creditor as his slave wife and receive a payment. Judith chose freedom. She was not completely destitute, however, because the elders also ruled that if she went free, the creditor had to provide her with the now-customary payment given at the end of a period of debt servitude that provided debtors with a foundation for a new economic life. Judith's creditor gave her a sheep; a goat; and a substantial provision of grain, wine, and oil.*

This story reflects an interpretation of Deuteronomy's laws on debt slaves in chapter 15 of that book. These laws are squarely based on and develop the Covenant Code's legislation, examined earlier (Deuteronomy 15:12–18):<sup>21</sup>

<sup>12</sup>If your brother—a male or female Hebrew—sells himself to you, he shall work for you for six years; in the seventh year you shall send him away free from you.

<sup>13</sup>When you send him away free from you, you shall not send him away empty handed. <sup>14</sup>You shall give him a gift from your flock animals, from your threshing floor, and from your press; what Yahweh your God has blessed you with you shall give him. <sup>15</sup>You shall remember that you were a slave in the land of Egypt and that Yahweh your God redeemed you. Therefore I am giving you this command today.

<sup>16</sup>If he should say to you, "I will not go away from you," because he loves you and your household, because it has been good for him to be with you, <sup>17</sup>you shall take an awl and place it on his ear and on the door. He will thus be a permanent slave for you. Thus shall you also do with your slave-woman. <sup>18</sup>Do not let this matter be difficult for you, when you send him away free from you, because with double the productivity of a hired person he has worked for you for six years, and Yahweh your God has blessed you in all that you have been doing.

Deuteronomy makes a number of changes to the Covenant Code's treatment of women in debt slavery. A primary modification is apparently limiting debt slavery to those who hold the debt. Note that as opposed to Exodus 21:4–6 (cited earlier), Deuteronomy's law does not say anything about the creditor giving a male a wife and the couple's having children. Furthermore, the reason for a male staying with a creditor in Deuteronomy is that he loves the creditor, not the wife and children provided by the creditor as found in the Covenant Code. Hence, one of the main indicators that the male debt slave may be an unmarried male adolescent, and therefore possibly the son of the one holding the debt, is removed. In addition, Deuteronomy also eliminates the case of a father selling a daughter, as found in Exodus 21:7–11. In Deuteronomy, a

female debt slave is treated just like a male. She serves for only six years (v. 12), though she may extend this to a lifetime of servitude (note the end of v. 17). Thus, Deuteronomy removes another main indicator of servitude by one other than the debtor.<sup>22</sup>

A question remains about the relationship of a female debt slave to the creditor in Deuteronomy's laws. Nothing is said about marriage in this revised legislation. Deuteronomy's law on rape in 22:28f, similar to the Covenant Code's law on seduction (cf. Exodus 22:15f, cited earlier), may indicate that an unmarried female debt slave has to marry a raping or seducing creditor. But the rape law of 22:28f, which deals with a maiden and therefore one who is legally dependent upon her father, does not exactly fit the case of an independent debt-laden woman who enters servitude in chapter 15. Deuteronomy has not written decisive legislation on the matter. All that can really be said is that if according to 15:16f a woman were to decide to remain permanently with the creditor and declare that she "loved" him, this might allow for that relationship to be realized by marriage.<sup>23</sup>

Deuteronomy's reformulation of the Covenant Code's debt-slave laws reflects certain ethical improvements. Besides stressing individual responsibility and rejecting the enslavement of dependents, it overlays its consideration of debt slavery with the theological rationale that the creditor must pass the blessing he has received on to his departing debt slave in the form of a gift. Deuteronomy also emphasizes the ethnic relationship of the poor to the creditor by calling the debt slave a "brother," and in speaking of sending the enslaved debtor away, as the Hebrew says literally, "from with you," meaning perhaps away from the creditor's economic protection. Deuteronomy seems to assume that the creditor will only treat the slave well, so well that he or she will want to remain with the creditor after working off the debt. Further, the omission of a creditor's giving a wife to a male debt slave and a father's giving his daughter may seek to end legal authorization for increasing a creditor's labor pool through the procreation of slaves.

These revisions indicate that Deuteronomy's authors sensed difficulties with the debt-slavery law of its source. But it did not reject the practice. It used enhancements in theological and ethical descriptions to justify the institution. Such coloring is an idealization of a practice that in reality subjected certain human beings to the interests of others.<sup>24</sup>

The utopian character of Deuteronomy's law is revealed in the story of an attempt to enact the law as told in the book of Jeremiah 34:12–17. King Zedekiah forged a covenant that required the Israelite nation to set free all slaves who were fellow Israelites, both male and female. The entire people agreed but then reneged on the covenant, reenslaving both male and female slaves. Jeremiah delivers a ringing condemnation of this behavior. The language of the passage primarily reflects the legislation of Deuteronomy 15.

### *Debt Servants and Chattel Slaves in Leviticus 25*

*Joab fell upon hard times and was compelled, along with his wife and three children, to enter servitude in his creditor's household. There they were to labor as a family to pay off the debt that Joab had accrued from a failed trading*

operation. When the family arrived at their creditor's place, he announced to the destitute family that they were not true slaves. This status, he said, was reserved for foreigners that he had bought on the slave market, captured in war, or inherited from his father's estate. The creditor assured Joab that he and his family would be treated kindly, as if they were resident hired persons. The creditor told Joab that he should not worry if he saw any chattel slaves beaten. The law allowed this treatment only of foreign slaves; Joab and his family, as Israelites, would not be treated so callously.

Nevertheless, the creditor reminded Joab that there was a downside to his indenture. Though Joab and his family would be treated relatively well, they would have to work for thirty-seven years to pay off the debt. A new law had recently been instituted that rescinded the previous custom of six years of labor and replaced it with a requirement that debt labor coincide with the nationally observed jubilee year, which came every fifty years, and when all debts were canceled. Although those entering servitude just before the jubilee might work for only a year or two, others entering servitude just after the jubilee year might labor for their whole lives. Joab and his family landed on the long side of the jubilee cycle. Nonetheless, their creditor comforted them by noting that the nation was now living the divinely ordained Sabbath cycles, which would assure countrywide blessing and political security.

As the period of indenture began, a tragedy befell Joab and his family: his wife Miriam fell sick and died. But Joab had proved himself such a valuable worker that his creditor gave him a wife, Asenath, an Egyptian, from among his chattel slaves. This wife bore Joab two children, and they became Joab's delight as they grew.

The years passed, and when the jubilee came, all debts were canceled throughout the land. Joab, now quite old, was released with his children, including the two children born by Asenath. But Asenath remained with her owner because she was his property. Joab said goodbye sadly, and he and his children returned to their ancestral land and holdings to start a new economic life and to hope for financial success in the next jubilee cycle.

This tale reflects an interpretation of the debt-slave laws of the Holiness Legislation in Leviticus 25. This chapter presents a mix of elements that both improve and make worse the lot of a debt slave:

<sup>39</sup>When your brother becomes reduced to poverty with you and sells himself to you, you shall not make him labor as a (chattel) slave. <sup>40</sup>He shall be with you like a resident hired person. He shall work with you until the jubilee year, <sup>41</sup>and (then) he will go out from with you, he and his children with him, and return to his family, and return to his ancestral holding, <sup>42</sup>for they are my slaves whom I brought forth from the land of Egypt. They must not be sold as (chattel) slaves are sold. <sup>43</sup>Do not dominate them harshly, but fear your God. <sup>44</sup>However, your male chattel slave and female chattel slave which belong to you from the nations around you, from them you may purchase male chattel slaves and female chattel slaves. <sup>45</sup>Likewise from the resident immigrants with you, from them you may purchase (chattel slaves), and from their families which are with you, who bear children in your land. They will be your inheritable property. <sup>46</sup>You may pass them on as an inheritance to your children after you, to take possession as inheritable property; permanently you shall extract labor from them. But you Israelite brothers shall not dominate one another harshly.

One way the Holiness Legislation ostensibly improves legislation about slaves is changing the terminology used. It avoids referring to debt slaves with the Hebrew terms for slaves used in the Covenant Code and Deuteronomy. It reserves these terms for foreign slaves in verses 44–46. This is really only a superficial change, because the individuals are still enslaved—they must relocate to live with the creditor and are under his or her authority. We can therefore justifiably still refer to them as slaves. The Holiness Legislation's distinction between debt and chattel slaves reinstates a distinction in Mesopotamian law, including in the Laws of Hammurabi.<sup>25</sup> The Covenant Code actually conflated legislation on debt and chattel slaves to create hybrid slave laws that spoke of both types of subjected individuals at the same time.<sup>26</sup>

In contrast to earlier laws about debt slaves, the Holiness Legislation's laws do not speak of female Israelite debt slaves. This may be a function of reserving the terminology for slaves to foreign slaves. When these slaves are discussed, the female appears (see v. 44). Without a specific term for an Israelite female debt slave, the Holiness Legislation cannot easily speak about them distinctively in its legislation. It is left to use the term "brother" (see v. 39), taken over from the laws of Deuteronomy. In Hebrew idiom, this can include females even though they are not specifically described. The main reason the Holiness Legislation does not speak about female versus male debt slaves, however, appears to be its overriding interest to distinguish between native debt slaves and foreign chattel slaves. In other words, the Holiness Legislation explores a legislative dichotomy different from that of the Covenant Code and Deuteronomy: Israelite versus foreign, rather than male versus female.

The only place where the Holiness Legislation hints at the role of females is the phrase that says "he will go out from with you, he and his children with him, and return to his family, and return to his ancestral holding" (v. 41; also v. 54). The topic of releasing the children was probably prompted by the Covenant Code's saying that the children of an Israelite debt slave and a chattel slave woman belong to the creditor and are not to be released (Exodus 21:4). The law in the Holiness Legislation may mean that the children of a slave wife given to the bound male debtor are to be released. That nothing is said about a wife here may indicate that a slave wife remains the property of the creditor and is not released.<sup>27</sup> Thus, for the Covenant Code, the status of the children of a chattel slave wife follows that of their slave mother, whereas in the Holiness Legislation their status follows that of their free father.

A more concrete improvement in the Holiness Legislation is its prohibition of the harsh treatment of Israelite debt slaves. Such slaves are to be treated like resident hired workers, without severity, that is, without beating the slaves to make them work. The Covenant Code, on the other hand, allowed such beating, even to the point where the slave might die, as long as the death did not occur the same day as the beating. It prescribes (Exodus 21:20f):

<sup>20</sup>If a man strikes his male slave or his female slave with a rod and he dies under his hand, he shall be avenged. <sup>21</sup>But if he endures for a day or two, he shall not be avenged, because he is his property [literally: silver].

But the laws of the Holiness Legislation worsen the fortune of debt slaves, mainly by making the length of enslavement match the jubilee period—a



period of national rest declared every fifty years. This is partly a development of the custom of debt release every seven years as described in Deuteronomy 15:1–11.<sup>28</sup> The other influences on the Holiness Legislation's jubilee are not clear, but it may have been an idealization of the custom of monarchs in the ancient Near East announcing the national release of debts. According to the logic of the jubilee law, a slave entering servitude just before the jubilee occurs would be subjugated for a relatively short time. But one entering just after the jubilee year would be subjugated for close to fifty years, nearly if not a whole lifetime. For this reason, the Holiness Legislation omits a law whereby the debt slave enters permanent servitude, as found in the Covenant Code and Deuteronomy; it would be superfluous.

The text also moves in a direction contrary to our contemporary ethical sense as it seeks to improve the case of native debt slaves by explicitly allowing for harsh treatment of foreign chattel slaves. But for one on the inside of Judean society, especially at a time when foreign domination led to the destruction of the Judean kingdom, its capital city and the temple there, such a prescription might sound wholly justified. In fact, Babylonian oppression may have led to the sharp articulation between slave types in the Holiness Legislation.

The Holiness Legislation has another significant passage about a female slave. Leviticus 19:20–22 presents a law about a man who has intercourse with a female slave designated for another man, when that woman has not yet been redeemed or given freedom. The law states that the two of them are not to be put to death for adultery because the woman is not yet free. (For the execution of adulterers, see Leviticus 20:10; cf. 18:20, 18:29.) But the man must still present some sort of remedy for the impropriety of his act; in this case, he is to sacrifice a ram as an offering of reparation at the sanctuary.

What is the status of the woman in this law? Here, the Holiness Legislation uses slave terminology for the woman, and therefore it is possible to think that she is a chattel slave. But when Leviticus 19:20 says that the woman has not yet been redeemed, it must include and may only refer to an Israelite debt slave because redemption is not primarily applicable to one who is a chattel slave.<sup>29</sup> For many casual readers of the Hebrew Bible, it may be a cause of consternation that a victim's slave status is a factor that mitigates the penalty imposed on a wrongdoer. But this is a common perspective, not only in the ancient Near East but also in biblical legal ethics (cf. Exodus 20:20f, 20:28–32).

## Conclusion

As we have seen, the biblical slavery laws do more than just legislate. They are vehicles of ideological expression to define Israel in a context of foreign domination and call attention to the power of Israel's deity. An ideological function may also be perceived in other passages dealing with slavery in the Hebrew Bible. Genesis 9:20–27, for example, tells the story of Ham's seeing the nakedness of his father, Noah. When his father realizes what happened, he curses Ham's son, Canaan, and blesses Ham's brothers, Shem and Japheth,

who covered their father's nakedness. Noah says:

<sup>25</sup>Cursed be Canaan. He shall be a slave of slaves to his brothers. <sup>26</sup>...Blessed be Yahweh, the God of Shem. Canaan shall be their slave. <sup>27</sup>May God expand Japheth. May he dwell in the tents of Shem. May Canaan be their slave.

The passage seeks to justify the enslavement of Canaanites by Israelites and Judeans. According to Genesis 10:15–20, the inhabitants of Phoenicia, Syria, and Canaan—the latter being the land in which the Israelites and Judeans would settle, according to the biblical story—were thought to be Canaan's descendants. The curse on Canaan to be a slave to Shem, which includes the Israelites, in Genesis 9 correlates with the prescription for chattel slavery in Leviticus 25:44 that says: "Your male chattel slaves and female chattel slaves which belong to you from the nations around you, from them you may purchase male chattel slaves and female chattel slaves."

That Canaan's curse reflects the politics of the first millennium BCE is consistent with the drift of many of the other stories in Genesis. They are not accounts of actual ancient history but stories written in the first millennium that seek to explain and justify international and Israelite tribal relationships at that time. This is why some of the wives of Abraham and Jacob are portrayed as slaves: their lesser status explains the lesser status of the nations or even Israelite tribes that are described as descending from them genealogically.

That biblical law collections use and revise sources, and that both law and narrative serve ideological purposes points to the need for a careful historical reading of the biblical text before considering how it might bear on public policy, if at all. Assertions that the rules and morals found in the Hebrew Bible have direct application in the modern world are simplistic and lack critical rigor and academic support. My analysis indicates that the Bible does not so much provide answers but presents problems and questions for debate. The revision of law by successive biblical authors provides a model for the modern reader who seeks to read the text with appreciation, and it charts a way for religion to be self-critical. Just as each of the biblical law collections questioned and recast aspects of the earlier collections, so modern readers may question and even protest what the Bible says. They may also adopt behavior that incorporates principled perspectives derived from experiences and considerations broader than a reading of the Bible alone.

In modern discussions of ethical matters, the underlying questions that led to revisions in the biblical law are more important than the content of the law itself. Such questions can be as deceptively simple as, Under what conditions may one human being assert power over another? This question gains complexity when we remember that, in fact, certain human beings do possess power—often economic—over others. To what extent can the powerful coerce the dependent to do their bidding? Do periods of economic stress, such as the recession of 2008–2010, reveal patterns of behavior not entirely different from those described in Nehemiah 5:1–13 or other descriptions of debt slavery in the Bible? Other questions include those such as, How do international relations affect the formation of attitudes toward other humans? Do terrorist attacks

like that of September 11, 2001 justify denial of basic human rights to those outside one's social or national group? The biblical texts may also get us to think about how the insularity of a community may create a mentality that leads to the subjection of others. Finally, a reading of the biblical slave laws may lead us to wonder if it is justifiable to deny human rights to individuals on the basis of *other* biblical laws or texts or to inflict archaic punishments as prescribed by the Bible. In short, although the Bible may provide a starting place for discussion, it is hardly the stopping place.

## Notes

1. Genesis 12:16, 20:14, 24:35, 30:43, 32:6. The translation of the biblical text in this article is my own.
2. Genesis 24:35; cf. 30:43.
3. These include Abraham's slave wife Hagar and his other slave wives (Genesis 16:1–9, 21:9–14, 25:12; cf. 25:6); Jacob's slave wives Bilhah (29:29, 30:3–4, 30:7, 31:33, 32:23, 33:1f, 33:6, 35:22, 35:25) and Zilpah (29:24, 30:9f, 30:12, 30:18, 31:33, 32:23, 33:1f, 33:6, 35:26). The kings of Judah and Israel owned slaves, a manifestation of their prosperity but also power (2 Sam 20:3, 21:11; cf. 1 Sam 18:6). These are generally portrayed negatively compared to the patriarchs' slaves and slave wives.
4. Amos 2:6, 8:6; cf. 5:10–12.
5. Nehemiah 5:1–13. For (chattel) slaves among those who returned from Babylon in the Persian period, see Ezra 2:65; Nehemiah 7:67.
6. For a superb introduction to the academic study of the Hebrew Bible, see Marc Brettler, *How to Read the Bible* (Philadelphia: Jewish Publication Society, 2005) (also under the title *How to Read the Jewish Bible* [New York: Oxford University Press, 2007]). For discussions of the academic approach to the Bible from a Christian perspective with theological reflection, see James Barr, *The Scope and Authority of the Bible* (Philadelphia: Westminster, 1980) and Raymond Brown, *The Critical Meaning of the Bible* (New York: Paulist, 1981).
7. See William Schniedewind, *How the Bible Became a Book* (Cambridge: Cambridge University Press, 2004) for a discussion of the connection of scribal institutions with monarchy and a history of biblical scribalism.
8. Verse numbers follow the Revised Standard Version (in the Jewish Publication Society *Tanakh*, the verse numbering for the Covenant Code is Exodus 20:20–23:19). For an introduction to the different law collections of the Pentateuch, see Dale Patrick, *Old Testament Law: An Introduction* (Atlanta: John Knox, 1984).
9. For full discussion of the evidence, see David P. Wright, *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi* (New York: Oxford University Press, 2009).
10. See Jeffrey Stackert, *Rewriting the Torah* (Forschungen zum Alten Testament 52; Tübingen: Mohr Siebeck, 2007) 282–302; and Bernard M. Levinson, "Is the Covenant Code an Exilic Composition? A Response to John Van Seters," in *In Search of Pre-exilic Israel*, ed. John Day (JSOTSup 406. London: T&T Clark, 2004) 272–325 at 283f. See generally Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University Press, 1997).
11. See Israel Knohl, *The Sanctuary of Silence* (Minneapolis: Fortress, 1995); Jacob Milgrom, *Leviticus 17–22* (Anchor Bible Commentary 3A; New York: Doubleday, 2000) 1319–1364.
12. For passages of the Pentateuch belonging to the Priestly Source (=P) of the Pentateuch (which includes the Priestly Law and Narrative and the Holiness Legislation and Narrative), see Richard Elliott Friedman, *Who Wrote the Bible?* (New York: Summit,

- 1987) 246–255; for passages of the Holiness Legislation sorted out from Priestly Law and Narrative, see Knohl, *Sanctuary*, 104–106.
13. For a broad and insightful discussion of ethical criticism in the reading of literature, see Wayne Booth, *The Company We Keep: An Ethics of Fiction* (Berkeley: University of California Press, 1988).
  14. For a translation of Hammurabi’s Laws, see Martha Roth, *Law Collections from Mesopotamia and Asia Minor* (2nd ed.; Atlanta: Scholars, 1997) 71–142. Chap. 5 of Wright, *Inventing God’s Laws*, provides an extensive analysis of debt slavery in the Covenant Code and discusses how these laws develop from the Laws of Hammurabi.
  15. I thank Bernadette Brooten for making me aware of this dynamic in our early discussions about this essay.
  16. The laws could theoretically embrace a case of a daughter returning home to live with her father as a widow or after divorce. But this would not be the primary case the law has in mind.
  17. Middle Assyrian Laws, A, 55–56 (for a translation of these laws, see Roth, *Law Collections*, 153–194). There is debate about whether Near Eastern texts (including the Bible) consider women to possess their own sexuality, which raises the question of whether the terms “rape” or “seduce” in their modern sense are appropriate as a translation in cases such as this. Still, the texts make distinctions between forced intercourse and cases in which the woman is described as complicit to some degree, as found in the Middle Assyrian Laws (which are paralleled, respectively, by Deuteronomy 22:28f and Exodus 22:15f). Hence, I will use the terms “rape” and “seduction” in this relative and contextual sense, without attempting to flesh out the nuances and qualifications or larger cultural perspectives. For discussion, see Hilary Lipka, *Sexual Transgression in the Hebrew Bible* (Hebrew Bible Monographs 7; Sheffield, UK: Sheffield Phoenix, 2006) 245f and throughout.
  18. Deuteronomy 22:28f is a parallel law but involving rape. See Wright, *Inventing God’s Law*, 110–115 for a possible explanation of the relationship of this and Exodus 22:16f.
  19. Laws of Hammurabi 154f.
  20. It could be argued that the actual custom of debt slavery in Israel, as opposed to the Laws of Hammurabi, was more repressive, in which such slaves may have been enslaved for life (cf. Jeremiah 34, discussed later). Thus, the apparent lengthening of temporary debt slavery from Hammurabi’s three to the Covenant Code’s six years may have actually been limiting Israelite custom.
  21. For a recent detailed analysis of the relationship of Deuteronomy’s slave law to the Covenant Code, see Bernard M. Levinson, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory,” in *Congress Volume Leiden 2004* (ed. André Lemaire; Vetus Testamentum Supplement 109; Leiden, Netherlands: Brill, 2006) 281–324; and Stackert, *Rewriting*, 142–164.
  22. Only vv. 12 and 17 mention the female. The law is otherwise formulated in the masculine voice, as the translation given indicates. Some have argued that Deuteronomy’s law originally only spoke of a male slave and that the phrases referring to females were later additions. See the “citation” of Deuteronomy 15:1 and 15:12 in Jeremiah 34:14, which does not include the female. But the Jeremiah citation is more of an interpretive paraphrase and may have omitted the female as part of this rendering.
  23. Deuteronomy has another law about marriage to a slave woman. Deuteronomy 21:10–14 describes a case where an Israelite man goes to battle and takes a foreign female captive as a wife. After letting her mourn for a month for her apparently deceased mother and father, she becomes the man’s wife. The benefit extended to her is that if the man turns out not to like her, she is to be freed and not sold as a slave because he has had intercourse with her.
  24. Deuteronomy has another, short slave law (23:15f) with an ethical orientation: one is to give refuge to and not oppress a slave (apparently foreign) who flees his master (apparently because of harsh treatment).

25. See, for example, Laws of Hammurabi 196–214 for laws that include chattel slaves; and Laws of Hammurabi 115–117 for debt servants.
26. The passages in the Covenant Code that include both types of slaves at the same time are Exodus 21:2–11, 21:16, 21:20f, and 21:26f. This blending is probably to be seen in 21:32.
27. For discussion, see Milgrom, *Leviticus 23–27* (Anchor Bible 3b; New York: Doubleday, 2001) 2224.
28. The relation of seven-year cycles of debt release and debt-slave release is not made clear by Deuteronomy. Jeremiah 34, discussed earlier, interprets them as coterminous.
29. Milgrom, *Leviticus 17–22*, 1666, states that Leviticus 19:20–22 reflects a different source or tradition (i.e., Priestly) from Leviticus 25 (i.e., Holiness Legislation).

## Early Christianity, Slavery, and Women's Bodies

*Jennifer A. Glancy*

Early Christian practices of slaveholding disturb me. I began to write about slavery in early Christianity because I wanted to know how it could happen that, twenty centuries ago, my fellow Christians saw nothing wrong with owning slaves. In the course of my research, I encountered the writings of many Christian scholars who asserted that slavery in the Roman Empire wasn't that bad. I knew that wasn't true. Roman slavery was different in significant respects from the images of plantation slavery familiar to most Americans. Roman slavery was not based on race, for example, and Romans ultimately freed a higher percentage of their slaves than Americans. Nonetheless, Roman slavery was brutal, vicious, and dehumanizing—a system of corporal or bodily control sustained by violence and the threat thereof. One dehumanizing practice common in the Roman Empire as well as the Americas was the treatment of slaves as the sexual property of their owners.

For generations of Christians, identification with the enslaved Israelites traveling toward a Promised Land of freedom has been a liberating strategy. As important as this strategy continues to be, I think it is also important to deal with the effect of slaveholding on early Christian communities. By confronting slaveholding's impact on these communities, we can begin to expose the diffuse but pervasive legacy of slaveholding on Christians today—a legacy that also insinuates itself more broadly into American civic life. Contemporary Christians find it less painful to recognize slaves among the first followers of Jesus than to acknowledge the role that slaveholders played in those circles. The presence of slaves in the first Christian communities does not pose a moral challenge to Christians today; the presence of slaveholders in those communities does. Why expose this shameful past? Because unrecognized, trauma does not simply disappear. Understanding the dynamics of ancient slavery, especially the dynamic of sexual exploitation, helps us recognize the lingering impact of slavery on contemporary Christian thought and practice.

I therefore raise a series of difficult questions. What did Jesus of Nazareth teach about slavery? Did conversion to Christianity have any impact on attitudes about slavery? How did the treatment of slaves as sexual property affect the development of Christian sexual ethics? And what does any of this have to do with women's bodies today?

We begin with the teachings of Jesus and Paul, teachings that carry the weight of biblical authority. As we will see, Jesus challenged his listeners to defy the status hierarchies of his day. Nevertheless, his teaching did not directly challenge slaveholders who might want to follow him. Paul proclaimed a gospel of freedom, yet his writings are inflected with the logic of slave relations. Ancient relationships of slavery were acted out at a bodily level: with a bold gait or a hesitant stride, with eyes staring boldly ahead or head lowered. Children learned to comport themselves in accordance with their statuses, slave and free. Baptism did not cancel a person's lifelong training as slave or free any more than it canceled lifelong training in what it meant to be male or female. Christian slaveholders continued to beat their slaves, even when those slaves were themselves Christian. These slaveholders also persisted in exploiting their slaves sexually. Ancient Christian theologians, who were far more likely to be slaveholders than slaves, demonstrated little if any awareness of the sexual vulnerabilities of slaves.

Christian indifference to the sexual exploitation of slaves continues to play itself out in various ways in contemporary churches and, more broadly, in modern American society. The impact of this legacy is complex. Effects vary for persons of differing social status, race, and age. For example, when a bishop treats a priest who has sexually abused a child as a wayward sinner who requires forgiveness and restoration to the clerical community while ignoring or minimizing the harm done to the child, the bishop's moral choices conform to the priorities of an ancient Christian tradition that exhibited scant concern for those who were unable to withhold consent to sexual activity. In a different vein, American society often denies persons of low social status the basic right to protect their own bodies. Many Americans view sexual violence in prisons, for example, as an ordinary component of state-mandated punishment rather than a violation of human rights. I hope that recognition of the pernicious impact of slaveholding on some of our typically unquestioned values and practices helps move us toward a sexual ethics that promotes the dignity of every person. In particular, I hope that Christian communities muster the resources to acknowledge the insidious impact of slavery on Christian sexual ethics and to work to eradicate the rotten fruits of that legacy. I will return to the implications of early Christian slaveholding for feminist sexual ethics at the close of this chapter.

## Jesus, Paul, and Slavery

The Galilee, where Jesus grew up, was dominated by Rome in the first century. Slavery existed in Galilee, just as it existed throughout the Roman Empire. Although we do not have enough information to reconstruct the exact extent of slavery in the Galilee, Jesus' parables suggest that he was familiar with practices of slavery common throughout the empire. Jesus, who relied on imagery of fishing and agriculture in his parables, also relied on imagery of slaves and slaveholders. Paul, the most important writer of the first Christian generation, likewise exhibits familiarity with the institution of slavery. Jesus was acquainted with rural patterns of slavery; Paul was acquainted with urban ones. Neither Jesus nor Paul issues verdicts on the sexual use of slaves. Given the centrality of

Scripture to the lives and teachings of Christian communities, we will consider some key New Testament teachings related to slavery.

Although Jesus taught his followers to humble themselves, he did not condemn the institution of slavery. He did not grant slaves license to flee slavery. He urged his followers to act as slaves, not to liberate them. Jesus taught, "Whoever wishes to be first among you must be slave of all."<sup>1</sup> With this simple saying, he broke with the norms of the society in which he lived. Jesus related this teaching to the example of his own service and death: "For the Son of Man came not to be served but to serve, and to give his life as a ransom for many."<sup>2</sup> The Gospel of John, although it does not include this saying, narrates an episode that embodies its message. According to John, Jesus, in the hours before his betrayal, washed his disciples' feet and instructed them that they must likewise serve one another. "So if I, your Lord and Teacher, have washed your feet, you also ought to wash one another's feet. For I have set you an example, that you also should do as I have done to you."<sup>3</sup> Foot washing was a chore assigned to one of the least regarded slaves in a household, a role often played by women. By washing his friends' feet at the meal where he predicted his betrayal by one of those friends, Jesus defied the hierarchical and gender norms of his day. He embodied the part of the slave of all, a slave who desired "not to be served but to serve, and to give his life as a ransom for many."

John sets the scene for the foot washing. Imagine: Jesus leaves the place where he reclines at the table. He strips himself. He wraps himself in a towel, a towel he then uses to dry feet. When he finishes serving his followers, he dresses himself in his familiar garments and resumes his comfortable place at the table. The Beloved Disciple settles against him. To an ancient audience familiar with the practice of slavery, the image of a man kneeling to wash other men's feet graphically pictured Jesus' exhortation to his followers to imitate him by abasing themselves.

When I presented a draft of this chapter to the feminist theology group that meets at my church, Jesus' insistence that his followers should act as slaves elicited the sharpest discussion. We are a group of professionals and businesswomen, mostly White women and a few African-American women; some are Episcopalian, some Presbyterian, some Roman Catholic, and some with no use for organized religion. Our group includes women who struggle with addiction and women haunted by childhood abuse, both physical and sexual. Embracing the promise of a community without masters, some women spoke of the importance of participating in a community where all took turns washing feet. They spoke of what it meant to them to wash feet and, even more, to have their own feet washed. "Through love become slaves to one another," Paul instructs in his letter to the Galatians.<sup>4</sup> A number of women, however, expressed alienation from this teaching. After long struggles to define themselves apart from subordination and violence, it was too painful to embrace a self-image as a slave. Although I think that in Jesus' cultural context his instruction to become a slave of all subverted hierarchical relationships, I am sympathetic to those who are troubled by the teaching.

Despite the negative associations of the image for many feminists, I focus on the image of Jesus kneeling to wash feet in order to introduce the idea that ancient slavery was an embodied practice. As such, slavery was unquestioned in



everyday life. Slavery conditioned bodies and perceptions of bodies. Individuals were trained at a basic level to stand, walk, and negotiate the world either as slaves or as free persons. A slaveholder who beat a slave did not consciously weigh the morality of her behavior. Slaveholders, like husbands and fathers, were expected to maintain order and decorum in their households. They used violence to do so. Jesus' commandment to his followers to be slaves to one another was countercultural because it urged them to adopt, consciously and voluntarily, the manner of a despised slave.

As I think about ways that bodies are trained to act out social roles, I rely on the concept of *habitus*, a concept I borrow from sociologist Pierre Bourdieu. He was concerned with what he called the logic of practice: ordinary and invisible operations by which a society perpetuates itself. Bourdieu adopted the Latin word *habitus*. In Latin, *habitus* refers to various dimensions of self-presentation: demeanor, bearing, expression, and posture, as well as manner of dress, especially mode of dress appropriate for a particular social status. For Bourdieu, *habitus* is "embodied history, internalized as a second nature and forgotten as history."<sup>5</sup>

What kind of knowledge is carried in the body? The knowledge of how loudly to laugh at a superior's joke, of how to braid hair (in one plait or many), of how to move through a crowd to avoid or attract attention—unquestioned things we seem to know instinctively. Through *habitus* a person is socialized, Bourdieu writes, "as an eldest son, an heir, a successor, a Christian, or simply as a man (as opposed to a woman)."<sup>6</sup> In other words, we carry knowledge in our bodies. Feminist philosopher Linda Martín Alcoff applies parallel logic to the knowledge that gendered and raced bodies carry in American society. "Greetings, handshakes, choices made about spatial proximity," she writes, "all reveal the effects of racial awareness, the assumptions of solidarity or hostility, the presumptions of superiority, or the protective defenses one makes when one routinely encounters a misinterpretation or a misunderstanding of one's intentions."<sup>7</sup> I find the concept of embodied knowledge helpful as I think about the ways that the practice of slaveholding affected the development of Christian sexual ethics.

"Slaves, obey your earthly masters in everything," writes the author of the Epistle to the Colossians.<sup>8</sup> What were the implications of this mandate for a believing slave whose owner expected sexual access? We have no way to answer this troubling question directly. There is no reason to think that slaveholders who were not church members had any motivation to modify their sexual behavior with Christian slaves. Perhaps some first- and second-century Christian slaveholders understood the gospel to require them to refrain from sexual activity with slaves, although no early Christian sources prescribe such a change in behavior.<sup>9</sup> Passages enjoining slaves to obey their owners also appear in the Epistle to the Ephesians, 1 Timothy, and Titus, all letters attributed to the apostle Paul.<sup>10</sup> I agree with the majority of New Testament scholars who dispute the attribution of these letters to Paul. They are part of the New Testament canon, but they are inconsistent with Paul's teachings in letters universally accepted as authentic. In his Letter to the Galatians, Paul proclaimed a new creation, no longer defined by the categories of the old creation. Paul writes, "For those who are in Christ there is neither Jew nor Greek, neither slave nor free, not male and female."<sup>11</sup>

But as Paul continues his argument in Galatians, he relies on the imagery of slavery. He develops an elaborate allegory based on distinctions between the free body of the matriarch Sarah, Abraham's wife, and the enslaved body of her slave Hagar. The story is from the Book of Genesis. Barren, Sarah gives Hagar to Abraham as a sexual surrogate. Hagar bears Abraham a son, Ishmael. After Sarah bears her own son, Isaac, Hagar and Ishmael are abandoned to the desert. In Paul's allegorical interpretation, Hagar symbolizes "the present Jerusalem," that is, the Jerusalem church, while Sarah symbolizes "the Jerusalem above." Although the details of Paul's allegory need not concern us, Sarah and Hagar are central to the story I tell in this essay, and we will return to them, to the imperious slaveholder and the frightened slave. For now, though, I simply want to point out the tension between Paul's proclamation of an end to the distinction between slave and free and his subsequent reliance on imagery that depends on a distinction between the bodies of free women and the bodies of slave women. Paul's development of the Sarah-Hagar allegory does not explicitly sanction slavery. He does not, in the letters authentically attributed to him, dictate a one-sided obedience of slaves to slaveholders. Nonetheless, his choice of imagery suggests that the *habitus* of slavery imbues his thinking. The figures of Hagar and Sarah were familiar to Paul from Scripture. An essential reality of slavery evoked by the story, the sexual availability of enslaved women, was also familiar to Paul, a citizen of the Roman Empire, from his own culture.

Bourdieu's concept of *habitus* helps us appreciate why it was difficult for the first Christian generations to recognize slavery as a moral wrong. John's narration of Jesus washing feet subverts status hierarchy, but it relies on the *habitus* of slavery to do so. Paul preaches a gospel of freedom, but he expresses this message in images that repeat embodied patterns of slave relations. These men simply take slavery for granted. In the next section, we consider more thoroughly the sexual exploitation intrinsic to ancient slavery. We also consider how such exploitation would have conditioned the bodies of women, both slave and free. What might the instruction to "become a slave to all" have meant to a woman, free or slave? Surely, Jesus did not mean that women should make themselves sexually available to all; yet for many women, sexual exploitation was central to their experiences of slavery.

## Slavery, Freedom, and Women's Bodies

Roman culture was the matrix of early Christianity. Thinking about the effects of slavery on Christian bodies, on the bodies of women and men, of slaves and freepersons, requires awareness of the sexual dynamics of Roman slavery. In order to help us visualize the corporal impact of slave relations, we will focus on a character well known to ancient audiences, the Trojan Queen Hecuba. Hecuba's reduction to slavery brings into sharp relief the contrast between the sexual conditioning of free bodies and of slave bodies.

In the mid-first century, around the time that Paul wrote his letters to Christian communities from Asia Minor to Rome, the Roman philosopher and playwright Seneca composed a play entitled *The Trojan Women*. The plot of *The Trojan Women* focuses on the fate of the royal women of Troy who become captives of the Greeks after the final defeat of the city at the end of the

long and bitter Trojan War. The women, like other war captives throughout antiquity, are destined to be sold as slaves. They await news of the identities of their new masters, the very men who have slaughtered their husbands, sons, and brothers.

Hecuba, Trojan queen, addresses the women of the vanquished city to prepare them for inevitable enslavement. She speaks to her companions in defeat: “Let the crowd expose its arms in readiness; ungird your breasts, letting fall your garments, and let the body be stripped even to the womb. For what marriage do you cover your breasts, O captive modesty [*pudor*]?”<sup>12</sup> Hecuba declaims, at once appropriately and ironically, with royal authority. Shaping her elocution is a lifetime of privilege, but that privilege, with Troy itself, is burnt to ash. The women to be distributed as booty include Hecuba, her daughters, and her widowed daughters-in-law.

Seneca visually dramatizes reduction of status by contrasting the modest dress of a free woman and the shameful exposure of an enslaved woman. Because the royal Trojan women have lost the ability to shield themselves from the intrusive gaze and touch of men, Hecuba charges them to bare their breasts. Then, she sighs, “There, this manner of dress [*hic habitus*] satisfies me.” The training and habits of a lifetime shape Hecuba’s royal countenance as she commands her subjects, now her former subjects. A garment can be slipped off the shoulders and knotted about the hips, but a deeply cultivated habit of authority cannot be so easily dropped. Romans expected that they should be able to recognize, by dress and other details of a woman’s self-presentation, her status. According to Roman law, liability for an insult against a respectable young woman was lessened if the woman was dressed in a manner more appropriate to a slave.<sup>13</sup> Hecuba’s words are thus bitter. The royal women will no longer dress to signify sexual exclusiveness but rather sexual availability.

In Elaine Fantham’s translation, Hecuba directs her remarks to the personification of “captive modesty.” “Modesty” is Fantham’s translation of the Latin word *pudor*, a word that cannot be captured in a single English word or phrase.<sup>14</sup> *Pudor* connotes not only modesty but also a sense of shame, chastity, an awareness of what is proper, and attention to propriety—especially sexual propriety in conduct, dress, and speech.<sup>15</sup> *Pudor* evokes not only chastity but also a reputation for chastity. *Pudor* belongs to the free woman. The personification of *captive pudor* to whom Hecuba speaks is thus a paradoxical creature, for the slave, in elite Roman eyes, lacks *pudor*.<sup>16</sup>

Inability to maintain corporal integrity, vividly evoked by Hecuba in her directions to the Trojan women to disrobe, characterizes the condition of a slave. An elite woman, previously assured that her status protects her against sexual violation, confronts the familiar realities of slavery with new eyes. She no longer views the slave’s sexual availability with contempt but with horror. As slaves, as sexual property, the Trojan women must retrain their bodies, exposing themselves to the gaze of men outside their own families. What would it mean to become the slave of all? Consignment to the category of slave undermined a woman’s claim to chastity (*pudor*). Even an enslaved woman who avoided sexual use by her owner lacked the reputation essential to *pudor*. The fact of enslavement cast doubt on her sexual history. The freeing of slaves was common in the Roman Empire, far more common, of course, than reduction

of royalty to the status of chattel. Freed slaves, however, did not enjoy the same social status as freeborn persons. Their bodies, habituated by a lifetime of slavery, conveyed a sense of continuing subordination. In particular, freedwomen, who had been vulnerable in their youth to the sexual appetites of their owners, could not enjoy the same reputation for *pudor* enjoyed by freeborn women.

Seneca the Elder, the father of the philosopher and playwright Seneca, composed a series of fictional legal disputes. In one of these invented debates, an elite freeborn woman's bid for a priesthood was challenged because she had been kidnapped, enslaved, and forced to display herself in a brothel, even though she claimed to have maintained her virginity, in the end by killing an armed man who tried to force her to have sex—a wildly implausible scenario. Although the woman is vindicated by the trial, the arguments of her detractors illustrate the widespread ancient perception that female slaves had no claim to chastity (*pudor*). The detractors argued that, even if she somehow managed to avoid defloration, her vulnerability as a slave undermined her claims to sexual purity: “Do you regard yourself as chaste just because you are an unwilling whore?—She stood naked on the shore to meet the buyer's sneers; every part of her body was inspected—and handled.”<sup>17</sup>

Elite authors cared more about the indignities and sufferings of women raised as aristocrats than about the indignities and sufferings of women raised as slaves. More fundamentally, they were *aware* of the potential indignities an aristocratic woman might endure but oblivious to any humiliation a slave woman might suffer. How did it affect enslaved children to grow up with the knowledge that they were the sexual property of their owners? What does the body learn from being stripped and fondled in public? What knowledge did slaves bear in their bodies, and how did this knowledge inform their moral imaginations? A child raised as a slave acts out the scripts of slavery at a bodily level. At the same time, she rewrites and resists these scripts in order to create meaning in her life.

The speech composed by the playwright Seneca for Queen Hecuba contrasts the sexual habituation of a free woman and the sexual habituation of a slave woman. The sexual vulnerability of an elite woman reduced to slavery elicited sympathy from an ancient audience, sympathy denied to women raised as slaves. As we will see, that indifference to the sexual susceptibility of enslaved women colored ancient Christian interpretations of the biblical figures of Sarah and Hagar.

## Sarah and Hagar

Women and men who joined the early church did not shed their deeply habituated postures and manners when they walked into congregational gatherings. The waters of baptism did not wash away the lifelong branding of slave relations. Christian congregations welcomed slaveholders. We look in vain for evidence to suggest that most Christian slaveholders treated their slaves substantially differently than did pagan slaveholders. Christian slaveholders relied on violent means to discipline their slaves, who were sometimes their brothers and sisters in Christ. Moreover, the sexual dynamics of Roman slavery infected Christian practice. Christian congregations tolerated slaveholding members

who sexually exploited household slaves. Indifference to the moral harm of sexual coercion persisted. We can trace the impact of ancient Christian toleration of sexual exploitation of slaves through interpretations of the biblical figures of Sarah and Hagar by two Christian theologians: the apostle Paul in the first century and the esteemed fourth-century bishop of Milan, Ambrose. Paul and Ambrose did not view the habituation of slave women to sexual exploitation as morally problematic. In fact, they blamed Hagar for her desperate plight. Paul and Ambrose do not, however, exhaust Christian interpretation of Hagar. American Christian interpretations of Hagar demonstrate that this same biblical text can be a resource for women, especially Black women, who resist oppression.

So deep was Paul's conditioning by the *habitus* of slavery that he could move from a conscious declaration that the categories "slave and free" were outmoded in the new creation (Galatians 3:28) to his development of the Sarah-Hagar allegory in Galatians chapter four, an allegory I have already introduced. In his critique of the Jerusalem church, which is assimilated in the allegory to Hagar, Paul writes, "But just as at that time the child who was born according to the flesh [Ishmael, son of the slave woman Hagar] persecuted the child who was born according to the Spirit [Isaac, son of the free woman Sarah], so it is now also. But what does scripture say? 'Drive out the slave and her child; for the child of the slave will not share the inheritance with the child of the free woman.'"<sup>18</sup> Genesis, however, does not narrate a persecution of Isaac by Ishmael. According to Genesis, when Sarah sees Isaac and Ishmael playing together, she demands, "Cast out this slave woman with her son; for the son of this slave woman shall not inherit along with my son Isaac."<sup>19</sup>

Paul closes the allegory without telling the whole story. He does not mention that God responds to Hagar's distress by assuring her that her son, like Sarah's son, will be the ancestor of a great nation. He does not mention that at Hagar's bleakest moment when she turns away from her own son because she cannot stand to see him die of thirst in the desert, God meets her in her distress. A spring moistens the arid desert. Paul does not temper his midrash, that is, his version of the Genesis story, with sympathy for the moral position of the slave. Quite the opposite. In Paul's version, the free woman's hostility is attributed to the slave child, and the slave woman's encounter with her God is left untold. Paul's interpretive choices are shaped by the slaveholding *habitus* of the early Roman Empire.

Ambrose, the fourth-century bishop of Milan, was a descendant of an established and well-placed Roman family. At the time he wrote, Christianity had been administered as the imperial religion. Old habits die hard. The slaveholding men in Ambrose's churches were still conditioned by ancient Roman *habitus* to assume as a matter of course that they had the legal, cultural, and moral right to use their slaves sexually. In an essay on Abraham, Ambrose commented on the story of Sarah and Hagar. The biblical account of Abraham conceiving a son by his wife's slave created a problem for Ambrose. If Abraham could carry on with a female slave, a Christian man might ask, why can't I? Ambrose offered several justifications for his counsel to men to avoid sexual relations with their slaves. He told men that they, like their wives, were obligated to sexual exclusivity. He also pointed out that some wife might take her husband's

sexual liaison with a slave as a pretext for divorce. He urged women, in turn, to refrain from jealousy.

Most of all, Ambrose sympathizes with Sarah's perception of Hagar as "uppity." He apparently perceives the same phenomenon in his own world. A female slave who is her owner's concubine, he writes, becomes arrogant and insolent toward her mistress.<sup>20</sup> He knew that, regardless of his exhortations, many Christian men would continue to have sex with their slaves. He therefore wrote that Christian men who regrettably pursued sexual relations with their slaves should insist that those slaves subordinate themselves to their mistresses. Ambrose, like Paul, develops the implications of Hagar's story in the context of a cultural script unconcerned with the moral and physical costs of bondage for a slave. Paul blamed the enslaved child for the maltreatment of mother and child. Ambrose blamed the uppity slave woman for defying her mistress. Neither Paul nor Ambrose hinted at the moral harm done to the slave. They treated her as a source, not a victim, of immorality.

Ambrose's moral imagination centers on Abraham's choices rather than those of Hagar. Not all readers of the story share Ambrose's point of view. Indeed, as we shall see, Islamic tradition celebrates the faithfulness of Abraham's God to the slave woman Hagar and her son Ishmael. In her treatment of African-American appropriations of Hagar's story, Kimberleigh Jordan argues, "The actual *physical* location of the reader can also reflect one's experience of freedom and liberty. Where one's body is and how it is oriented serves as a canvas of learning."<sup>21</sup> Jordan argues that a reader's reactions to Abraham and Hagar depend "on his or her relationship to embodied power."<sup>22</sup> Gender, race, and privilege (or lack of privilege) shape our readings.

For example, Eliza Poitevent Nicholson was a Southern White Christian woman. She was also a newspaper publisher who engineered the recovery of the *New Orleans Picayune* from debt in the late nineteenth century. Nicholson composed a narrative poem entitled "Hagar." Nicholson's Hagar was a resourceful woman whose devotion to Abraham was unreciprocated. To conclude her poem, Nicholson composed these words for Hagar to address to Abraham:

The wrongs that you have done this day  
To Hagar and your first-born, Ishmael,  
Shall waken and uncoil themselves, and hiss  
Like adders at the name of Abraham.<sup>23</sup>

Unlike Paul and Ambrose, Nicholson, with her distinctive history as a woman wrangling with powerful men in the publishing trade, was able to imagine Hagar as a woman capable of speaking against the powerful man who wronged her.

The figure of Hagar has been especially important to African-American women. Ambrose of Milan was unable to feel the moral and physical harm done to Hagar. African-American women, however, have felt that harm in their bones. Jordan writes that African-American women "have known unfreedom through their bodies—the Middle Passage, enslavement, rape, poor labor conditions, parenthood, segregation, poverty, and so forth. For the most part, their lives can be seen as an embodied interpretation of Hagar."<sup>24</sup> From the

period of slavery to the present, many African-American women have explicitly named themselves daughters of Hagar. In a classic work of womanist theology, Delores Williams lays out the significance of Hagar for Black women's religious experience. Black women have known sexual exploitation, betrayal by White women, hunger, abandonment, and single motherhood. But, like Hagar, they have carried on. In their survival, as in their struggles, they have known that God is with them.<sup>25</sup>

*Habitus* is conservative, even tenacious. When we come into contact with new information and new symbolic patterns, we are likely to react out of our primary conditioning, particularly our training in gender and social status.<sup>26</sup> As Linda Martín Alcoff comments of American society, "race and gender consciousness produces habitual bodily mannerisms that feel natural and become unconscious after long use; they are thus very difficult to change."<sup>27</sup> So Seneca's Hecuba, waiting to learn the name of the man who will be her master, still speaks as queen. Ancient Christians who heard the Pauline baptismal formula proclaiming that within the body of Christ there was no slave or free, no male and female, continued to act out of deeply conditioned *habitus*.<sup>28</sup> So, ultimately, without making a conscious choice to replicate the gender and status divisions of Roman society within the churches, Christians translated their training in what it meant to be human, a humanity always incarnate in a body marked by gender and social location, into their prescriptions for what it meant to live as Christians. Seneca's powerful depiction of Queen Hecuba helps us apprehend the distinction Roman culture created between the sexually conditioned bodies of free women and of slave women. Interpretations of Hagar by Paul and Ambrose illustrate the degree to which ancient Christianity was shaped by and perpetuated a slaveholding *habitus*.

Paul and Ambrose are not the only Christian interpreters of Hagar, however. Women interpreters, especially African-American women, approach the story of Sarah and Hagar from their own cultural locations. I will return to the story of Hagar at the conclusion of this chapter as I consider resources for articulation of a feminist sexual ethics. Before that step, I examine the story of another Roman woman, a story that highlights the different ways in which Romans viewed the sexual violation of free woman and the sexual use of enslaved women. This distinction between women who deserve protection and women who do not persists in American thinking today in both public and private spheres.

## Lucretia

The legend of Lucretia dates to the early Roman Republic, long before the rise of Christianity. Throughout antiquity, Christian theologians, steeped in Roman culture, continued to rely on the legendary Lucretia to illustrate their arguments on women's chastity. The story of Lucretia offers another example of the horror elicited by the sexual violation of freeborn women among elite Romans, including, eventually, elite Christians. In this section, I contrast this horror with the casual Christian acceptance of the vulnerability of slave women to sexual violence.

According to legend, Lucretia was the wife of the soldier Collatinus, who boasted to his fellow soldiers in military camp about his wife's virtue. He

convinced them to ride by night to his home. Although other wives were notorious for attending banquets in their husbands' absence, the beautiful and virtuous Lucretia spent her time spinning wool, even into the night. When the company of soldiers arrived, unannounced, they found Lucretia hard at work. The sight of the virtuous Lucretia inflamed Tarquinius, the son of the last king of Rome. He was at least as impassioned by her virtue as her beauty. Tarquinius later returned to seduce the chaste wife. When Lucretia refused his advances, he threatened to kill her and one of his own male slaves. He taunted that he would place the corpses together in bed and then announce that he killed them because he caught them having sex.

*Pudor*, specifically, the horror that others would believe her body had been sexually penetrated by a slave, induced Lucretia to capitulate to Tarquinius's sexual demands. Afterward, she sent for her father and husband from their military encampment. After narrating the events, she begged them to avenge the wrong. Both father and husband assured her that she was not guilty. The Roman historian Livy claims that she replied, "Though I acquit myself of the sin, I do not absolve myself from punishment; nor in time to come shall ever unchaste woman live through the example of Lucretia."<sup>29</sup> With that, she plunged a sword into her own breast and died. The incident supposedly incited sufficient anger to catalyze the revolt that brought the Roman monarchy to a close.

Because Christians were shaped by Roman *habitus*, the legend of Lucretia exerted a powerful hold over their imaginations. For example, Jerome, a fourth-century Christian theologian, wrote, "The virtue of a woman is, in a special sense, purity. It was this that made Lucretia the equal of Brutus, if it did not make her his superior, since Brutus learnt from a woman the impossibility of being a slave."<sup>30</sup> (Brutus led the revolt against the Roman monarchy.) What does Jerome mean by his statement that Lucretia taught "the impossibility of being a slave"? For Jerome, it seems, only a free woman could be truly virtuous. The absence of *pudor* was the daily lot of many female slaves. In her unwillingness to live with compromised *pudor*—to live, that is, like a female slave—Lucretia embodied the special virtue of a woman, a virtue associated with her legal and social status as a free woman.

The moral importance of a woman's physical integrity became an obsession among many early Christians—an obsession defined as a woman's quintessential virtue. Such virtue was not equally accessible to all women. Only in unusual circumstances did a free woman deal with the question of whether forcible sexual violation compromised her honor. Slave women faced this dilemma routinely. Lucretia's story points to the tensions in ancient Christian attitudes toward the virtue of slaves, who had no choice in their sexual use by their owners. The failure of Christian sources to consider the choices of slaves confronted by forcible sexual demands underscores the degree to which a Roman *habitus* conditioned Christians to accept the sexual vulnerability of servile bodies.

A partial exception to this rule is Basil of Caesarea. Basil, who wrote in the fourth century, believed that the fact of slavery or of freedom informed a person's very potential for virtue. He cited as a mystery why a wicked person flourished while a righteous person suffered, "why one man is a slave, another



free, one is rich, another is poor (and the difference in sins and virtuous actions is great: she who was sold to a brothelkeeper is in sin by force, and she who immediately obtained a good master grows up with virginity).<sup>31</sup> Sensitive to the constraints under which women were forced to act, Basil specified that women who were corrupted by force should not be held responsible for that corruption. He added, “Thus even a slave, if she has been violated by her own master, is guiltless.”<sup>32</sup> Nonetheless, as Bernadette Brooten notes in her introduction to this volume, Basil did not assign a church penalty to the Christian men who used their slaves as sexual outlets, although he was clearly aware of the prevalence of such behavior.

The situation of a free woman threatened by rape evoked consternation. The mundane situation of a slave whose owner made routine demands for sex did not. Basil’s reasoning that a woman who was coerced to have sex against her will should be considered innocent was atypical among theologians of his era. Some Christian theologians praised women, at least elite women, who chose death over rape.<sup>33</sup> Ambrose of Milan excited controversy when he used the resources of the Church to redeem Christians who had been captured by pagans, a danger in northern Italy in the fourth century. He commented that it was good when “a man is redeemed from death, or a woman from barbarian impurities, things that are worse than death.”<sup>34</sup>

Ambrose praised the legendary Pelagia of Antioch. Pelagia, threatened with rape, dressed herself as a bride and killed herself. The would-be rapists turned their predatory attention to Pelagia’s mother and sisters. The mother and sisters drowned themselves. They chose a baptism, Ambrose eulogized, after which they could not sin.<sup>35</sup> Ambrose composed a speech for Pelagia that underscored the relationship of liberty to chastity (*pudor*): “I die willingly, no one will lay a hand on me, no one will harm my virginity with his shameless glance, I shall take with me my purity and my modesty unsullied... Pelagia will follow Christ, no one will take away her freedom, no one will see her freedom of faith taken away, nor her remarkable purity.”<sup>36</sup> Pelagia died willingly. She followed Christ, in Ambrose’s view, by refusing to be a slave to all. She died with liberty and *pudor* intact.

Ambrose was aware of the sexual vulnerabilities of slaves. Commenting on the story of the patriarch Joseph—who was, as a slave in Egypt, the target of his mistress’s sexual overtures—Ambrose wrote, “It was not within the power of a mere slave not to be looked upon.”<sup>37</sup> Yet, as we have seen, when Ambrose wrote about Abraham and Hagar, he did not express concern for Abraham’s injury to Hagar’s chastity. Nor did he suggest that Hagar, like Pelagia, should have killed herself to avoid sexual tainting. For Ambrose, Hagar’s sin was not a violation of chastity, apparently because Ambrose considered her beneath chastity. Her sin, he alleged, was haughtiness toward her mistress.

Would choosing life over death have been praiseworthy for a slave threatened with rape by her owner? That such questions did not arise for Christian writers attests to their deep-seated habituation to the privileges of free bodies and the vulnerabilities of enslaved bodies. The possibility that a slave woman would be sexually violated against her will did not produce the horror elicited by the forcible sexual violation of a free woman.

In *The City of God*, Augustine drew on the Lucretia legend to discuss chastity. Augustine relied on Lucretia to challenge Christians who, like Ambrose, held that forcible sexual violation entailed moral compromise.<sup>38</sup> Augustine reasoned that, if purity could be sullied against a person's will, then purity would rank not among virtues but among bodily goods. He concluded that if a woman was sexually penetrated against her will, she remained as pure as she was prior to the violation.<sup>39</sup> To make his point, Augustine returned to the example of Lucretia. He judged her guilty of murder. Augustine's logic was, if Lucretia did not share Tarquinius's lust, then taking her own life entailed killing an innocent woman. Her guilt as a murderer was mitigated only if she secretly shared Tarquinius's lust.<sup>40</sup> Augustine contrasted conventional conceptions of *pudor* and the proper chastity of a Christian woman. His take on the story of Lucretia thus challenged the traditional values of the Roman elite, with their insistence that physical violation signaled moral deficiency.<sup>41</sup>

Augustine wrote *The City of God* as he confronted growing chaos in the Roman Empire at the close of the fourth century. Attacks endangered the personal security of many persons, creating terror and fear that exceeded actual physical harm to the population. Why did God permit chaste Christian women to be molested? Augustine asked women to consider the possibility that arrogance about their chastity led God to punish them through violation of their bodily integrity, a punishment that nonetheless did not compromise their claims to chastity.<sup>42</sup> Augustine implied that elite women were often arrogant in their dealings with women of lower status who could not adhere to conventional standards of chastity. God thus permitted the elite women to be subjected to the sexual violations routinely endured by slaves.<sup>43</sup> Augustine accepted the habituation of bodies to various social statuses as he called on all Christians to accept their social positions with humility. No matter how well-intentioned the slaveholders, such humility exacted a higher price from slaves, who were, one infers, expected to accept sexual exploitation with equanimity.

A belief that rape morally stains its victims survives even today. In antiquity, the belief was rarely challenged. A woman's *pudor*, including her reputation for sexual modesty, could not survive forcible sexual violation. A few Christians eventually challenged this formulation, yet even their arguments underscore the grip of Roman *habitus* on Christianity. Both Basil and Augustine taught that women who were sexually violated against their will were guiltless. Yet both Basil and Augustine assumed that women of lower social status, particularly slaves, would be routinely subjected to sexual violations from which elite women were routinely (but not always) protected. Basil and Augustine, like other Christians in antiquity, simply accepted that women of differing social statuses enjoyed differing degrees of corporal protection and sexual integrity. This belief persists today in various guises. In working to enact a feminist sexual ethics, the right of all women, men, and children to protection from sexual coercion is a high priority.

## Water in the Desert

Early Christian complicity in the sexual exploitation of slaves disturbs me. Even more upsetting to me than the early Christian embodiment of slaveholding

norms is the many ways in which American culture today reads moral distinctions in the bodies of persons of different social statuses: rich, poor, Black, White, Native American, Latino/a, male, female. Rapists of Black women are less likely to be charged and receive fewer convictions and lighter prison sentences than rapists of White women, for example.<sup>44</sup> I'm not advocating longer prison sentences. What a body learns in prison is deleterious to the health, both to the incarcerated person and to his or her post-incarceration community. We should, however, think about why the rapes of Black women are treated less seriously than the rapes of White women.

I doubt that many people would endorse such blatantly disparate treatment. So why are prosecutors reluctant to press charges when an African-American woman has been raped? Why are juries more likely to acquit men accused of raping Black women? Despite an apparent consensus against racial discrimination, our actual behavior as a society continues to embody racial prejudice. In the case of rape, the insult to Black women is consistent with an ancient tradition that regards some women as lacking status and therefore lacking the right to protect the privacy and integrity of their own bodies. In the United States, this tradition can be traced directly to attitudes toward African-American women's sexuality during the era of legal slavery.

Early Christian sexual ethics were infected by the sexual dynamics of Roman slavery. That infection still courses through the Christian body. The Church requires healing. Christians today who are horrified to learn of the sexual exploitation of slavery are too often silent about the exploitation of other persons who are not in a position to say "no" to sexual advances: prisoners, for example, and children in homes, churches, and other settings. I've asked how growing up as the sexual property of a slaveholder affected female slaves in antiquity. We should urgently ask how growing up with sexual coercion and violence affects girls and boys. Why are so many churches that speak loudly about sexual ethics reluctant to speak of the damage that incest, sexual harassment, and rape wreak on the Christian body? The Feast of the Holy Innocents, December 28, is a day set aside in the church calendar to mourn Herod's slaughter of Jewish babies.<sup>45</sup> On the Feast of the Holy Innocents, my church offers a service of healing for those affected by childhood sexual abuse, a service written and planned by survivors of such abuse. Healing begins.

A change in *habitus* is tough to legislate. Nevertheless, although *habitus* is conservative, it is not immutable. Those of us who are active in our churches, synagogues, and mosques look there for moral leadership. Can our traditions, Scriptures, and rituals offer resources for fundamental change, for healing? I earlier highlighted the iconic image of Jesus as he kneels to wash his followers' feet, a gesture defiant of hierarchy that is still ritually reenacted by Christians. I close the essay with another image, one that has likewise generated enduring ritual action: the image of Hagar's joy when she finds water in the desert. This is an image that Paul and Ambrose omit in their versions of the story and that African-American women always remember. Hagar, a slave woman who bore her owner's child, a mother raising a son on her own, is cast out to a barren expanse. She and her son, famished and parched, face death. Yet they survive. In a moment of supreme despair, Hagar discovers that God is with her when a spring moistens the arid desert.

In Islam, this spring is called Zam Zam, and Hagar's epiphany is ritualized as part of the *hajj*, the pilgrimage to Mecca all Muslims are enjoined to make, if they can, once in their lifetime. During the *hajj*, each pilgrim, female or male, puts their body in Hagar's place as she runs in terror between the hills of Safa and Marwa, seeking water for herself and her son. I don't know what the Muslim pilgrim feels or what the body learns running between Safa and Marwa. The ritual, however, invites identification with the slave woman's physical location. The pilgrim rejoices in God's faithfulness to the slave woman and her son. For the many women who live their lives thirsting between Safa and Marwa, the Scriptures and rituals of Judaism, Christianity, and Islam still promise springs of rejuvenation.

## Notes

1. Mark 10:44; cf. Matthew 20:26–27, 23:11; Mark 9:35; and Luke 22:26.
2. Mark 10:45; cf. Matthew 20:27.
3. John 13:14f.
4. Galatians 5:13.
5. Pierre Bourdieu, *The Logic of Practice*, trans. Richard Nice (Stanford, CA: Stanford University Press, 1980) 56.
6. Bourdieu, *Logic of Practice*, 58.
7. Linda Martin Alcoff, *Visible Identities: Race, Gender, and the Self* (New York: Oxford University Press, 2006) 108.
8. Colossians 3:22–25, especially 3:22.
9. For a fuller treatment, see Margaret Y. MacDonald, "A Reassessment of Colossians 3:18–4:1 in Light of New Research on the Roman Family," *New Testament Studies* 53 (2007) 94–113.
10. Ephesians 6:5–8; 1 Timothy 6:1f; Titus 2:9f.
11. Galatians 3:28; 6:15.
12. Seneca, *Trojan Women*, lines 87–91. Translation adapted from Elaine Fantham, *Seneca's Troades: A Literary Introduction with Text, Translation, and Commentary* (Princeton: Princeton University Press, 1982) 132.
13. *Digest of Justinian* 47.10.15.15.
14. At the outset of her kaleidoscopic treatment, Carlin A. Barton identifies *pudor* as an "inhibiting emotion." Barton, *Roman Honor: The Fire in the Bones* (Berkeley: University of California Press, 2001) 202; discussion of *pudor*, 197–269.
15. Cf. *Oxford Latin Dictionary*, s.v. *pudor*.
16. Noted by Fantham, *Seneca's Troades*, 227; Atze J. Keulen, ed., *L. Annaeus Seneca Troades: Introduction, Text and Commentary* (Leiden, Netherlands: Brill, 2001) 141.
17. Seneca, *Controversies* 1.2, esp. 1.2.3; Seneca, *Declamations*, trans. M. Winterbottom (2 vols.; Loeb Classical Library, Cambridge, MA: Harvard University Press, 1974).
18. Galatians 4:29f.
19. Genesis 21:10.
20. Ambrose, *On Abraham* 4.26; Ambrose, *On Abraham*, trans. Theodosia Tomkinson (Etna, CA: Center for Traditionalist Orthodox Studies, 2000) 14.
21. Italics original. Kimberleigh Jordan, "The Body as Reader: African-Americans, Freedom, and the American Myth," in *The Bible and the American Myth: A Symposium on the Bible and Constructions of Meaning*, ed. Vincent L. Wimbush (Studies in American Biblical Hermeneutics 16; Macon, GA: Mercer University Press, 1999) 105–121, esp. 107.
22. Jordan, "The Body as Reader," 114.
23. Eliza Poitevent Nicholson, "Hagar," *Cosmopolitan* 16 (1893) 10–13. For more on Nicholson's poem, see Janet Gabler-Hover, *Dreaming Black/Writing White: The Hagar*

- Myth in American Cultural History* (Lexington, KY: University of Kentucky Press, 2000) 131.
24. Jordan, "The Body as Reader," 117.
  25. Delores Williams, *Sisters in the Wilderness: The Challenge of Womanist God-Talk* (Maryknoll, NY: Orbis, 1993) 15–33; 245f, n. 2.
  26. Bourdieu, *Logic of Practice*, 62.
  27. Martin Alcoff, *Visible Identities*, 108.
  28. Galatians 3:28.
  29. Livy 1.58.10; *The History of Rome*, trans. B. O. Foster (14 vols.; Loeb Classical Library, Cambridge, MA: Harvard University Press, 1919–1959).
  30. Jerome, *Against Jovinianus* 1.49; see also 1.46.
  31. Basil of Caesarea, *On Psalm 32* 5; Saint Basil, *Exegetic Homilies*, trans. Agnes Clare Way (Fathers of the Church 46; Washington, DC: Catholic University of America Press, 1963).
  32. Basil, *Epistles* 199.49.
  33. For further discussion of Lucretia in early Christian writings, see Dennis Trout, "Re-Textualizing Lucretia: Cultural Subversion in the *City of God*," *Journal of Early Christian Studies* 2 (1994) 53–70.
  34. Ambrose, *On Offices of Ministers (De officiis)* 2.28.
  35. Ambrose, *On Virgins (De virginibus)* 3.7.32–37.
  36. Ambrose, *Epistle* 37.
  37. Ambrose, *On Joseph* 5.22.
  38. Trout, "Re-Textualizing Lucretia."
  39. Augustine, *City of God* 1.17; Augustine, *The City of God Against the Pagans*, trans. George McCracken (7 vols.; Loeb Classical Library, Cambridge, MA: Harvard University Press, 1957–1972).
  40. Augustine, *City of God* 1.19.
  41. Trout, "Re-Textualizing Lucretia," 67.
  42. Augustine, *City of God* 1.28.
  43. Augustine, *City of God* 1.28.
  44. Elizabeth Kennedy, *Victim Race and Rape* (Waltham, MA: Feminist Sexual Ethics Project, Brandeis University, 2003), <http://www.brandeis.edu/projects/fse/slavery/slav-us/slav-us-articles/slav-us-art-kennedy-full.pdf> (accessed June 19, 2009); and Jennifer C. Nash, *Black Women and Rape: A Review of the Literature* (Waltham, MA: Feminist Sexual Ethics Project, Brandeis University, 2009), <http://www.brandeis.edu/projects/fse/slavery/slav-us/slav-us-articles/Nash2009-6-12.pdf> (accessed August 3, 2009). For related analysis, see Toni Irving, "Borders of the Body: Black Women, Sexual Assault, and Citizenship," *Women's Studies Quarterly* 35 (2007) 67–92.
  45. Matthew 2:16–18.

## Gender, Slavery, and Technology: The Shaping of the Early Christian Moral Imagination

*Sheila Briggs*

We think of sexuality as something natural that all human beings possess. Even when we acknowledge a range of sexual behaviors and attitudes, we tend to assume that these remain stable across time and across cultures. Therefore, when it comes to sexual ethics—our beliefs about the moral principles governing sexuality—we may allow for a wide spectrum of values and opinions, but we also see these as addressing the same issues in every time and place. It is not surprising, then, that when we read the New Testament, we suppose that Jesus and the first Christian leaders faced the same sort of sexual questions that we do today. Christians, who accept the Bible as a moral authority or at least see it as an ethical guide, expect its sexual teachings to be relevant to their lives and their society in the twenty-first century because they think that their sexuality and questions about sex are not really different from those of Christians in the first century. It may be troubling, especially to Christians, that sexuality and our attitudes toward it vary greatly in different historical periods and cultures. The New Testament is a historical document, written at a particular time in a society that held very different assumptions about what was obvious and natural about sex. One crucial element in the sexual lives and thinking of people in the ancient world was the all-pervasive fact of slavery. This is something that most of us would like to ignore, and Christians are likely to insist that New Testament sexual ethics were not founded on the acceptance of slavery. But let us look at the response of the apostle Paul to prostitution, as an example of how early Christians thought within ancient moral frameworks.

In antiquity, few writers had moral objections to prostitution. Most prostitutes were slaves, and their employment as prostitutes was consistent with the exploitation of their sexuality by their owners, which was not perceived as a moral problem. The use of prostitutes was widespread even among Jews and Christians. The early Christian community at Corinth saw nothing wrong in Christian men visiting brothels, at least until the apostle Paul rebuked them. But when we look more closely at Paul's condemnation of prostitution in 1 Corinthians 6:13–18, we find that the moral problem for him was *not* the sexual exploitation of the prostitute, who in no sense chose to enter into prostitution. His sole concern was the male body, which he saw as dishonored through sex with a prostitute. Worse, if it were a Christian male body, that dishonor

would pollute the body of Christ. We find similar objections in non-Christian writers of antiquity: it is the male body that is dishonored, not the female body that is exploited.<sup>1</sup>

Paul was *not* outraged at the sexual exploitation of enslaved prostitutes, because slavery was entwined with every aspect of the Greco-Roman society in which he lived. The moral imagination of early Christians was shaped—and constrained—by the circumstances of their everyday lives, including the entertainment available in the Greco-Roman city. At the heart of this essay lies a story about the intersection of gender, slavery, and technology. During this period, ancient technological innovation culminated in the amphitheater. Ancient inventions found their place in the amphitheater, from concrete for building to water-powered organs for music. It was the triumph of Roman engineering, both in its massive architecture and in the complex machinery, that was used to stage its spectacles and to provide huge sunshades for its spectators. The amphitheater transformed ancient culture in ways very similar to how cinema and television have had their impact on our own modern culture. These vast round open-air theaters provided mass entertainment on an unprecedented scale. Thousands could watch the spectacular shows that were like nothing ever seen before. What they saw affected how they felt about each other and about themselves. The amphitheater was also closely associated with the rule of the emperor, a newly established form of government when Christianity began. For the grand scale of its events, the amphitheater required a massive supply of human beings subject to limitless exploitation. It is not surprising that the amphitheater developed in a society where slaves were available for exploitation. In the amphitheaters, the violent character of the entertainment fed on society's acceptance of routine violence toward slaves in everyday life while turning it into something extraordinary and spectacular. The sexuality of slaves was a disposable commodity for their owners, and the exploitation of slaves was intensified in the amphitheater when the violence took on a sexual tinge.

From comments about “Christians and lions,” we are aware that early Christianity belonged to the world of the amphitheater. But Christians were not just victims in the arena—they were also spectators. I am going to explore how Christians' experience in the amphitheater shaped how they thought about sexuality. There was nothing novel about early Christian sexual ethics, but as we shall see, distinctive Christian sexual practices did develop over time. Early Christians derived their moral codes from what they approved of in the standards of behavior of the Greco-Roman world. The educated Christian elite, as well as the mass of Christians, had their attitudes to life in general and sexuality in particular shaped by the ubiquitous presence of both slavery and the amphitheater.

## Ancient Life and the Amphitheater

Everyday life shapes our views of ethics and morality, just as much as we are shaped by what we are taught explicitly about right and wrong. Indeed, our moral imagination is crafted at least as much by our experience as by more formal moral codes. Our moral attitudes also include more than ideas about how we believe we should conduct our lives; they include sensibilities—what

we *feel* is the right way to act. Moral sensibilities are only half conscious; they include our assumptions about what the world is like and how we ought to live in it. The inhabitants of the Roman Empire, including early Christians, were scarcely aware of how slavery shaped their world, because they took it for granted. Similarly, subtle changes in Greco-Roman society and culture, including changes brought by the invention of the amphitheater and what happened within it, went unnoticed. Gradually, those subjected to limitless exploitation in the arena came to be drawn from much broader social ranks than slaves. The amphitheater wove sexual exploitation and sexual violence even deeper into the fabric of ancient society. The effects of the amphitheater are visible in changing attitudes toward sexuality in the Greco-Roman world, and Christians too were influenced.

Prostitution and its link to slavery in the ancient world play an important role in our story about the intersection of gender, slavery, and technology. The link between slavery and technology appears in one of the most influential discussions of slavery in the ancient world. Aristotle defined the slave as a “living tool” who could use inanimate tools to create the material fabric of human society.<sup>2</sup> Slaves who were prostitutes had their bodies used as a tool like the loom, the mill, or the dyeing vat to produce income for their owners. A slave’s sexual labor was as morally acceptable as any other form of labor. In Roman society, prostitutes and gladiators were either slaves or lower-class persons considered no better than slaves. Our story takes off when the prostitutes joined the gladiators in the amphitheater, because from then onward, sexuality became entangled in the arena’s spectacles. Furthermore, the development of Christianity would be affected by the amphitheater’s influence on sexuality.

The roots of the amphitheater and of slavery itself lie in what used to happen to prisoners captured in war. Slavery is a social death that substitutes for the physical death of those conquered in war.<sup>3</sup> The enslaved lose all ties to kin, homeland, and culture and become absorbed as extensions of their owners’ bodies. Again, the link of slavery to technology appears: the owner can wield a hammer with his own hand or vicariously through the hand of a slave. The substitution of social for physical death may be only temporary because in many slaveholding societies, including Rome in the Republican era, owners possess the power of life and death over their slaves. By exercising that right, they display their social status and reinforce the social hierarchy. Therefore, the gladiator who fights to the death for the amusement of his or her master is the embodiment of the physical death that could await those defeated in war combined with the social death that was the inevitable fate of the slave.

Gladiatorial combats (*munera*) originated as part of aristocratic funeral rites. The early Christian writer Tertullian wrote, “Men believed that the souls of the dead were propitiated by human blood, and so at funerals they sacrificed prisoners of war or slaves of poor quality bought for the purpose.”<sup>4</sup> Gladiators were originally chosen from two related groups: prisoners of war and slaves. Later, free persons of the lower classes would be added to the gladiatorial ranks. A few gladiators achieved a renown that contemporary scholars compare to that of pop stars, and a few became wealthy. Nevertheless, their profession was always despised because of its link to slavery, the lowest social status. If a gladiator were a free citizen, then Roman law translated its social



contempt into *infamia*, a designation that imposed several legal and social disabilities. Gladiators were not the only group of lowborn free persons tainted with *infamia*. Other professions associated with slaves and with persons who had previously been enslaved carried the same social stigma, among them actors and prostitutes.

Roman society was very hierarchical, and that hierarchy rested upon the distinction between those who possessed honor, the free citizens, and those who lacked it, the slaves. The category of *infamia* gave precise legal expression to the belief of the Roman upper classes that some free persons fell into an ambiguous position in the social hierarchy in that they were free but shared the slave's dishonor because they associated closely with slaves.<sup>5</sup>

In the Greco-Roman world, as in other slaveholding societies, an individual's lack of honor had sexual implications. Because slaves were without honor, their owner could freely exploit the sexuality of both males and females. Most prostitutes were slaves, as were many actors and other entertainers. Musicians and mimes were drawn from the slave class and were also used as sex workers. Gladiators too were entertainers, and this label carried over into the social view of their sexuality. Roman writers depicted male gladiators as lustful and as the sex toys of the most disreputable women (and sometimes men) of the elite. Although most gladiators were men, there were women among their ranks. The combats of women were no less bloody than those of men, and included an element of sexual titillation.

The reputation of women performers as sex workers was not an ancient version of a contemporary celebrity scandal. Entertainment in Greco-Roman society was the public display of the social hierarchy: there were those who paid for the entertainment, those who watched the entertainment, and those who *were* the entertainment. The elite held civic offices that included the honor and financial obligation of putting on public shows. The public display of the elite's wealth and nobility needed a foil. The social, and often sexual, degradation of the entertainer supplied it. The sexual availability of the female entertainer served to contrast her dishonor with the chastity of honorable citizens' wives and daughters.

In a culture that equates female honor with chastity, it is always degrading for a woman's sexuality to be put on public display. In tracing changes in the way female sexuality was put on display in Roman culture—changes driven by the invention of the amphitheater—our starting point is an annual religious festival called the Floralia that took place between April 28 and May 2. Dating back to the third century BCE, the festival was notorious for drunkenness and unbridled sexual conduct. One feature of this celebration caught the imagination of ancient and modern commentators: the “naked prostitutes” described as doing a striptease at this festival. The earliest evidence for this sex act at the Floralia dates from the Early Empire (late first century BCE), when Ovid remarked that more sexually explicit entertainment was allowed on stage during the festival.<sup>6</sup> Ovid paints the festival as a lighthearted affair popular with the prostitutes themselves. Early in the first century CE, Valerius Maximus reported that mimes performed nude at the Floralia.<sup>7</sup> We have no record of how the women felt about the festival, but these early writers give no particular emphasis to their sexual humiliation.

Two centuries later, after the invention of the amphitheater, this has changed. At the turn of the third century CE, the Christian writer Tertullian

gives a more detailed account of the sex shows of the Floralia and explicitly refers to the women performers as prostitutes. They not only performed nude; their appearance on stage was an advertisement for their sexual services. Tertullian stressed their humiliation and remarked that the misery of the prostitutes was increased by the presence of women in the audience. Tertullian argued that the public display of the prostitute's degraded sexuality was, in terms of what he considered the utter shame of their everyday existence, nonetheless a moment of acute humiliation. Once a year, he says, even the prostitutes get to blush at their total lack of chastity.<sup>8</sup> Tertullian's account can be taken simply as moralizing by a Christian writer bitterly opposed to all public entertainment, which he viewed as tainted by idol worship and morally corrupt. Nonetheless, it is a typical example of the way in which Greco-Roman society used the degradation of the enslaved prostitute as a foil for the honor of the chaste free woman.

Tertullian's account places the sex shows of the Floralia in the amphitheater. Did the new location of the spectacle in the amphitheater lead to the increasing degradation of the women performers? To answer that question, we must trace the development of the amphitheater.<sup>9</sup> Gladiator fights became popular entertainment with Roman soldiers, and army veterans built the first amphitheaters to house them. These amphitheaters were temporary wooden structures. It was not until 30 or 29 BCE that the first permanent amphitheater in Rome was built in the southern Campus Martius. From then on, their development in size and numbers was greatly accelerated by two factors: technological innovation—the invention of concrete allowed the building of much larger structures—and the change in Roman government from republic to principate. The emperors needed to legitimize their new form of government through the public representation of their supreme authority and unlimited power. Although the gladiators were the main attraction in the amphitheater, other spectacles also came to be staged there, and soon the “naked prostitutes” appeared as well.

The violence of the gladiator's combat stamped everything else that occurred in the amphitheater. In the regular schedule, gladiatorial combats were the main attraction, taking place from the afternoon onward. The morning was devoted to the exhibition and hunting of wild and often exotic animals. After these hunts (*venationes*) came the public executions (*damnationes*) during the long lunchtime interlude. The amphitheater was not the only place where executions were carried out, but a deadly logic linked executions with gladiatorial combats. One equivalent of a death sentence imposed upon criminals and rebels was to be “condemned to the games” (*damnati ad ludos*). Capital punishment became a way to recruit gladiators to satisfy the insatiable public appetite for blood in the arena. Carrying out executions in the amphitheater served that desire and radically changed the way they were conducted. The critical moment came in the reign of Nero, when he decided to combine executions with theatrical displays.<sup>10</sup> Condemnations to the beasts (*damnati ad bestias*) became increasingly common. The executions remained distinct from the hunts in the program, but the use of wild animals and the machinery of the amphitheater allowed the emperors to turn executions into gruesome reenactments of myths and legends.

Roman attitudes to crime and punishment fostered the fusion of punishment and entertainment. The Romans had no sense of the inalienable dignity

of the human person. Condemned criminals were stripped of any *dignitas* they might have held, and therefore it was fitting to subject them to torture and humiliation. Part of the disgrace of execution was to be exposed naked to one's fate. Although both men and women had to endure this, the nudity of female criminals in particular took on sexual connotations that the amphitheater turned into sadistic spectacle.

The introduction of theatrical flourishes into executions in the amphitheater led to a search for ways to add even greater drama and novelty. Technological innovation and the absolute vulnerability of the condemned meant that there was virtually no bar to the re-creation of even the most lurid Greco-Roman myths.<sup>11</sup> The Roman poet Martial writes of seeing the myth of the mating of Pasiphae with a bull acted out in the amphitheater.<sup>12</sup> Another example appears in Apuleius's *Metamorphoses*. Although this is a work of fiction, his description of the execution may not be entirely made-up.<sup>13</sup> Lucius, a man transformed into an ass, has been sold to a leading citizen of Corinth who has ambitions for high office and in pursuit of them is staging a three-day spectacle involving gladiators and wild beasts.<sup>14</sup> In the meantime, a woman of high birth has become sexually attracted to Lucius the ass and has procured his sexual services.<sup>15</sup> Lucius's master sees the potential of this sex act for spicing up his show, but obviously the woman of high rank cannot participate in such a performance. Instead, the leading citizen is able to obtain a woman sentenced to the beasts.<sup>16</sup> This woman, a serial killer, is wealthy and of high social status, but that does not spare her from the most humiliating form of public execution. We do not follow the details of her fate because at this point, the intelligent ass escapes.

Apuleius's work provides broader insight into attitudes toward women's sexuality in a culture where Christianity was spreading and early Christians were forming their views on sexuality. Despite the novel's fantastic plot, its portrayal of Greco-Roman society is realistic. Lucius, who like his author is a man of considerable education and social standing, narrates the novel and offers moral commentary on what he encounters in his life as an ass. What is most striking for the modern reader is Apuleius's utter lack of compassion for the woman condemned to be raped and then torn apart by animals. The horror is not at the woman's fate, but that a man of high social rank (Lucius, trapped inside the body of an ass) will be subjected to public disgrace in the arena and die a shameful death. Lucius wishes he could commit suicide "rather than be defiled by the contagion of the female criminal and feel the ignominy of disgrace at a public show."<sup>17</sup>

The arena scene is the climax of a long string of tales of wicked women, tales that become more lurid as the novel progresses. There are very few good women in the *Metamorphoses*, and they are seriously outnumbered by the bad ones. Women are depicted as possessing every vice and prone to commit any crime; they are especially accused of being unfaithful wives and given to every sexual excess. These are not stories just about slaves, prostitutes, and entertainers, but about women of free and respectable, even high, birth. The author places the proposal of an act of bestiality for the execution of the condemned woman after presenting a woman of high rank willingly having sexual intercourse with an ass. The juxtaposition of these stories suggests that Apuleius is equating women's sexuality with criminality. Bestiality is not meant to reveal

the inhumane treatment of women in a society on a brutal quest for ever-more stimulating entertainment. It is meant to reveal the worthlessness of the female sex.

Reading Apuleius raises disturbing questions about the impact of the public sexual humiliation of women on perceptions of women and their sexuality, especially when that humiliation was taken to sadistic extremes in the amphitheater. The “naked prostitutes” of the Floralia had served to accentuate the social distinction between themselves and honorable free women in the audience. But the sexual content of the executions in the amphitheater worked to undermine the differences among classes of women. Among Apuleius’s wicked women we find the baker’s wife, who is the epitome of female evil. She is an enemy of chastity and a monotheistic believer, either a Jew or more likely a Christian, given Apuleius’s North African background.<sup>18</sup> Although we are not told of her fate because the narrator-ass is sold away, we are left to assume that the detection of her adultery, witchcraft, and role in her husband’s murder would lead her to a similar fate as the woman condemned to be raped and slain by beasts.

This fictional account of a presumably Christian woman was written at a time when Christian women were actually meeting death in the amphitheater. Christians were included in the theatrical forms of execution from Nero’s reign onward. At the turn of the second century, the *First Letter of Clement*, written from Rome, records how in the bloody theater of the arena, Christian women were cast as Danaids and Dirce, “suffering terrible and unholy outrages.” The daughters of Danaus slew their husbands, a choice of myth that injected the motif of women’s criminal sexuality into the executions. And Dirce, according to myth, was tied to a wild bull and dragged to her death.<sup>19</sup>

When gender, slavery, and technology intersect with Christianity in the amphitheater, our story takes a new twist. With the entry of these Christian women martyrs into the arena, we hear for the first and only time the voices of the naked women whose sexuality was displayed in the amphitheater. But the experience and attitudes of the naked martyrs were not necessarily the same as those of the naked prostitutes/entertainers, or even typical of women condemned to death in the arena. The Christian martyrs subverted the official and conventional cultural meanings of the spectacular execution. Instead of enduring terrible public humiliation, they saw themselves as entering into the glory of heaven; instead of their abused and broken bodies displaying the power of the emperor, their courage under excruciating physical suffering gave testimony to the power of God.<sup>20</sup> Thus, it is not the elite male view of Apuleius and his wicked, sexually depraved baker’s wife that prevails; it is the self-presentation and communal understanding of the young Roman matron Perpetua, who was martyred in the amphitheater of Carthage in 203 CE.<sup>21</sup>

## Solidarity between Enslaved and Free

Perpetua was a well-educated woman from a wealthy and distinguished family.<sup>22</sup> The fact that a woman of her rank could end up naked in the arena demonstrates how the appetite for violent exhibitions spread degrading capital

punishment far beyond the slaves for whom it was devised. Perpetua was condemned for converting to Christianity in violation of an imperial edict, but as a Christian martyr she resisted the view of women's sexuality implied by the tortures of the amphitheater.

In Perpetua's prison diary, she recounts the last in a series of visions that she had before her execution. On the day before her death, she saw herself naked in the arena, but her nudity was transformed from public humiliation into the sign of her readiness to struggle with and defeat the devil. "My clothes were stripped off, and suddenly I was a man," she says.<sup>23</sup> Instead of being a criminal about to meet a cowardly death, she is an athlete bravely and skillfully defeating her opponent in a boxing match. This contest resembles gladiatorial combat: if she is defeated, her opponent will slay her with a sword.<sup>24</sup>

When Perpetua is actually brought naked into the amphitheater, she is not alone. Beside her is the slave and fellow Christian Felicitas. In their nudity, the noble Roman matron has been reduced to the status of the female slave. A traditional Roman would expect Perpetua to feel unbearable shame and other respectable women to be deterred from sharing her impiety. Nevertheless, a new Christian sense of self has emerged that rejects such an understanding. The author of the martyrdom account implies that in the amphitheater, Perpetua's consciousness was in the realm of her visions because she was quite unaware of her ordeal.<sup>25</sup> The author also stresses the solidarity of Perpetua with Felicitas:<sup>26</sup>

And seeing that Felicitas had been crushed to the ground, she went over to her, gave her hand, and lifted her up. Then the two stood side by side.<sup>27</sup>

The tortured female body has become a site of holiness that is available to both slave and free.

In the minds of the Christian martyrs and their communities, the humiliation of the amphitheater could not compete with the power of God. Divine miracles would overshadow its spectacles and bring eternal shame to those who sought honor by putting on its shows. Tertullian's *On Spectacles*, written in Carthage in the period of Perpetua's and Felicitas's death in the amphitheater of Carthage, reminded Christians of the "other spectacles" that Christ's second coming would inaugurate.<sup>28</sup> God will provide Christians with an entertainment more lavish than anything the rich and powerful could ever provide. Indeed, such people—rulers who announced their divinization and governors who persecuted Christians—will find themselves among those condemned to far worse tortures than were ever devised for the amphitheater.<sup>29</sup> The imperial ideology is overturned.

The history of the amphitheater and the fate of Roman society became inextricably linked. The development of the amphitheater came at the height of Roman expansion in the centuries around the beginning of the first millennium. Julius Caesar, Claudius, and Nero had a plentiful supply of prisoners of war and others enslaved through conquest to expend by the thousands. But after the second century, the empire ceased to expand and the supply of prisoners of war and slaves declined. The popular appetite for spectacles did not

lessen, however, and by now this appetite was so entwined with the representation of imperial power that the Roman authorities did not want to abandon the bloody entertainments they put on for the mob.

Weakening legal protections for the lower classes gave them in some respects the status of slaves, so that freeborn Romans became subject to the humiliation of death in the arena. The later Empire also broadened the scope of capital offenses. A criminal offense could be construed so that even a member of the elite like Perpetua was subjected to the degrading punishments once reserved for slaves. And the persecution of Christians increased. The need for bodies to display and slaughter did not necessarily *cause* the persecution of Christians and the criminalization of the lower classes, but one *effect* of these measures was to increase domestic sources of human bodies for spectacles at a time of diminishing foreign supply.

Changes in the society and culture of the Roman Empire were not only external. Amphitheaters were able to accommodate huge audiences. Their spread throughout the Roman Empire created a common experience for its inhabitants—but also meant shared insecurity. The blurring of the boundary between slave and free must have led many spectators at a *damnatio* to realize that in a time of increasingly oppressive imperial legislation, they too could die in the arena.

I have tried to show how the trajectory of the “naked prostitutes” from the festival of the Floralia to the later spectacles exacerbated the sexual humiliation of female slaves and of women treated as slaves. By the final centuries of the Roman Empire, the blurring of the boundary between slave and free in the public display of female sexuality in the amphitheater collapsed the distinction between harlot and honorable free woman. In Apuleius’s writing, all women possessed a criminal sexuality. Considered alongside the real historical life of Perpetua and what we know of early Christian women’s attraction to sexual asceticism, Apuleius’s account of the sexual excesses of the baker’s wife seems a bizarre caricature. But imagine Apuleius sitting in the amphitheater of Carthage with about 30,000 other spectators and watching a *damnatio* in which a naked Christian woman perished. Seeing the sexual degradation of a woman belonging to a religion Apuleius despised could have contributed to his creation of the wicked baker’s wife.

Along with pagans like Apuleius, Christians were among the spectators in the amphitheater, and what they saw shaped their faith. Tertullian’s *On Spectacles* was addressed to Christians who saw no conflict between their faith and enjoyment of the public sex shows and the human blood sports of the arena. Today’s reader may find his condemnation of all drama and athletic contests downright puritanical, but Tertullian should at least be credited for the insight that seeing people being killed for fun and naked women humiliated in public was wearing on the soul of the spectator. That was a decidedly minority opinion in antiquity.

The ancient Christian moral imagination was formed during a time when the technology of the amphitheater turned death and sexuality into a grand public exhibition. Christians, condemned to play a role in that spectacle, used the act of martyrdom to rework the meaning of death and sexuality

and the connection between them. As members of the body of Christ and citizens of heaven, their physical bodies were transformed into unearthly ones that could not be shamed or destroyed in the arena. In this act of transcendence, the early Christians left behind that which was vulnerable to the tortures and sexual humiliation of the arena—ordinary human physicality and sexuality.

At the same time, however, ancient Christian writings that extol asceticism present the sexual humiliation of women in the arena as part of the ordinary, problematic nature of sexuality, rather than as a distortion of it.

A work called the *Acts of Paul and Thecla* shows its author as a fierce proponent of sexual renunciation for Christians but a proto-feminist in affirming women's ability to make their own choices and display leadership. In this fictional work, Christianity is “the word of virginity,” which women embrace



**Figure 9.1** *Saint Thecla with Wild Beasts and Angels.*

Thecla in the amphitheater, protected from the lion by the lioness and surrounded by angels, Roman Egypt, fifth century CE.

*Source:* The Nelson-Atkins Museum of Fine Art, Kansas City, Missouri. Purchase: William Rockhill NelsonTrust, 48–10. Photograph by Jason Miller.

despite sexual coercion by men. Thecla, the hero, constantly finds herself in sexual danger but with divine aid and the help of other women overcomes every threat to her virginity. As a direct result of her resistance to male sexual coercion, she ends up in the amphitheater twice! The second time she is condemned for fighting off the sexual advances of an elite man who may have mistaken her for a slave and thus saw her as sexually available.<sup>30</sup> The text alludes to the sexual violation that frequently befell condemned women in prison when Thecla requests that she remain “pure” until she has to face the beasts, and a wealthy woman takes custody of her. Both times, Thecla is cast into the arena naked, but at the climax of the story, the Christian virgin is not allowed to endure a public display of her sexuality. Thrown into the arena, she is saved by a miracle that surrounds her with a cloud of fire that keeps beasts at bay and hides her nudity.<sup>31</sup>

The *Acts of Paul and Thecla*, dating from the middle of the second century CE, drew their audience (and possibly their author) from among circles of Christian women who followed or were attracted to an ascetic way of life. Because both sexes attended the amphitheater, these women would have seen its violence and sexual humiliation of women. The point of theatrical executions was to make free women feel disgust and distance themselves from the female criminals through honorable and pious behavior. Yet some women would have understood the brutal treatment of women in the amphitheater as part of the general male sexual coercion of women in society. The *Acts of Paul and Thecla* actually portray solidarity between the condemned Christian woman and the women spectators; they vehemently protest Thecla’s sentencing and even try to hinder her execution.

The moral imagination of early Christians was shaped by the amphitheater and its spectacles. Yet the reaction of early Christian women may not have matched our modern view that such treatment of *any* woman is inhumane. Free Christian women shared their culture’s perceptions of honor and shame and their link to the distinction between slave and free. Most likely, free Christian women redefined the virtuous woman as she who was able to resist male sexual coercion. The fictional Thecla is presented as a counterweight to the view that even highborn women were given to sexual vice. Thecla is not conventionally chaste, but neither is she the unfaithful wife; her redefined and Christian sense of female virtue leads her to reject all sexual activity, even within marriage. The amphitheater scenes in the *Acts of Paul and Thecla* show how the spectacles of the arena contributed to many women’s alienation from their sexuality in a society where all women were subjected to male sexual coercion.

The triumph of Christianity in the fourth century did not put an end to the sex shows and spectacles. The gladiatorial combats continued and naked prostitutes were still on display. In the reign of Constantine, the Christian writer Lactantius complained about the stripteases of the Floralia.<sup>32</sup> Later in the fourth century, John Chrysostom reproached the men in his Christian congregation in Antioch for watching the aquatic displays of “naked prostitutes.”<sup>33</sup> Christianity’s rise to power also did not mean the end of slavery or the sexual exploitation of slaves. In the late fourth century, the Roman Empire was failing, and Christians were not interested in reforming its social order.



The somber, introspective mood of the last decades of the Roman Empire found its most powerful expression in the life and work of Augustine, the Christian thinker who exerts the greatest influence on the theology and ethics of later Western Christianity. Augustine came from the same region and social background as Apuleius (the elite of Roman North Africa), and for the first thirty years of his life, he seems to have had similar interests and aspirations. But then he converted to Christianity and, although the Catholic Church did not demand this, he gave up a successful career and the prospect of a socially advantageous marriage. For him, such sacrifice was the necessary consequence of a serious commitment to Christianity. He was not alone among the educated male elite in making these choices. It was a given for Augustine that the “earthly city,” as he referred to the late Roman society he knew, was founded on violence. The appropriate response of a Christian was to renounce it.

Augustine was keenly aware of the violence permeating his society—and of the amphitheater as a site of this violence.<sup>34</sup> In his spiritual autobiography, *Confessions*, he described and reflected upon everyday life. It includes an account of Augustine’s mother’s married life and the household in which he grew up. Augustine notes approvingly that slave girls were whipped for spreading what he considered malicious gossip about his mother, Monica, to her mother-in-law. What may shock a modern reader most, however, is Augustine’s acceptance of free and elite husbands’ severe physical abuse of their wives:

Indeed many wives married to gentler husbands bore the marks of blows and suffered disfigurement to their faces. In conversation together they used to complain about their husbands’ behavior. Monica, speaking as if in jest but offering serious advice, used to blame their tongues. She would say that since the day when they heard the so-called marriage contract read out to them, they should reckon them to be legally binding documents by which they had become slaves. She thought they should remember their condition and not proudly withstand their masters.<sup>35</sup>

Slavery here is a metaphor for marriage, and it is accurate in certain ways. Augustine readily accepted the right of the male head of household to punish his wife as well as his slaves. Augustine praises Monica for her forbearance in never quarreling with her husband over his sexual infidelities. Augustine provides no details about his father’s sexual partners, but his slaves would have been sexually available to him. Augustine does not approve of his father’s behavior, but the household and the relationships within it belong to the earthly city of violence and unchastity.

Augustine’s attitudes to sexuality, like those of his contemporaries, Christian or not, were molded by the experience of everyday life. The long historical entanglement of sexuality with slavery and violence was not easy to overcome. For Augustine and other ancient Christians, the renunciation of sexuality along with a more general withdrawal from social institutions seemed the only way to live a spiritual life. The ancient Christians were never able to break free from views forged in part by the intersection of gender, slavery, and technology in the spectacles of the amphitheater.

The German philosopher Nietzsche wrote that Christianity in the ancient world gave the god of love, Eros, poison to drink. I would argue, it is more accurate to say that Christianity reacted against the poisoned erotic imagination that it encountered. Sexual pleasure, ancient Christians came to believe, corrupted the soul. This is not an entirely unreasonable view given the sexual desires surrounding slave bodies generally and the tortured bodies of the arena in particular. The ancient Christians left the West with a legacy of sex-negative and body-negative attitudes that we today have not overcome. This inherited suspicion of sexual pleasure reflects the standpoint of the free Christian male spectator who has come to abhor the sexual enjoyment that he once found in the amphitheater. Unfortunately, this suspicion of sexuality does not promote empathy with the slave or the victim on the arena floor. Today, some Christians still show greater concern for the harms done to the soul of the person who gives in to sexual desires than for the harms done to the body and soul of the person victimized by another's sexual desire.<sup>36</sup>

In the last half century, feminist theology has helped to create a more liberal version of Christianity and has shifted the focus of ethical concern away from those who have played dominant social and sexual roles toward those who have been disadvantaged and abused. Feminist theologians want to build positive views of sexuality and affirm sexual pleasure but without trivializing or ignoring sexual exploitation and coercion. This is a formidable task because social inequality tends to play into erotic fantasies of domination and control. One example is the global sex trafficking of women. It approximates a contemporary form of slavery in bringing poor and foreign women into a country for exploitation by those who have sex with them and those who profit from their abuse and humiliation. Just as the free male citizen in the ancient amphitheater could enjoy the sexual spectacles and tortures on the arena floor, while never wanting his wife or daughters subjected to them, so the modern consumer of the services of trafficked women engages in forms of sex that he thinks too degrading, physically painful, or dangerous to ask of his wife or girlfriend. It is much easier psychologically for men to sexually abuse women when their sexual inequality is reinforced by social and cultural differences.

Although nearly everyone would condemn the exploitation of sex trafficking, fewer perceive the subtler ways in which the legacy of slavery contributes to the social inequality and cultural contempt that shape our beliefs about sexuality. The history of ancient slavery and the Roman amphitheater shows how toleration of everyday cruelties desensitizes humans to extraordinary violence and abuse of other humans. Ancient society decided that slaves were without honor and thus morally worthless, and it decreed that criminals could be sexually exploited to the most extreme degree. Torture and degradation in the amphitheater was the result. Ancient Christians never repudiated Roman decisions about honor and worthiness in spite of their experience with martyrdom. Christianity therefore lacked any tradition it could use to challenge the stereotype of the slave as sexually deviant, an image that emerged in later slaveholding societies such as America before the Civil War. Unlike in the ancient world, slaves in the New World were color-coded. So even after the abolition of slavery in the United States, the taint of a criminal sexuality was passed on to the

descendants of slaves. Obvious examples of the persistence of such stereotypes today are racist assumptions that black men are more likely to be rapists and black women prostitutes.

## The Legacies of Slavery and a Critique of Human Suffering

The United States has moved from being a slave society to a prison society, from a color-coded system of slavery to the disproportionate criminalization and incarceration of persons of color, especially African Americans. In terms of numbers incarcerated, the length of their imprisonment, and the conditions of prisoners, the United States has a larger and more brutal prison system than any other Western country. The sexual abuse of prisoners is part of an ideology of punishment that strips inmates of all rights and sees them as disposable beings who deserve to suffer. The United States also has the peculiar legal status of the felon, which stigmatizes a person and removes their civil rights beyond their incarceration, in some states even permanently. It resembles the Roman legal status of *infamia* that designated ways in which people who were not slaves could be treated as such.

Many of those who work to support prisoners or advocate their rights are Christians or other religious believers. These advocates deny society the right to strip persons of their basic requirements for human flourishing as a form of punishment for having been judged to have committed wrongdoing. Such believers hold that placing some people beyond the scope of compassion diminishes our moral vision. Yet this remains a minority view in the churches despite the centrality of compassion and forgiveness to the gospel message of Jesus. Christianity in many quarters still lacks a basic sensibility that there is something wrong about making any human being suffer for any reason. The legacy of slavery has hampered such a fundamental critique of human suffering because in traditional Christian societies, the imposition of suffering on some people under slavery was accepted as inevitable or even deserved. In a slave or post-slavery society, what a person is and what a person does coalesce into rigid notions of social identity. "People like that," we say (especially of African Americans), "behave like that and therefore deserve to be treated badly." Such social expectations tend not only to be self-fulfilling; they also justify socially imposed suffering without ever placing the coercion and violence of the social order under moral scrutiny.

The martyrdom of Perpetua and Felicitas was a moment in ancient Christianity when the solidarity of slave and free undid the ideological work of the arena and confounded the opposition of slave and free, shame and honor. But an ancient Christian critique of slavery that could sustain and expand this moment did not exist, and this moment did not lead to a critique capable of transforming a society. Therefore, contemporary attempts to question and perhaps challenge assumptions that sanction human suffering require understanding how we can enlarge our moral imagination. The ancient moral imagination was limited because it saw slavery and so much of the social arrangements of its world as inevitable and unchangeable. Modern experience has shown that new values can transform society.

Nobody can step outside of their everyday experience and the moral assumptions that go with it. Moral change comes with social change—when the conditions of everyday life change so radically that we find the old moral assumptions inadequate to make sense of our world. Social change opens up opportunities for us to train our moral sensibilities to be more sensitive to the suffering of others and to devise new daily practices that allow us to recognize injustice and cruelty.

I am not making the argument that we can excuse Christians in the past for their acceptance of slavery and their tolerance of the violence and sexual abuse it entailed because they could only live up to the standards of their times. Slavery may have been morally wrong in all times and places, but the recognition of its moral evil may only be possible at a historical point when social change reveals it. It is therefore pointless to castigate ancient Christians, not because they could not have done better, but because we cannot change the material limitations of the past. In the modern world, Christians have been able to go beyond exhorting slave owners to kindness and chastity and demand the abolition of the institution of slavery itself. What social change enabled Christians to rethink and revise their everyday practices and moral assumptions? The technology that enabled the industrial revolution played a role in fuelling social change, but technological innovation in itself is morally ambiguous. In the case of the Roman amphitheater, it intensified human exploitation and degradation. Even in modernity, technology was an ambivalent motor of moral progress. In the nineteenth century, the conditions of the early industrial factory were often compared to those of slavery. Modern technology disrupted the social order, but this did not automatically lead to social reforms. A society in flux makes it possible for its members to subject social practices like slavery to ethical critique, but they still need to choose new ethical commitments that direct technology to replace inhumane conditions of labor, including slavery.

The new moral values and social attitudes that abolished slavery are relevant to overcoming slavery's legacy today. First, the social pessimism of an Augustine does not help. Unless one believes that a better society makes for better human beings, there is no motivation to break down oppressive social hierarchies. Second, modern religious communities had access to a discourse of human equality and rights that had become the framework for modern secular society. We are so used to the mainstream faith communities identifying human dignity and human rights as core *religious* values that we forget that these were adopted from a secular society (sometimes with much resistance in more conservative Christianity). Admittedly, as faith communities today are eager to point out, modern Western conceptions of human equality and rights do have roots in religious ideas and practices. Yet, it is in modern secular society that the discourse of human equality and rights was developed and led to tangible achievements in everyday life for millions of people.

Early Christian remembrance of the martyrdom of Perpetua and Felicitas countered the imperial ideology of the amphitheater but did not have an available discourse of human equality and rights to put in its place. Religious conservatives may denounce "secular values," but it is participation in secular society that makes believers and non-believers attentive to the conditions of daily life, which in turn shape human values. Modern secular values thus discourage

Augustine's spiritual escape from a corrupt, oppressive, and violent society. Human dignity and equality as secular values cannot find fulfillment in the dispositions of the soul; they require implementation in the ordinary, everyday life of society and its political framework—in labor laws, health and safety regulations, and in the political enfranchisement of all adult citizens in a democratic government. Modern Western secular society transformed Christianity. Instead of Augustine's stark opposition between the violent earthly city and the peaceful city of God, modern Christians, engaged in secular communities, have sought to build the city of God in the earthly city.

Ironically, the *defenders* of slavery in the modern world were right. Its abolition was a moral slippery slope. If one could do away with one of the relationships of social hierarchy that biblical writers saw as an inevitable strand in the social fabric, then none of the other strands of hierarchy and control was safe. Wives could then stop obeying their husbands and even challenge the general subordination of women to men. When gender roles were questioned, the conventions and regulations of sexuality were opened to scrutiny. The opponents of the Equal Rights Amendment in the United States were right in suspecting that women's rights would strengthen the demand for gay rights. Even without passage of the ERA, there has been a vast change in sexual norms in a relatively short time: domestic violence has been criminalized and gay sex decriminalized. Yet this moral shift has not been arbitrary or unprincipled; it has been directed toward an expansion of human rights, human equality, and human dignity.

In a technology-driven information society and global economy, rapid change is the one inevitable fact. We need to be alert to how our everyday lives are being reshaped and how our responses to the suffering of others are being formed—especially in the media that inform and entertain us. If we fail to do this, then the progressive modern agenda of human rights and equality will be lost. Our sexual as well as our religious lives are at stake in what we demand and work for in our social future. Long ago, two young mothers were separated from their children, imprisoned, and finally executed in an amphitheater. Their blood still cries out—not for vengeance, as Tertullian believed—but for compassion, because this is the primary virtue to be realized in the sexual, and in every other, aspect of our lives.

## Notes

1. Compare the view of the Stoic philosopher Musonius Rufus in *Fragments* 12.221–222.
2. Aristotle, *Politics* 1253b.
3. Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1982) 5–10, 38–41.
4. Tertullian, *On Spectacles* (*De spectaculis*) 12.2.
5. Another fundamental characteristic of slavery, as elaborated by Orlando Patterson, is that the slave is defined as a person without honor. Patterson, *Slavery and Social Death*, 77–101.
6. Ovid, *Fasti* 4.946. For the association with prostitutes, see *Fasti* 5.349–352. Juvenal, in the second half of the first century CE, mocks women gladiators (or women amateurs playing the role of gladiators) who are participating in the Floralia; Juvenal, *Satires* 6.247–250.

7. Valerius Maximus, *Memorable Deeds and Sayings* 2.10.8. Valerius Maximus and later Seneca (*Epistles* 97.8) claim that Cato put a temporary halt to the prostitutes' striptease in the middle of the first century BCE. Seneca describes the women as harlots (*meretrices*).
8. Tertullian, *On Spectacles (De spectaculis)* 17.3–4.
9. Discussions of the technical and architectural as well as social and ideological aspects of the amphitheater can be found in D. L. Bomgardner, *The Story of the Roman Amphitheatre* (New York: Routledge, 2000); Alison Futrell, *The Roman Games: A Sourcebook*, Blackwell Sourcebooks in Ancient History (Oxford: Blackwell, 2006); Futrell, *Blood in the Arena: The Spectacle of Roman Power* (Austin: University of Texas Press, 1997); and Donald G. Kyle, *Spectacles of Death in Ancient Rome* (New York: Routledge, 1998).
10. My discussion of Roman spectacle is informed by K. M. Coleman, "Fatal Charades: Roman Executions Staged as Mythological Enactments," *Journal of Roman Studies* 80 (1990) 44–73; and Coleman, "Launching Into History: Aquatic Displays in the Early Empire," *Journal of Roman Studies* 83 (1993) 48–74.
11. "The sophisticated stage properties and mechanisms of the amphitheatre... would have enhanced the semblance of realism and stimulated greater efforts to emulate it. Limits of propriety were observed on the dramatic stage; but in the *damnationes* performed in the amphitheatre, dramatic scenes that had hitherto been acted out in the theatre as mere make-believe could now be created and played out for real." Coleman, "Fatal Charades," 68.
12. "Whatever legend tells, the arena materializes for you [Caesar]." Martial, *On the Spectacles (De spectaculis)* (6) 5. See Coleman, "Fatal Charades," 63f.
13. Coleman, "Fatal Charades," 64.
14. Apuleius, *Metamorphoses* 10.18.
15. Apuleius, *Metamorphoses* 10.21–22.
16. Apuleius, *Metamorphoses* 10.23.
17. Apuleius, *Metamorphoses* 10.29. The translation of the *Metamorphoses* is taken from Apuleius, *The Golden Ass*, trans. P. G. Walsh (New York: Oxford University Press, 1994) 211.
18. Apuleius, *Metamorphoses* 9.14.
19. *First Letter of Clement* 6.2.
20. For a provocative study of the Christian resignification of suffering, see Judith Perkins, *The Suffering Self: Pain and Narrative Representation in the Early Christian Era* (New York: Routledge, 1995) 104–123.
21. For an excellent study of Perpetua and her historical context, see Joyce E. Salisbury, *Perpetua's Passion: The Death and Memory of a Young Roman Woman* (New York: Routledge, 1997). See also Elizabeth A. Castelli, *Martyrdom and Memory: Early Christian Culture Making*, Gender, Theory, and Religion Series (New York: Columbia University Press, 2004) 69–133.
22. "[W]ell-born and liberally educated." *Passion of Saints Perpetua and Felicitas* 2.1.
23. *Passion of Saints Perpetua and Felicitas* 10.7. Translation from Herbert Musurillo, *The Acts of the Christian Martyrs: Introduction, Texts and Translations* (Oxford: Clarendon, 1972) 119.
24. *Passion of Saints Perpetua and Felicitas* 10.7. Gladiators, who suffered social contempt as well as enjoying public adulation, often tried to redefine themselves as athletes, a much more highly esteemed identity. This practice, attested in the surviving commemorations of gladiators in the Greek East, has been suggested as a source for the imagery of Christian martyrdom as athletic contest. See David S. Potter, "Entertainers in the Roman Empire," in *Life, Death, and Entertainment in the Roman Empire*, ed. Potter and D. J. Mattingly (Ann Arbor: University of Michigan Press, 1999) 323.
25. *Passion of Saints Perpetua and Felicitas* 20.8–9.
26. *Passion of Saints Perpetua and Felicitas* 20.6.
27. *Passion of Saints Perpetua and Felicitas* 20.6; see Musurillo, *Christian Martyrs*, 129.

28. Tertullian, *On Spectacles (De spectaculis)* 30.2.
29. Tertullian, *On Spectacles (De spectaculis)* 30.3.
30. For this interpretation, see Jennifer A. Glancy, *Slavery in Early Christianity* (New York: Oxford University Press, 2002) 14.
31. *Acts of Paul and Thecla*, 29 and 34.
32. Lactantius, *Divine Institutes* 1.20.10.
33. John Chrysostom, *Homily on Matthew 7*.
34. Augustine's friend and later fellow convert to Christianity, Alypius, is dragged unwillingly by other students in Rome to a gladiator show. Despite his initial resistance, Alypius is eventually drawn into the shared experience of the spectators. "As soon as he saw the blood, he at once drank in savagery and did not turn away. His eyes were riveted. He imbibed madness. Without any awareness of what was happening to him, he found delight in the murderous contest and was inebriated by bloodthirsty pleasure. He was not now the person who had come in, but just one of the crowd which he had joined, and a true member of the group which had brought him . . . he took the madness home with him so that it urged him to return not only with those by whom he had originally been drawn there, but even more than them, taking others with him." Augustine, *Confessions* 6.8.13; see *Confessions*, ed. and trans. Henry Chadwick (Oxford: Oxford University Press, 1991) 101.
35. Augustine, *Confessions* 9.9.19; see Chadwick, ed., *Confessions*, 168f.
36. This attitude has contributed greatly to the problem of child sexual abuse getting so out of hand in the Roman Catholic Church because it was seen as a breach of the priest's obligation to chastity rather than as a crime against the child.

v

## Why Sexual Ethics Needs History



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## “As If She Were His Wife”: Slavery and Sexual Ethics in Late Medieval Spain

Debra Blumenthal

In 1476, a Russian slave woman named Rosa appeared before a royal court in the city of Valencia and demanded her freedom. Describing how she and her late master had slept together in the same bed and “ate together at one table,” Rosa’s legal representative contended that her master had treated her more “like his concubine” (*com si fos una concubina sua*) than his slave. Indeed, he emphasized, she had given birth to two of his children: a daughter named Lucrecia and a son named Julia. For these reasons, he insisted, she was legally entitled to be awarded “freed” status. Rosa claimed her freedom under the kingdom of Valencia’s legal code, the *Furs de València*, which said: “Any Christian man who lies with his female slave and has a son or daughter by her, that son or daughter should immediately be baptized and both the mother and the son (or daughter) shall be free.”<sup>1</sup> Countering contemporary prejudices that slave women were sexually promiscuous, Rosa appeared before royal officials and publicly declared herself to be her master’s faithful companion and the mother of his children. In the process, she exposed the underlying tensions between slavery’s practical reality, namely the absolute authority masters had over their slave women, and the demands of Christian ethics, that is, how a “good Christian” *ought* to treat the mother of his children.

More than twenty-five years previously, Arnau Castello, a notary working in the royal chancery, had purchased Rosa in the port of Naples. At that time, Arnau was a young bachelor making his fortune in this newly conquered corner of the Aragonese empire and Rosa was “a pretty, young, white slave woman between eighteen and twenty years in age.” Because Arnau already owned a slave woman “who served him” (that is, cooked and cleaned for him, as well as performing other menial, “domestic” chores), Rosa’s legal representative said she had been accorded a distinct and loftier position in her master’s household. In the four years they lived together in Naples, their relationship was more akin to that of lovers than master and slave. In Naples, Rosa gave birth to their first child, Lucrecia, and though Lucrecia died in infancy, in the course of her brief life Arnau allegedly had embraced her as his daughter. When Arnau moved back to Valencia to get married and set up a new household, he took Rosa with him, a choice that Rosa’s legal representative said reflected their special bond. Indeed, Rosa’s advocate stressed, even after Arnau

married, he would continue to lie carnally with Rosa, “just as he had done so before.” Thus, when Rosa gave birth to their second child, a “very handsome and noble-looking” boy named Julia, Arnau again celebrated the event like any proud father: coordinating the infant’s baptism and inviting his closest friends to be the child’s godparents (*compares*). Although this child too died within his first year, Julia’s death was not due to paternal neglect. Arnau reportedly had hired a wet nurse and willingly shouldered all of the expenses for his son. Noting that all of these things were public knowledge and evident to anyone in their community, Rosa’s advocate affirmed that they established her privileged status as her master’s lover and the mother of his children, a position that automatically entitled her to freedom.<sup>2</sup>

As the essays in this collection amply demonstrate, sexual exploitation often was a distinguishing feature of the enslaved woman’s experience. What is perhaps most notable about the dynamics of master-slave relations in late medieval Spain, however, was that an increasingly vocal group of Christian slave owners in the Mediterranean port of Valencia claimed that *they* were the ones being victimized. Expressing alarm at both their slave women’s powers of seduction and their legal savvy, masters and their heirs portrayed slave women as calculating temptresses who used their sexuality as a weapon. They protested that their slave women were manufacturing false and frivolous paternity claims in an effort not only to secure their liberation but also to slander their masters’ reputations.

Analysis of fifteenth-century court records reveals that slave women like Rosa could and did file lawsuits demanding their liberty on a variety of different grounds. Not infrequently, they demanded their liberation on the grounds that they had given birth to their master’s child. By recasting their masters’ sexual domination of them as a relationship of affection, by embracing the role of mother of their masters’ children, slave women like Rosa could secure their freedom.

This article explores the interface between slavery and sexuality in late medieval Spain and how Christian ethics affected the practice of slavery and the dynamics of master-slave relationships. I examine a series of lawsuits (*demandes de libertat*) filed by enslaved women in late medieval Valencia in which they demanded their emancipation on the grounds of having given birth to their master’s child. After describing the context in which this law was written, I demonstrate how it functioned actually to buttress slavery’s legitimacy as a “Christian” institution.<sup>3</sup>

In responding to these suits, Christian slave owners in late medieval Spain (like slave owners at other times and places) claimed that they were appalled by their slave women’s licentiousness. In their testimony, they related shocking incidents demonstrating their slave women’s powers of seduction and prodigious sexual appetites, and they (like slave owners at other times and places) bemoaned the tenuous control they had over their slave women’s shameless behavior. Yet what slave owners in fifteenth-century Valencia were most *particularly* scandalized by was their slave women’s litigiousness. Expressing outrage that these “lewd and lascivious” slave women were questioning *their own* moral character—accusing them of engaging in adulterous and extramarital affairs and implying that they were the type of man who would deny his own

children—slave owners condemned the royal courts for enabling slave women like Rosa to slander them.

In my archival research, I have encountered close to one hundred *demandes de libertat* filed by enslaved men and women before the Valencian court of the governor between 1425 and 1520. About a third of them, thirty-three of ninety-four, concerned either slave women who claimed that they had given birth to their master's child or the children of slave women who claimed that their biological fathers had been free persons.<sup>4</sup> In the kingdom of Valencia, if a child's biological father was free, the child likewise was to be considered legally free.<sup>5</sup> So successful were these slave women in filing what were in essence paternity suits demanding their freedom, that contemporaries became noticeably alarmed. Slave owners lobbied for the enactment of a royal decree, issued in 1488, barring slave women from receiving a court hearing if their master, the purported biological father, swore that the child was not his.<sup>6</sup>

Although this lawsuit filed by Rosa against her master stands as further evidence of the sexual exploitation of enslaved women across eras, cultures, and countries, her protests echoed misgivings and convictions that her intended audience (including slave owners) would have shared. Rosa's contemporaries saw a real tension between a master's absolute authority over his slave women, including the right to have sex with them, and legal and customary dictates concerning the way an "honorable" Christian master ought to treat his slave women. Although Rosa's demand for recognition of her rights as the mother of her master's child was enunciated more than five centuries ago, it highlights the enduring character of the problem we address today. Masters, mistresses, and slaves in fifteenth-century Valencia already recognized the difficulties of reconciling the principles of Christianity with the logic of slavery.

## The Port of Valencia: Between the Mediterranean and the Atlantic

The city of Valencia at this time was a major hub in the Mediterranean slave trade. As early as the fourteenth century, Greek, Russian, Tartar, and Circassian slaves acquired in the Black Sea clearinghouses of Tana and Caffa and then shipped westward through eastern-Mediterranean ports were being sold in the city. These predominantly Orthodox Christian or pagan slaves were displayed alongside Muslim captives seized by Christians battling Muslim forces in southern Spain and North Africa. Toward the latter half of the fifteenth century, with the conquest of the Canary Islands and the beginning of Portuguese exploration of the coast of West Africa, the slave population became even more diverse, as the entrance of enslaved Canary Islanders and Black Africans into the marketplace signaled a shift from a Mediterranean- to an Atlantic-centered slave trade. Given this diversity in origins, slave status was not a "black"/"white" distinction in the late medieval Mediterranean world. Slave status was not limited to one particular ethnic and/or religious group. In fact, white European Christians were equally vulnerable to the depredations of pirates. Thousands languished in the captivity of Muslim masters in the Nasrid Sultanate of Granada and in ports such as Bougie, Tlemcen and Oran dotting

the North African coastline.<sup>7</sup> In the late medieval Mediterranean world, “captives of good war” (the term for legitimately acquired slaves) included civilians as well as pirates, children as well as adults, Christians as well as Muslims and Jews, “whites” as well as “blacks,” and women as well as men.

## Masters and Slaves: The Responsibilities and Perquisites of Male Heads of Households

Slavery in the late medieval Mediterranean world was predominantly domestic and artisanal in character. Slaves lived in their masters’ and mistresses’ households and worked alongside free persons, performing many of the same tasks as servants and apprentices. The boundary between slave and free, in consequence, was oftentime distressingly fuzzy, a problem compounded when masters formed sexual liaisons with their slave women. It was likely in an effort to preserve the distinction between slaves and free persons that laws were adopted to regulate the status of children born of slave-free unions. It is these laws that provide the context for enslaved women’s lawsuits demanding freedom, claims that offer us a window into the dynamics of the master-slave relationship.

Admittedly, the language used in these claims, counterclaims, and witness depositions was formulaic. The court-appointed legal advocates for the enslaved women worked from a well-worn script. But the formulas themselves, I would argue, are significant. They reveal what society expected of the master-slave relationship, what contemporaries regarded as proper “Christian” conduct for both slaves and masters.

Contemporaries readily acknowledged that masters had absolute authority over their slave women, including the right to have sex with them. At the same time, however, their testimony in these lawsuits indicates that there were clear expectations about how an “honorable” or “good Christian” master treated his slave women. Plaintiffs and defendants in these freedom lawsuits frequently affirmed the responsibility of masters, as heads of household or *paters familias*, to nurture and protect all of their dependents, including their slave women. They understood this obligation to include guarding these women’s chastity by protecting them from sexual predators. For some masters, particularly those who were married, this obligation extended to renouncing “the master’s prerogative” to sexually exploit his slave woman’s body. To cite a couple of examples that illustrate these expectations, a slave woman charged with “whorish” behavior protested that it was impossible for her to have behaved in the manner charged because her master was a “good Christian” who kept all his slave women “very well guarded.”<sup>8</sup> Another man, charged with impregnating his former slave woman, protested that he was a good Christian master. Therefore, he insisted, “he was not accustomed to treat his slave women in that manner.”<sup>9</sup>

This concern with protecting a slave woman’s chastity, of course, was almost entirely self-interested. A man of honor, first and foremost, protected the members of his household. A sexual assault on a member of his household, even a slave woman, was viewed as an attack on the honor of her master. Slave owners often sued individuals for impregnating their slave women; such crimes

were generally regarded as a form of theft. A master's dependents were also expected to respect and preserve their master's honor by not violating his slave women's chastity. For example, upon learning that his squire had impregnated his slave woman, a Valencian nobleman chased the offender out of his household, brandishing a knife.<sup>10</sup>

A master's honor, moreover, was also tightly bound to the behavior and "honor"—read "chastity"—of his female dependents. A slave woman's "misbehavior" reflected poorly on her master. It was for this reason that masters expressed a considerable amount of anxiety, bordering on paranoia, about the sexual appetites of their slave women. Society expected an "honorable" Christian head of household to retain control over the behavior of *all* of his dependents, especially his slave women.

The "ideal" Christian master, then, did *not* have sexual relations with his slave women. He did so only in the event of an "emergency," that is, when his wife was away visiting relatives, or for sound "medical" reasons, such as for the relief of kidney stones.<sup>11</sup> Nevertheless, engaging in sexual intercourse with one's slave woman was not in and of itself subject to censure. It was a common, accepted practice, particularly when the master was a bachelor. Arnau Castello, whom the Russian slave woman Rosa named as the father of her child, for example, had (at the time of her child's conception) not yet been married. Still, the practice remained highly problematic because it blurred the distinction between slave and free, insider and outsider. When a master impregnated his slave woman, a property relationship was definitively transformed into a kin relationship. Pregnancy and motherhood, for this reason, could have profound repercussions for a slave woman's legal status.<sup>12</sup> Was the slave woman in question a piece of movable property or a family member?

Indeed, contemporaries of all socioeconomic backgrounds in fifteenth-century Valencia were well aware of this problem and the fact that bearing their masters' children offered slave women a path to freedom. When (ca. 1456) a Russian slave woman named Anna informed her master, the Valencian nobleman Marti de Vaguena, that she was carrying his child, he reportedly congratulated her, saying, "Take good care of the fetus, because through it you will have good fortune."<sup>13</sup>

## Demandes de Libertat: Protests from "Chaste" and "Devoted" Slave Women

Although masters and mistresses presented slave women as unable to even aspire to Christian ideals of chastity or motherhood, slave women, in their *demandes de libertat*, advanced the exact opposite contention. In their lawsuits, they presented themselves either as paragons of sexual virtue who had been cruelly violated, or as their masters' faithful and devoted concubines.

Rather than hold their masters' sexual exploitation of them up for censure, some slave women noted how their masters' attention had earned them special treatment. They recounted, often in great detail, how their masters recognized and occasionally even fulfilled their obligations to them as both concubines and the mothers of their children. Hence, in her *demanda de libertat*, a slave

woman named Ysabel emphasized how well her master had treated her during her pregnancy, “like a woman who was carrying his child.” Witnesses on Ysabel’s behalf recounted how her master, a baker, exhorted her not to over-exert herself, gave her the choicest treats from his bakery, and had her sleep in his chamber every night.<sup>14</sup> Arguing that these and other actions, such as coordinating their infant’s baptism, constituted a master’s implicit acknowledgment of paternity, slave women portrayed themselves as bound to their masters by ties of affinity.

In the deposition filed on the aforementioned Anna’s behalf by her court-appointed attorney, we see this argument taken one step further: Anna’s relationship with her master was likened to a marriage.<sup>15</sup> The third “contention” (*capitol*) of her complaint read:

Likewise it is said and submitted that the said Marti de Vaguena has lain carnally with the said Anna, his former slave woman, and lay with her every night in one bed as if she was his wife (*com si fos sa muller*) and he impregnated her with said daughter and thus he has said and confessed this in the presence of said slave woman as well as other persons worthy of faith.<sup>16</sup>

Anna’s claim that she had been treated “as if she was his wife” might very well have been exaggerated. Even if true, her experiences might have been unusual. Nevertheless, she and her advocate are not likely to have advanced this argument if such a relationship would not have seemed credible to the court.

Indeed, despite the vehement denials that they voiced in public, masters reportedly did acknowledge these relationships in private. A farmer related how the nobleman Jofré d’Anyo confessed to him that he was the father of his “white” slave woman’s daughter. When the farmer said, “Then Maria is free and her daughter as well,” Jofré responded that although this “certainly” was the case, he could not afford to make such an admission publicly. It would cause his wife “to harbor ill will” toward him and the slave woman, and that had to be avoided at all costs because the slave woman was wet nurse to his wife’s children. Jofré explained, “She is my daughter but, so as not to displease my wife, I would not dare say so.”<sup>17</sup> Although relations between enslaved and free women were not invariably hostile, masters typically described their wives as “jealous” of their slave women and maintained that although they had to honor their responsibilities to their slave-concubines, their wives held an even greater claim over them. When Arnau Castello’s cousin, a widow, rebuked him for failing to award Rosa her freedom, Arnau reportedly replied, “Cousin, how could I do this? I would like to but don’t you know how forceful my wife is? Even though I want to do this I cannot.”<sup>18</sup>

Masters presented themselves as torn. On the one hand, to please their wives and preserve harmony in the household, men felt pressure to repudiate their slave-concubines and deny their natural children. On the other hand, legal and social mores dictated that as the father he had an obligation to acknowledge and take responsibility for the slave mother and child. A man found to have denied his own child and repudiated a concubine would be dishonored in the eyes of the community for failing to honor his responsibilities.<sup>19</sup>

Thus, when a slave woman filed a paternity suit against her master, she was reviled not only for the tensions her claims triggered between herself and her mistress, but also for the stigma that would taint her master as her accusations of neglect echoed through the community. Thus, although Jofré d'Anyo's widow insisted that her husband was secure in the knowledge that he was not the father of his slave woman's child, he so feared the possibility that she might claim otherwise that he "was anxious to kill her."<sup>20</sup>

Masters contended that their slaves filed false paternity suits not only to win their freedom but also to destroy their master's reputation. When a "dark-skinned" slave woman named Johana "the Bearded" filed an unsuccessful demand for liberty, her master chastised her for not trusting him to do the right thing. Outraged that his slave woman was publicly questioning his integrity, he shouted, "Come here evil woman! You have defamed me and are defaming me in many places throughout the city, going around and saying to everyone that you are carrying my child! Don't you think that I have a soul and that I fear God so that if you are pregnant with my child I will make you free?"<sup>21</sup>

Some enslaved female plaintiffs, indeed, went so far as to directly and explicitly question their master's Christian character and, in so doing, assumed a morally superior position to their masters. Successfully deflecting the assaults on her character launched by her master's heirs, an enslaved woman named Ysabel steadfastly asserted that she was entitled to freedom as her master's concubine and the mother of his children. She maintained that her master had not only impregnated her twice but had "deflowered her" (*baguda fadrina*) when she was only eleven years old. When her master's heirs contended that he had been a "good Christian such that if he indeed had been the father of these children, he most certainly would have freed Ysabel," she retorted that his actions, coupled with his failure to acknowledge her status and free her in his will demonstrated that he had been neither a good man nor a good Christian. Indeed, she boldly stated that she imagined that his soul was burning "in the infernal flames" (*en mig dels inferns*)!<sup>22</sup>

Admittedly, these court records do not allow us to know how these enslaved women saw their own sexuality. Although in their lawsuits slave women described themselves as embracing the "Christian" values of their masters, such as chastity, it may be that they were simply deploying the paternalistic rhetoric of their masters for their own ends. Moreover, as Mia Bay points out in her essay in this volume on Sally Hemings, a woman's "choices" under slavery were severely circumscribed. Indeed, another grounds for which an enslaved woman could demand her freedom—and expose her master and/or mistress to public censure for not protecting her chastity—was forcible prostitution. In 1462, an enslaved woman named Caterina contended that her mistress, Ursola Vinader, "used her improperly, prostituting her, holding her for the purposes of illicit gain and to commit the sin of public carnality, making her lie carnally with men and collecting the payments made for this." Claiming that Ursola "made" her have sex with more than 1,000 men, Caterina argued that Ursola "should lose [her claim over] her and she [Caterina] should be made free."<sup>23</sup> Two years later, an enslaved woman named Johana charged this same Ursola with forcing her "against her will" to work as a prostitute. In her *demanda de libertat*,



Johana stressed that her mistress had to continually beat her into submission, particularly when her mistress wanted her to “work” (that is, lie carnally with men) on sacred days like “Holy Friday or the vigils of the Virgin Mary.”<sup>24</sup>

However much masters and mistresses in late medieval Iberia might have attempted to impose a model of sexual behavior based on the paired and reversed identities of “slave” and “free,” slave women and their advocates energetically opposed such stereotyping. In their eyes, the category of “respectable” women could and did include slave women. Slave women appearing before the courts contended that they numbered among the ranks of honorable Christian women and thus deserved certain protections and even a modicum of respect. When slave women went to court to contend that they had given birth to their masters’ children, they were demanding recognition of their special status.

Although these sexual relationships were inherently coercive, in the lawsuits they filed against their masters we can detect compelling reasons for slave women to have sex with their masters: as a strategy to secure better living conditions and perhaps even win their freedom. Though these relationships were by no means consensual, a slave woman’s sexuality and her childbearing potential were two of a limited number of tools at her disposal to improve her lot. Certainly I do not mean to suggest here that a couple of dozen slave women and/or their children fundamentally altered the status quo. The vast majority of slave women remained firmly under the thumb of their masters. Nonetheless, it remains striking that the demands of these few were treated seriously and heard, and that a significant proportion of these enslaved mothers and/or their children (fifteen of thirty-three plaintiffs) actually prevailed in court and won their freedom.

These court cases reveal how masters’ sex rights posed ethical dilemmas and troubled contemporaries even in the late fifteenth century. On the positive side, this discomfort was effectively exploited by a few privileged slave women to secure their liberation. On the negative side, the very fact that slave women had the right to advance their complaints and receive a hearing made it easier for slave owners to preserve their paternalistic pretensions. The imposed silence of the vast majority of slave women who did not secure a hearing, many of whom were probably also sexually exploited, enabled masters to maintain their position as good, God-fearing, Christian masters who struggled to instill strong Christian morals in their lewd and lascivious slave women.

## Concluding Thoughts

The *demandes de libertat* filed by Rosa, Ysabel, Anna, Johana, and others demonstrate the strength of these individual enslaved women, revealing their ability to resist slavery’s power over their lives and those of their children by refusing to accept the masters’ image of them as loose women. They also demonstrate the strength of misgivings in their society about how the principles of Christian ethics fit with the logic of slavery. Fifteenth-century Valencians grappled with issues similar to those addressed throughout this book: the moral dilemmas provoked by the sexual exploitation of slave women. And yet, although individual slave women might have benefited from this soul-searching and these crises of conscience, the institution of slavery remained. Slave women

remained vulnerable to sexual exploitation. Most slave women did not have the means or the social connections to get a hearing. Many of these slave plaintiffs relate harrowing tales of how their masters beat or whipped them to intimidate or physically prevent them from pursuing their claim to freedom. Indeed, Rosa herself was ultimately pressured into withdrawing her claim. Arnau's wife eventually granted Rosa her freedom but presented it as a beneficent act on her own part, not in recognition of Rosa's legitimate claim to freedom as the mother of her master's child.<sup>25</sup>

Although the lawsuits bear testimony to the inherent tension between the Christian value of chastity and Christian support for slavery, they also highlight the power of the Christian male head of household to duck these expectations. Even though his peers may have expected him, as a man of honor, to guard the chastity of the women and girls living in his household, they seem to have forgiven him if he slipped up and had sex with his slave women. *They* were the seductresses, temptresses, and sexual predators. Slavery allowed the double standard to flourish—particularly as long as a master's testimony was valued more than a slave woman's.

These court records also demonstrate how slavery persisted, and even thrived, in late medieval Christian societies. Although the earliest Christians lived under Roman rule, and thus may have been powerless to abolish its system of slavery, for generations after "Christianization," both secular and church authorities continued to sanction slaveholding: the physical, psychological, and sexual exploitation of one group of human beings by another. Indeed, even as Rosa, Ysabel, Anna, and Johana were suing for their freedom, the papacy sanctioned the expansion of the African slave trade, which facilitated the rise of the Atlantic world slave system.<sup>26</sup> Rather than being incidental to Christianity, slavery was an important institution within it for eighteen and one-half centuries.

At the same time, these court records from late medieval Iberia illustrate the particularities of U.S. slavery. As authors in this volume document, many male slaveholders in the United States and some of their descendants claimed sexual rights for themselves while publicly denying that they were exercising them, even though law and society granted virtually no rights to the women or their children. The complete denial of rights—even of identity—of enslaved women in the United States is strikingly different from the recognition—however limited—accorded to enslaved women in late medieval Valencia and, as Kecia Ali shows in this volume, in Islamic law.<sup>27</sup>

## Notes

1. "Tot chrestia qui jaurà ab cativa sua e n'haurà fill o filla, que aquell fill o filla sia tantost batejat e que sien franchs la mare e-l fill o la filla." Germà Colon and Arcadi García, eds., *Furs de València*, vol. 5 (Barcelona: Editorial Barcino, 1990) 110 (Llibre VI. Rúbrica I, XXI).
2. Archivo del Reino de Valencia [hereafter ARV] Gobernación 2343: M. 4: 37r; #2344: M. 12: 9r-10r.
3. Medieval historians have long debated how the spread of Christianity affected the institution of slavery in Western Europe. Although some scholars, such as Marc Bloch, argue that the spread of Christianity contributed to the decline of slavery, more recent work finds the opposite. As George Duby writes, "Christianity did not condemn

slavery; it dealt it barely a glancing blow.” Scholars still, however, often tend to portray the predominantly urban and domestic slavery that persisted in the late medieval Mediterranean world as “a rather benign institution” that promoted the assimilation and integration of ethnically distinct peoples. It has been argued that with cheap domestic labor in high demand after the Black Death wiped out as much as half the population of Europe, enslavement was only temporary. Enslaved women traditionally would convert to the religion of their owners, eventually earn their freedom, and ultimately intermarry with members of the local free population. Moreover, some scholars have argued that Christianity and Islam both helped soften the treatment of enslaved men and women because masters began to see the slaves worshipping next to them as human rather than cattle, and the slaves themselves found in their faith a justification of their desire for freedom. See Marc Bloch, “How and Why Ancient Slavery Came to an End,” in *Slavery and Serfdom in the Middle Ages*, trans. William R. Beer (Berkeley–Los Angeles, CA: University of California Press, 1975) 1–31, especially; Georges Duby, *The Early Growth of the European Economy, Warriors and Peasants from the Seventh to the Twelfth Centuries* (Ithaca, NY: Cornell University Press, 1974) 32; Stephen Bensch, “From Prizes of War to Domestic Merchandise: The Changing Face of Slavery in Catalonia and Aragon, 1000–1300,” *Viator* 25 (1994) 85; Jacques Heers, *Esclaves et domestiques au Moyen Age dans le monde méditerranéen* (Paris: Arthème Fayard, 1981); and Pierre Bonnassie, *From Slavery to Feudalism in Southwestern Europe*, trans. Jean Birrell (Cambridge: Cambridge University Press, 1991) 31f.

4. In addition, I encountered two further cases in which slave women demanded their freedom on the grounds that they had been forcibly prostituted. A more extensive discussion of these two cases appears in the text.
5. “E si jau ab cativa que no sia sua e n’haurà fil o filla que aquel fil o filla sia aytantost batejat e que sia franch de tota servitut.” Germà Colon and Arcadi Garcia, eds., *Furs de València* 5:110 (Llibre VI, Rúbrica I, XXII).
6. “Com sovint s’esdevinga que les catives dels habitants en lo regne de València se jaen carnalment ab los scuders, moços e altres de la casa de lur senyor, e encara ab altres for a de la dita casa, e se emprenyen e après quan pareixen dien que lo part és de lur senyor e que per açò són franques, provehim e ordenam que les dites esclaves, per la dita rahó, no obtinguen o puixen obtenir franquea, si lur senyor jurarà que la criatura no és sua ab jurament, al qual se haja a star e altrament no obtinga libertat.” Germà Colon and Arcadi Garcia, eds., *Furs de València* 5:110 (Llibre VI, Rúbrica I, XXII).
7. See, most recently, Robert C. Davis, *Christian Slaves, Muslim Masters: White Slavery in the Mediterranean, the Barbary Coast, and Italy, 1500–1800* (London: Palgrave Macmillan, 2003).
8. ARV Gobernación 2394: M. 4: 18v; #2395: M. 11: 37r–46r.
9. ARV Gobernación 2314: M. 9: 37r.
10. ARV Gobernación 2398: M. 1: 29v; #2399: M. 23: 35r–43v.
11. ARV Gobernación 2310: M. 3: 31r; ARV Gobernación 2311: M. 12: 1r–17v; M. 17: 1r.
12. Although Valencian law was distinct from other regions of the Crown of Aragon in awarding freedom to enslaved women who gave birth to their master’s child, it had much in common with the laws governing master-slave relations in neighboring Islamic regions. As Kecia Ali demonstrates in “Slavery and Sexual Ethics in Islam” in this volume, Islamic law also stipulated that enslaved women who bore their master’s children were entitled to a privileged status as *umm al-walad*. Though, in contrast with Valencian law, they were not entitled to immediate liberation, they were to be freed automatically upon their master’s death. See Joseph Schacht, “umm al-walad,” in *Encyclopaedia of Islam*, vol. 4 (Leiden, Netherlands: Brill, 1934) 1012–1015. Although some scholars have speculated that Valencian law might have been influenced on this point by Islamic practice, given the kingdom of Valencia’s large Muslim population, no direct linkage has yet been established.
13. ARV Gobernación 2314: 15r; #2317: 234r–235v.
14. ARV Gobernación 2394: 102r; #2395: 38r–47v.

15. Both Kecia Ali, “Slavery and Sexual Ethics in Islam,” and Gail Labovitz, “The Purchase of His Money: Slavery and the Ethics of Jewish Marriage,” in this volume, analyze the ways in which the categories of slavery intertwine with those of marriage in early Islamic jurisprudence and early rabbinic law.
16. ARV Governación 2314: 15r; #2317: 234r–235v.
17. ARV Governación 2304: M. 3: 45r; #2305: M. 11: 8r–23v; M. 20: 13r–21v; #2306: M. 25: 16r–17v; M. 26: 36r–37v; 42r–43r; M. 29: 19r–v.
18. ARV Governación 2343: M. 4: 37v; #2344: M. 12: 9r–10r.
19. Julio Caro Baroja, “Honor and Shame: A Historical Account of Several Conflicts,” in *Honour and Shame*, ed. J. G. Peristany (London: Weidenfeld and Nicholson, 1965) 118.
20. ARV Governación 2304: M. 3: 45r; #2305: M. 11: 8r–23v; M. 20: 13r–21v; #2306: M. 25: 16r–17v; M. 26: 36r–37v; 42r–43r; M. 29: 19r–v.
21. ARV Governación 2310 M. 3: 31r; #2311: M. 12 1r–17v; M. 17: 1r.
22. “E dix que no era bon xristia puix no la jaquia franca e la anima sua ne vull en mig dels inferns.” ARV Governación 2394: M. 4: 18r; #2395: M. 11: 37r–46v.
23. “[U]ssant mal de la dita sclava e prostituhint aquella e tenint la a guany inlicit e a peccat publich de carnalitat fahent la jaure carnalment ab homens e ella prenent ne loguer...que per aquella haver mes a guanyar la dita Caterina que aquella auria perduda e que seria franca.” For Caterina’s *demanda de libertat*, see ARV Governación 2310: M. 3: 41r, #2311: 110r–114v. Unfortunately, we don’t know the outcome of her lawsuit.
24. “[A]quella feya gitar carnalment ab homens tot l’any specialment lo divendres sant o en les vigilies de la verge Maria ultra voluntat de la dita Johana.” For Johana’s *demanda de libertat*, see ARV Governación 4848: M. 1: 17v; #2305: 5v–7v. Unfortunately, we don’t know the outcome of her lawsuit.
25. ARV Governación 2383: M. 20: 1r.
26. For English translations of Pope Alexander VI’s papal bulls, “Inter Caetera (1493)” and “Dudum Siquidem (1493),” see the documentary appendix to Junius P. Rodriguez, *The Historical Encyclopedia of World Slavery* (Santa Barbara, CA: ABC-CLIO, 1997). It bears noting that Pope Alexander VI (born Roderic Llançol, a.k.a. de Borja) was originally from Xàtiva, a city located about sixty kilometers south of Valencia. See also Robin Blackburn, *The Making of New World Slavery: From the Baroque to the Modern, 1492–1800* (New York: Verso, 1997) 102–125; and James Muldoon, “Spiritual Freedom—Physical Slavery: The Medieval Church and Slavery,” *Ave Maria Law Review* 3 (2005) 65–93.
27. See Kecia Ali, “Slavery and Sexual Ethics in Islam,” in this volume.

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## Love, Sex, Slavery, and Sally Hemings

Mia Bay

“Among the blacks is misery enough, God knows” Thomas Jefferson maintained in *Notes on the State of Virginia* (1787), “but no poetry... Their love is ardent, but it kindles the senses only, not the imagination.” By way of example, he critiqued the work of Phillis Wheatley, who rose to fame as an enslaved teenager in the late 1760s, with the publication of her early poems. “The compositions under her name are beneath the dignity of criticism.”<sup>1</sup> Jefferson’s conviction that a young black girl who grew up in bondage would know little of love and even less of poetry is worth noting today as Americans again revisit his relationship with another enslaved teenager, Sally Hemings. There, Americans often find an interracial romance that has some celebrating Hemings as a “founding mother.”<sup>2</sup>

Long dismissed as a nasty rumor rather than romance, Jefferson and Hemings’s liaison evidently began sometime in the late 1780s, not long after the publication of *Notes on the State of Virginia*. It was first made public in 1802, when a disaffected Republican journalist named James Callender charged that President Jefferson was keeping “one of his slaves, as his concubine, her name is SALLY.”<sup>3</sup> Never much of a scandal, Callender’s charges did not derail Jefferson’s political career. But stories of a relationship between Sally Hemings and Thomas Jefferson have lived on, gaining new and different dimensions as they are retold. The subject of both pro- and anti-slavery doggerel during the antebellum era, Hemings became fodder for romantic fiction in the twentieth century, which saw her sharing “a forbidden love” in Barbara Chase-Riboud’s novel, *Sally Hemings*, a 1979 bestseller that inspired equally romantic screen adaptations such as *Jefferson in Paris* (1995) and *Sally Hemings: An American Scandal* (2000).<sup>4</sup>

Only recently has the story received widespread attention as something other than rumor or romantic fiction. Jefferson tacitly denied Callender’s allegations in 1802, and most twentieth-century historians followed his lead.<sup>5</sup> Conventional wisdom denied the liaison until 1998, when DNA tests performed on modern-day descendants of the Hemings and Jefferson families documented a blood tie between the two families. “Jefferson Fathered Slave’s Child” blared in newspaper headlines across the globe. Strikingly absent since then, however, has been any effort to place the relationship within the everyday sexual ethics of the slave system. Even Jefferson’s historians and

biographers, who long dismissed any relationship between Jefferson and his slave maid as improbable, at least in part because it would have reflected poorly on Jefferson's character, have been quick to read the DNA shared by their descendants as evidence of a consensual and perhaps even loving relationship between Jefferson and Hemings.<sup>6</sup> Moving abruptly from denial to romance, such scholars stress that the Virginia leader and his house slave were not as divided by race and slavery as they might seem. Hemings was, after all, a very fair-skinned young woman of mixed-race lineage, they point out: Jefferson may well have seen her as white. Moreover, "in status, Sally was barely a slave," and therefore we can be quite sure that she was a willing partner to Jefferson—she may even have "seduced him."<sup>7</sup>

Although impossible to prove, such conjectures have proliferated ever since the DNA evidence linking Hemings and Jefferson was released. By recoloring Hemings as white and stressing that she may have derived certain advantages from her relationship with Jefferson, contemporary commentators manage to keep the Jefferson–Hemings relationship within the realm of romance and consent—rather than slavery or rape. Whereas Sally Hemings's son Madison described his mother as his father's "concubine," Jefferson's modern-day historians avoid this distinctly unromantic formulation in favor of a retelling of the Jefferson-Hemings story that plays down Jefferson's ownership of Hemings. Only by romanticizing Sally Hemings as "founding mother," rather than speaking of her as Jefferson's slave concubine, can Americans preserve the reputation of a revered founding father, and with it, an image of a racial past that is not beyond redemption.

But discussions of Jefferson and Hemings that gloss over their master-slave relationship fictionalize the American past, obscuring much of what we do know about the ways in which the power-based relations of bondage shaped such relationships. We may wish to see the relationship between Jefferson and Hemings as consensual, and even loving.<sup>8</sup> But in doing so, we lose sight of the historical context in which it took place. Neither Jefferson nor Hemings left any record of their feelings for each other, loving or otherwise. Whatever they were, we can be quite sure that the terms of their liaison were not dictated by Sally's feelings for Jefferson. The two met at a time when enslaved African-Americans had no right or reason to think of themselves as individuals with the liberty and autonomy to make choices, and slave owners' sexual claims to slave women were a matter of property and power, not human frailties and desires. Moreover, any lost history of a loving relationship between Jefferson and Hemings—if we could find it—need not be redemptive. Love is an emotion that can coexist with all sorts of brutal exercises in power, from incest to spousal abuse, without redeeming or even changing the coercion and emotional and physical violence at the heart of such phenomena. Love may not redeem or deny slavery; it may not even change it.

Romanticizing the liaison between Jefferson and Hemings is a dangerous business. It risks preserving Jefferson's reputation at the cost of ignoring the sexual exploitation and familial losses inscribed across the Hemings family's history and the history of American slavery more generally. Our modern-day wish to see a founding couple in Hemings and Jefferson does not speak to an improved historical understanding of the relationship between the two. Rather,

it testifies to our continuing unwillingness to face the history of sexual exploitation that is one of slavery's legacies.

## Law, Love, and Interracial Intimacy in Jefferson's Virginia

Although we will never know exactly what transpired between them, we do know that Jefferson owned Hemings all her life and that their relationship took place within a power structure that fostered many similar relationships. Affectionate or not, such couplings were a product of a specific social and legal context, rather than of unmediated emotional and sexual impulses. Jefferson's claim to Hemings's body and reproductive capacities was a matter of both custom and law. Slave owners' rights over their human property were a product of calculated decisions by slaveholding legislators such as Jefferson—white men exempted themselves from laws that penalized both white women and free blacks from interracial intimacies.

Virginia's April 1691 law against interracial marriage, for example, made all the children of such unions illegitimate and penalized their mothers. Calling upon the authority of both the colony's legislature and the Church of England, which presided over Britain's American colonies as well, Virginia law deemed the mulatto children of white women "bastards" and sentenced their mothers to the hefty fine of fifteen pounds—payable to "the Church wardens of the parish where she shall be delivered of such child."<sup>9</sup> But neither the Virginia legislature nor the Anglican church regulated unions between white men and slave women. Enslaved women were already barred from any legally recognized form of marriage, and like their mothers, slave children were the property and legal responsibility of their owners. Whereas the fathers of freeborn children could be sued for child support, white men were free to father slave children without raising or supporting them and could even profit by doing so when they fathered children by their own slaves. Regardless of who fathered them, slave women's children brought tremendous profits to the slave system. "I consider a woman who brings in a child every two years more profitable than the best man on the farm," Jefferson told a correspondent in 1820. "What she produces is capital, while his labors disappear in mere consumption."<sup>10</sup>

Moreover, white men who fathered children with free black women were largely immune to punishment after 1700. The eighteenth century saw Virginia courts increasingly abandon any attempt to prosecute the fathers of illegitimate children, interracial or otherwise. White male sexual behavior did not require close regulation in the racialized patriarchy that had taken shape in colonial Virginia because the vital categories of race and freedom followed the mother. But white women were subject to severe legal punishments when they bore mixed-race children. Colonial-era penalties included corporal punishment and fines, and they would have become even more severe after the Revolution, if left up to Thomas Jefferson. During the Revolution, Jefferson headed a committee charged with drafting laws for the state of Virginia. The idealistic young lawyer believed Virginia's colonial legal code included "many very vicious points which urgently required reformation."<sup>11</sup> A staunch advocate



$\frac{A}{2} + \frac{C}{2} = \frac{A}{2} + \frac{A}{2} + \frac{B}{2} + \frac{C}{2}$ . call this e. (sixth) who having less than  $\frac{1}{2}$  of a. or of pure negro blood, to wit  $\frac{1}{8}$  only, is no longer a mulatto. so that a 3<sup>d</sup> cross clears the blood.

from these elements let us examine other compounds.

for example, let h. and g. cohabit. their issue will be

$\frac{A}{4} + \frac{A}{4} = \frac{A}{2} + \frac{A}{2} + \frac{A}{8} + \frac{A}{8} + \frac{B}{4} = \frac{3A}{8} + \frac{3A}{8} + \frac{B}{4}$  wherein we find  $\frac{3}{8}$  of a. or of negro blood.

Let h. and e. cohabit. their issue will be

$\frac{A}{2} + \frac{A}{2} = \frac{A}{2} + \frac{A}{2} + \frac{A}{8} + \frac{A}{8} + \frac{B}{4} + \frac{C}{2} = \frac{5A}{8} + \frac{3A}{8} + \frac{B}{4} + \frac{C}{2}$  wherein  $\frac{5}{8}$  a. makes still a mulatto.

Let g. and e. cohabit. the half of the blood of each will be

$\frac{A}{4} + \frac{A}{4} = \frac{A}{2} + \frac{A}{2} + \frac{B}{4} + \frac{A}{8} + \frac{A}{8} + \frac{B}{4} + \frac{C}{2} = \frac{3A}{8} + \frac{3A}{8} + \frac{3B}{8} + \frac{C}{2}$  wherein  $\frac{3}{8}$  a. is no longer mulatto.

Figure 11.1 Jefferson's Calculations of Negro Blood and the Right to Freedom.

In an 1815 letter to attorney Francis C. Gray, Thomas Jefferson drew up the equations represented here to explain how Virginians understood the cleansing of “negro blood” over generations. Jefferson wrote in response to a query from Gray, who had asked him to supply a legal definition of the term “mulatto.” In replying to Gray, Jefferson used his equations to calculate that a person who was three-sixteenths black was no longer mulatto. “This does not establish freedom,” he added. “But if [a person with less than one-fourth ‘pure negro blood’] be emancipated, he becomes a free white man.”

Source: Jefferson to Francis C. Gray, March 4, 1815, Thomas Jefferson Papers, Series 1: General Correspondence, 1651–1827, Library of Congress: American Memory, <http://memory.loc.gov/master/mss/mjtj/mjtj1/047/1200/1205.jpg> (accessed January 13, 2010).

of freedom of religion, Jefferson seized the opportunity to end the Anglican church’s dominion over Virginia, in favor of establishing a wholly secular state government. But he made no move to abolish the sanctions against interracial sex established under the former colony’s theocratic legal codes. Instead, Jefferson’s proposed “Bill Concerning Slaves” replaced the fines the colony had once levied against white women who consorted with black men—which were payable to the church—with even harsher penalties. “Any white woman” who had a child “by a negro or mulatto,” he proposed, should be banished from the state, along with the child, although this measure proved too harsh for Virginia’s legislature.<sup>12</sup>

Enslaved women were of course exempt from such penalties. But they were equally exempt from legal protection from sexual violence—both before and after the Revolution. Indeed, the distinctive status of enslaved women in Southern jurisprudence calls into question the very terms used by modern observers attempting to make sense of the emotions that gave rise to the Jefferson–Hemings relationship. In particular, recent historical speculations have centered on whether the relationship between the two was driven by “rape or romance,” or marked by “coercion or consent.” Such alternatives are largely anachronistic when applied to any relationship between a slave woman and a white man in the American South.

The first of these alternatives, the rape of an enslaved woman, was neither a legal offense nor a recognizable phenomenon in Hemings and Jefferson’s world. From the beginning of the eighteenth century through the Civil War, there is no record in American courts of any white man’s conviction for raping an enslaved woman, either his own or another’s.<sup>13</sup> Although rape was both a crime against property and a sex crime, prevailing definitions of rape excluded

from prosecution men who violated enslaved women. Bondswomen possessed no property in themselves; they could not even pursue litigation on their own behalf. Moreover, unlike white women, they had no relatives entitled to litigate for them. When a white woman was raped, her father or husband was entitled to claim damages for any injuries, as well as for the violation of his property rights. But for an enslaved woman, only her master had a legal claim to her labor and reproductive capacity. And because any child who resulted from the rape would constitute a valuable addition to his property, or his “capital,” to borrow Jefferson’s term, rape did no damage to the owner’s investment.<sup>14</sup>

Moreover, insofar as eighteenth-century Americans understood rape as a crime against women as well as against property, African-American females also fell outside the law. Regardless of whether they were free or enslaved, women of African descent had no socially recognized claim of protection against sexual assault. On the contrary, their race excluded them from the conceptions of female fragility and sexual honor that made rape and other forms of male sexual assault punishable by law. In early America, rape most often received serious legal attention when the rapist could be assumed easily capable of overpowering his victim—an assumption that excluded black women. From 1643 onward, colonial Virginia classified black women as physically stronger than white women by subjecting them to the same labor tax as male workers. White women’s labor was not subject to tax. Along with children, and colonists classified as too elderly to work, white women were defined as dependents.<sup>15</sup>

In addition to being deemed physically stronger than white women, by the eighteenth century, black women were also classified as more licentious and wholly invulnerable to rape on that account. Slavery gave men untrammelled sexual access to black women, which in turn fostered the development of powerful racist and sexist ideologies that defined black women as lustful by nature and incapable of modesty or sexual restraint. Such ideas dated back to the first European encounters with African women, in which European travelers conflated the abbreviated clothing worn by these inhabitants of the tropics with lewdness and mistook African tribal dances for orgies.<sup>16</sup> The system of racial slavery that emerged in the colonial South did nothing to dispel these European fantasies. Instead, slavery made the sexual exploitation of black women possible, and that exploitation reaffirmed white beliefs in the promiscuity of black women. Slave owners did not allow enslaved women to marry or readily resist the advances of any man and pressured them to have as many children as possible, then viewed the results of their own actions as further evidence of the licentious character of black women.

Indeed, they deemed black women sexually insatiable. Believed to possess a sexual stamina that allowed them to serve their lovers “by Night as well as Day,” black women were also supposed to have sexual skills that could render men “callous to all the finer sensations of female excellence.” Moreover, they were also reckoned to be more than willing to share their sexual expertise with any number of partners, as can be seen in one slave owner’s claim that he “did not know more than one Negro women that he could suppose to be chaste.”<sup>17</sup> Likewise, Thomas Jefferson, no stranger to such ideas, thought that “the commerce between the two sexes” among the slaves was “almost without restraint.”<sup>18</sup>

Not surprisingly, such convictions provided Southern whites with yet another justification for not defining the rape of enslaved females as a crime.

Right through the slavery era, sexual violence against black women routinely went unpunished. Only in 1859 did one Southern court take the unusual step of invoking prohibitions against child rape to prosecute a male slave for the rape of a slave girl who was less than ten years old, but the conviction was soon overturned. In *George v. the State of Mississippi*, the lawyer whom the male slave's owner hired to challenge the verdict successfully argued that "[t]he rape of a slave was essentially not rape."<sup>19</sup> Because slaves had no legal right to marriage and were not known for their sexual restraint, he contended, slave women merited no legal shield against rape: "[T]he regulations of the law, as to the white race, on the subject of sexual intercourse, do not and cannot, for obvious reasons, apply to slaves; their intercourse is promiscuous, and the violation of a female slave would be a mere assault and battery."<sup>20</sup> His argument prevailed, although its implicit endorsement of child rape may well have embarrassed Mississippi legislators at a time when slavery was under assault—the following year saw the state move to outlaw the attempted or actual rape of black and mulatto females under twelve by black or mulatto men, punishable by whipping or death. Rapes perpetrated by white men remained licit, as did sexual assaults against black women older than twelve.<sup>21</sup>

This Southern legal tradition may seem to have little bearing on our understanding of the relationship between Sally Hemings and Thomas Jefferson because their interactions never resulted in any sort of litigation. But it does help illuminate the narrow field of choices that framed relationships between slave women and their owners, calling into question recent scholarly attempts to define the relationship between Jefferson and Hemings as either consensual or coercive. In particular, the low status of black women in Southern law suggests that consent and coercion cannot be considered actual alternatives in the lives of enslaved women.

Moreover, Hemings and Jefferson's relationship took shape in a world in which the boundaries between consensual and non-consensual sex were blurred even outside the slave-owner relationship. In eighteenth-century America, rape was classified above all as a form of illicit sex. Like adultery and fornication, rape was attributed to passions not easily isolated to just one partner. A product of female as well as male passions, it could occur, in part, because women's passions sometime overruled their "verbal resistance" to sex. Accordingly, rape was difficult to prosecute even when the victim was white because men might interpret resistance as flirtatious encouragement. Such suspicions were born of eighteenth-century understandings of gender, which held that women lacked the intellectual ability to control their sexual impulses. As far as white women were concerned, by the nineteenth century, such assumptions had begun to be tempered by the idea that "respectable women" might behave in ways that counteracted "men's baser instincts."<sup>22</sup> But these enlightened new ideas did not apply to enslaved black women, both because their race was held to be naturally lewd and promiscuous and because, as slaves, black women had no claims to respectability and little control over their behavior.

Accordingly, black women's lack of any meaningful legal or social control over their own bodies and sexual choices poses an obvious and perhaps insurmountable challenge to any romantic approach to the Jefferson-Hemings liaison. At the heart of romance lies the presupposition of a voluntary relationship

between two people—not an easy assumption when one of the romantic partners is a slave. Yet many recent commentators are remarkably confident that Jefferson’s relationship with Sally Hemings was a product of her choices as well as his. Bypassing the thorny issue of whether slave women actually had meaningful choices when it came to navigating sexual interactions with their owners, they revisit the Jefferson-Hemings relationship to find evidence that Hemings entered into it freely.

## Sex in the City: Thomas Jefferson and Sally Hemings in Paris

Thomas Jefferson’s relationship with Sally Hemings began in France in the 1780s, after Congress dispatched Jefferson, Benjamin Franklin, and John Adams to Europe to negotiate America’s commercial treaties with Europe. Jefferson arrived in Paris in 1784 and was joined there in 1787 by his eight-year-old daughter Polly who, on Jefferson’s request, traveled to France to visit her father in the company of “a careful negro woman.”<sup>23</sup> For this task, Jefferson’s relatives selected Sally Hemings, a Monticello house servant and sister to James Hemings, also enslaved to Jefferson. James had accompanied Jefferson to Paris, where he served as his valet and trained as a chef. Sally was a thirteen- to fourteen-year-old girl whose sexual relationship with Jefferson, then in his mid-forties, evidently began some time after she moved into the townhouse that Jefferson rented on the Champs-Élysées. According to Sally’s youngest son, Madison, whose testimony supplies much of this information, Hemings was pregnant with Jefferson’s child when the Jeffersons returned to Virginia in 1789. Sally Hemings was initially reluctant to return home with them, but she agreed to do so after Jefferson promised her “extraordinary privileges... [and] made a solemn pledge that her children should be freed at age twenty-one years.”<sup>24</sup>

These facts tell us almost nothing about the character of the relationship between Jefferson and Hemings. Madison Hemings’s testimony on his parents’ relationship was limited to a brief newspaper interview conducted in 1873 and supplies no more details than those described above. Madison does not speak of how the relationship began, only of a pledge made afterward, and his mother’s long service as Jefferson’s “concubine.”<sup>25</sup> But his unromantic tale remains enough to assure Jefferson scholars that the relationship was voluntary on both sides. Madison’s description of the promises Jefferson made to Hemings even strikes recent Jefferson scholars as clear evidence of a consensual agreement or “bargain” between Jefferson and Hemings. Indeed, some scholars now suggest that Hemings pursued Jefferson to better her lot.<sup>26</sup>

A resurrection of the character defense so long used to deny that Jefferson could have had a relationship with Sally, this claim of a “bargain” overlooks the historical and social context in which it took shape. It asks us to believe that the middle-aged Jefferson fell prey to the machinations of a teenage plantation slave who pursued him to Paris in the hope of securing unspecified advantages that would better her position as a slave. They would not have included freedom, if Sally were following her mother’s example as longtime sexual partner

to Jefferson's father-in-law. Sally's mother Betty Hemings secured liberty neither for herself nor her children as a result of her liaison with John Wayles.

Surely, the vulnerable partner was Sally, not Jefferson. We have no reason to believe that Sally was especially mature for her age. On the contrary, her youthful demeanor made an unfavorable impression on Abigail Adams, who met Sally with Polly Jefferson in London upon the girls' arrival. Hemings was "quite a child," Adams wrote Jefferson in the spring of 1787, horrified to find young Polly traveling under the supervision of a slave girl only a little older than her charge. Sally, she scolded Jefferson, "wants more care than the child and is wholly incapable of looking after her [Polly] without some superior to direct her." Adams added that the sea captain with whom the two girls had traveled confirmed her view: "Captain Ramsey is of the opinion that she [Hemings] will be of so little service to you that he had better carry her back with him."<sup>27</sup> Jefferson paid no attention, and Sally remained in Paris, even after Polly joined her older sister Martha at the convent school where Jefferson sent both girls.<sup>28</sup> Left alone with Jefferson in his Paris townhouse, Hemings evidently grew up quickly, as did many female slaves her age. The "child" was pregnant two years later when she returned home with the Jefferson family.

Hemings's youth and possible pregnancy should factor prominently in any analysis of her interactions with Jefferson because they challenge current assumptions that Hemings could easily have chosen to live her life as a free woman in France.<sup>29</sup> Because the exact date when Hemings negotiated the terms of her return to America with Jefferson is not known, we cannot know for sure whether she was pregnant at that time. But at the very best, the bargain that Hemings struck with Jefferson was a deal between a teenage slave and her owner. At worst, it was an arrangement between a pregnant teenage slave and her owner—as the mention of children strongly suggests. What other options did Hemings have? The prospect of freedom clearly appealed to her, but she had no property, had only recently learned to speak French (and may not have been fluent), and had less than two years' experience as a lady's maid. Moreover, no evidence exists to suggest she could read or write. A couple of her siblings could, but Jefferson provided no education for his slaves and feared that a mastery of writing "would enable them to forge papers, when they could no longer be kept in subjection."<sup>30</sup>

We do know that Hemings's brother James ultimately struck his own bargain with Jefferson, traveling back to Virginia with his sister in return for the promise of wages for his labor and eventual emancipation. Jefferson had brought James Hemings to France "for the particular purpose of learning French cookery" and, once in Paris, he had arranged to have the young slave trained in French cooking and the French language at "great expence [*sic*]." By the time the Jefferson family left Paris, Hemings had become an accomplished cook and worked as Jefferson's *chef de cuisine*, a position he would continue to hold until Jefferson freed him in 1796. Clearly anxious to recoup his investment, Jefferson agreed to manumit James Hemings only after the latter finished training another slave to take over his job, which gave James some bargaining power. But it seems unlikely that Sally Hemings's sexual involvement with Jefferson, if under way when she negotiated her return, would have given her similar leverage.<sup>31</sup> Rather, assuming she was pregnant at that time, it

helped eliminate any possibility of Sally's finding a way to achieve her liberty and support herself in France.

Questions about Hemings's choices, and whether she had any, are more likely to be illuminated by examining the lives of slave women than by speculating about the unknown and unknowable character of her emotional relationship with Jefferson—although such speculations loom large in most recent discussions of Hemings.<sup>32</sup> Both Southern law and slave testimony suggest that modern notions of consent had little relevance to the sexual relationships between slave owners and their female slaves. Enslaved women had virtually no power to avoid these liaisons, which meant that the slave owner rarely had to force an enslaved woman to have sex. He had it within his power to make giving in the best choice she had.<sup>33</sup> Slave women agreed to what they could not refuse.

Among the slave owner's powers of coercion were all the powers that Jefferson held over Sally in Paris. He controlled her daily routine, the amount of work she did, and where she did it, in case he wanted to be alone with her.<sup>34</sup> Accordingly, as we look back on their relationship, any arguments we care to make about consent, volition, or romance must be framed with reference to a power structure that challenges the very meaning of all three terms. Hemings lacked the freedom to reject Jefferson's sexual overtures, making it impossible to assess whether she was a willing participant in their long liaison. Given the inequities in power between the two, we must assume that Hemings and Jefferson negotiated their relationship around his wishes rather than hers.<sup>35</sup>

Indeed, Sally had no options that were not entirely bound up with her status as Jefferson's slave—and no real choices. Even if she had managed to remain in France, she had no hope of escaping Jefferson's influence, as the Virginia patriarch owned her mother and five siblings. Moreover, she had no way of severing herself from Jefferson without permanently separating herself from both her immediate family and the close-knit slave community in which she was raised—a prospect made all the more difficult by her slave origins.

## Sally Hemings's World

Plantation slaves such as Hemings defined themselves in reference to their communities within in the slave quarters. There, they found refuge from the slave identity imposed on them in the "big house," developing a community organized around kinship rather than coercion. Within the quarters, enslaved African-Americans developed a communal identity that made little reference to liberal notions of the self that stress individual freedom and choice, ideas that inform contemporary discussions of Hemings's "choices." Commonplace today, such liberal notions of an autonomous self were defined largely in opposition to chattel slavery by political philosophers such as Jefferson, who wished to free white men from the shackles of British dominion, and later, Federalist political tyranny.<sup>36</sup> These notions never included African-American slaves and had little application to the communal world of the slave quarters, where freedom was at best an elusive goal, and people were defined and sustained by family ties rooted in the social arrangements that had long organized the West African societies from which most African-Americans originated.

In such societies, each individual occupied a place in “the lines of kinsmen...stretching backward and forward through time.”<sup>37</sup> On a less spiritual plane, a network of attachments embracing both blood relations and fictive kin was crucial to African-American survival under slavery, especially among women. Enslaved African-American women relied on other women to help them through pregnancy and labor. Moreover, the female slave network worked together to raise their community’s children. Women met the grueling demands of child care and bondage by sharing their domestic responsibilities, a practice made all the more necessary by the fact that many of them, including Sally’s mother, Betty, were single parents.

A mother of twelve, Betty Hemings bore six children for her owner, John Wayles, before his death in 1774, when her youngest child, Sally, was a year old. At that time, the Hemings family became the property of Thomas Jefferson, Wayles’s son-in-law. As the female head of her household, Betty was in good company because slave women frequently outnumbered slave men on plantations in the Chesapeake during the Revolutionary era.<sup>38</sup> The region lost many slave men during the war; enslaved men were more often subject to sale than women, and therefore more likely to run away or secure permission to marry a woman from outside the plantation. Moreover, the white men who fathered slave children rarely served as parents to them, creating still more single mothers. Given such demographics, female blood ties, rather than romantic love, were at the heart of many of the most enduring relationships formed by slave women.<sup>39</sup>

Family considerations would have made any idea of remaining in France an agonizing and perhaps impossible choice for Sally Hemings (and her brother James). Any desire that Hemings might have had to free herself from Jefferson or slavery had to be balanced against the fact that Jefferson owned her family. Remaining abroad would have required Sally and James to abandon not only their mother and siblings but generations of Hemings kin, just as the very young Sally was expecting her first child. Their family spanned five generations and constituted one-third of Jefferson’s 130 slaves by the time of his death in 1826. Never dispersed from the plantation, the Hemingses were an exceptionally close-knit family, united by both proximity and blood ties obvious even to outside observers. Jefferson’s grandson remembered that “Mr. J’s Mechanics and his entire household of servants with the exception of an under cook and a driver consisted of one family connection and their wives.” The bond was even more meaningful to family members such as James and Sally’s nephew Peter Fossett, who noted that “a peculiar fact about [Jefferson’s] house servants is that we were all related.”<sup>40</sup> What these family ties meant to Sally we can never know. But it is safe to assume that they held some importance to her.

Hemings’s social context should also figure prominently in any conclusions about the character of her interactions with Jefferson. Some recent commentators seem to disagree, however, arguing that because Sally bore only Jefferson’s children, she must have loved him and he must have loved her, just as most husbands and wives over time have found love despite the profound inequalities between them.<sup>41</sup> Here again, love conquers all. But was Hemings free to take other lovers among Monticello’s male slaves? All were owned by Jefferson, and chose their partners only with his permission. Although one can certainly

hope that Hemings and Jefferson found happiness with each other, their long monogamous union provides no real evidence of it.

No proof exists to suggest that Jefferson took other lovers, or that Sally's children had more than one father. But their union cannot be equated with enduring and exclusive relationships outside the slave–master relationship because Hemings lacked both the freedom available to white women in illicit relationships and the protections offered to legally married women. Indeed, nowhere was Hemings's lack of freedom more evident than in the limits of her family ties to Jefferson.

### “Mama’s Baby, Papa’s Maybe”

Among the benefits that free women have traditionally garnered from marriage are family ties and financial support for their children. But family ties and familial obligations, as normally understood in the West, were one of the great casualties of enslavement. As cultural critic Hortense Spillers observes, enslaved African-Americans saw family as one of “the mythically revered privileges of free and freed communities.” With few exceptions, American slaves were denied “the vertical transfer of a bloodline, or a patronymic, of titles, and entitlement, or real estate and cold hard cash, from fathers and sons, and the supposed free exchange of affectional ties between a male and the female of his choice.”<sup>42</sup> The Hemings family was no exception.

According to Sally's son Madison, the Hemings family came to Monticello already bearing a legacy of family ties severed by slavery. They took their name from their great-grandfather, an English ship captain named Hemings, who sailed between England and Williamsburg. Hemings met and had a child with Madison's great-grandmother, producing Elizabeth Hemings, who would become Sally's mother. Anxious to claim his “own flesh and blood,” Hemings tried to buy his child, offering “an extraordinarily large price for her.” But her owner John Wayles, who later became Jefferson's father-in-law, would not part with her at any price, evidently because mixed-race children were still a rarity at that time, “and the child was so great a curiosity that its owner desired to raise it himself that he might see its outcome.” Thus began a family history of fatherlessness. “Capt Hemings soon afterward sailed from Williamsburg never to be seen again,” Madison concluded. “Such is the story that comes down to me.”<sup>43</sup>

And so the story continued. John Wayles took Elizabeth Hemings, who was known as “Betty,” as his sexual partner after his wife died, and together they had six children. Wayles employed the Hemingses as house servants rather than field hands, just as Jefferson would do with Sally and her children. But despite their blood ties with the Wayleses, Betty and all her children remained slaves, even after Wayles's death. After he died, the Hemings family became the property of Jefferson and his wife, Martha Wayles Jefferson. Martha was, of course, also half-sister to Sally and her siblings under any conventional notion of kinship. But such understandings of kinship carried little weight in the American South, where, as Hortense Spillers observes, “under the conditions of captivity, the offspring of the female does not ‘belong’ to its mother, nor is s/he related to the owner, though the owner ‘possesses’ it...often fathered it, *and, as often*, without whatever benefit of paternity.”<sup>44</sup> Betty Hemings and her



children entered the Jefferson household as property rather than as relatives of Martha Wayles Jefferson; and Sally and the children she bore with Jefferson were Jefferson's property rather than his family.

Indeed, they figure in Jefferson's papers only as such, receiving notice primarily in his records of the slaves he owned. Jefferson's plantation accounts are almost the only source available on Sally Hemings's life once she returned to Monticello. In his Farm Book, "he recorded, just as he did for other slaves, the birth of Sally Hemings's children, the clothing she and other housemaids received, and her meat and cornmeal rations."<sup>45</sup> The departure of two of Hemings and Jefferson's children is recorded only in plantation records. Beverly and Harriet, the couple's two oldest children, achieved their freedom in the early 1820s by running away, which earned them a brief notation as runaways in Jefferson's Farm Book. But otherwise, Jefferson, who evidently permitted the siblings to run off and even instructed his overseer Edward Bacon to supply Harriet with fifty dollars in travel funds, recorded no reaction to the permanent departure of two of his offspring.<sup>46</sup>

"We were the only children of his by a slave woman," his son Madison Hemings noted in 1873, providing testimony that suggests that the relationship between his parents was indeed long-standing and monogamous. But he makes no claim to a familial relationship with Jefferson. Instead, he notes that his father, although "uniformly kind to all around him... was not in the habit of showing particularity or fatherly affection to us children." By contrast, Jefferson, Hemings goes on to observe, was "affectionate toward his white grandchildren, of whom he had fourteen, twelve of whom lived to manhood and womanhood."<sup>47</sup> Madison Hemings's laconic account of his father's domestic life is confined in Jefferson's correspondence as well as other contemporaneous accounts of life at Monticello. A loving father to his daughters Polly and Martha, Thomas Jefferson was a doting grandfather to their children, showering his family with so much affection that contemporary observers were hard put to imagine him as anything other than a virtuous family man. When Margaret Bayard Smith, the wife of one of Jefferson's Republican allies, newspaper editor Samuel Harrison Smith, visited Monticello in 1809, she was charmed to find the recently retired statesman presiding over a race among his grandchildren, which ended with the youngest coming back "panting and out of breath to throw themselves into their grandfather's arms, which were opened to receive them; he pressed them to his bosom and rewarded them with a kiss." Later, when they "called upon him to run with them, he did not long resist and seemed to delight in delighting them." Those who painted Jefferson "as a slave of the vilest passions," she reflected with reference to the Hemings scandal, should "come here and contemplate this scene."<sup>48</sup>

By contrast, visitors took a wholly different kind of note of the Hemings family's presence at Monticello. Even before Sally's children were born, foreign visitors were sometimes startled to find that Jefferson owned slaves who "neither in point of colour nor features, shewed the least trace of their original descent."<sup>49</sup> But even after Sally's children were born, and the Hemings-Jefferson scandal broke, none of Jefferson's visitors ever testified that Jefferson showed any partiality to his fair-skinned slaves. An open secret, the relationship between

	woolens	shirting	blankets	beds	hats		woolens	shirting	blankets	beds	hats
John Gardner	5 1/2	7					Robert	5 1/2	7		157
Army	5	7		1	1	Sally Hem.			1		
John Hemmings	5 1/2	7				Harrist	5	6 2/3			
Lewis	5 1/2	7	1			Madison	5				
Jenny	5	7		1	1	Eston	8				
Lucy	5	7			1	Sancho	5 1/2	7			1
Robin	5	4	3			Scilla	5	7	1	1	1
Sandy	7	3 1/2	4 1/3	1		Jamy	14	2 1/2	3		
Molly	14	1 3/4	2			Miles	16	1 1/4	1 1/3		
Melinda	16	1 1/4	1 1/3			Shepherd	5 1/2	7			1
Marina	5	7				Indrick	5	7		1	
Marthal	14	1 1/4	2			Solomon	5 1/2	7			1
Martin	16	1 1/4	1 1/3			Thimmon	5 1/2	7			
Mary Bagui	5	7				Wormly	5 1/2	7	1		
Washington	5	4	5			Wrsula	5	7		1	1
Mary B. d.	5	6 1/3	1			Joe	5	4	5		
Moses Smith	5 1/2	7	1			Anne	7	3 1/2	4 1/3		
Mary			1			Dolly	9	3	3 2/3		
William	1	5	6 1/3		1	Cornelius	11	2 1/2	3		
Davy	3	4 1/2	5 1/3			Thomas	13	2	2 1/3		
Caelia	6	3 3/4	4 2/3			Louisa	16	1 1/4	1 1/3		
Tucker	10										
Zacharia	12					140.	52 3/4	69 2/3	32	10.	
Patsy	15										
Josset	17										
Moses B.	5 1/2	7			1						
Nace	5 1/2	7			1						
Nance	5	7			1						
Nancy	5	7									
Nanny B. a.	5	7			1						
Ned	5 1/2	7	1								
Jonny	5	7	1	1							
Moses	3	4 1/2	5 1/3								
Sucky	6	3 3/4	4 2/3								
Ned J.	5 1/2	7	1		1						
Peter Hem	5 1/2	7									
Philip	5 1/2	7			1						
Rochael	5 1/2	7	1		1						
Eliza	5	4	5								
Ellen	8	3 1/4	4								

Figure 11.2 The Hemingses Listed in Jefferson's Farm Book.

The names of Sally Hemings and her children were listed among those of Jefferson's other slaves in the plantation records he kept in his Farm Book (1774-1825). On page 157 of the book, for example, Jefferson listed the allocation of woolens, shirting, blankets, beds, and hats that he distributed to his slaves, including Hemings and her children.

Source: Farm Book, 1774-1824, page 157, Thomas Jefferson Papers: An Electronic Archive, Massachusetts Historical Society, <http://www.thomasjeffersonpapers.org/> (accessed January 13, 2010). Courtesy of the Massachusetts Historical Society.

	woollen	shirting	blankets	beds	hats	
Robert	5½	7				157
{ Sally Hem.			1			
{ Harriet 1	5	6⅔				
{ Madison 3						
{ Estlin 8						
Sancho.	5½	7			1	
{ Scilla	5	7	1	1	1	
{ Jany 11.	2½	3				
{ Miles 16.	1¼	1⅓				
{ Shepherd	5½	7			1	
{ Indridge	5	7		1		
Solomon	5½	7			1	
Thrimston	5½	7				
{ Wormley	5½	7	1			
{ Ursula	5	7		1	1	
Joe 5	4.	5				
Anne 7	3½	4⅓				
Dolly 9	3	3⅔				
Cornelius 11	2½	3				
Thomas 13	2	2⅔				
{ Louisa 16	1¼	1⅓				
140.	52¾	69⅓	32	10.		

Figure 11.3 Detail of image in Figure 11.2.

Hemings and Jefferson could be denied once exposed because Jefferson did not single out his slave family for special attention.

In visual terms, his son Eston Hemings would have betrayed his father's paternity had Jefferson been less circumspect. Jefferson's grandson Thomas Jefferson Randolph once told his friend Henry S. Randall that his grandfather owned one slave who "at some distance or in the dusk . . . might be mistaken for Thomas Jefferson—He said in one instance, a gentleman dining with Thomas Jefferson, looked so startled as he raised his eyes from the latter to the servant behind him, that his discovery of the resemblance was perfectly obvious to all." But Jefferson himself, Randolph went on to say, "never betrayed the least consciousness of the resemblance."<sup>50</sup>

Jefferson's failure to acknowledge Eston and his other slave children calls into question recent scholarly attempts to move Jefferson's relationship with Hemings outside the parameters not only of slavery but of the messy history of race mixture as well. Historians once doubted whether Jefferson could have even been attracted to Hemings, not least because the founding father was famously contemptuous of the physical appearance of African-Americans. Writing in *Notes on the State of Virginia*, he bemoaned the "eternal monotony which reigns on their countenances, that immoveable veil of black which covers the emotions of all other race." And now, as scholars struggle to reconcile Jefferson's distaste for the black physiognomy with his long-standing interracial relationship with Hemings, Hemings is changing color. Hemings's mixed-race ancestry has received new emphasis from scholars who suggest that Jefferson saw his "mighty near white" slave as "not really black" and therefore engaged in a relationship better understood as "sex with a servant" than as a slave-master liaison.<sup>51</sup> But here again, the history of slavery falls out of such considerations of Jefferson, as does the fate of Hemings's children. Racism was not incompatible with the sexual exploitation of slave women—far from it. The founding father lived in a world in which slave women were often expected to serve their masters in the bedroom as well as the fields, and the "fancy trade" in light-skinned women that would emerge in nineteenth-century America was already in the making.<sup>52</sup> Within this trade, near-white women were highly valued precisely because they were enslaved commodities rather than free white women.<sup>53</sup> And their enslavement was nowhere more evident than in matters of descent, which were the matrilineal exception to America's generally patrilineal social order. Whatever the admixture of white blood, slave status followed the condition of the mother for Jefferson's mixed-race children.

Though his descendants were among the very few Jefferson slaves to end up free, the former president did very little to secure their freedom against the vicissitudes of his precarious finances. All of Hemings and Jefferson's children remained in slavery until 1821 or 1822, when Beverly and Harriet ran away. Their younger siblings, Madison and Eston, remained in bondage until Jefferson died, but his will provided for their freedom at age twenty-one. Jefferson also petitioned the state legislature to allow Madison and Eston, along with the three other slaves named in his will, to remain in Virginia once emancipated, a step necessitated by an 1806 Virginia law requiring manumitted slaves to leave the state. The Hemings children's pathways to freedom were neither generous nor secure. Neither Harriet nor Beverly was on Jefferson's

petition securing Madison and Eston legal permission to remain in Virginia. They are unlikely to have had free papers because the debt-ridden Jefferson, who owed most of what he owned to creditors, did not free them so much as let them run away. And Madison and Eston, who received nothing but freedom in Jefferson's will, were apprenticed to their uncle, John Hemings, until age twenty-one. Whatever the nature of Sally Hemings's relationship with Jefferson, so long as she and her children were enslaved, she must have known some of what former slave Hannah Crafts described as "the fear, apprehension, the dread and deep anxiety always attending that condition in a greater or less degree." To be sure, Hemings held a relatively privileged position in Jefferson's household. But could Sally Hemings have been immune from the anxiety that Crafts maintains afflicted even the most fortunate of slaves? As Crafts noted, "There can be no certainty, no abiding confidence in the possession of any good thing. The indulgent master may die, or fail in business. The happy home may be despoiled of its chiefest pleasures, and the consciousness of this embitters all their [the slaves'] lot."<sup>54</sup>

At the very least, Hemings must have had mixed feelings about the careful provisions Jefferson made for the security of his white family, despite his precarious finances. By the time of his death in 1826, Jefferson had many beloved grandchildren but only one living legitimate child, his elder daughter Martha, who had eleven children with Thomas Mann Randolph Jr., whom she married in 1790. Her less robust younger sister, Polly, died tragically young at age twenty-five, survived by only one child. Jefferson's immense attachment to both of his daughters can be seen in his reaction to Polly's death. Utterly bereft, he wrote his friend John Page, "I have lost... even the half of all I had. My evening prospects now hang on the slender thread of a single life. Perhaps I may be destined to see even this last chord of parental affection broken!"<sup>55</sup> But Jefferson was spared this sorrow and would ultimately speak of Martha as "the cherished companion of my early life and the nurse of my age."<sup>56</sup> Not surprisingly, he also left her the bulk of his estate, including his 130 slaves. Always in debt himself, Jefferson worried about Martha's long-term financial future well before his death because his daughter's family was large and her husband chronically insolvent. Ultimately, however, Jefferson managed to provide for Martha and her family by way of a trust designed to shield her patrimonial inheritance from her husband's financial liabilities.

Administered by Jefferson's grandson Thomas Jefferson Randolph and two other executors "for the sole and separate use and behoof of my daughter Martha and her heirs," the trust supported the Randolphs at the cost of Jefferson's slaves, most of whom were sold to help pay off Jefferson's many debts.<sup>57</sup> At an immense estate sale in 1827, they were auctioned off alongside horses, mules, cattle, farm equipment, and household goods. Fifty years later, Jefferson's grandson still remembered the "sad scene," likening it to "a captured village in ancient times when all were sold as slaves."<sup>58</sup> Among the sold, the memories were still more haunting. Eleven-year-old Peter Fossett had barely known he was a slave until he was "suddenly... put up on the auction block and sold to strangers." His family was "scattered all over the country, never to meet each other again until we meet in another world." And Peter himself would remain in bondage among strangers for thirty-five years, despite

repeated attempts to escape.<sup>59</sup> One of the very few Jefferson slaves spared from sale was Sally Hemings, who was valued at fifty dollars in the estate papers. Hemings lived out her life in Charlottesville with her sons Madison and Eston, having been given her “time” by Jefferson’s heirs. Grants of “time” were an unofficial form of freedom that circumvented Virginia laws requiring manumitted slaves to leave the state.

Free at last, Hemings and her children may well have found their freedom bittersweet. It came alongside the dispersal of many of their friends and relatives and did not bring back Beverly and Harriet, who were never granted legal freedom in Virginia and thus never returned there. Indeed, in the end, the experiences of the Hemings family are perhaps best encapsulated in an 1838 story that is not true. That year, the Jefferson-Hemings scandal resurfaced in a new item that held that the “daughter of Thomas Jefferson” had been “sold in New Orleans for one thousand dollars.”<sup>60</sup> Marshaled in service of the abolitionist movement, this story is false but not implausible because the fate of the couple’s only surviving daughter, Harriet, is not well documented to this day and was not documented at all in the antebellum era. I say it is false because, although little is known about what happened to Harriet after she left for Philadelphia with the small store of cash Jefferson passed on to her, there is no evidence to suggest that she ever reentered slavery. According to her brother Madison, Harriet passed into the white world after she left Monticello, a prudent subterfuge for an ex-slave with no free papers.<sup>61</sup>

Both the uncertainties in Harriet’s story and her separation from her family speak to the wrenching contradictions that the slave system fostered in the behavior of men such as Jefferson. An apostle of democracy whose love of freedom did not keep him from having a slave family, Jefferson was also a loving father whose love of family did not extend to acting as a father to his slave children. The relationship between Jefferson and Hemings can only be read as romance when constructed in isolation from all other evidence about how they lived their lives. Once the precarious status of Hemings’s fatherless children is taken into account, along with the fact that Jefferson left them no inheritance but their own freedom, all romantic conceptions of the relationship collapse. Once the children are considered, it is all too clear that Jefferson’s feelings for Hemings, whatever they may have been, never overcame what Hortense Spillers has called the “American grammar” of slavery, in which race and bondage often combined to trump kinship. Throughout their long association, Jefferson saw Hemings’s children as something other than his own relatives, suggesting that any feelings he may have had for her neither redeemed nor denied the stark inequities that divided this slave owner from his slave mistress.

In this respect, as in others, Jefferson was a typical slave owner. He was not among those rare masters who defied their society’s conventions by living openly with slave women, acknowledging the children produced in their unions, and/or naming their enslaved families as their heirs—men who truly might be said to have honored love over slavery, if such a thing is possible. Instead, Jefferson honored the far more conventional dictum that French visitor Alexis de Tocqueville observed when he visited the antebellum United States: “To debauch a Negro girl hardly injures an American’s reputation: to marry her dishonors him.” Accordingly, Jefferson’s liaison with Hemings is

best understood as a sexual association that falls outside the categories we use to describe relationships in which neither party is classified as chattel. This proposition may not cast Jefferson in a flattering light. But in the end, I am not sure it says anything different about Jefferson than he says about himself, at least implicitly, in *Notes on the State of Virginia*.

Describing the impact of slavery on the slaveholder in that work, Jefferson seems little inclined to claim the “honor” so often attributed to him by his biographers. Instead, he describes a set of power relations in which honor is highly unlikely. “The whole commerce between master and slave is a perpetual exercise of the most boisterous passions and the most unremitting despotism on the one part,” he wrote, “and degrading submissions on the other. Our children see this and learn to imitate it...and [are] thus nursed, educated in tyranny... The man must be a prodigy who can retain his manners and morals undepraved by such circumstances.” These words, coming from a man whose dislike of slavery did not prevent him from owning slaves, suggest that Jefferson did not see himself as a prodigy. Instead, they hint that Jefferson was painfully aware of the ways in which slavery corrupted domestic relations by fostering interracial sexual relationships that were an integral part of the “whole commerce between master and slave.” He may have been speaking with at least unconscious reference to his own private life when he confessed with reference to slavery, “I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.”<sup>62</sup>

## Notes

1. Thomas Jefferson, *Notes on the State of Virginia*, ed. David Waldstreicher (Boston: Bedford/St. Martin's, 2002) 178. Initially published in newspapers, Phillis Wheatley's early poems were collected and published in a 1773 publication entitled *Poems on Various Subjects, Religious and Moral*, which is reprinted in *The Collected Works of Phillis Wheatley* (New York: Oxford University Press, 1989).
2. Rhys Isaacs, “Monticello Stories Old and New,” in *Thomas Jefferson and Sally Hemings: History, Memory, and Civil Culture*, eds. Jan Lewis and Peter Onuf (Charlottesville: University Of Virginia Press, 1999) 27.
3. James Callender, *Richmond Recorder*, September 1, quoted in Michael Durey, “*With the Hammer of Truth*”: James Thomson Callender and America's Early National Heroes (Charlottesville: University of Virginia Press, 1990) 159.
4. Barbara Chase-Ribound, *Sally Hemings* (New York: Avon, 1980); *Jefferson in Paris*, directed by James Ivory, Merchant Ivory Productions, Touchstone Pictures, 1995; and *Sally Hemings: An American Scandal*, directed by Charles Haid, Echo Bridge Home Entertainment, 2000.
5. Notable exceptions include Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy* (Charlottesville: University of Virginia Press, 1997). Published shortly before the DNA tests were conducted, legal scholar Gordon-Reed's book made an impressive case for a Jefferson–Hemings relationship even before the DNA tests issued the final blow. Less successful in reaching scholars was Fawn Brodie's *Thomas Jefferson: An Intimate History* (New York: Norton, 1974). A Book-of-the-Month Club Selection that received favorable reviews in the popular press, Brodie's argument for an intimate relationship between Jefferson and Hemings won few converts. See Jennifer Jensen Wallach, “The Vindication of Fawn Brodie,” *Massachusetts Review* 43 (2002) 283.
6. Likewise, Annette Gordon-Reed, who never denied the Jefferson–Hemings liaison, casts their relationship in a similarly romantic light. Although largely dedicated to

showing that the possibility of the Jefferson–Hemings relationship was supported by available evidence, her book *Thomas Jefferson and Sally Hemings* suggests that the relationship between the two may have been “loving” (230). Gordon-Reed expands on this suggestion in her subsequent book on the subject, the Pulitzer Prize–winning *The Hemingses of Monticello: An American Family* (New York: Norton, 2008), which appeared too late to be considered in any detail in this essay. However, to the extent that Gordon-Reed portrays the relationship between Sally Hemings and Thomas Jefferson as a love affair, absent new evidence of any kind, some of this essay’s questions may well be put to this work. Indeed, historian Eric Foner raises some of them in his illuminating review of the book, which emphasizes, “Gordon-Reed’s portrait of an enduring romance between Hemings and Jefferson is one possible reading of the limited evidence. Others are equally plausible.” Foner also critiques Gordon-Reed for her suggestion that in emphasizing the nonconsensual character of many master–slave relationships, “opponents of racism and critics of slavery” run the risk of labeling female slaves as “inherently degraded.” Gordon-Reed, *The Hemingses of Monticello*, 319; Foner, “The Master and the Mistress,” *New York Times*, October 5, 2008. This essay suggests that the inequality of power between young female slaves, such as Sally Hemings, and their owner might well have been degrading to both parties and provided virtually no real opportunity for such women to exercise the consent and free will usually associated with romantic relationships.

7. Christopher Hitchens, *Thomas Jefferson: Author of America* (New York: HarperCollins, 2005) 61; and E. M. Halliday, *Understanding Thomas Jefferson* (New York: HarperCollins, 2003) 98.
8. “Many of us want to see to signs of hope in the story of Sally Hemings and Thomas Jefferson . . . Perhaps, in wanting to see in the complex history of slavery simply the story of a man and a woman, we hope to discover some measure of love that might redeem—or deny—the brutal exercise of power.” Lewis and Onuf, eds., “Introduction,” *Thomas Jefferson and Sally Hemings*, 12.
9. Virginia (Colony), Act 3, *The Statutes at Large: Being a Collection of All the Laws of Virginia from the First Session of the Legislature, in the Year 1619*, vol. 2, ed. William Waller Hening (1823; reprint, Charlottesville: University of Virginia Press, 1969) 493; and Virtual Jamestown, “Laws on Slavery,” <http://www.virtualjamestown.org/laws1.html> (accessed August 3, 2009).
10. Thomas Jefferson to John Wayles Eppes, Monticello, 1820, in *Thomas Jefferson’s Farm Book with Comments and Relevant Extracts from Other Writings*, ed. Edwin Morris Betts (Princeton: Princeton University Press, 1953) 45f.
11. Thomas Jefferson, “Autobiography” (1821), in *The Life and Writings of Thomas Jefferson*, eds. Adriene Koch and William Peden (New York: Modern Library, 1998) 37.
12. Jefferson’s proposed legislation read, “If any white woman shall have a child by a negro or mulatto, she and her child shall depart the commonwealth within one year thereafter.” Report of the Revisors, “A Bill Concerning Slaves,” in Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition, vol. 2, 1771–1779 (New York: Putnam’s Sons, 1904–1905); and Online Library of Liberty, “Thomas Jefferson, The Works of Thomas Jefferson, 12 vols.,” <http://oll.libertyfund.org/title/755/86132> on 2008–06–26 (accessed August 3, 2009). See also Charles Frank Robinson II, *Dangerous Liaisons: Sex and Love in the Segregated South* (Fayetteville: University of Arkansas Press, 2003) 7; and Paul Finkelman, “Jefferson Against Slavery: ‘Treason Against the Hopes of the World,’” in *Jeffersonian Legacies*, ed. Peter Onuf (Charlottesville: University of Virginia Press, 1993) 195.
13. Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006) 65.
14. Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs* (Chapel Hill: University of North Carolina Press, 1996) 207.
15. Brown, 117.
16. Deborah Gray White, *Ar’n’t I a Woman? Female Slaves in the Plantation South* (New York: Norton, 1985) 29.



17. White, *Ar'n't I a Woman?* 30f.
18. Thomas Jefferson, *Notes on the State of Virginia*, ed. David Waldstreicher (Boston: Bedford/St. Martin's, 2002) 179.
19. *George (a slave) v. State*, 37 Miss. (1859) 320.
20. *George (a slave) v. State*, 37 Miss. (1859) 320.
21. See Peter W. Bardaglio, "Rape and the Law in the Old South: 'Calculated to Excite Indignation in Every Heart,'" *Journal of Southern History* 60 (1994) 749–772; Christina Accomando, *The Regulations of Robbers: Legal Fictions on Slavery and Resistance* (Columbus: Ohio State University Press, 2001) 158; and Jennifer Wriggins, "Rape, Racism and the Law," *Harvard Women's Law Journal* 6 (1983) 759.
22. Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006) 17, 51.
23. "The Memoirs of Madison Hemings" originally appeared in "Life Among the Lowly, No. 1," *Pike County (OH) Republican*, March 13, 1873, and is reprinted in Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy* (Charlottesville: University of Virginia Press, 1997) 246.
24. Madison Hemings, "The Memoirs of Madison Hemings" [as told to S. F. Wetmore], "Life Among the Lowly, No. 1," *Pike County (OH) Republican*, March 13, 1873, *Frontline*, PBS.org, "Jefferson's Blood," under "Chronology," <http://www.pbs.org/wgbh/pages/frontline/shows/jefferson/cron/1873march.html> (accessed August 28, 2009).
25. Madison Hemings, "The Memoirs of Madison Hemings."
26. Acclaimed Jefferson biographer J. M. Halliday, for example, contends that the relationship that developed between Jefferson and his slave maid must be reconciled with "Jefferson's honor and humanity and . . . respect for human dignity." "What if *she* seduced *him*?" he suggests, as a way of resolving this issue. Sally's mother, Betty, "had tremendously improved her lot as a slave by becoming John Wayles's consort after the death of his third wife," so she may well have wished to see her daughter do the same. Indeed, Halliday speculates, the fact that Sally accompanied Polly Jefferson could have been the result of "clever maneuvering" on her mother's part, and "it is hard to believe that Betty Hemings failed to give her lively, pretty daughter advice on how to behave toward Master Jefferson upon entering his household." In other words, the relationship was Sally's choice. On his own in Paris, having failed to secure the affections of Maria Cosgrove—a married woman whom he wooed during his European sojourn—Jefferson was "vulnerable." E. M. Halliday, *Understanding Thomas Jefferson* (New York: HarperCollins, 2003) 98.
27. Abigail Adams to Thomas Jefferson, June 27, 1787, and July 6, 1787, The Thomas Jefferson Papers Series I: General Correspondence, 1651–1827, Library of Congress.
28. In a letter written shortly after his younger daughter's arrival in Paris, Jefferson told his sister that Polly was "now in the same convent with her sister and will come and see me once or twice a week." The two girls remained in the convent school until shortly before the Jefferson family returned to Virginia. It is conceivable that Sally went with them but more probable that she remained at the Jefferson town house on the Champs-Élysées. "To Mrs. Bolling," July 23, 1787, Paris, in Sarah Randolph Jefferson, *The Domestic Life of Mrs. Jefferson* (New York: Frederick Ungar, 1958).
29. Joshua Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia* (Chapel Hill: University of North Carolina Press, 2007) 17.
30. Thomas Jefferson's views on this subject were recorded by Monticello slave Israel Jefferson in his 1873 interview "Memoirs of Israel Jefferson" in "Life Among the Lowly, No. 1," *Pike County (OH) Republican*, December 25, 1873. In practice, no Monticello slaves appear to have been offered instruction in either reading or writing by Jefferson—although some, such as Jefferson's son Madison Hemings, who "induced the white children" to teach him how to read, managed to find other tutors; Madison Hemings, "The Memoirs of Madison Hemings." On slave life at Monticello, see Lucia Stanton, *Free Some Day: The African American Families of Monticello* (Chapel Hill: University of North Carolina Press, 2001).

31. Rothman, *Notorious in the Neighborhood*, 20.
32. Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South* (New York: Norton, 1985) 38.
33. Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006) 74.
34. Block, *Rape and Sexual Power*, 71.
35. Block, *Rape and Sexual Power*, 71, 74.
36. On the limitations of liberal notions of self with regard to enslaved humanity, see Walter Johnson, "On Agency," *Journal of Social History* 37 (2003) 112–124, 115.
37. Philip Morgan, *Slave Counterpoint: Black Culture in the Eighteenth Century Chesapeake and Lowcountry* (Chapel Hill: University of North Carolina Press, 1998) 535.
38. Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women* (Glenview, IL: Forsman) 65f.
39. Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South* (New York: Norton, 1985) 133.
40. Lucia Stanton, *Free Some Day: The African American Families of Monticello* (Chapel Hill: University of North Carolina Press, 2001) 105f.
41. Hortense Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book," in *Black, White, and In Color: Essays on American Literature and Culture* (Chicago: University of Chicago Press, 2003) 218.
42. Spillers, 217.
43. Madison Hemings, "The Memoirs of Madison Hemings" [as told to S. F. Wetmore], "Life Among the Lowly, No. 1," *Pike County (OH) Republican*, March 13, 1873, *Frontline*, PBS.org, "Jefferson's Blood," under "Chronology," <http://www.pbs.org/wgbh/pages/frontline/shows/jefferson/cron/1873march.html> (accessed August 28, 2009).
44. Spillers, 216.
45. Stanton, *Free Some Day*, 112.
46. Jefferson's instruction to Bacon are recorded in "The Private Life of Jefferson," an account of the memories of Jefferson's overseer Edward Bacon, recorded by Reverend Hamilton Wilcox Pierson. First published 1862, it is reprinted in James A. Bear, ed., *Jefferson at Monticello* (Charlottesville: University Press of Virginia, 1967) 102.
47. Madison Hemings, "The Memoirs of Madison Hemings."
48. Margaret Bayard Smith, "The Haven of Domestic Life," in *Visitors to Monticello*, ed. Merrill D. Peterson (Charlottesville: University Press of Virginia, 1989) 53.
49. The Duc de la Rochefoucauld-Liancourt, "A Frenchman Views Jefferson the Farmer," in Peterson, *Visitors to Monticello*, 21.
50. Henry S. Randall to James Parton, June 1, 1868, in the Papers of James Parton, Houghton Library, Harvard University.
51. Thomas Jefferson, *Notes on the State of Virginia*, ed. David Waldstreicher (Boston: Bedford/St. Martin's, 2002) 176. Sally is described as "mighty near white" in a memoir dictated to Charles Campbell by Isaac Jefferson, "Memoirs of a Monticello Slave," in James A. Bear, ed., *Jefferson at Monticello* (Charlottesville: University of Virginia Press, 1967) 4. Joshua Rothman suggests that Hemings was "not really black"; see *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia* (Chapel Hill: University of North Carolina Press, 2007) 47. And Jefferson biographer Andrew Burstein writes that as a woman who was by descent a quarter black at most, Sally Hemings "must not have represented blackness...to Jefferson...black skin repelled him"; see Andrew Burstein, *Jefferson's Secret: Death and Desire at Monticello* (New York: Basic, 2005) 148f.
52. Madison Hemings, "The Memoirs of Madison Hemings" [as told to S. F. Wetmore], "Life Among the Lowly, No. 1," *Pike County (OH) Republican*, March 13, 1873, *Frontline*, PBS.org, "Jefferson's Blood," under "Chronology," <http://www.pbs.org/wgbh/pages/frontline/shows/jefferson/cron/1873march.html> (accessed August 28, 2009).
53. On the "fancy trade," see Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South* (New York: Norton, 1985) 37; Walter Johnson, *Soul by Soul: Inside*

- the Antebellum Slave Market* (Cambridge, MA: Harvard University Press, 1999) 113–115, 154f; and Edward E. Baptist, “‘Cuffy,’ ‘Fancy Maids,’ and ‘One-Eyed Men’: Rape, Commodification, the Domestic Slave Trade in the United States,” *American Historical Review* 106 (2001) 1619–1650.
54. Hannah Crafts, *The Bondswoman’s Narrative*, ed. Henry Louis Gates (New York: Warner, 2002) 94.
  55. Jefferson to Governor John Page, June 25, 1804, in *The Memoirs, Correspondence and Private Papers of Thomas Jefferson*, vol. 4 (H. Coburn and R. Bentley, 1829; digitized on Google Books, 2007) 19.
  56. Jefferson to Thomas Jefferson Randolph, February 8, 1826, in Sarah Randolph Jefferson, *The Domestic Life of Mrs. Jefferson* (New York: Frederick Ungar, 1958) 415.
  57. “The Will of Thomas Jefferson,” in Samuel H. Sloan, *The Slave Children of Thomas Jefferson* (Lynchburg, VA: Orsden, 1992) 292.
  58. Thomas Jefferson Randolph, *Recollections*, Virginia University Library (1837), quoted in Lucia Stanton, *Free Some Day: The African American Families of Monticello* (Chapel Hill: University of North Carolina Press, 2001) 142.
  59. Peter Fossett, “Once a Slave of Thomas Jefferson,” *New York World*, January 30, 1898; reprinted, *Frontline*, PBS Web site, “Jefferson’s Blood,” under “Slaves Story,” <http://www.pbs.org/wgbh/pages/frontline/shows/jefferson/slaves/memoir.html> (accessed August 4, 2009).
  60. This allegation appeared in variety of abolitionist newspapers. See for example, “Sale of a Daughter of Tho’ Jefferson,” *Liberator* (Boston), September 21, 1838.
  61. According to Madison Hemings, “Harriet married a white man of good standing in Washington City, whose name I could give, but will not for prudential reasons.” He also noted that she had children “never suspected of being tainted with African blood in the community where she lives,” and that he had not talked to her in more than ten years. Madison Hemings, “The Memoirs of Madison Hemings” [as told to S. F. Wetmore], “Life Among the Lowly, No. 1,” *Pike County (OH) Republican*, March 13, 1873, *Frontline*, PBS.org, “Jefferson’s Blood,” under “Chronology,” <http://www.pbs.org/wgbh/pages/frontline/shows/jefferson/cron/1873march.html> (accessed August 28, 2009).
  62. Thomas Jefferson, *Notes on the State of Virginia*, ed. David Waldstreicher (Boston: Bedford/St. Martin’s, 2002) 175, 195.

## Breaking the Silence: Sexual Hypocrisies from Thomas Jefferson to Strom Thurmond

*Catherine Clinton*

*There's not enough troops in the Army to force the Southern people to break down segregation and admit the Negro race into our homes, and into our churches.*

—Strom Thurmond, 1948

A few months after the death of one of the most infamous political champions of racial segregation in U.S. history, the American public was mesmerized when a soft-spoken seventy-eight-year-old black woman stood before cameras in December 2003 to announce that she was Strom Thurmond's daughter. Thurmond's heirs responded with the following statement: "The Thurmond family acknowledges Ms. Essie Mae Washington-Williams's claim to her heritage." Political mudslinging over allegations of interracial sex date back to the earliest days of the republic, but Ms. Washington-Williams provides a perspective rarely heard publicly: that of a member of a so-called shadow family. "It's a part of history," she said. "It's a story that needs to be known. And so this is why I decided to come out and talk about it. And to bring closure to all of this."<sup>1</sup>

Shadow families are not uncommon in American history because white, often relatively wealthy and powerful men would take black women as sexual partners and produce children with them. Most often, those families remained unacknowledged, though the phenomenon has become widely recognized. Sometimes, members of shadow families were abandoned or mistreated, either by the man or by his legitimate white heirs. A white father and husband rarely left his legitimate heirs for his shadow family. Usually, only political rivals hoping to smear a man's reputation spoke publicly of a shadow family. Polite Southern society, meanwhile, would criticize a man who did not keep his shadow family sufficiently secret.

Today, interracial sex, although no longer the public taboo it once was, remains a difficult topic in our national conversation about race. In 2008, the

racial heritage of Democratic candidate Barack Obama complicated the racial politics of the presidential campaign.<sup>2</sup> Obama's family heritage turned the shadow family on its head. In contrast to the clandestine and coercive relationships of the past, Obama's European American mother and Kenyan father lived openly and produced an out-of-the-shadows family.

For most of American history, "wrong side of the blanket" babies of mixed race were not a topic for serious discussion but racial debris to be swept under the carpet. Is there anything more to be had from a discussion of the American history of miscegenation than a titillating thrill? Uncovering lost chapters of American history involving interracial sex generally, and shadow families specifically, serves at least two purposes. It honors the stories of those denied a voice, like the Thurmond-family servant Carrie Butler, impregnated with Strom's illegitimate child when she was fifteen years old. And it helps Americans understand the different perceptions of sexuality, motherhood, and fatherhood that result from the diverging experiences of persons enslaved and free, white and black, male and female. In the United States, we need to understand this history in order to build a more just future upon an unjust past.

The topic of interracial sex in a slaveholding society raises uncomfortable truths about the relations between the sexes and the races. The subject reveals how property and propriety intertwined during the formation of a distinct national psyche. It raises questions about how much control enslaved women actually exercised over their own lives; the extent to which American slave owners honored or challenged the taboo concerning interracial sex; and the contradictions between American values as professed and as practiced.

What is spoken, implied, or left unsaid; what is documented and verifiable; what constitutes solid evidence; whose hearsay is admissible; what is true and untrue, proven or without foundation; what wounds and festers or withers in the spotlight of exposure; what continues to elude: all remain part of the sexual hypocrisies that taint the discourse of American race relations, past and present. Acknowledgment and affirmation, denial and discrediting remain part of the contested terrain of this discourse, as eruptions within the headlines and inflammatory historical debates demonstrate.

Public scandals over sensational cases involving white men and black women have been around from the very founding of the nation. Consider the accusations about presidential candidate Thomas Jefferson's relationship with the enslaved Sally Hemings during the 1800 election, and the rumors about Bill Clinton's interracial sex life and a mixed-race, illegitimate Clinton baby that swirled during the 1992 presidential campaign.<sup>3</sup> These exposures were not designed to offer African American women or their descendants any justice. They were intended to embarrass the public figures involved, or supposedly involved, in these illicit interracial entanglements. These clashing public and private perspectives and contested paternities reflect the corrosive effects of slavery's long shadow.

Racial differentiation and sexual regulation were paramount concerns in the colonial era, when black, red, and white; and indentured, enslaved and free; as well as male and female found their desires too often at cross purposes. The difficulty of ascertaining paternity—a threat to the conventions and laws governing the inheritance of property—and the rising numbers of mixed-race

children induced authorities to attempt to resolve their problems with a stroke of the pen. In December 1662, the Virginia assembly passed legislation declaring that the offspring of enslaved women inherited their mothers' status, and other colonies followed suit.<sup>4</sup> This law provided errant males with an incentive to prefer enslaved women as sexual partners: childbirth would increase a slave owner's wealth by increasing his property holdings. White society was concerned about sex between white women and black men, too—free as well as enslaved.

By April 1691, the Virginia assembly led the way, once again, because of alarm over “abominable mixture and spurious issue.” Thereafter, any white woman who gave birth to a “mulatto” was heavily fined (with the fine payable to the officials of the Anglican church); if she could not pay, she was sentenced to five years' servitude and her child might be sold into servitude until the age of thirty.<sup>5</sup> When other methods failed, lawmakers eventually introduced banishment to prohibit mixture of the races because free persons continued to cohabit and struggled to legitimate unions regardless of the color line.<sup>6</sup> Generally, laws evolved to prevent interracial couples from creating recognized unions and to ban all sexual contact between white women and black men.<sup>7</sup> Suffragist Elizabeth Cady Stanton argued that campaigners for women's rights and advocates of racial equality should form political alliances. She saw white women and blacks as logical political allies, suggesting that the political threat that together they posed to white male power included an implicit threat to white male sexual domination as well.<sup>8</sup>

The links between enslavement and sexuality seem obvious to the modern eye. Whether or not evident to those involved, enslaved men and women were certainly subject to physical restraints with an implicitly sexualized component: collars, cuffs, ropes, and other symbols of subjugation. Slaves were also subjected to public nudity; one of the first laws of racial differentiation in the Virginia colony was that white indentured servants might not be stripped for punishment, unlike blacks.<sup>9</sup> Whipping itself was an extension of male will, and lashing can suggest a form of sexual sublimation.

Perhaps the most highly charged aspect of slavery was its most elemental: control. Slaveholders wanted to maintain absolute control over their human chattel. Yet many interactions between whites and blacks, men and women, were not simply about control over labor but also about feeding the sexual appetites of the powerful and about the degradation of those made to feel powerless.<sup>10</sup>

This inevitable element of force makes it difficult for us to understand the precise sexual dynamics of interactions between the enslaved and their owners. We do not know exactly how the actors of the past viewed their own roles and those of others, but we do know that the slave system was consistently coercive. Therefore, one could argue, every act of sex between a master and a slave was the equivalent of non-consensual sex—in other words, rape. The belief that all slaves were utterly powerless appeals to both blacks and whites—for very different reasons. Yet that may do an injustice to both the enslaved and the slave owner. Historian Annette Gordon-Reed challenges the assumption “that no master and slave woman ever experienced a mutual sexual or emotional attachment to one another.” In Gordon-Reed's view, an enslaved

woman recognized the difference between a master who would accept her refusal of his advances and a master who would force her to have sex—and so should we.<sup>11</sup>

In trying to untangle the strands of understanding and behavior within antebellum Southern culture, we see that a stain seemed to mar all relationships between slave and free, and it especially tainted all bonds between enslaved women and slave-owning men. After all, in the antebellum South, if a slave woman raised her hand against a man, even to protect her own body, she was committing a crime. Enslaved women, most of all, knew that the sexual dynamics of slavery forced them to negotiate treacherous shoals, without protection under the law.<sup>12</sup> In her 1868 memoir, Elizabeth Keckly recalls a humiliating experience when a member of her master's church expressed a desire to whip her without cause. She resisted, and explains her resistance to her readers: "Recollect, I was eighteen years of age, was a woman fully developed, and yet this man coolly bade me take down my dress."<sup>13</sup>

Questions of individual choice and personal affection run through discussions of the shadow family relationship of Sally Hemings and her owner, Thomas Jefferson. This may be because of the length of their relationship, which spanned nearly forty years and may have produced all six of her children. The image of a romantic relationship may also reflect fascination or discomfort with the clash between the American perception of Jefferson as a man dedicated to liberty and equality and the fact that he was a slaveholder who believed in racial segregation. The Jefferson-Hemings story reflects several important elements of the discussion of interracial sex and shadow families, including the question of how much control enslaved women had over their destiny; the hypocrisy of slave owners; and the prejudice of a white society that claims to stand for liberty and justice for all while giving more weight to white and male and powerful voices than to the voices of women and blacks and slaves.

Sally Hemings was herself the child of a shadow family. She was the illegitimate mixed-race daughter of Jefferson's father-in-law, which made her half-sister to Jefferson's wife, Martha. The sexual relationship between Jefferson and Sally Hemings apparently began after Martha Jefferson's death in 1782. Jefferson made his wife a deathbed promise that he would not remarry, and he kept his word. Perhaps Martha Jefferson regretted her own experiences with two stepmothers and did not want her three young daughters to experience a similar fate. Perhaps Martha Jefferson had positive feelings toward Sally Hemings's mother as her father's longtime sexual partner. Whatever the "feelings" of the parties involved, this pattern of a shadow family was a persistent part of the landscape for the Southern gentry.

The dangers of such liaisons had been with the republic since its inception.<sup>14</sup> During Jefferson's presidency, critics labeled him "First Hypocrite."<sup>15</sup> That campaign was built on fears about what and whom this Founding Father may have fathered.<sup>16</sup> Jefferson himself never acknowledged as his own any of Sally Hemings's children, though he freed two in his will and let two others escape. He did not free Sally Hemings. Generations of his white descendants denied the relationship, though 1998 DNA testing revealed that Jefferson was probably the father of at least one of Sally Hemings's children. Highly charged debates

over Jefferson's personal politics and sexual attitudes flare up periodically.<sup>17</sup> Many years after Jefferson's death, the scandal leapt into the headlines again with the 1853 publication of a novel by African American abolitionist William Wells Brown, *Clothel: Or the President's Daughter*. The topic reappeared in 1873 with the publication of Madison Hemings's reminiscences in the *Pike County (Ohio) Republican*, in which he reported that he and three of his siblings were Jefferson's children.<sup>18</sup>

The debate has revealed race- and gender-based assumptions to which some contemporary Americans cling. Generations of white historians dismissed the Hemingses' accounts of their descent. But in 1997, Annette Gordon-Reed's *Thomas Jefferson and Sally Hemings: An American Controversy* provoked serious re-examination of the evidence and raised the stakes for discussion: How much longer would scholars demonstrate selection bias with their research methods—crediting white hearsay while dismissing black testimony? How much longer would historians waffle on the issue of interracial liaisons and shadow families?<sup>19</sup> Gordon-Reed's recent prize-winning study biography, *The Hemingses of Monticello: An American Family* (2008), has further raised the bar of historical research as she has brought a shadow family out of the shadows with her powerful scholarly analysis.<sup>20</sup>

Today, the majority of American historians and certainly the American public accept the reality that Thomas Jefferson fathered children by Sally Hemings, an enslaved woman with whom he lived in both Paris and Virginia.

How much control did Sally Hemings have over her own life? What was the nature of her interaction with Jefferson? Answers vary, depending on the beliefs of those providing them. Eminent historian Garry Wills even suggested in 1974, in reviewing Fawn Brodie's *Thomas Jefferson: An Intimate Biography*, that Sally Hemings and Jefferson both benefited from a relationship that was purely sexual, undeniable, and just not very interesting: "She was like a healthy and obliging prostitute, who could be suitably rewarded, but would make no importunate demands. Her lot was improved, not harmed, by the liaison."<sup>21</sup> This casual dismissal of the topic has been refuted by the past half century of scholarly debate.

Sally Hemings may have been an agent of her own destiny. She may not have viewed herself solely within the framework of slavery, especially as she came of age in Paris, where she lived for some time with Jefferson and one of his daughters and was paid wages. She may have explored her options as a desirable woman in close proximity to an older, unattached man. Perhaps she demanded her children's freedom as the price for returning to Virginia with Jefferson. Doing her justice as an individual requires considering that she might have drawn her identity from her role as the half-sister of Jefferson's wife. And that being a deceased wife's sister could enhance her status with a widower.<sup>22</sup> She "may have welcomed any advances that Jefferson might have made."<sup>23</sup> What were her choices; what were her strategies? We may never know for sure, but the historical records demand that we consider Sally Hemings as an actor in her own life.

There is no known evidence of Sally Hemings's thoughts and feelings, but there is a vast and expanding literature that chronicles liaisons between free whites and enslaved blacks during the antebellum era and the consequences



of these.<sup>24</sup> This research challenges the history that we were taught in school, underscoring the now-familiar hypocrisy of the slaveholder and helping to fill out the picture of the shadow family and what it has passed down to U.S. society.

No slave woman's story has been more powerfully explored than that of Harriet Jacobs, whose remarkable narrative, *Incidents in the Life of a Slave Girl*, appeared under the pseudonym of Linda Brent in 1861.<sup>25</sup> Jacobs wrote with great pathos about her experience with a predatory owner: "I now entered my fifteenth year—a sad epoch in the life of a slave girl. My master began to whisper foul words in my ear." Her "soul revolted against the mean tyranny. But where could I turn for protection?"<sup>26</sup> Jacobs knew that her master already had eleven slave children, but this mixed-race paternity was referred to only in whispers within the slave community. Her master wanted to have sex with her, but he was also keen to "conceal his crimes" because some "outward show of decency" was required.<sup>27</sup> All of this transpired just after her master had become a member of the Episcopal Church, and Jacobs complained, "the worst of the persecutions I endured from him were after he was a communicant."<sup>28</sup>

This emphasis on the show of decency in the Old South was roundly criticized at the time. British commentator James Buckingham issued a familiar indictment in 1840: "The men of the South especially are more indelicate in their thoughts and tastes than any European people; and exhibit a disgusting measure of prudery and licentiousness combined, which may be regarded as one of the effects of the system of slavery, and the early familiarity with vicious intercourse to which it invariably leads."<sup>29</sup>

The racial and sexual double standard that evolved in the slaveholding states gave elite white men a free pass for their sexual relationships with black women, as long as the men neither flaunted nor legitimated such unions. As one observer declared in 1824, "Indeed in the Southern States, the ladies would be very angry, and turn anyone out of society who kept a white woman for his mistress; but would not scruple even to marry him, if he had a colored one, and a whole family of children by her."<sup>30</sup> "Hypocrisy" became a watchword for white Southern politicians, a tradition continued into the present.<sup>31</sup>

Such hypocrisy could and did produce crises when men overstepped the boundaries meant to preserve the racial and sexual status quo. Usually, free and enslaved women and enslaved children bore the brunt of the fallout.

When Mississippi slaveholder Thomas Foster Jr. abandoned his sixteen-year-old wife, Susan, in 1823 to take up with a slave woman named Susy, Susan Foster complained to her father-in-law, who promised to intercede on her behalf. On his sickbed and fearing death, Foster promised to banish Susy if only his wife would return to him. She did so, but when Foster recovered his health, he abandoned his wife and family—stealing away on Christmas Day 1826 with Susy and the rest of his slaves. He never saw his wife and children again.<sup>32</sup> The story did not end happily for Susy. Foster sold her within a few years.

Slaveholders sometimes deluded themselves about the blessings they bestowed on their shadow families. South Carolina Senator James Henry Hammond had extreme sexual appetites.<sup>33</sup> His wife Catherine apparently tolerated his taking one of his slaves, Louisa, as a sexual partner after purchasing

her in 1839, but when he began having sex with Louisa's twelve-year-old daughter in 1850, Catherine Hammond left her husband. Hammond refused to change his ways and defended his choices, saying, "I cannot free these people... It would be cruelty to them." Hammond wrote his son Harry with instructions in 1856: "Do not let Louisa or any of my children or possible children be slaves of Strangers. Slavery *in the family* will be their happiest earthly condition."<sup>34</sup> Hammond was a pro-slavery ideologue who had no trouble using biblical verse to support his political beliefs about "domestic slavery."<sup>35</sup>

Problems of property, legitimacy, and inheritance appear and reappear in accounts of shadow families. Distinguished South Carolinian Henry Grimke willed his enslaved sexual partner, Nancy Weston, to his white son and heir, Montague. Grimke told Montague that Nancy Weston and her sons were to be treated as members of the family. But when Montague married in 1860, he ordered his half-brother Archibald to serve in his household. When Nancy Weston protested, he put her in the workhouse. Archibald ran away, soon followed by his brother Frank. When Archibald was captured, he and his brother John were sold off. Later, Grimke's sisters, both authors and abolitionists, took his mixed-race sons under their protection. Their actions contrast with the deliberately cruel treatment meted out by Montague.<sup>36</sup> Indeed, the Grimke sisters broke completely with their family over questions of religion and ethics, especially in their support for women's rights and their antislavery beliefs, which were totally alien to their slaveholding upbringing. They had left their family's Episcopal Church and had become members of the Religious Society of Friends (the Quakers) during visits to the North, and had even exiled themselves to the North to pursue a course independent from their South Carolina heritage.

Richard M. Johnson, the Kentucky war hero who rose to the office of vice president in 1837, preferred liaisons with African American women and never legally took a wife. Johnson maintained a lengthy relationship with a "mulatto housekeeper," Julia Chinn. The couple produced two daughters, Imogene and Adaline. Problems arose when Johnson refused to deny their parentage, educated his daughters, and married them both off to white husbands. Johnson also deeded over estates and provided financial security for his children.<sup>37</sup> His private life was dragged into the headlines when his name was put forward as a presidential running mate in 1835. The article said Johnson was living with "a young Delilah of about the complection [*sic*] of Shakespeare's swarthy Othello who is said to be his third wife; his second... he sold for infidelity." The indignant journalist commented, "Neither now nor at any time would I act so in defiance of public opinion."<sup>38</sup> Johnson's scorn of secrecy was his crime, not his choice of sexual partners.<sup>39</sup>

Such choices resonate through the generations among both black and white citizens of the United States. Pauli Murray, lawyer, poet, and Episcopal priest, recalls that during visits to Cornelia, her light-skinned grandmother in North Carolina, Cornelia would tell her, "Hold your head high and don't take a back seat to nobody. You got good blood in you—folks that counted for somebody—doctors, lawyers, judges, legislators. Aristocrats, that's what they were, going back seven generations right in this state."<sup>40</sup> It took Murray years of research, digging up buried relationships, to discover her family's secret. In

1844, Cornelia was born a product of rape and dishonor so shameful that her white ancestors, the Smiths, had to move from their North Carolina hometown to a more isolated residence on a plantation. The two white male heirs to the Smith planter fortune never married, and their sister Mary spent her life caring for her four mixed-race nieces. Murray suggests her white ancestors “were doomed to live with blunted emotions and unnatural restraints, to keep up appearances by acting out a farce which fooled nobody and brought them little comfort.”<sup>41</sup>

A fire wall of hypocrisy surrounded the ticking time bomb of sexual secrecy nestled in the heart of American slaveholding. The system not only functioned with this fundamental flaw built into it; it thrived. It was a system based on the alleged inhumanity of African and African American slaves, yet it exploited that most human impulse—sexual desire—to perpetuate itself. Recognition of the soul and humanity of the enslaved would upend the entire operation—and had presented problems for North American slaveholders from the outset. In 1661, Virginia lawmakers passed statutes stating that the conversion of an enslaved heathen to Christianity would not bring any change in legal status. Religious leaders in Anglo American settlements walked a fine line.<sup>42</sup> They welcomed all into the fold but kept segregated flocks—and they preached doctrines that differed according to the color of the congregation. Colonial ministers’ tasks included the reinforcement of obedience among slaves and silence about the masters’ failings.

Challenges to the slavery system from both inside and outside the church began in the colonial era, spreading and rising into radical antislavery agitation in the 1830s. The linkage of slavery and sex gave reformers a handle. Firebrand abolitionists in the North decried the “brothels” on plantations. A small number of white women reformers bemoaned the “breakup of families” caused by slavery and the wrongs it inflicted on women, although it was not always clear whether their sympathies lay with the white wives abandoned by husbands seeking enslaved sex partners, or with the enslaved women who were denied choice and coerced into sex with white men. But calls for reform mostly came from residents of the Northern states.

Rarely did members of the white Southern community do more than gossip among themselves about the powerful men who crossed the color line. But some religious leaders did challenge society’s code of silence about the sexual exploitation of enslaved women. The Reverend Charles Colcock Jones was one. The master of several plantations in coastal Georgia as well as an influential Presbyterian leader and scholar, Jones was living at his Macintosh County plantation, Maybank, in the summer of 1860 when he hired a young man to assist him with the book he was writing. The young man, William States Lee, was the son of a South Carolina clergyman. He was in Georgia to establish a school for young women.<sup>43</sup> While Lee was staying with the Jones family, he took a fancy to an eighteen-year-old household slave named Peggy. When Peggy gave birth to a light-skinned daughter the following year and named her Eva Lee, Jones confronted her. She confessed to having sex with Lee, which outraged the good reverend on several levels. Jones was angered that Lee had “debauched a young Negro girl” and lamented that Lee was “the only man who has dared to offer to me personally and to my family and to my neighbors so vile and so

infamous an insult. You are the only man who has ever dared to debauch my family servants—it being the only instance that has occurred—and to defile my dwelling with your adulterous and obscene pollutions.”<sup>44</sup>

Jones said the evidence against Lee—Peggy’s confession, the timing of Lee’s visit in relation to Eva’s birth, and the child’s resemblance to Lee—was “amply sufficient to warrant the submission of the case to the session [as the council of church elders was known] of the Columbus church for action.”<sup>45</sup> Lee denied the accusation and urged wealthy and prominent men to hush the matter up because public accusations could derail Lee’s plans to start a school for young ladies. Lee’s cronies took Jones to task and attacked Peggy’s credibility. But Jones persisted. After further investigation, he told the church elders that Lee’s sexual interaction with Peggy was part of a pattern of debauchery. Another young black woman had also become pregnant. Lee had her punished and denied her claim that she had borne his child, though it was of mixed race. Jones was appalled, saying, “With all the circumstances and evidences before me, he is a guilty man.”<sup>46</sup> The matter never officially went before the church authorities, and Lee went unpunished by his fellow Presbyterians. The rarity of any challenge to a white man’s predatory sexual prerogative makes Jones’s effort stand out in the annals.<sup>47</sup>

These are only a handful of the fascinating, complicated stories about the sexual and political dynamics of slavery for enslaved women. We have no idea how many thousands remain undocumented. There is absolutely no question that these liaisons were neither rare nor out of the ordinary. So how is it that so few have turned up in historical accounts until recently, when we know such relations took place? And how is it that interracial sex is prevalent in contemporary fiction and popular culture but shadow families remain conspicuously absent from any political discourse that goes beyond mudslinging?<sup>48</sup> As so much of the carefully parsed debate over race during the 2008 presidential campaign demonstrated, American political discourse remains cloaked in a thin veneer of hypocrisy. The recently revealed story of Strom Thurmond’s shadow family and the experience of his daughter Essie Mae Washington-Williams reveal that Americans are still living with the hypocritical legacy of slavery today.

Thurmond made the cover of *Time* magazine in 1948 as leader of the break-away States Rights Democratic Party, the Dixiecrats. As a staunch segregationist, he railed, “There’s not enough troops in the Army to force the Southern people to break down segregation and admit the Negro race into our homes, and into our churches.”<sup>49</sup> In 1954, he won a seat in the Senate as a write-in candidate, a feat that has not been equaled since. He also set another record, as the longest-serving member of the Senate (48 years), before his death in June 2003 at the age of 100. Thurmond stood fast against civil rights until his 80s, when times had changed dramatically enough that this representative of traditional values had to change as well.

One of his earliest biographers extolled Thurmond’s upbringing: “The family attended Edgefield’s Baptist church regularly, and lived by a strict code of ethics, having no tolerance for compromise between right and wrong.”<sup>50</sup> The public required Thurmond, like most white Southern politicians, to attend church regularly and to display his faith in other public ways. He might pray in public and invoke the Scriptures in his political speeches, among other

demonstrations of piety. At the same time, during his youth and into his later years, Thurmond was notorious among his friends as a ladies' man.<sup>51</sup> He was elected governor as a bachelor and married relatively late in life, in 1947, and then again after he was widowed. His second wife was a former Miss South Carolina who was twenty-two to his sixty-six. The marriage enhanced his reputation for virility and burnished his vanity.<sup>52</sup>

There was a secret side to Thurmond's family life, as well. During investigations of Thurmond's racial attitudes in August 1948, the Baltimore *Afro American* reported that Thurmond's father had a shadow family. The paper quoted a black woman who said she and Thurmond were related: "Mrs. Eva Thurmond Smith said, 'I remember well when Gov. Thurmond used to visit my grandfather, and they used to sit and eat and talk for hours. I remember asking my grandfather why did that white man always visit our home. My grandfather told me they were brothers.'" <sup>53</sup>

Thurmond continued the tradition. When the daughter of the Thurmonds' African American cook gave birth to a light-skinned daughter in 1925, many blamed Strom Thurmond, who had been living at home in Edgefield when fifteen-year-old Carrie Butler became pregnant.<sup>54</sup> Thurmond left for Florida shortly after Carrie's pregnancy became evident, but returned within a year and was elected president of the Baptist Young People's Union.<sup>55</sup>

Carrie Butler remained in Edgefield and gave birth, but then she and her daughter left the county. Unable to provide for her child, she sent her baby to live with her sister in Pennsylvania, Mary Washington. The child did not see her mother again until she was thirteen, by which time her mother was dying of an incurable liver disease. Carrie Butler brought her daughter south at that time to meet her father. Ms. Butler eventually died in a charity hospital in 1948, at age thirty-eight.<sup>56</sup>

Thurmond began providing his mixed-race daughter with financial support in 1941. He arranged for her to attend all-black South Carolina State College, where she met the man she would marry, Julian Williams. After her husband, a lawyer, died in 1964, Thurmond volunteered to provide financial support for his daughter while she raised her four children. Thurmond family couriers delivered cash over the years, but exact amounts are impossible to calculate. Washington-Williams considered these payments proof of her father's affection. Yet she recognized that a trade-off was involved. "As the illegitimate daughter of a famous white supremacist," Washington-Williams writes, "I was under a lifetime gag order."<sup>57</sup>

Washington-Williams and her father kept in touch over the years, and they kept their secret. She took her first child, Thurmond's first grandchild, to visit the senator in his Washington office. He met with her children on a visit to the West Coast. For all those years, Washington-Williams spoke of Thurmond as a "family friend," though reporters became more persistent during Thurmond's last two decades.<sup>58</sup> Thurmond never publicly denied that he had fathered a mixed-race child, but he never acknowledged it, either. Washington-Williams always regretted that her father did not acknowledge her paternity.<sup>59</sup> Finally, after years of keeping Thurmond's secret and her own, and after his death, Essie Mae Washington-Williams broke the silence.

Only very recently have blacks been willing to confide such stories, and even more recently have whites been willing to listen. Sharing across the color line can be a daunting experiment because black and white experiences and understandings may differ so greatly.<sup>60</sup>

W. E. B. DuBois, nearly a century ago, said he was able to forgive the white South many things—its Lost Cause, its slavery, its “pride of race”—but he could not forgive the “wanton and continued and persistent insulting of the black womanhood which it sought and seeks to prostitute to its lust.” DuBois condemned both “Southern gentlemen” and “Northern hypocrites.”<sup>61</sup> The slaveholding South, though, turned hypocrisy into an art form. Statesmen who were slaveholders made public reference to “my family, black and white,” with an absolutely maddening sense of disassociation, without a dollop of shame or drop of irony. If white patriarchs in the Old South wished to pretend slavery was one big happy family, then modern researchers were left to discover that it was not just dysfunctional but fostered abuse and incest.

The father figure (slaveholder) could sexually abuse his female charge (surrogate daughter). The mother figure (white mistress) was much less likely to abuse her male charges (enslaved men), but she might. More often, the mistress played silent accomplice to the patriarch’s abuse and perversity. And the black-female–white-male union could be a symbolically incestuous coupling because of the maternal role the “Mammy” played.<sup>62</sup>

It is a story of scandal that has been in the public eye and on the lips of society since the founding of the United States, but it has not been a topic for exploration, discussion, understanding, or healing. Washington-Williams stood in front of cameras and microphones to unburden herself of a lifelong secret because she hoped that the healing could begin. Washington-Williams said she came forward not for money or celebrity but because she wanted the truth to be told.<sup>63</sup> We will never have the full dimensions of her mother’s story, but hearing her daughter break her silence is an historic event.

Washington-Williams’s stab at closure can have an opposite and still positive effect—opening the floodgates of testimony. As Pulitzer Prize–winning journalist Colbert King notes, “As riveting as the Essie Mae Washington-Williams story may be to those hearing it for the first time, it is by no means unique. There are in America today thousands of stories just like hers.”<sup>64</sup>

Recognition that Strom Thurmond fathered a black child and that Thomas Jefferson’s DNA matches that of descendants of former slave Eston Hemings provides an opportunity to launch discussions for and about those seeking rights and justice within our society. All of these confirmations, discoveries, and historical debates draw us more deeply into a swirling vortex of deeper understanding, where silence may fall away, even long shadows may fade, and stories that need to be told can become part of reconciled pasts and shared futures.

## Notes

1. Essie Mae Washington-Williams, interviewed by Dan Rather, *60 Minutes II*, CBS News, December 17, 2003, <http://www.cbsnews.com/stories/2003/12/17/60II/main589138.shtml> (accessed November 7, 2008). See also Washington-Williams’s autobiography with William

- Stadiem, *Dear Senator: A Memoir by the Daughter of Strom Thurmond* (New York: HarperCollins, 2005).
2. Articles began to appear early in 2007 discussing Barack Obama's racial background, heritage, affiliation, and loyalty; see an early piece in the *San Francisco Chronicle*, Leslie Fulbright, "Obama's Candidacy Sparks Debates on Race: Is He African American if His Roots Don't Include Slavery?" February 19, 2007, <http://www.sfgate.com> (accessed August 8, 2009). Some commentaries and pieces were merely exploratory, such as Jason Carroll, "Is Barack Obama Black or Biracial?" CNN.com, June 9, 2008, <http://edition.cnn.com/2008/POLITICS/06/09/btsc.obama.race/> (accessed August 8, 2009). And many more reflect the intensity of debates over identity politics. On March 18, 2008, Barack Obama gave a major address—now known as his "race speech"—that laid out his perspective on race in America and offered insight into his own views and identity. Obama's election as president has not in any way quelled this debate, as issues ranging from concerns about Obama's birth certificate (spawning a "birther" movement) to the president's offering an opinion on the July 2009 arrest of black intellectual Henry Louis Gates, continue this media storm about race relations.
  3. Allegations that President Bill Clinton fathered an illegitimate black child were circulated widely in 1992, reignited during his 1996 reelection campaign, and printed in the *London Daily Mail*, in a column by James Dalrymple on January 14, 1997. Clinton detractors continued to promote this claim in spite of the lack of verifiable evidence. The rumor was given some credence in 1996, when a thinly veiled novel about Bill Clinton's 1992 presidential campaign, *Primary Colors* (New York: Random House), written anonymously (the author was later revealed as veteran political reporter Joe Klein), included the seduction of a black girl—the daughter of a family friend—by the white candidate, and an elaborate cover-up; a 1998 film version of the book starring John Travolta (directed by Mike Nichols, Universal Pictures) expanded interest in the allegations.
  4. Virginia (Colony), Act 12, *The Statutes at Large: Being a Collection of All the Laws of Virginia from the First Session of the Legislature, in the Year 1619*, vol. 2, ed. William Waller Hening (1823; reprint, Charlottesville, VA: University of Virginia Press, 1969) 170, <http://www.virtualjamestown.org/laws1.html#15> (accessed July 13, 2008). See also Joel Williamson, *New People: Miscegenation and Mulattoes in the United States* (New York: Free, 1980) 7.
  5. Virginia (Colony), Act 16, *The Statutes at Large: Being a Collection of All the Laws of Virginia from the First Session of the Legislature, in the Year 1619*, vol. 3, ed. William Waller Hening (1823; reprint, Charlottesville, VA: University of Virginia Press, 1969) 86–88, <http://www.virtualjamestown.org/laws1.html#36> (accessed July 13, 2008).
  6. Paul Finkelman, "Crimes of Love, Misdemeanors of Passion: The Regulation of Race and Sex in the Colonial South," in *The Devil's Lane: Sex and Race in the Early South*, ed. Catherine Clinton and Michele Gillespie (New York: Oxford University Press, 1997). See also Leon Higginbotham and Barbara Koptoff, "Racial Purity and Interracial Sex in the Law of Colonial and Antebellum Virginia," *Georgetown Law Journal* 77 (1989) 1989–2008.
  7. Peter Bardaglio, "'Shameful Matches': The Regulation of Interracial Sex and Marriage in the South Before 1900," in *Sex, Love, Race: Crossing Boundaries in North American History*, ed. Martha Hodes (New York: New York University Press, 1999).
  8. "There is a Procrustean bedstead ever ready for them, body and soul, and all mankind stands on alert to restrain their impulses, check their aspirations, fetter their limbs, lest, in their freedom and strength, in their full development, they should take an even platform with the proud man himself," wrote Stanton. See Catherine Clinton, *The Other Civil War: American Women in the Nineteenth Century* (New York: Hill and Wang, 1984) 70. On sexualized imagery, see in particular Ron Walters, "The Erotic South: Civilization and Sexuality in American Abolitionism," *American Quarterly* 25 (1973) 177–201.
  9. Virginia (Colony), *The Statutes at Large: Being a Collection of All the Laws of Virginia from the First Session of the Legislature, in the Year 1619*, vol. 3, ed. William Waller Hening (1823; reprint, Charlottesville, VA: University of Virginia Press, 1969), <http://www.virtualjamestown.org/laws1.html> (accessed July 13, 2008).

10. See Kenneth Greenberg, *Honor and Slavery: Lies, Duels, Noses, Masks, Dressing as a Woman, Gifts, Strangers, Humanitarianism, Death, Slave Rebellions, the Proslavery Argument, Baseball, Hunting, and Gambling in the Old South* (Princeton, NJ: Princeton University Press, 1996) 41; Catherine Clinton, "Souls of Darkness: Dominance and Submission in the Narratives of Frederick Douglass and Harriet Jacobs," in *The Problem of Evil: Slavery, Race, and the Ambiguities of Reform*, ed. Steven Mintz and John Stauffer (Amherst, MA: University of Massachusetts Press, 2007).
11. Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy* (Charlottesville, VA: University of Virginia, 1997) 109f.
12. See Karen A. Getman, "Sexual Control in the Slaveholding South: The Implementation and Maintenance of a Racial Caste System," *Harvard Women's Law Journal* 7 (1984) 120–127; and Thelma Jennings, "'Us Colored Women Had to Go Through a Plenty': Sexual Exploitation of African American Slave Women," *Journal of Women's History* 1 (1990) 45–74.
13. Elizabeth Keckley, *Behind the Scenes: Or, Thirty Years a Slave and Four Years in the White House* (1868; reprint, New York: Oxford University Press, 1988) 33. On the correct spelling of Keckly's name, and other important biographical information, see Jennifer Fleischner, *Mrs. Lincoln and Mrs. Keckly: The Remarkable Story of the Friendship Between a First Lady and a Former Slave* (New York: Broadway, 2003).
14. See especially James Hugo Johnston, *Race Relations in Virginia and Miscegenation in the South, 1776–1860* (1937; reprint, Amherst, MA: University of Massachusetts Press, 1970) and Joel Williamson, *New People: Miscegenation and Mulattoes in the United States* (New York: Free, 1980).
15. See Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy* (Charlottesville, VA: University of Virginia, 1997). See also Douglass Adair, "The Jefferson Scandals," in *Fame and the Founding Fathers: Essays*, ed. Trevor Colbourn (New York: Norton, 1974) 160–191; Dumas Malone and Steven Hochman, "A Note on Evidence: The Personal History of Madison Hemings," *Journal of Southern History* 41 (1975) 523–528; Virginius Dabney and Jon Kukla, "The Monticello Scandals: History and Fiction," *Virginia Cavalcade* 29 (1979) 52–61; Scot A. French and Edward L. Ayers, "The Strange Career of Thomas Jefferson: Race and Slavery in American Memory, 1943–1993," in *Jeffersonian Legacies*, ed. Peter Onuf (Charlottesville, VA: University of Virginia Press, 1993); and Carolyn J. Powell, *What's Love Got to Do with It? The Dynamics of Desire, Race, and Murder in the Slave South* (Champaign: University of Illinois Press, forthcoming).
16. See also Henry Wiencek, *An Imperfect God: George Washington, His Slaves, and the Creation of America* (New York: Farrar, Straus, and Giroux, 2003) and Roger Wilkins, *Jefferson's Pillow: The Founding Fathers and the Dilemma of Black Patriotism* (Boston: Beacon, 2002).
17. For a useful timeline, consult *Frontline*, PBS.org, "Jefferson's Blood," under "Chronology," <http://www.pbs.org/wgbh/pages/frontline/shows/jefferson/cron> (accessed November 9, 2008).
18. Madison Hemings, "The Memoirs of Madison Hemings" [as told to S. F. Wetmore], "Life Among the Lowly, No. 1," *Pike County (OH) Republican*, March 13, 1873, *Frontline*, PBS.org, "Jefferson's Blood," under "Chronology," <http://www.pbs.org/wgbh/pages/frontline/shows/jefferson/cron/1873march.html> (accessed August 28, 2009).
19. Gordon-Reed, *American Controversy*, 117. See also 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).
20. Gordon-Reed's *The Hemingses of Monticello: An American Family* (New York: Norton, 2008) won the 2008 National Book Award for nonfiction and the 2009 Pulitzer Prize for history, and has been awarded other book prizes, with honors continuing to be bestowed.
21. Garry Wills, "Uncle Thomas's Cabin," *New York Review of Books*, April 18, 1974.



22. Catherine Clinton, *The Plantation Mistress: Woman's World in the Old South* (New York: Pantheon, 1982) 78f.
23. Gordon-Reed, *American Controversy*, 164.
24. See especially Adele Logan Alexander, *Ambiguous Lives: Free Women of Color in Rural Georgia, 1789–1879* (Fayetteville, AR: University of Arkansas Press, 1991); Terry Alford, *Prince Among Slaves* (New York: Harcourt Brace Jovanovich, 1977); Carol Bleser, ed., *Secret and Sacred: The Diaries of James Henry Hammond, a Southern Slaveholder* (New York: Oxford University Press, 1988); Catherine Clinton, "Caught in the Web of the Big House: Women and Slavery," in *Black Women in United States History*, vol. 1, ed. Darlene Clark Hine (New York: Carlson, 1990); Clinton, "Southern Dishonor"; Catherine Clinton, "'With a Whip in His Hand': Rape, Memory, and African-American Women," in *History and Memory in African-American Culture*, ed. Genevieve Fabre and Robert O'Meally (New York: Oxford University Press, 1994); Clinton and Gillespie, *Devil's Lane* (see note 6); Virginia Dominguez, *White By Definition: Social Classification in Creole Louisiana* (New Brunswick, NJ: Rutgers University Press, 1986); 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, 1983); Darlene Clark Hine, "Rape and the Inner Lives of Southern Black Women: Thoughts on the Culture of Dissemblance," in *Southern Women: Histories and Identities*, ed. Virginia Bernhard et al. (Columbia, MO: University of Missouri Press, 1992); Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven, CT: Yale University Press, 1997); Martha Hodes, ed., *Sex, Love, Race: Crossing Boundaries in North American History* (New York: New York University Press, 1999); Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present* (New York: Basic, 1985); Kent Anderson Leslie, *Woman of Color, Daughter of Privilege: Amanda America Dickson, 1849–1893* (Athens, GA: University of Georgia Press, 1995); Melton Alonza McLaurin, *Celia, a Slave* (Athens, GA: University of Georgia Press, 1991); Patricia Morton, *Disfigured Images: The Historical Assault on Afro-American Women* (New York: Greenwood Press, 1991); Edward Ball, *Slaves in the Family* (New York: Farrar, Straus, and Giroux, 1998); Nell Irvin Painter, *Southern History Across the Color Line* (Chapel Hill: University of North Carolina Press, 2002); Judith Schafer, "'Open and Notorious Concubinage': The Emancipation of Slave Mistresses by Will and the Supreme Court in Antebellum Louisiana," *Louisiana History* 28 (1987) 115–182; Jennifer Wriggins, "Rape, Racism, and the Law," *Harvard Women's Law Journal* 6 (1983) 103–141; Lisa Cardyn, "Sexual Terror in the Reconstruction South," in *Battle Scars: Gender and Sexuality in the American Civil War*, ed. Catherine Clinton and Nina Silber (New York: Oxford University Press, 2006); and Carolyn J. Powell, *What's Love Got to Do with It? The Dynamics of Desire, Race, and Murder in the Slave South* (Champaign: University of Illinois Press, forthcoming).
25. See Harriet A. Jacobs, *Incidents in the Life of a Slave Girl: Written by Herself*, ed. L[ydia] Maria Child, edited and with an introduction by Jean Fagan Yellin (1861; reprint, Cambridge, MA: Harvard University Press, 1987) and Jean Fagan Yellin, *Harriet Jacobs: A Life* (New York: Basic Civitas, 2004). Jean Fagan Yellin's authoritative edition of *Life of a Slave Girl* appeared in 1987, providing a much-needed corrective to popular misconceptions that the narrative was either a fake or written by a white abolitionist in Jacobs's stead. See also William L. Andrews and Henry Louis Gates Jr., ed., *The Civitas Anthology of African American Slave Narratives* (Washington, DC: Civitas/Counterpoint, 1999) and Harriet A. Jacobs, *Incidents in the Life of a Slave Girl*, ed. Valerie Smith, The Schomburg Library of Nineteenth-Century Black Women Writers (New York: Oxford University Press, 1988).
26. Jacobs, "The Trials of Girlhood," chap. 5 in *Incidents* (see note 25).
27. Jacobs, "The Trials of Girlhood," chap. 5 in *Incidents*.
28. Jacobs, "The Church and Slavery," chap. 13 in *Incidents*.
29. James Silk Buckingham, *The Slave States of America* (London: Fisher, 1842) 2:241.

30. William Newnham Blane, *An Excursion Through the United States and Canada During the Years 1822–23* (1824; reprint, New York: Negro University Press, 1969) 204.
31. As Essie Mae Washington-Williams echoed, “the tragedy here was the hypocrisy and the secrecy.” Washington-Williams and Stadiem, *Dear Senator*, 105.
32. See Terry Alford, *Prince Among Slaves* (New York: Harcourt Brace Jovanovich, 1977).
33. See Carol Bleser, ed., *Secret and Sacred: The Diaries of James Henry Hammond, a Southern Slaveholder* (New York: Oxford University Press, 1988).
34. Bleser, *Secret and Sacred*, 19.
35. See Bleser, *Secret and Sacred*; see also Drew Gilpin Faust, *James Henry Hammond and the Old South: A Design for Mastery* (Baton Rouge: Louisiana State University Press, 1982).
36. See Mark Perry, *Lift Up Thy Voice: The Grimké Family’s Journey from Slaveholders to Civil Rights Leaders* (New York: Viking, 2001) and Gerda Lerner, *The Grimké Sisters from South Carolina: Rebels Against Slavery* (Boston: Houghton Mifflin, 1967).
37. Leland Winfield Meyer, *The Life and Times of Colonel Richard M. Johnson of Kentucky* (New York: Columbia University Press, 1932) 322f. See also Carolyn J. Powell, *What’s Love Got to Do with It? The Dynamics of Desire and Race in the Slave South* (Champaign: University of Illinois Press, forthcoming). It was fortunate that Johnson deeded estates to his children because when he died, his brother went to court to declare that Johnson had left no heirs.
38. Meyer, *Richard M. Johnson*, 341, 422.
39. When he was nominated at the Democratic convention in Baltimore, the Virginia delegation walked out. See Clinton, *Plantation Mistress*, 216f.
40. Pauli Murray, *Proud Shoes: The Story of an American Family* (New York: Harper and Row, 1978) 33.
41. Murray, *Proud Shoes*, 47.
42. Virginia (Colony), *Act 12, The Statutes at Large: Being a Collection of Laws of Virginia from the First Session of the Legislature, in the Year 1619*, vol. 2, ed. William Waller Hening (1823; reprint, Charlottesville, VA: University of Virginia Press, 1969) 170, <http://www.virtualjamestown.org/laws1.html#15> (accessed July 13, 2008).
43. Erskine Clarke, *Dwelling Place: A Plantation Epic* (New Haven, CT: Yale University Press, 2005) 395f.
44. Clarke, *Dwelling Place*, 403.
45. Clarke, *Dwelling Place*, 404.
46. Clarke, *Dwelling Place*, 404f.
47. Just as the trial, conviction, and execution of a white man for the murder of a slave woman, his own property, in antebellum North Carolina—after a vicious campaign of torture against her—provides unique insight into slaveholding horrors. See Carolyn J. Powell, “In Remembrance of Mira: Reflections on the Death of a Slave Woman,” in Patricia Morton, ed., *Discovering the Women in Slavery: Emancipating Perspectives on the American Past* (Athens, GA: University of Georgia Press, 1996).
48. From Barbara Chase-Riboud’s *Sally Hemings: A Novel* (New York: Viking, 1979) to Toni Morrison’s prize-winning *Beloved: A Novel* (New York: Plume, 1988) to Halle Berry’s Academy Award-winning performance in *Monster’s Ball* (directed by Marc Forster, Lions Gate, 2001).
49. Jack Bass and Marilyn W. Thompson, *Ol’ Strom: An Unauthorized Biography of Strom Thurmond* (Atlanta: Longstreet, 1998) 112.
50. Alberta Lachicotte, *Rebel Senator: Strom Thurmond of South Carolina* (New York: Devin-Adair, 1966) 4.
51. Nadine Cohodas, *Strom Thurmond and the Politics of Southern Change* (Macon, GA: Mercer University Press, 1994) 33.
52. Much was made of the image of Thurmond standing on his head in the foreground, with his new bride posed in the background, for a *Life* magazine feature on the newly married forty-six-year-old governor.
53. Bass and Thompson, *Ol’ Strom*, 112.

54. Bass and Thompson, *Ol' Strom*, 273–275. This was the conclusion of William Walton Mims, who owned and operated the *Edgefield Advertiser*. Mims was not an impartial observer, as he confessed that “Thurmond is Satan’s agent for South Carolina. He is my mortal enemy.” But Mims also tape-recorded interviews with local folks who had been around in the 1920s, and extensively researched the matter. In 1972, Mims broke the story of a mixed-race daughter, with the banner headline: “Sen. Thurmond is Unprincipled—with Colored Offspring—While Parading as a Devout Segregationist.”
55. Bass and Thompson, *Ol' Strom*, 38f.
56. Carrie Butler’s sad story is woven into her daughter’s memoir: Essie Mae Washington-Williams and William Stadiem, *Dear Senator: A Memoir by the Daughter of Strom Thurmond* (New York: HarperCollins, 2005).
57. Washington-Williams and Stadiem, *Dear Senator*, 160.
58. For a good summary of attempts to uncover this story, consult “Colored Offspring,” chap. 22 in Jack Bass and Marilyn W. Thompson, *Ol' Strom: An Unauthorized Biography of Strom Thurmond* (Atlanta: Longstreet, 1998; Columbia, SC: University of South Carolina Press, 2003). See also Marilyn W. Thompson, “What a Family Secret Begat: Essie, Strom and Me; For One Reporter, 1981 Tip Finally Yields the Big Story,” December 21, 2003, *Washington Post*, Style section.
59. Washington-Williams and Stadiem, *Dear Senator*, 104f, 120, 190f, 204.
60. See, for example, Susan Tucker, ed., *Telling Memories Among Southern Women: Domestic Workers and Their Employers in the Segregated South* (Baton Rouge: Louisiana State University Press, 1988).
61. W[illiam] E[dward] Burghardt DuBois, *Darkwater: Voices from Within the Veil* (New York: Harcourt, Brace, and Howe, 1920) 172.
62. See Charles Herbert Stember, *Sexual Racism: The Emotional Barrier to an Integrated Society* (New York: Elsevier, 1976); Dorothy E. Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York: Pantheon, 1997); M. M. Manring, *Slave in a Box: The Strange Career of Aunt Jemima* (Charlottesville, VA: University of Virginia Press, 1998); Cheryl Thurber, “The Development of the Mammy Image and Mythology,” in *Southern Women: Histories and Identities*, ed. Virginia Bernhard et al. (Columbia, MO: University of Missouri Press, 1992); Micki McElya, *Clinging to Mammy: The Faithful Slave in Twentieth-Century America* (Cambridge, MA: Harvard University Press, 2007); and Kimberly Giselle Wallace-Sanders, *Mammy: A Century of Race, Gender, and Southern Memory* (Ann Arbor: University of Michigan Press, 2008).
63. Washington-Williams and Stadiem, *Dear Senator*, 160.
64. Colbert I. King, “A Story Much Older than Ol’ Strom,” *Washington Post*, December 20, 2003, Editorial section.

VI

Should the Bible Form the Basis of  
Public Policy?

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## The Bible, Slavery, and the Problem of Authority

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Slavery in the United States occupied national attention and inspired religious, legal, and political battles to an extent that few other issues have. It became one of the most fiercely and continually debated controversies in the nation's history, leading to massive legal and cultural changes. In this essay, I examine two factors regarding the Bible that shaped the nature of American debates over slavery. First, the Bible is steeped in the ideology of slavery. It comprises writings by authors who conformed to their societies' customs in embracing slavery as a legitimate practice. Second, the Bible was a symbol of tremendous *authority*, making it difficult for abolitionists challenging the legitimacy of slavery to use the Bible convincingly in their arguments. Because so few individuals ever conceived of challenging the Bible itself, religious debates over slavery typically concerned what the Bible meant and not the problem of human brutality, *per se*.

In what follows, I examine major trends in biblical debates to demonstrate how both pro-slavery and abolitionist activists appealed to scripture, given its support of slavery. I also explain why the authority of the Bible itself has posed such a tremendous problem in American discourses of public morality. In doing so, I aim to clarify what the history of religion and slavery implies for a contemporary feminist ethics of freedom and equality. I emphasize that public contention over sexual equality has emerged today in a fashion similar to that of the slavery controversy, making powerful claims about morality based on religion and the Bible that few are willing to question. As the history of abolitionism makes apparent, however, only by challenging the authority of powerful symbols can society expand freedom and rights to dominated peoples.

### Race and Slavery Debates in the Colonial Era

The emergence of Protestantism in the 1500s meant that what the Bible said became more important than any other source of Christian authority.<sup>1</sup> And what the Bible actually said about slavery, although clearly supportive of the institution, was not perfectly satisfying to either supporters or opponents of slavery. Biblical writers took slavery for granted as a normal and acceptable part of life in the ancient world but provided no explicit justification for the race-based (i.e., Black) slavery that was America's system; this was a challenge

for pro-slavery Americans. Abolitionists, on the other hand, struggled to find scriptural support for their position. No aspect of the Bible was more important to American audiences than the story of Noah and his sons in Genesis 9 and 10, in which Noah curses the descendants of his son, Ham, with slavery. Both American and European interpreters of the Bible used the Noah legend to explain racial identities and race-based slavery.<sup>2</sup> The result was the identification of Africans as the lowest variety of human beings and Europeans as the supreme race—the most intelligent, civilized, and culturally advanced. As White intellectuals defined these different kinds or races of human beings, they also tried to explain how these differences arose, and they sought biblical justification for America's near-exclusive enslavement of Blacks.

In 1700, a Puritan judge named Samuel Sewall (1652–1730) wrote the first systematic attack on the institution of slavery in America. His tract, *The Selling of Joseph*, was an attempt to respond to common justifications of racial slavery in colonial America. He began his argument by stating that all peoples are “sons of Adam” and “have equal right unto liberty.” Referring to Psalms 115:26 and Acts 17:26–29, Sewall stated that God had made “of one blood all nations,” so that no people could deny their fundamental human kinship with others. In other words, he insisted that his White readers consider Africans to be fellow human beings. He also quoted Exodus 21:16, which prescribed death as punishment for anyone who stole another person. This death sentence, he urged, was a sure indication from God that slavery was immoral and not to be tolerated.<sup>3</sup>

Sewall's challenge helps us to understand early American defenses of African slavery. The first argument commonly used to support slavery drew on the legend of Noah to claim that Africans were descendants of the biblical character Ham and were therefore cursed to suffer slavery; thus, Sewall began his attack on slavery by asserting that no one could tell whether Noah's curse were still in effect or not. Besides, he reasoned, even if Ham's descendants were cursed, it did not follow that Puritan settlers were justified in enslaving Blacks. Moreover, he reminded his readers, many biblical commentators pointed out that Noah cursed Ham's son Canaan and not Ham himself. Sewall next responded to the claim that slavery exposed Africans, categorized as “heathens,” to Christianity. Did the end justify the means? asked Sewall. If it were immoral to deprive human beings of liberty, then nothing could make it right.

Third was the more legalistic claim that the trans-Atlantic slave trade was lawful because the many wars among African nations produced legitimate captives who could legally be bought and sold. But every war, Sewall countered, involved a wrong side and a right side, making every war morally unlawful. And “an Unlawful War can't make lawful Captives.” If New England settlers, he asked, were overtaken by militants and sold into slavery, would they not protest their condition as unjust? Should not the same moral protest apply to Africans? Finally, there was the claim that Abraham, the great hero of faith in biblical tradition, had slaves “bought with his money, and born in his house.” But Sewall challenged this attempt to justify American slavery. Under what circumstances had Abraham purchased these slaves? No one could tell, he insisted. Thus, it was best to refrain from making a case for enslaving these “sons of Adam,” Sewall said, citing Leviticus 25:39 and 46, and Jeremiah

34:8. The Leviticus text forbade Hebrews from enslaving one another; the Jeremiah text urged Hebrew slaveholders to follow this mandate. If such laws operated in Judaism, what about Christianity? Sewall's own religious convictions, of course, led him to view Christianity as superior to all other religions. Christians, in their moral superiority over ancient Jews, would extend this ban on slavery to their relations with all peoples, not merely their own kindred.<sup>4</sup>

Despite Sewall's claim that all people were "sons of Adam," Sewall's emphasis on the humanity of Africans was very limited; he never entertained the idea that Africans should live as citizens among Whites. Africans were too different, he believed; their "Conditions, Colour & Hair" made it impossible for them to be considered legitimate members of White settler society, despite the fact that White slaveholders regularly made sexual use of their Black slaves and produced children. He urged his fellow White Christians to use White indentured servants instead of African slaves. This would foster a society that could eventually be free of any Blacks.<sup>5</sup>

In response to Sewall's arguments against slavery, John Saffin, a Puritan minister and lawyer, took up the pen to provide the first systematic American *defense* of slavery in 1701, one year after Sewall's tract was published. Slavery, Saffin argued, was perfectly consistent with the rigid moral standards of Puritan faith and Christian morality. This cycle of defending slavery in the wake of criticism of the institution emerges as a pattern in American history.

## Freedom and Slavery in the Early Republic

The American Revolution intensified the traffic in ideas about freedom and slavery in the colonies as they headed toward an independent national status. It was in this context that the early abolitionist Samuel Hopkins (1721–1803) employed some key themes that later activists would echo. In one of his influential treatises, "Slavery of the Africans," Hopkins used the form of a conversation between two imaginary characters, one supporting and the other opposing slavery. This dialogue allowed Hopkins to present the most common biblical defenses of slavery and to explain why he thought them inadequate. He recognized that slavery became more controversial in the wake of the American Revolution. White colonists had acted on their desire to be independent of Britain, so in 1776, Hopkins presented a copy of his appeal to members of the Continental Congress. Hopkins was aware that the Bible did not condemn slavery. The Hebrew Scriptures assumed that Israelite slavery was normal and just. And writings in the New Testament instructed slaves to remain enslaved. So how was Hopkins to convince his readers that American slavery was wrong when supporters of slavery quoted scriptures to justify the institution?

Hopkins first addressed the use of the Noah legend in Genesis 9, which slavery supporters used to identify Africans as the sons of Ham and therefore cursed with slavery. Ham, Hopkins observed, was not cursed; only Ham's son Canaan was cursed. And Africans were not descended from Canaan but from different sons of Ham. This meant that on the basis of Genesis 9, Whites were no more justified in enslaving Blacks than Blacks were justified in enslaving Whites. And anyone who used this scripture to argue for American slavery was misinterpreting the Bible.<sup>6</sup>



Of course, myriad texts from the Hebrew Scriptures regulated the ownership of Hebrew and non-Hebrew slaves. Supporters of slavery pointed to such texts in order to demonstrate that the Bible did not condemn slavery. But Hopkins argued that biblical instructions about slavery did not apply to modern African enslavement because God had given the Israelites, as a chosen people of God, special instructions and permissions that did not apply to any other peoples. These particular instructions, he said, included the command to practice genocide against the natives of Canaan, the “promised land.” But this was no warrant for Americans to practice genocide.

Hopkins also countered arguments based on New Testament scriptures that condoned slavery. Texts such as Colossians 4:1 and 1 Corinthians 7:21 instructed slaves to remain enslaved or to submit to their masters. These texts were commonly attributed to Paul, the most celebrated New Testament writer. Did this not clearly indicate that slavery was consistent with Christianity? No, declared Hopkins. In making this argument, Hopkins first acknowledged that not every form of slavery was unjust. An individual, he stated, might be justly enslaved in three ways: (1) debt slavery, in which a person was sentenced to work without pay in order to pay off a debt, (2) punitive slavery, a sentence handed down as punishment for a crime, and (3) voluntary slavery, the common ancient practice whereby an individual agreed to serve as a slave in exchange for food and shelter to avoid starvation or squalor. The first two conditions, according to Hopkins, would require a civil magistrate to administer a period of servitude. If any slaves under these just circumstances accepted Christianity, then Paul was instructing them to abide by their obligation to servitude.<sup>7</sup> But none of these conditions applied to modern African slavery, wrote Hopkins.

Furthermore, to claim that slavery was just simply because Paul did not condemn it was like saying governments are just simply because Paul did not condemn them. Such would be “contrary to known fact.” This point was especially clear to Hopkins’s White readers, who were then preparing to revolt against their own earthly government, that of the British King George, despite Paul’s instructions in Romans 13 to submit to government authority. Hopkins explained Paul’s theology as accepting the existence of worldly institutions without necessarily condoning everything about those institutions. The same logic, he insisted, applied to Paul’s instructions concerning slavery.<sup>8</sup>

Many supporters of slavery pointed to African religions as demonic and evil, and they identified slavery as the principal means for converting Africans to Christianity. According to this argument, if slavery were ended, millions of Africans would continue to live in spiritual darkness. Hopkins fully agreed with this view of African religion and supported the conversion of Africans to Christianity. But he countered this claim in support of slavery by pointing out that most slaveholders prevented their slaves from conversion to Christianity because slaves associated conversion with attaining freedom. Besides, he stated, Europeans had introduced much warfare, violence, and racism into Africa by creating an unprecedented demand for slaves and by conquering a number of African nations. The trade of slaves for rum, in addition, had unleashed the devastating force of alcoholism in Africa. This had taught Africans to despise Christianity, wrote Hopkins. Instead of drawing heathens to spiritual light, Africans were being taught that Christianity brought destruction and trouble.

Hopkins quoted Habakkuk 2:15, which condemned any who “giveth his neighbour drink, that putteth thy bottle to [him], and maketh [him] drunken also, that thou mayest look on their nakedness” (King James Version).<sup>9</sup>

At the root of Hopkins’s opposition to slavery lay his condemnation of the trans-Atlantic slave trade, in which millions of Africans died in the 1700s and 1800s before even reaching the Americas. In addition, Hopkins acknowledged, Africans throughout the Americas were often worked to death within just a few months, only to be replaced by more victims whose deaths quickly multiplied into the hundreds of thousands every few years. No scripture, declared Hopkins, could justify this deathly traffic in human beings. And American slavery could not exist without the slave trade. Therefore, American slavery had no moral justification. What would become of White Americans who wrongly used scriptures to justify their enslavement of Africans? God demanded justice, Hopkins insisted, and White Americans would bring upon themselves God’s curse if they continued to enslave Blacks. The only escape lay in the immediate abolition of slavery and the slave trade.<sup>10</sup>

Both Samuel Sewall and Samuel Hopkins were deeply compromised in their ability to oppose slavery because they relied on biblical authority. Because each had to admit that the Bible did not oppose slavery, they were left to demonstrate that biblical slavery did not apply to the American situation, a weak strategy at best. Nevertheless, abolitionist dissent such as theirs challenged the trans-Atlantic slave trade and achieved partial success; in 1808, the U.S. Congress ceased to recognize the trans-Atlantic transport of African slaves as legal, but the new policy only slowed the influx of Africans into the United States. The trans-Atlantic slave trade did not actually end until the 1860s, during the Civil War. In addition, the ban guaranteed unprecedented wealth for White businessmen involved in the *domestic* trade in African slaves because obtaining slaves directly from Africa became more difficult. Virginia, in fact, became the leading state in breeding Africans for sale throughout the slaveholding United States. As one consequence of this ban, abolitionists turned their attention away from the slave trade and toward the status of slavery itself. By the early 1800s, even Sewall’s acknowledgment of the legitimacy of voluntary debt slavery had lost favor; abolitionists were coming to view slavery in any form as patently immoral.

This era was also influenced by a series of religious revivals known as the Great Awakenings. These revivals began in the early 1700s and continued in waves during the early 1800s. Revivalism became a permanent fixture in the American religious landscape. These meetings were frequently tinged with anti-slavery sentiment. Not all revivalists were opposed to slavery, and most White anti-slavery revivalists still viewed Blacks as racially inferior. In fact, some of the most popular revivalists in American history, such as Jonathan Edwards and George Whitefield, the British evangelist to America whose sermons enthralled thousands of listeners at a time, approved of slaveholding while emphasizing that all races of peoples were equal in their guilt before a wrathful God. Both Edwards and Whitefield also personally enslaved Africans.<sup>11</sup>

Evangelical revivalism nevertheless provided an early platform for promoting abolitionist interpretations of the Bible. This was partly due to the revivalists’ tendency to emphasize human guilt and sin. It was not uncommon for

revival preachers to target slavers as ungodly, fiercely hurling their preachments against the institution of slaveholding and promising divine wrath as punishment. In addition, many early evangelists of the Great Awakenings identified with the Baptists, many of whom embraced anti-slavery sentiment, or with the Methodists, who interpreted Christianity with a particular concern for socially marginal peoples—the poor, uneducated, sickly, and imprisoned. Methodism aligned itself with the growing anti-slavery movement in Britain, and Methodist evangelists in America typically held to this position, with the Methodist Church deciding in 1784 that no slaveholder would be recognized as a member.

## African American Biblical Interpretation, 1820s–1840s

Evangelical denunciations of slavery were partly influenced by African American converts to Protestantism. Their influence emerged most forcefully through the method used by Black interpreters of the Bible in opposing slavery. They argued that the Exodus narrative of redemption from Egyptian slavery was also applicable to the situation in America. They read the Bible story of Israelites being rescued from slavery as evidence that God opposed slavery and would aid victims of the institution. Nathaniel Paul, an African American minister of New York, dwelled on this theme in his sermon of 1827 celebrating the abolition of slavery in the state of New York.<sup>12</sup> Even better known was the African American abolitionist David Walker, who viewed the Exodus narrative as a key for interpreting the proper biblical stance on slavery in his *Appeal to the Coloured Citizens of the World*, published in 1829. Walker argued that White slaveholding Christians were the most vile and hypocritical of all peoples. If they did not end slavery immediately, God would violently destroy them. Few abolitionists matched the anger and passion of Walker in his *Appeal*: “Have not the Americans the Bible in their hands? Do they believe it? Surely they do not. See how they treat us in open violation of the Bible!!” He quoted Matthew 6 on the Golden Rule, asking whether Whites would want Blacks to enslave their White children, selling them off and whipping them as cruelly as Whites sold and whipped their Black slaves. Quoting Revelation 22:11, Walker emphasized the wrath of divine judgment if American slavery were not ended immediately. As he outlined the physical brutalities and psychological terrors of slavery that dehumanized its Black victims, Walker repeatedly cited the imperative of a “God of justice” who promised to mete out punishment against a slaveholding America. Walker’s *Appeal* was soon banned, but this only increased its popularity.<sup>13</sup>

Other African American interpreters such as James Pennington (1809–1870) opted for a different approach, attempting to represent Blacks as historical agents by locating them in biblical narratives. Pennington was born into slavery on January 15, 1809.<sup>14</sup> He fled to New York, educated himself, and became an influential minister of both Presbyterian and Congregationalist churches. He devoted his knowledge of the Bible to the abolitionist cause and to defending the human status of Blacks.<sup>15</sup> In 1841, he published *A Textbook of the Origin and History of the Colored People*. The book was largely a commentary on scripture in which Pennington argued against the idea that Noah’s

curse, or any other part of scripture, justified Black slavery in America. The curse issued in Genesis 9 held no authority, Pennington wrote, because Noah was drunk when he spoke it. And true prophecy came not from the “spirit of wine” but from the “spirit of God.” Pennington used stories from Genesis that referred to Egypt and Ethiopia to argue that ancient Blacks were in fact builders of powerful civilizations and developers of important arts and sciences. He was inaugurating what would become a major concern of subsequent African American interpreters of scripture in the nineteenth century—using the Bible to argue that Blacks were historical figures of great interest who had established civilizations and developed technologies and arts, not an inferior race of slaves.<sup>16</sup>

Pennington also drew upon scripture to argue that the theory of natural rights used to justify the American Revolution proved that slavery was wrong. His Thanksgiving sermon of 1842 combined secular and religious arguments to challenge laws that required the return of fugitive slaves to their masters. He based his sermon on the first part of Isaiah 28:18: “And your covenant with death shall be disannulled, and your agreement with hell shall not stand” (KJV). Under the rubric “Covenants Involving Moral Wrong are Not Obligatory Upon Man,” Pennington pondered the ultimate source of morality. If the law required citizens to help slaveholders by capturing escaped Blacks, would it not be un-Christian to break the law? Pennington’s answer was a resounding “No!” Morality was derived from God, he argued. Human-made laws could never make immoral acts moral. “No law, Covenant, or agreement, can legalize wrong in such a sense, as to give it the character of moral rectitude.” Because the U.S. Constitution allowed slavery, Pennington subordinated the Constitution to the Declaration of Independence, which proclaimed that “all men are created equal” and were granted certain “unalienable” rights by God, most notably “freedom.”<sup>17</sup>

Pennington’s strategy was to relate natural rights to morality and place both above human law, following the American colonists who had rebelled against the British monarch even though he had the legal right to tax the colonies and to control them politically. The only basis for the American Revolution was a moral principle, not a legal one. The American justification for revolution was based on the idea of freedom as a quality with which human beings were born; this was the freedom described as unalienable—it could never be separated, removed, or taken away from the individual. On this same basis, Pennington argued, Americans who obeyed the constitutionally based laws enforcing slavery violated divine law and transgressed the spirit of the Declaration of Independence.

The text of Isaiah indicated what would happen to those who supported anti-Black legislation. Their covenant was with death. Pennington also invoked another scripture from Isaiah 16:3–4: “make thy shadow . . . hide the outcasts,” that is, give shelter to those fugitives seeking refuge.<sup>18</sup> He hoped that the emphasis on social justice in the Isaiah texts would prick the conscience of his congregation and his readers, inspiring them to recognize that morality was based on a higher law—on God’s authority—and that even federal law did not outweigh this divine authority. Pennington’s efforts to interpret the Bible through natural-rights theory resonated with several other influential

abolitionists, including Frederick Douglass, a former slave who sternly distinguished between what he termed “slaveholding religion” and the “Christianity of Christ.” Nevertheless, like Sewall and Hopkins, Pennington never questioned fundamental assumptions in the Bible and thus assumed the legitimacy of slavery in biblical narrative.

## Race and Sex in Abolitionism

The growth of organized opposition to slavery during the 1830s and 1840s prompted vigorous defenses of the institution. Among the most vicious and mean-spirited attempts to justify the enslavement of Blacks was that of the Northern pro-slavery writer Josiah Priest. In 1843, two years after Pennington’s *Origin and History* appeared, Priest published a book entitled *Slavery, as It Relates to the Negro, or African Race*. In this work, Priest described Africans, whom he identified as “the race of Ham,” as the most vile, filthy-minded, lewd people in all of human history. He argued that slavery fulfilled the divine will of God as reflected in the Noah legend. But Priest also presented slavery as a way of protecting White Americans from the dangerous sexuality of Blacks. The Black race, according to Priest, was the creator of idolatry and polytheism. In addition, the people most despised and constantly associated with evil in biblical tradition—from Canaanites who were deemed worthy of genocide; to Sodomites whose very name has become a reference to illicit sex; to Jezebel, who represents the image of women as dangerous traps, luring the innocent with their evil sexual power—all were the Black descendants of Ham, according to Priest. Priest tried to persuade his readers that maintaining slavery was in keeping with Christianity and was necessary to hold the immoral nature of Blacks in check. The iron yoke of slavery was the only barrier between White innocence and Black sin, and the well-being of the nation depended upon preserving the institution. Crystallizing his message to White American readers, Priest proclaimed that Blacks were so sexually depraved that “they consider any restraint laid on their promiscuous sexual intercourse, a hardship of the most grievous and oppressive nature.” Wherever Blacks were found, in times ancient and modern, under paganism or Christianity, they were, Priest claimed, “forever the same gross, brutal, fierce, sensual, and devilish characters, as a people, in reference to sexual commerce.”<sup>19</sup>

Priest’s ideas were powerful, influential, and widely entertained. In his effort to explain why democratic principles of freedom did not apply to Africans, Thomas Jefferson, among the most refined intellectuals and political leaders of his era, took a similar tack, describing Blacks as animalistic in their sexual nature. Black women were so beastly, he claimed, that apes in Africa preferred to have sex with them rather than with female apes.<sup>20</sup> Georges Cuvier, a French scientist who dissected and preserved the genitals of a Black woman in 1816, made the same claim. This idea that Blacks were sexually perverse or had especially voracious sexual appetites was an authoritative trend in American thought that stretched from elites to the masses.<sup>21</sup>

This tactic of invoking sexual danger in order to bolster support for slavery indicates the linkages between ideas about race and slavery, on the one hand, and on the other, American claims about morality and order that focused on

sexuality. As abolitionism gained momentum in the 1840s and 1850s, the movement brought greater attention to sexuality in several ways. Most prominent, although least spoken of, was the fact that slavery provided the basis for the concubine system that defined thousands of households in America. Until American slavery was abolished, the aristocracy of White slaveholding men typically maintained a White wife for social status while reserving one or more enslaved Black women from whom they forced sexual services. The rights that slave masters exerted over their human chattel were total and included sexual control. The White fathers, furthermore, enslaved any Black offspring resulting from concubinage. Mary Boykin Chestnut, the White wife of a pro-slavery general, wrote of the parallel between America's slaveholding households and the biblical ones of ancient times in this system of concubinage. "Like patriarchs of old," she lamented, "our men live in one house with their wives and their concubines."<sup>22</sup> This power relationship required that slaves be ineligible for marriage; the occasional rituals of union among slaves did not bind one slave to another in law or in practice; slaves were bound only to their masters. This situation only exacerbated the hypocrisy of White supremacist claims that Blacks were sexually deviant by nature.

Perhaps the clearest, most sweeping analysis of slavery's linkage with concubinage and sexual violence was that by David Ruggles (1810–1849), an acquaintance of James Pennington. Unlike Pennington, Ruggles was neither a minister nor a former slave; he had been born to free Black parents and was an entrepreneur, editor, and bookseller. As secretary of New York City's Committee of Vigilance, he aided and sheltered fugitive slaves, and he confronted Whites who detained free Blacks as escaped slaves.<sup>23</sup> He drew heavily on the Bible to inveigh against slavery and what he viewed as the hypocrisy of White Christian churches that supported the system. In *The Abrogation of the Seventh Commandment by the American Churches*, published in 1835, Ruggles condemned slavery as an adulterous system. At its root, American slavery was "licentiousness of intercourse between the sexes, constant, incestuous, and universal." He explained how White slaveholders regularly used the Black women they enslaved for sexual gratification. He pointed to the rapid increase in mixed-race slaves (typically the children of their White owners) as irrefutable evidence that American slavery was anchored in sexual brutality. As a measure of insult added to injury, slaveholders flouted the bonds of monogamous marriage while denying the institution of marriage to slaves. Given this reality, Ruggles argued, White women—especially the White wives of Southern slaveholders—should have been the most vocal opponents of the system because they occupied a unique position "in all of the mightiness of their legitimate...influence." Instead, most were silent and that, in his view, meant they were the chief cause of slavery's continuation.<sup>24</sup>

By accentuating the relationship between the institution of slavery and sexual oppression, abolitionism provided White and Black women with a platform for activism at a time when being a public woman was viewed as shameful and immoral. When Maria Stewart, an African American abolitionist of the A. M. E. Church, began her public speaking career in the 1830s at Boston's Franklin Hall, she became the first of any American women to attempt such a feat. Stewart faced fierce opposition, ensuring that her public speaking stint

was short-lived. But she succeeded in bringing public attention to the role that Black women could play in opposing slavery, racism, and sexism. Reading against the grain of biblical patriarchy, Stewart sought to convince her listeners that Christianity was compatible with the anti-slavery position and with equality of the sexes.<sup>25</sup> White female activists like Elizabeth Cady Stanton and Lucretia Mott followed Stewart in establishing the public lecture circuit as a way to promote the anti-slavery cause. This positioned them as founding leaders of organized feminism. When they met for the Seneca Falls Convention in New York in 1848, this gathering marked the emergence of feminism as an institutional movement in the United States. The convention's Declaration of Sentiments included the charge that in marriage, a woman was "compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master." Here again, the language of slavery was front and center in the ideology of moral reform.<sup>26</sup>

Several ideological themes appeared as undercurrents in the biblical debates over slavery just before the Civil War. These included equality, patriarchalism, and rising opposition to urban decadence at a time when the public was increasingly asked to contrast urban industrial capitalism (northern) with slave-based agrarian production (southern).<sup>27</sup> The move by female abolitionists into public life as speakers, fundraisers, and activists led defenders of slavery to link slavery and patriarchal control of women in their discourse. Pro-slavery writers of the 1840s and 1850s increasingly presented slavery as a noble solution to the growing problem of social disorder, urban misery, and poverty. Theologians such as the Presbyterian minister James Henley Thornwell (1812–1862) argued that slavery was not only consistent with American democracy but also essential for its success.

Thornwell was among the ablest defenders of American slavery. He pointed to the so-called "household codes" of the New Testament to relate American slavery to the biblical patriarchal order, drawing on popular images of the White male father who ruled his household of women, children, and slaves in faithful adherence to the Bible. Thornwell emphasized that all White men had the right to own property, particularly slaves; this was the crux of their equality as White men. As patriarchs, they ruled their households and guaranteed the integrity of the social order by ruling their women, children, and slaves—all of whom required protection, provision, and guidance from their superiors. Equality did not mean that men were no different from these inferiors in their household; instead, American equality guaranteed rule among equals—White men—over those in their charge. Louisa Susanna McCord (1810–1879) also used such biblical injunctions to justify White male order over women and slaves. McCord was famous for her defense of both Black slavery and women's subordination to their husbands, drawing on scriptures such as 1 Peter 2:18 and 1 Peter 3:1, which instructed slaves and women to be submissive to the male head of the household. Both slavery and subordination, in this view, were essential to the American socioeconomic order.<sup>28</sup>

Presbyterian minister Benjamin Palmer (1818–1902), who led the First Presbyterian Church of New Orleans, also portrayed the slaveholding South as the guardian of social order. The foundation of order was, in his view, Christian fidelity to a biblically sanctioned way of life based on rule by White

men. Palmer described society as a hierarchical combination of social units with the family as its foundation. Just as the American household needed a father to rule over a wife and children and to protect and instruct them, so did the nation need civic authorities who provided security. This model also applied to the races, Palmer insisted. The childlike races of Indians and Blacks needed to be ruled by the wiser, more powerful race of Whites—specifically White men. Slavery was the means of guaranteeing that this divinely willed social order protected the ignorant Black race and controlled it. Dismantling the institution of slavery would bring social chaos. It would be like removing patriarchal rule from the household: Who would then govern the children and women? With no male leader, Palmer reasoned, the family would crumble. Palmer's sermons and essays of the 1850s and 1860s encouraged pro-slavery activists to view themselves as joining in a sacred battle against disorder, social decay, dangerous feminism, and racial anarchy.<sup>29</sup>

As the anti-slavery movement grew in the 1850s, the institution of marriage increasingly became the object of scrutiny and greater resistance, largely because the nature of American slavery forced the public to recognize that marriage, like slavery, legally and culturally condoned male domination of women. White married women were unable to hold property, so anything they had owned before marriage became the husband's property. White married women were also unable to possess legal personhood (like minors today) and thus could not be agents in legal transactions. White husbands possessed the legal right to force sex from their White wives. These same circumstances typically existed for free Blacks as well, and for Native Americans who were not living under the more permissive laws of their own nations. It became clear to many White Americans that domination existed in degrees and that the slave's lack of power over his or her own person was eerily similar to White women's lack of power over theirs. Before the end of the Civil War, more than seventy communal societies emerged throughout the country, offering members social support through collective ownership and sexual arrangements that radically departed from the dictates of marriage and monogamy.<sup>30</sup>

It was clear to radical reformers that religious authority and cultural norms stood in the way of their efforts to expand rights and freedoms. During the summer of 1858, a number of activists gathered in Rutland, Vermont, for what they called a Free Convention. They promoted a vision of a society that would free America's African slaves, liberate women from sexism, and unshackle sex and love from the institution of marriage. Among the most celebrated speakers was Julia Branch, a self-proclaimed "free-lover." Her rousing speech identified marriage as the cause of women's suffering and revealed hypocritical attitudes toward sexuality and power in American religion. Defenders of marriage announced their desire to "keep woman virtuous and respectable," Branch said. What they really meant, she argued, was that White men should continue enjoying their sexual exploitation of Black concubines and of White women employed as prostitutes. This double standard meant that a woman participating in sex outside of marriage became "an outcast and a thing to be despised," while the men who benefited from her sexual services were considered gentlemen. Branch reasoned it was "to the marriage ceremony" that a woman was "indebted for her wrongs, for her aching heart, her chains, her



slavery.”<sup>31</sup> Radical movements like the Free Convention were the exception in nineteenth-century America in fiercely and openly rejecting biblical authority and denouncing the elevation of religious traditions above human and bodily freedom. Their analyses of power, sexism, and slavery were perceptive and bold. And yet, because they rejected the most venerated symbols of power, such as the Bible and the U.S. Constitution, they were easily vilified and dismissed as a wanton threat to social well-being.

Responses to the Free Convention ranged from amusement to indignation. Few Americans were willing to challenge symbols of authority like marriage and Christian orthodoxy. With regard to the enslavement of Blacks, the Free Convention’s resolution could not have been clearer when it resolved, “Slavery is a wrong which no power in the Universe can make right; therefore, any law, constitution, court or government, any church, priesthood, creed or Bible, any Christ or any God that by silence or otherwise authorizes man to enslave man, merits the scorn and contempt of mankind.”<sup>32</sup> Such a forceful, unapologetic rejection of symbols of authority—religious and secular—stunned the public. Some newspapers even refused to mention what they viewed as an immoral and obscene affair. One resident of Rutland voiced the outrage of the majority when he accused those gathering of polluting the pure air of such a virtuous town with their “licentious and blasphemous out-pourings.”<sup>33</sup> Others wondered what would lead such a “venomous,” “radical” group to choose a town “so peaceful, retired, and virtuous, wherein to ventilate their horrible doctrines.”<sup>34</sup>

## Same-Sex Rights

This essay’s analysis of the ways in which the powerful present “unquestionable” pillars of authority in making their claims for continued domination demonstrates the relevance of the slavery debate to contemporary struggles for freedom. Whereas denying freedom to Blacks was publicly defensible (even laudable) in the nineteenth century, today it is the gays and lesbians of America who are easy targets for persecution. Innumerable clergy established public careers and spearheaded movements for religious renewal before the Civil War based on opposing freedom for Black slaves; the same occurs today with respect to gays and lesbians. The twenty-first-century legacies of the slavery debate include the use of the Bible to back claims about how society should be structured and public campaigns for moral vigilance in the name of *unfreedom*. Both are visible in today’s strident denunciations of same-sex freedom. America has a deep history of reserving rights and freedoms for some while denying the same to others, based on the claim that certain groups are naturally or divinely condemned to a marginal existence. This social disposition lies at the heart of the scar that slavery has left on the American psyche, and it is central to what Orlando Patterson has portrayed in examining American freedom fundamentally as a product of slavery and the United States as essentially a slave society.<sup>35</sup> Once, the public and institutional denial of freedom to Black slaves seemed a legitimate, morally defensible, and reasonable matter of course—given what the Bible had to say about slavery. Today, it is the

denial of same-sex freedom that is presented as legitimate, morally defensible, reasonable, and most importantly, biblically based.

When Supreme Court Chief Justice Warren Burger explained his support for discrimination against gays in a 1986 ruling, he drew on a rhetorical trove of ideas about “decency” and religious values that few would publicly reject. Burger concurred with a majority ruling against a gay defendant who challenged Georgia’s anti-sodomy legislation. He wrote, “There is no such thing as a fundamental right to commit homosexual sodomy,” which Georgia defined as “any sexual act involving the sex organs of one person and the mouth or anus of another.”<sup>36</sup> With a biblical view of history in mind, Burger insisted that state suppression of homosexuality has “very ancient roots” in “the history of Western civilization,” including “Judeo-Christian moral and ethical standards.” Burger even implicitly sanctioned the ancient Roman practice of execution as a means of sexual suppression. Quoting the eighteenth-century English lawyer William Blackstone, Burger denounced oral and anal sex among homosexuals as an “infamous crime against nature,” and “as an offense of ‘deeper malignity’ than rape, a heinous act ‘the very mention of which is a disgrace to human nature,’ and ‘a crime not fit to be named.’” After linking the Bible to English common law and that, in turn, to Georgia’s suppression of homosexuality, Burger asserted that what was at stake in denying legal rights to gays was nothing less than thousands of years of “moral teaching.”<sup>37</sup>

This style of employing secular referents like “Western civilization” and “human nature” simultaneously invokes religious (specifically Christian) claims that, in this instance, depend upon violent histories of hatred to persecute marginalized sexualities.<sup>38</sup> Burger, in just a few sentences, zipped from biblical lands and times to modern America, presenting the latter as the image of the former. He wantonly ignored the fact that biblical marriage was polygamous, embraced slavery and concubinage, and denied the legal possibility of rape as an offense against one’s spouse—all of these aspects conflict with current U.S. legal opinion. The anti-gay motivation of his argument, moreover, is revealed by his implied consent to *heterosexual* sodomy, which he refuses to name or condemn. More recent opposition to extending sexual freedom to same-sex couples also draws upon images of religious traditions. By employing the term *family* to signify heterosexual nuclear households and *marriage* to signify the union of a heterosexual pair, organizations like the American Family Association and Focus on the Family claim that their objective is to preserve the traditional biblical view of marriage, ignoring the fact that marriage in the United States has been continually changed and re-created through legal codes and cultural practices, so that it is fundamentally at odds with ancient Near Eastern and Roman systems of marriage represented in the Bible.<sup>39</sup>

The growing movement to stem sexual freedom and equality is effective largely because it employs symbols of religion, family, and nation with smooth efficiency. Unfortunately, few supporters of sexual equality today are willing to challenge the symbols themselves. Thus, like the majority of abolitionists of old, they are left with the crippling strategy of fighting over the meaning of symbols that support oppressive social arrangements as the status quo,

instead of rejecting the legitimacy of these symbols as an appropriate basis for challenging oppression. As supporters of the Free Convention realized more than a century ago, the direct approach to examining the roots of authority—specifically, elevated symbols of religion—is crucial to highlighting the roots of human suffering.

## Conclusion

Given the modern history of the Bible and its role in the persistent domination of the weak by the powerful, what should be the nature of contemporary responses to scriptures in light of the American slavery debate? Scholars have repeatedly advanced our ability to understand how the Bible promotes and fundamentally depends on oppressive structures like imperialism, ethnocentrism, sexism, and slavery (although scripture is not reducible to any of these). Mary Daly analyzes how theology based on the patriarchal male deity (the biblical deity) has led to destructive consequences for women and men. Rosemary Ruether's narrative history explains the biblical heritage of hatred against women. Musa Dube shows how imperialism shaped the earliest Christian strategies of expansion as well as very recent Christianization enterprises. Regina Schwartz analyzes biblical theology to interpret the destructive tendencies of a focus on ethnicity. And Delores Williams cautions against romanticizing biblical narratives as stories of liberation by demonstrating how the Bible often assumes that some people will suffer divine injustice. It is patently inexcusable for interpreters to idealize the Bible as innocent or less than complicit in human suffering. Perhaps Itumeleng Mosala puts it best when he suggests that the Bible is not just a book: it is a weapon in the struggle over social power. For this reason, intellectuals who study scripture must realize their potential to mitigate the destructive consequences of this power struggle. Inasmuch as the Bible demonstrates a history of struggle (between slaveholders and slaves, men and women, peasants and landholders, colonizers and colonial subjects, and so on), it usually reflects ruling-class interests. This is particularly so with regard to slavery. These writers have rightly called for contemporary interpreters of scripture to make visible this element of biblical texts so that readers might learn how to recognize and to subvert ruling-class ideas masquerading as common sense.<sup>40</sup>

Vincent Wimbush makes a similar point in slightly different language when he says that anyone interested in the relationship between scriptures, human suffering, and power must move beyond asking, What is the meaning of the Bible? in order to understand the relationship between the Bible and meanings. The Bible is a cultural tool, a vehicle for imposing a particular meaning on the world. It is a product of human activity that is chiefly concerned with maintaining a particular vision of the world. We must never allow biblical debates to mislead us into thinking that the Bible is the issue and that all will be well if only we can extract its pristine truth. The Bible is not the issue. Social power is the issue. For this reason, interpreters of scriptures bear an ethical responsibility to show readers that scripture is not an innocent category—it is always concerned with asserting a vision of social order, whether or not that vision of order serves the interests of social victims.<sup>41</sup>

The failure of biblical theology to provide a convincing rejoinder to supporters of slavery diminished the relevance of theology to public policy in the decades immediately following the Civil War.<sup>42</sup> Consideration of the role of the Bible in public policy must move beyond the tired impasse of debating what the Bible *really* means. The historical record makes abundantly clear that “what the Bible says” will never provide sufficient support for freedom. Using the Bible to argue for particular public policies requires Bible readers to subjugate themselves to scriptural authority, becoming psychological slaves of their scriptures. There is nothing wrong with deriving inspiration or encouragement from scriptures or any other human writings. There is something perverse, reprehensible, and ironic about encouraging enslaved peoples or their allies to hand over authority to any texts or writings—canonical or not, religious or secular—and thus bind themselves to ideologies rooted in brutality and hatred. Biblical authority is merely one form of human power that disguises itself as transcendent and otherworldly. Allegiance to biblical authority curtails human action and human choices and opens the door for perpetuating oppression in the name of a higher law.

The paramount lesson from the history of biblical debates over slavery is that no authority should ever supersede the right of dominated peoples to become free. Any people who hesitate to oppose slavery, bigotry, and inequality because they must first consult their scriptures are possessed of a dangerous mindset. Correcting this misperception means recognizing that the Bible and other authority symbols are ethically ambivalent; because they derive from histories of conquest, they embody ideologies of domination. And it will require teaching contemporary readers to stop identifying automatically with the heroes of religion, politics, and history. In the case of the Bible, this means rejecting the legitimacy of power narratives (such as those celebrating patriarchs over women and slaves or Yahweh’s prophets slaughtering those of Baal) and understanding the history of power. Many religious communities will not want to do this. Readers are often enthralled by John’s Apocalypse, or the *Left Behind* book series celebrating the messianic slaughter of evildoers; it is counterintuitive to give up cheering for the Israelites while reading of their genocide against the Canaanites. Yet, it is precisely because scriptural authority makes it possible to exert psychological control over slaves and their would-be allies that such a shift must occur. There is no concept of domination more complete than slavery—unmitigated control and ownership of another. And there are few nations that have emerged from history so indelibly shaped by slavery as the United States. The legacy of slavery, for this reason, requires us to respond honestly and earnestly to the relationship between “acceptable” symbols of authority and unjust systems of domination. The work of ending human suffering demands nothing less.

## Notes

1. Colin Kidd, *The Forging of Races: Race and Scripture in the Protestant Atlantic World, 1600–2000* (New York: Cambridge University Press, 2006) 20–25.
2. Most people take for granted the idea of race. They believe in their racial identity as a biological reality. Nevertheless, modern race categories are just that, modern. Before the 1400s, people did not see themselves as natural members of human groups organized

along the lines of White, Black, Hispanic, Asian, and so on. Today, a White person who lives in North Dakota will easily identify as a member of the same racial group as a White person living in Italy or South Africa, but this style of imagining identity would never have occurred to people in the ancient world. Language, immediate ancestry, geography, and tribal or national kinship were premodern ways of understanding group identity; even skin color and religion sometimes formed the basis of group identity. All of these might be legitimately described as “ethnic” or “racial.” But these categories were not global and do not match modern racial categories. Furthermore, although it is true that genetics determines one’s biology, genetic differences do not at all align with race categories. Some people share more genetic similarity with members of other racial groups than they do with members of their own. In fact, the most genetically diverse people in the world are those inhabitants of Southern Africa who are racially classified as Black.

Modern ideas about race began to emerge during the era of European colonial expansion in order to explain the physical and cultural differences between Europeans and the peoples who lived in the Americas, Africa, and Asia. Racial classification began during the era of the trans-Atlantic slave trade, developed to justify the enslavement of Africans. See David M. Whitford, *The Curse of Ham in the Early Modern Era: The Bible and the Justifications for Slavery* (Burlington, VT: Ashgate, 2009); Sylvester A. Johnson, *The Myth of Ham in Nineteenth-Century American Christianity: Race, Heathens, and the People of God* (New York: Palgrave Macmillan, 2004); David Goldenberg, *The Curse of Ham: Race and Slavery in Early Judaism, Christianity, and Islam* (Princeton: Princeton University Press, 2003); Stephen Haynes, *Noah’s Curse: The Biblical Justification of American Slavery* (New York: Oxford University Press, 2002); and Thomas Virgil Peterson, *Ham and Japheth: The Mythic World of Whites in the Antebellum South* (Metuchen, NJ: Scarecrow, 1978). On racial classification, see Audrey Smedley, *Race in North America: Origin and Evolution of a Worldview* (Boulder, CO: Westview, 1993); Robert E. Hood, *Begrimed and Black: Christian Traditions on Blacks and Blackness* (Minneapolis: Fortress, 1994); Colin Kidd, *Forging of Races*; and Benjamin Braude, “The Sons of Noah and the Construction of Ethnic and Geographical Identities in the Medieval and Early Modern Periods,” *William and Mary Quarterly* 54 (1997) 103–142.

3. Samuel Sewall, *The Selling of Joseph* (Boston: Bartholomew Green and John Allen, 1700) 1–3.
4. Sewall, *The Selling of Joseph*, 3.
5. Sewall, *The Selling of Joseph*, 2.
6. Samuel Hopkins, *A Dialogue Concerning the Slavery of the Africans*, in *Timely Articles on Slavery* (1776; reprint, Miami: Mnemosyne, 1969) 563.
7. Hopkins, *A Dialogue Concerning the Slavery of the Africans*, 564–566.
8. Hopkins, *A Dialogue Concerning the Slavery of the Africans*, 568.
9. Hopkins, *A Dialogue Concerning the Slavery of the Africans*, 557.
10. Hopkins, *A Dialogue Concerning the Slavery of the Africans*, 552–555.
11. Joanna Brooks, *American Lazarus: Religion and the Rise of African-American and Native American Literatures* (New York: Oxford University Press, 2003) 33–35.
12. Eddie S. Glaude, *Exodus! Religion, Race, and Nation in Early Nineteenth-Century Black America* (Chicago: University of Chicago Press, 2000) 60.
13. David Walker, *David Walker’s Appeal to the Coloured Citizens of the World*, ed. Peter Hinks (1829; reprint, University Park: Pennsylvania State University Press, 2000) 11, 13, 40.
14. Herman E. Thomas, “Toward an Understanding of Religion and Slavery in J. W. C. Pennington,” *Journal of the Interdenominational Theological Center* 6 (1979) 148–156.
15. James W. C. Pennington, *The Fugitive Blacksmith; or, Events in the History of James W. C. Pennington*, 3rd ed. (1850; reprint, Westport, CT: Negro Universities Press, 1971) 55.

16. James W. C. Pennington, *A Textbook of the Origin and History of the Colored People* (1841; reprint, Detroit: Negro History Press, 1969) 17f.
17. James W. C. Pennington, *Covenants Involving Moral Wrong Are Not Obligatory Upon Man: A Sermon Delivered in the Fifth Congregational Church, Hartford, on Thanksgiving Day, November 17th, 1842* (Hartford: H. T. Wells, 1842) 3f.
18. Pennington, *Covenants Involving Moral Wrong*, 10.
19. Josiah Priest, *Slavery, as It Relates to the Negro, or African Race, Examined in the Light of Circumstances, History and the Holy Scriptures; with an Account of the Origin of the Black Man's Color, Causes of His State of Servitude and Traces of His Character as Well in Ancient as in Modern Times: With Strictures on Abolitionism* (Albany: Van Benthuysen, 1843) 146, 164, 270–280, 320f.
20. Thomas Jefferson, *Notes on the State of Virginia*, in *Basic Writings of Thomas Jefferson*, ed. Philip Sheldon Foner (1782; reprint, New York: Halcyon, 1950) 145.
21. T. Denean Sharpley-Whiting, *Black Venus: Sexualized Savages, Primal Fears, and Primitive Narratives in French* (Durham: Duke University Press, 1999) 27.
22. Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000) 43.
23. “David Ruggles,” in *Notable Black American Men*, ed. Jessie Carney Smith (Detroit: Gale Research, 1998), <http://galenet.galegroup.com/servlet/BioRC> (accessed June 28, 2009).
24. David Ruggles, *The Abrogation of the Seventh Commandment, by the American Churches* [1835], in *Early Negro Writing, 1760–1837*, ed. Dorothy Porter (Boston: Beacon, 1971) 478f.
25. Milton Sernett, *African American Religious History: A Documentary Witness*, 2nd ed. (Durham: Duke University Press, 1999) 202–210.
26. Cott, *Public Vows*, 48.
27. Elizabeth Fox-Genovese and Eugene D. Genovese, “The Divine Sanction of Social Order: Religious Foundations of the Southern Slaveholders’ World View,” *Journal of the American Academy of Religion* 55 (1987) 211–233; J. Albert Harrill, *Slaves in the New Testament: Literary, Social, and Moral Dimensions* (Minneapolis: Fortress, 2006) 184–187.
28. Fox-Genovese, “Divine Sanction of Social Order,” 217, 225. A lucid discussion of Thornwell’s and other White evangelical support of slavery is that by Mark Noll, *The Civil War as a Theological Crisis* (Chapel Hill: University of North Carolina Press, 2006).
29. Haynes, *Noah’s Curse*, 130–132.
30. Cott, *Public Vows*, 71.
31. “Radicals in Council,” *New York Times*, June 29, 1858.
32. “Radicals in Council,” *New York Times*, June 29, 1858.
33. “Radicals in Council,” *New York Times*, June 29, 1858.
34. “The Free Convention,” *New York Times*, June 30, 1858.
35. Orlando Patterson, *Rituals of Blood: Consequences of Slavery in Two American Centuries* (Washington, DC: Civitas/Counterpoint, 1998); and *Freedom in the Making of Western Culture* (New York: Basic, 1991).
36. Unlike Burger, the Georgia statute did not differentiate heterosexuals from homosexuals but simply proscribed anal and oral sex. Burger implicitly condoned anal and oral sex among heterosexuals by consistently discussing “homosexual sodomy” while refusing to include heterosexuals.
37. *Bowers v. Hardwick* (1986), 478 U.S. 186; 106 S. Ct. 2841; 92 L. Ed. 2d 140; 1986 U.S. LEXIS 123; 54 U.S.L.W. 4919.
38. Janet Jakobsen and Ann Pellegrini, *Love the Sin: Sexual Regulation and the Limits of Religious Tolerance* (Boston: Beacon, 2004) 35–45.
39. Michelle Goldberg, *Kingdom Coming: The Rise of Christian Nationalism* (New York: Norton, 2006).

40. Mary Daly, *Beyond God the Father: Toward a Philosophy of Women's Liberation* (Boston: Beacon, 1973); Rosemary Radford Ruether, *Sexism and God-Talk: Toward a Feminist Theology*, rev. ed. (Boston: Beacon, 1993); Musa Dube, *Postcolonial Feminist Interpretation of the Bible* (St. Louis: Chalice, 2000); Regina M. Schwartz, *The Curse of Cain: The Violent Legacy of Monotheism* (Chicago: University of Chicago Press, 1997); and Delores S. Williams, *Sisters in the Wilderness: The Challenge of Womanist God-Talk* (Maryknoll, NY: Orbis, 1993). See Itumeleng Mosala, "Why Apartheid Was Right About the Unliberated Bible: Race, Class, and Gender as Hermeneutical Factors in the Appropriation of Scripture," *Voices from the Third World* 17 (1994) 151–159; and his *Biblical Hermeneutics and Black Theology in South Africa* (Grand Rapids, MI: W. B. Eerdmans, 1989). See also Elizabeth Schüssler Fiorenza, *Bread Not Stone: The Challenge of Feminist Biblical Interpretation*, tenth anniversary ed. (Boston: Beacon, 1995).
41. See the introduction to Vincent L. Wimbush, ed., *African Americans and the Bible: Sacred Texts and Social Textures* (New York: Continuum, 2000).
42. Mark Noll, *The Civil War as a Theological Crisis*, 159. Noll discusses theological debates over slavery in the years leading up to the Civil War, and he analyzes the war's impact on the public theology of White evangelicals. He concludes that White Americans retreated from biblical theology after the war largely because biblical theology suddenly seemed inadequate for resolving public-policy issues.

## The “Purity of the White Woman, Not the Purity of the Negro Woman”: The Contemporary Legacies of Historical Laws Against Interracial Marriage

*Fay Botham*

### Introduction

In early June of 1958, eighteen-year-old Mildred Delores Jeter and twenty-four-year-old Richard Perry Loving drove across the state line from their hometown of Central Point, Virginia, to Washington DC. Sweethearts for some six years, Mildred, who was part black and part Cherokee with a light-brown complexion, and Richard, who was of English-Irish descent, had decided to get married in the District of Columbia. Once their union was legalized there, they returned home to Central Point and began to build their life together.

The Lovings’ matrimonial bliss ended abruptly about five weeks later. During the wee hours of a sultry July night, three county police officers entered the Lovings’ home through their unlocked front door. Sheriff R. Garnett Brooks and his two deputies found their way into the couple’s bedroom, shined a flashlight in their faces, and demanded to know what they were doing in bed together. When Mildred answered, “I’m his wife,” and Richard directed the officers to the District of Columbia marriage certificate that hung on the wall, Sheriff Brooks curtly informed them that their marriage was not valid in the state of Virginia. He then arrested the bewildered young couple and hauled them off to jail. There they were charged with violating Virginia Code 20–54, which made it a criminal offense “for any white person in this State to marry any save a white person, or a person with no other admixture of blood than white and American Indian,” and Code 20–58, which prohibited “any white person and colored person” from leaving Virginia to evade Code 20–54.<sup>1</sup>

A grand jury indicted Mildred and Richard for “cohabiting as man and wife against the peace and dignity of the Commonwealth.”<sup>2</sup> The Lovings pleaded guilty to the charges, and the Honorable Judge Leon M. Bazile sentenced each to one year in the Caroline County jail. A compassionate man, the judge suspended the sentence. But he did so only on the condition that they agree to leave Virginia and not return together for twenty-five years. The heartbroken couple—banished from their own state—went to live with relatives in Washington.



In 1966 the Lovings' case, aptly named *Loving v. Virginia*, went to the U.S. Supreme Court. As the Lovings' attorneys prepared their arguments for court, Richard Loving begged his attorney, "Mr. Cohen, tell the court I love my wife, and it is just unfair that I can't live with her in Virginia."<sup>3</sup> Mr. Cohen heeded his client's plea and offered an explanation of the laws that cut right to the heart of the matter. In his presentation before the justices, Cohen stated that Virginia's laws against interracial marriage were a remnant of slavery and that such laws were concerned only with preserving the "purity of the white woman, not the purity of the Negro woman." Cohen said that Mildred Loving's "purity" did not concern Virginia lawmakers in the same way that a white woman's would, and that such laws thus robbed black women, and indeed, all black people, of their human dignity.

In June of 1967, after nine long years of fighting for the legality of their marriage, Mildred and Richard Loving finally received the news they longed to hear. The court ruled that Virginia's ban on interracial marriage violated Americans' Fourteenth Amendment rights to due process and equal protection under the law and was therefore unconstitutional.<sup>4</sup> Chief Justice Earl Warren delivered the court's unanimous opinion. "Under our Constitution," he wrote, "the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State."<sup>5</sup> The court's decision validated the Lovings' marriage, and ended the nation's 300-year history of laws prohibiting marriage across the color line.

Anti-miscegenation laws in the United States—laws that banned marriage between white people and black people—reflected an historical system of sexual ethics rooted in racism and sexism. The United States is one of three countries in the world that banned marriage between white people and black people or other persons of color. Only Nazi Germany and South Africa share this dubious distinction. Under Hitler's regime, the Nazis enacted the infamous Nuremberg Laws of 1935, which included the Law for the Protection of German Blood and German Honor. This law barred both sex and marriage between "Jews and citizens of German or some related blood."<sup>6</sup> The Nuremberg Laws ended with the arrival of the victorious Allies in 1945. Similarly, South Africa banned sex between white prostitutes and black men in 1902, broadened this law in 1927 to include sex between all whites and "Africans," and in 1949 enacted a law that made illegal any marriage between Europeans and non-Europeans. This law remained in place until 1985.

In South Africa and Germany, legal bans on interracial sex and marriage began and ended during the twentieth century. But American prohibitions began in the 1600s—almost as soon as white Europeans and black Africans set foot together on the shores of the New World—and lasted, in some cases, until the turn of the millennium. At one time or another in the history of the region now known as the United States, all but eight territories or states restricted or outlawed interracial sex and/or marriage.<sup>7</sup> After the Civil War and the emancipation of slaves, these laws multiplied rapidly and gained a new name: anti-miscegenation laws.<sup>8</sup> In some Western areas, marriage between whites and Native Americans, Chinese, Mongolians, Japanese, Filipinos, or "Hindoos" were prohibited, as well as those between whites and African Americans.<sup>9</sup> For a short time after the Civil War, Mississippi lawmakers made marriage

between white and black persons a felony punishable by life imprisonment.<sup>10</sup> Lawmakers in Alabama, Tennessee, North Carolina, Florida, Mississippi, and South Carolina even amended their state constitutions to include bans on interracial marriage.<sup>11</sup> And in two of these six states, Alabama and South Carolina, the state constitutional bans remained in place until 2000 and 1998, respectively—some thirty years *after* the U.S. Supreme Court declared them unconstitutional.<sup>12</sup>

Where did these laws come from? What do old laws against interracial marriage have to do with religion and sexual ethics, slavery and gender? And how can thinking about the answers to these questions benefit us today? I examine each of these questions in turn. First, I explore the connections between laws against interracial sex and marriage and the enslavement of Africans in the early American colonies. Next, I consider how ideas about race, gender, and sexuality underlay the laws, and the consequences of these ideas for sexual ethics, both during and after the era of slavery. Then, I turn to the period after the Civil War to analyze how Christian beliefs and biblical interpretations bolstered anti-miscegenation laws and the ideology of racial segregation. Finally, I examine what lessons this history holds for attempts to understand the relationship between social change, claims about truth, and biblical interpretation, on the one hand, and contemporary debates on same-sex marriage, on the other.

## The Historical Origins of Laws Against Interracial Sex and Marriage

Two factors begin to account for the origin of prohibitions of interracial sex and marriage in the British colonies: race-based slavery and notions of gender. In part, laws barring interracial sex and marriage originated from the unprecedented development in the Americas of race-based slavery.<sup>13</sup> To be sure, every culture that legalized slavery faced the problem of clarifying the legal status of children born from sexual and marital unions between enslaved and free persons: were such children legally free, or enslaved? But the shift to race-based slavery significantly complicated the issue in that one's legal status as free or enslaved potentially became visible in one's body. Earlier systems of slavery did not readily demarcate between the free and the enslaved by body type. Race-based slavery presented a new way for people to make assumptions about who was who: an African would always be enslaved, while an English person would always be free. So a child born from one English parent and one African parent presented a mixed racial category—called mulatto—that was neither white nor black, and thereby confused the legal distinction of free versus enslaved. Colonists thus attempted to eliminate the possibility of creating mixed-race individuals by enacting laws that punished white-black couples for having children or attempted to prevent their union altogether. White colonists were attempting to keep their separate categories separate.<sup>14</sup>

British colonial laws on interracial sex and marriage were also intertwined with notions of gender. Early colonial laws especially targeted British women for having sexual relations with African men, both in and out of wedlock.

Children born to unmarried, indentured white women presented troubling financial and legal problems for early colonists.<sup>15</sup> If the father was unavailable to provide for the child's upbringing, was the woman's master then required to support her children, and if so, how was he to be compensated for that support? And what of a child born to an indentured white woman and an enslaved African man? Certainly an enslaved father receiving no compensation for his labors could not support his child. Early colonial laws resolved the financial problem of illegitimate children born to indentured women by requiring the mother to labor for additional years beyond her original term of indenture and also by consigning her children to serve until they reached adulthood.

Virginia was among the first colonies to address the situation of mixed-race babies born to unwed parents. Under traditional English law, the children of enslaved-free unions inherited the legal status of their fathers.<sup>16</sup> But Virginia's legislators turned traditional slave law on its head. In 1662, the legislature contravened centuries of slave law by ruling that "children got by an Englishman upon a Negro woman shall be bond or free according to the condition of the *mother*."<sup>17</sup> With this one seemingly small change, English colonial legislators reshaped slave law to benefit forever the white slaveholder, while condemning the child to lifelong slavery. Further, the change not only absolved the slaveholder from all sexual relations—even rape—with African women, it also made unions with African girls and women all the more attractive to white men, in that any resulting offspring became the man's property.

This transformation in law, in which the legal status of offspring derived from the mother's status, replaced centuries of legislative tradition and became the standard practice in American slave law from the colonial era through Emancipation. The consequences for girls and women of both races were far-reaching and formidable. White women having children by enslaved men lost these children to slavery, and black women were stripped of any protections from the predations of white or enslaved men. Maryland enacted a law in 1664 that punished indentured white women both for marriage to enslaved African men and for any resulting offspring. Although the law did not expressly prohibit intermarriage, it did make it an unappealing option: "Whatsoever freeborne woman shall intermarry with any slave," the statute declared, "shall serve the master of such slave during the life of her husband; and . . . all the issues of such freeborne women, so married, shall be slaves as their fathers were."<sup>18</sup> In other words, free white women were punished for marrying enslaved African men by becoming enslaved themselves, as were the children they bore. Under this law, only white women (not white men) were condemned to slavery for marrying the African person they loved.

Such laws reveal cultural presumptions about the dependency of white women, who were deemed unable to care for their children without a man's financial support, and also about the expectation that if they were not threatened with punishment, white women were likely to make foolish choices, such as consorting with enslaved men. Further, Maryland's law reinforced colonial conceptions of the appropriateness—and the naturalness—of white male dominance, reflecting the English legislators' mission to retain dominance over white girls and women as well as over all Africans, enslaved or free. White

male beliefs about race and gender, as well as their belief in their own right to rule, thus formed the central assumptions behind, as well as the goals of, laws regulating interracial sex and marriage.

These laws empowered white males to fulfill these aims. They enabled white slaveholders to benefit from the labor of the indentured white woman, at least throughout her enslaved husband's lifetime, and of her offspring, who were demarcated as non-white and condemned to slavery in perpetuity. And as all other laws pertaining to slavery, these regulations gave white men absolute control over black men.

In the British colonies, then, laws banning and punishing interracial sex and marriage emerged in the context of race-based slavery. The laws purported to retain racial and legal distinctions between African and English, and enslaved and free, though as we have seen, this aim was more rhetorical than actual. Moreover, the laws were directly connected to English notions about gender, and most especially, about the dependence and sexual purity of white girls and women.

## Sexual Ethics and Gender

Notions of gender—of both masculinity and femininity—undergirded legislation on interracial sex and marriage, and these notions help to explain the intensity of white Americans' hostility toward these unions. At every turn, laws on interracial sex and marriage reinforced the emerging ideology of separateness—not only the notion of the difference between the categories of enslaved and free, but also the idea of a distinct and radical difference between white and African. Early statutes punishing interracial sex and marriage anticipated what would become a far more elaborate ideology of racial separateness, or put another way, an ideology of the perverseness of interracial—and especially black–white—unions.<sup>19</sup>

A 1691 Virginia law clearly conveys the emerging animosity toward the union of English and African persons, and especially toward their hybrid offspring. The statute famously stated,

And for the prevention of that abominable mixture and spurious issue Which hereafter may increase in this dominion, as well by negroes, mulattoes, and Indians intermarrying with English, or other white women, as by their unlawful accompanying with one another, Be it enacted by the authoritie aforesaid, and It is hereby enacted, That for the time to come, whatsoever English or other white man or woman being free shall intermarry with a negro, mulatto, or Indian man or woman bond or free shall within three months after such marriage be banished and removed from this dominion forever, and that the justices of each respective countie within this dominion make it their particular care, that this act be put in effectuall execution.<sup>20</sup>

Categorizing interracial children as an “abominable mixture and spurious issue,” and forever banishing their parents from the colony, Virginia legislators left no doubt about their revulsion at the idea of mixing categories that they insisted must be separate. Underlying this hostility toward racial

crossbreeding was an almost neurotic anxiety for white womanhood: the law suggested that white girls and women were dependent, sexually untrustworthy, and in need of white male protection. The law also conveyed colonial notions of masculinity. According to this belief system, 1) white men were independent and dominant over all women and non-white males; and 2) black men threatened the safety of white females and thus needed to be kept in check by white men. Perhaps most troublingly, black girls and women were so insignificant as to merit no attention at all.<sup>21</sup>

Although Virginia's law theoretically punished white women and men for intermarriage with black persons and Indians, early laws on interracial sexuality did not generally condemn or penalize non-marital relationships between white men and African women. Implicit in the failure to punish such unions and to denounce them with the same vehemence as those between white women and black men were several key colonial assumptions about gender. First, this double standard implied that not all girls and women were equal: black females were not worthy of protection by white men in the way that white females were. Inherent to black femininity, in this view, was their sexual availability. Sexual domination and exploitation of African girls and women was expected and assumed. In addition, the law implied that although white girls and women might make foolish sexual choices, they possessed a level of virtue that black females never had, and thus were worthy of white male protection. Black girls and women deserved no such protection and were considered available to any male's sexual advance. For both black and white females, these laws sanctioned and maximized white male freedom and dominance and female dependence. Laws punishing or prohibiting sex and marriage across the color line conveyed the white male colonial right to establish and assert supremacy over his charges.

Contradictory beliefs about white femininity ensured that white men asserted control over white female sexuality. On one hand, whites viewed white femininity as pure, innocent, and vulnerable to deception and sexual predation and thus dependent upon white male protection. Some believed that white girls and women experienced little sexual desire but that they needed protection from the male sexual impulse. Others believed white girls and women to be sexually untrustworthy. Proponents of this view believed that white girls and women were subject to the same sexual desires as everyone else but that their weak female minds impaired their good judgment, so they were likely to seduce or be seduced and thus required supervision. Both of these versions of white female sexuality required white men to monitor white women's sexuality and reproductive power. Good men needed to oversee female actions so that devious men did not compromise white female virtue. Hence, laws on intermarriage were developed to protect white girls and women from their own sexual desire and intellectual ineptitude and from the sexual urges of men—especially the fabled animalistic sexuality of black males.<sup>22</sup>

The flip side of the white male fixation about white female sexuality was the almost complete disregard for the safety and protection of black girls and women. The absence of clauses about black girls and women in interracial marriage laws implies that whites viewed them as so insignificant as to merit no attention at all. And they received no attention—and thus no protection—because in the white mind, black girls and women were

promiscuous and sexually aggressive and thus sexually available. Sexual domination, debasement, and exploitation of black girls and women was expected and assumed. These laws implied that black girls and women could be beaten, raped, mutilated, or subjected to any other horrific acts without penalty for the perpetrator(s).

Laws on interracial sex and marriage also conveyed cultural notions of masculinity. By not restricting or punishing white men for their sexual indiscretions or the sexual coercion of females, these laws upheld white male sexual independence. And by penalizing sex and marriage between white females and black males, the laws conveyed the belief that white men must control black male sexuality. White men were empowered to regulate the sexual behavior of all girls and women and non-white males.

The laws also implied that black men threatened the safety of white females and thus needed to be kept in check. Indeed, whites conceived of black male sexuality as animalistic and wild, promiscuous and uncontrollable, just like that of black females. Black boys and men therefore needed to be controlled, and white men were obliged to do it. These beliefs about black sexuality—conceptions of black men as sexual predators stalking white girls and women—explain why whites feared black males so deeply. And they also clarify why white men desired black girls and women. Black female sexuality was viewed as animalistic and hence more attractive than white female sexuality. Indeed, it seems that white male anxiety about everyone else's sexuality stemmed from fears about their own sexual appetites. White males appear to have subconsciously feared that black boys and men, and white girls and women, all felt the intense sexual desires that they did.

As the enslavement of Africans and African Americans became the basis of the colonial and early American economy, more colonies and states enacted bans on interracial sex and marriage. Indeed, these laws tended to be the rule rather than the exception. But laws prohibiting marriage between whites and blacks continued even after slavery ended. In fact, although these laws originated because of slavery, they proliferated after the emancipation of African Americans. Even in regions where slavery had never been practiced, and where very few African Americans resided, state legislatures still criminalized interracial marriage. And despite the efforts of numerous interracial couples to fight these laws and gain the freedom to marry the person they loved, state and federal courts time and time again refused to grant them this freedom. It seems, in fact, that laws against interracial marriage became more important during the era of segregation than during slavery. After all, what greater purpose did segregation serve than to separate blacks and whites at the marriage altar? Sadly, many white Americans actually turned to their Bibles to find support for their beliefs.

## The Role of Christianity in Laws Against Interracial Marriage

In 1998, South Carolina residents went to the polls to vote on whether to remove the ban on interracial marriage from the state constitution.<sup>23</sup> The referendum sparked renewal of an old debate about the role of interracial marriage

in the divine order. Republican State Representative Lanny Littlejohn offered his views on the matter, explaining his opposition to intermarriage as based on his Southern Baptist upbringing. Interracial marriage “is an example of how humanity has fallen since they lived in the Garden of Eden,” he asserted.<sup>24</sup> National Public Radio caught wind of the referendum and Littlejohn’s remarks and interviewed him. In the interview, Littlejohn reiterated that interracial marriage was “not what God intended when he separated the races back in the Babylonian days.”<sup>25</sup> Although these remarks might strike many contemporary Americans as odd, they represent a well-established historical perspective on interracial marriage—one that bears directly on the historical reasons for laws banning intermarriage and on unique interpretations of biblical stories.

In the years preceding the Civil War, pastors and defenders of slavery commonly cited the story of Noah’s curse from Genesis 9 as a justification for slavery, and particularly for the enslavement of Africans.<sup>26</sup> Following the Civil War and the emancipation of slaves, a justification for slavery was no longer necessary, but a new need did emerge: to justify racial *segregation*. Biblical interpreters turned to Genesis 10–11, which they said explained the origin of racial groups through the dispersion of Noah’s sons to different parts of the globe. Interpreters of the dispersion story asserted that God scattered Noah’s sons, representing the forebears of the African, Caucasian, and “Oriental” races, to different continents and thus indicated God’s intention for the human races to live separately from one another. These interpretations comprise a theology of separate races. Represented in the thought of many white Southerners, this theology depicts racial “mixing” as contrary to God’s plan for humanity, and in some versions, as the reason for the biblical flood. To adherents of the theology of separate races, the Genesis stories communicated not merely a historical explanation for African slavery and subjugation and for racial inequality but also God’s mandate for the segregation of whites and blacks, especially in marriage.

Over the years a variety of thinkers expressed these ideas. By the turn of the twentieth century, the theology of separate races had gained wide currency among mainstream white Southerners as the religious justification for Jim Crow policies, including laws against interracial marriage. In 1903, the Reverend W. S. Armistead asserted that although God “interposed no *scriptural* barrier on *physical differences* . . . God has drawn the line—a *continental one*. To remove it would be to reflect on the wisdom of God; to remove it would be the ruin of the negro race; to abolish it would be to destroy the white race morally and religiously.”<sup>27</sup> Like many other white Southerners, Armistead asserted that God had separated the races and shown His divine opposition to interracial marriage, thus providing a biblical basis for anti-miscegenation laws.

The list of proponents of the separate-races theology goes on and on. At least two other bishops and two Southern senators expressed similar notions.<sup>28</sup> And as calls for racial equality became stronger during the early years of the civil rights movement, the theology of separate races emerged from the lips of Southern pastors with greater frequency and in increasingly strident tones. In 1948, Presbyterian pastor J. David Simpson of Mississippi published an essay

unambiguously titled “Non-Segregation Means Eventual Inter-Marriage.” In his article, Simpson boldly proclaimed that “the Scriptures teach Segregation, and most positively do not teach the pattern of non-segregation” being urged by non-Southerners.<sup>29</sup> The Reverend Guy T. Gillespie, president emeritus of Mississippi’s Belhaven College, made similar remarks when he addressed a church synod five months after the momentous 1954 *Brown v. Board of Education* ruling. He cited the Genesis stories as one of the bases for racial segregation and proclaimed God as “responsible for the distinct racial characteristics which seem to have become fixed in prehistoric times, and which are chiefly responsible for the segregation of racial groups across the centuries and in our time.” Like Simpson, Gillespie admitted that the “chief reason for segregation is the desirability of preventing such intimacies as might lead to intermarriage and the amalgamation of the races.”<sup>30</sup> Pastor Carey Daniel of the First Baptist Church of West Dallas baldly deemed God to be the “original segregationist” and “Satan as the original integrationist.”<sup>31</sup> Daniel even included a map in his sermon to show that God had dispersed Noah’s sons and their progeny to separate continents.

Versions of the theology of separate races also appeared outside of the American South. One memorable instance involved President Harry S. Truman. In 1963, the *New York Times* reported a brief exchange between a reporter and the former president in which Truman, a progressive and a supporter of integration, remarked that interracial marriage “ran counter to the teachings of the Bible.”<sup>32</sup> The fact that the onetime occupant of America’s highest political office uttered this statement suggests the extent to which the theology of separate races saturated the thinking of even well-meaning, well-educated, and otherwise-progressive white Americans.

This interesting history illustrates that Representative Lanny Littlejohn’s 1998 remarks captured not only the theology of separate races but also the reasons for the vehemence of white Americans’ animosity toward interracial marriage. To proponents of this perspective, interracial sex and marriage utterly contradicted God’s plan for humanity. The post-Civil War Southern white theology of separate races thus formed the biblical basis for white Christian perspectives on white supremacy, racial purity, and segregation and for laws against interracial marriage.

During the one hundred years following the American Civil War, several influential cases cited the theology of separate races as a legitimate basis for anti-miscegenation statutes. From 1867 to 1967, courts upheld laws against interracial sex and marriage based on racist and sexist conceptions of sex, race, and gender and fortified by biblical interpretations. Time and time again, courts deemed interracial unions to be unnatural and contrary to God’s law, and affirmed the constitutionality of laws criminalizing interracial sex and marriage.

In 1867, the Supreme Court of Pennsylvania based its memorable ruling, *Philadelphia & West Chester R.R. Co. v. Miles*, on the separate-races theology. Rather than marriage across the color line, this case considered the right of Pennsylvania railroad companies to segregate passengers by race. In this decision, Chief Justice Daniel Agnew ruled segregation in railroad cars



constitutional, citing the theology of separate races as proof of the distinct nature of the races, and thus as the “reasonable ground” for segregating white people and black people. “Why the Creator made one white and the other black, we know not,” he declared, “but the fact is apparent and the races distinct, each producing its own kind, and following the peculiar law of its constitution.”<sup>33</sup> Chief Justice Agnew provides a theology of separate races as a legitimate basis for a legal argument.

Several subsequent anti-miscegenation cases cited *Philadelphia*, demonstrating that case’s influence, the popularity of the separate-races theology, and the legal system’s sanction of this theology. Two years after the *Philadelphia* decision, in *Scott v. the State*, the Supreme Court of Georgia wrote what would become one of the most commonly cited passages in anti-miscegenation cases. The judgment declared,

The amalgamation of the races is not only unnatural, but is always productive of deplorable results. Our daily observation shows us, that the offspring of these unnatural connections are generally sickly and effeminate, and that they are inferior in physical development and strength, to the full-blood of either race. It is sometimes urged that such marriages should be encouraged, for the purpose of elevating the inferior race. The reply is, that such connections never elevate the inferior race to the position of the superior, but they bring down the superior to that of the inferior. They are productive of evil, and evil only, without any corresponding good.

The author insisted that moral and social equality between the races did not and could never exist, for “the God of nature made it otherwise, and no human law can produce it, and no human tribunal can enforce it.”<sup>34</sup> The ruling is clear: God intended for blacks and whites to be separate and unequal in all social relations, and most definitely in marriage.

Case after case cited the theology of separate races as a legitimate basis for anti-miscegenation laws well into the twentieth century.<sup>35</sup> In fact, when Mildred and Richard Loving appeared in a Virginia court in 1965 to ask that their convictions be overturned, the judge denied their request and reaffirmed the validity of Virginia’s anti-miscegenation statutes. He concluded with the following words:

Almighty God created the races white, black, yellow, malay, and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.<sup>36</sup>

Despite the end of racial slavery a century before, the sexual and marital ethics embodied in postbellum anti-miscegenation laws continued to control citizens’ behavior. Worst of all, many Americans believed that legal bans on interracial marriage bore God’s stamp of approval. As late as 1983, sixteen years after the *Loving* decision, the Supreme Court ruled on a case involving interracial relations. The Court upheld the Internal Revenue Service’s revocation of tax-exempt status for Bob Jones University, which forbade its students to be “partners in an interracial marriage,” to date “outside of their own race,” or to

“espouse, promote, or encourage others to violate the University’s dating rules and regulations.”<sup>37</sup> The Court ruled,

It would be wholly incompatible with the concepts underlying tax exemption to grant the benefit of tax-exempt status to racially discriminatory educational entities, which “exer[t] a pervasive influence on the entire educational process.” ... Whatever may be the rationale for such private schools’ policies, and however sincere the rationale may be, racial discrimination in education is contrary to public policy.<sup>38</sup>

## The Lessons of the American History of Anti-Miscegenation Law

In the conclusion of her book *What Comes Naturally*, historian Peggy Pascoe observes that since the 1967 *Loving* decision, the history of anti-miscegenation laws has been “buried, denied, or pushed aside.” This has been done to the point that by the turn of the twenty-first century, individuals holding racist beliefs about interracial marriage had been largely “displaced by an entire generation of young Americans who found it difficult to believe that interracial marriage had *ever* been illegal.”<sup>39</sup>

According to Pascoe, the tendency of the American public to “forget” this part of history has resulted in several erroneous beliefs: that “the demise of miscegenation law had been inevitable,” that miscegenation laws were “outdated remnants of a long-distant past,” that “marriage should be considered a private matter of individual choice,” and that “race classification in the law was deeply un-American.”<sup>40</sup>

As my essay demonstrates, Americans have also forgotten the religious justifications for bans on interracial marriage, as well as those in support of gender- and race-based discrimination generally. *Forgetting* contributes not only to falsely sanitized understandings of religious belief in American history but also to the misperception that racism, sexism, and prejudices against both interracial marriage and multiracial individuals are no longer problems with which we must contend. Yet couples seeking to adopt children of a race different than their own face suspicions about their motivations, and parentless white children remain more in demand by adoptive couples than parentless black children.<sup>41</sup> Moreover, individuals growing up in inter- or multiracial families often struggle with the ways in which American culture fails to acknowledge the complex nature of their identity.<sup>42</sup>

By *remembering* the historical foundations of laws against interracial marriage, we gain insights into marriage in the contemporary United States, and particularly, into the debate over same-sex marriage. There are remarkable parallels between the issues, though we must also keep in mind the differences. Interracial marriage was a punishable criminal offense for nearly 300 years, and couples that violated the law often faced not merely prosecution but also the threat of torture or death at the hands of lynch mobs. During certain times and in certain places, an interracial couple—particularly when that couple consisted of a white woman and a black man—took their lives into their hands by associating with one another. Although same-sex couples feel

similarly restricted from displays of affection and are sometimes even in mortal danger, they do not share the 300-year history derived from a system of chattel slavery and established from a sociopolitical structure based upon the domination of one group over another.

Yet there is much to learn from remembering the history of American laws against interracial marriage. One of the most important lessons is the danger of using biblical precepts as a basis for public policy. Although it may well constitute a basis for sexual ethics, in our pluralistic society the Bible is not a legitimate basis for law. As we have seen, advocates of the separate-races theology chose to highlight some biblical passages and to ignore others. Opponents of same-sex marriage employ similar strategies in their biblical interpretations. They argue that sexual relations between same-sex couples are unnatural and forbidden by God. They cite Leviticus 20:13, which in the King James Version states, "If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death; their blood shall be upon them." They also cite passages from the Christian Testament, such as Romans 1:24–27, which notes that women lusted after women, and men lusted after men, actions for which they "receiv[ed] in themselves that recompense of their error." According to this interpretation, God deemed same-sex relations "unseemly" and an "abomination," and therefore homosexual relations should not be tolerated, much less sanctioned with the holy rite of matrimony or legitimized by the state. Unlike the biblical passages offered by proponents of the separate-races theology, the reader does not have to make enormous interpretive leaps to arrive at the conclusion that God found same-sex relations offensive.

Nevertheless, one problem with such an interpretation of biblical passages is this: of all the behaviors deemed in the Bible to be offensive or even worthy of capital punishment, proponents of this view have selected homosexuality as *the* issue that merits the attention of American lawmakers. They completely ignore other biblical issues that earn just as much, or even more, condemnation in the Bible. Consider, for example, Deuteronomy 21:18–21, on "stubborn" children. According to this passage, "stubborn and rebellious" children who do not obey their parents should be stoned to death. Similarly, although Leviticus 20:10 commands that both parties to adultery be put to death, no conservative Christian organization urges a return to biblical laws that would terminate the lives of thousands of unfaithful marriage partners. And perhaps even more to the point, Exodus 22:25 enjoins, "If thou lend money to any of my people that is poor by thee, thou shalt not be to him as an usurer, neither shalt thou lay upon him usury." Yet no Christian leader has urged that Congress pass laws criminalizing banks, credit-card companies, and other consumer lending services for practices directly violating biblical injunctions.

Clearly, then, those who rage against the "homosexual agenda" have elevated same-sex relations over many other biblical topics as the most salient issue for contemporary law and public policy. Some insist that God's law never changes, so neither should ours. Although one can appreciate the reverence with which advocates of these views hold biblical precepts, the fact is that it is

not God's law that is at issue, *per se*. Rather, the issue is how we understand what exactly God's law is. As we have seen, during the 1950s and 1960s some white Southern Christians genuinely believed that God prohibited interracial marriage. But today, such ideas seem not merely ludicrous to most people—they are almost unknown by younger generations of Americans.

Current disagreements between conservative Christians and proponents of same-sex marriage—like those between segregationists and integrationists during the last century—center on the insurmountable differences wrought by each side's worldview. One group perceives the existence of unchanging absolutes, while the other emphasizes the importance of contingency and context. These differences shape each side's approach to interpretation. Some Christians' regard for what they consider to be literal biblical interpretation prevents them from recognizing that they are still interpreting the text through the prism of their own beliefs and assumptions. A reader's beliefs about the text she is reading shape her interpretation of it. A reader who "knows" that she is reading a true document and understands it literally, as part of her faith in God and as part of her certainty about how the world works, will interpret that text in ways that reinforce her understanding of the world and of her faith.

Religious conviction enhanced and reinforced biblical segregationists' sense of certainty about what they knew of the world, and their convictions about the world shaped their interpretation of what they saw in the world. The result was an insulated, self-perpetuating system for making sense of change. This, I contend, is the very same system that today influences contemporary Christians convinced that homosexuality is an abomination. The means by which we evaluate what we believe that we "know" in fact shape the ways in which we interpret texts, our experiences, and the world.

My analysis of laws against interracial marriage suggests that there really is no eternal or immutable standard of biblical interpretation; rather, the ways in which we interpret the Bible do in fact change. Beliefs about what constitutes God's "unchanging" law change as well. These change because people—not God—interpret the passages. People—not God—decide what constitutes God's law and what constitute the most important biblical principles.

At one time, biblical justifications for the enslavement of African peoples rang as clear as a church bell. But such notions shifted during the nineteenth century. By the twentieth century, all but the most recalcitrant fringes of American culture saw slavery as a moral evil.

At one time, it seemed perfectly reasonable to interpret Genesis 10–11 as the historical explanation for why racial groups existed on separate continents and thus as proof of God's command for legalized segregation. Such ideas now seem preposterous.

And although today some Christians assert that the unchanging laws of God, or the unchanging teachings of the church, have forever prohibited loving relationships between same-sex partners, or the ordination of women, I hope that Americans will begin to see that their interpretations of select biblical passages in fact reflect beliefs stemming from what we choose to see at a given moment in time.

Despite the fierceness with which the Christian Right decries the “homosexual agenda” today, based upon what we have observed with white segregationists of the past, it is possible that opponents of same-sex marriage will one day see that all adults possess the right to marry and to determine the terms of their intimate relationships, so long as they are consensual relationships grounded in an ethics of non-violence and in the equal distribution of power between each partner.

Although religious belief often comforts people trying to make sense of the world, we should strive to come to terms with *uncertainty* rather than to control it. We should aim to recognize that knowledge is unstable, captive to its historical moment and the fleeting truths that inform every historical era. We would do well to develop ethical values that challenge systemic oppression and inequalities, while maintaining the humility to recognize that those values are far more the consequences of our historical moment and personal perspectives than of any absolute truth.

## Notes

1. *Code of Virginia*, 1950, vol. 4, quoted in “Jurisdictional Statement,” in *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law*, eds. Philip B. Kurland and Gerhard Casper (Arlington, VA: University Publications, 1975) 694f.
2. *County of Caroline v. Richard Loving and Mildred Jeter*, Commonwealth of Virginia, Loving Case File, Central Rappahannock Heritage Center, Fredericksburg, Virginia.
3. Kurland and Casper, “Oral Arguments,” *Landmark Briefs and Arguments*, 971.
4. The concept of due process derived from clauses in the Fifth and Fourteenth Amendments providing that neither federal nor state governments unfairly “deprive any citizen of life, liberty, or property, without due process of law.” Enacted in 1866 following the Civil War, the Fourteenth Amendment aimed to reiterate the clause in the Fifth Amendment to establish a principle of fairness in law, most particularly for black citizens in the postwar South. Similarly, the Fourteenth Amendment’s equal protection provision guaranteed citizens, and particularly African Americans, the right to be treated equally in both the procedures and principles of law, such that the government must treat every person the same as it treats other persons in similar circumstances.
5. *Loving v. Virginia*, 388 U.S. 1, 12 (1967).
6. For a brief comparison of anti-miscegenation laws in Germany, South Africa and the United States, see Randall Kennedy, *Interracial Intimacies: Sex, Marriage, Identity, and Adoption* (New York: Vintage, 2003) 241f; and Peter Wallenstein, *Tell the Court I Love My Wife: Race, Marriage, and Law—An American History* (New York: Palgrave Macmillan, 2002) 255f.
7. The only states that never legalized interracial marriage were Alaska, Connecticut, Hawaii, Minnesota, New Hampshire, New Jersey, Vermont, and Wisconsin.
8. The term “miscegenation” was coined in 1863 to mean “the mixture or blending of the races.” It comes from the Latin words *miscere*, meaning “to mix,” and *genus*, meaning “race” or “people.”
9. It is important to note here that not all interracial marriages were illegal. Even in regions banning interracial marriage, an African American person could marry a person from India, a Chinese person could marry a Japanese person, or a Filipino person could marry a Navajo person. In reality, the only group that these laws concerned was white people, insofar as all such laws imposed restrictions only on *whites and* members of other racial groups. There were no such laws restricting or banning sex or marriage between persons of “non-white” races.

10. Wallenstein, *Tell the Court*, 81f. According to Wallenstein, this law lasted only five years.
11. See Francis Newton Thorpe, ed., *Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies* (Washington, DC: Government Printing Office, 1909): Alabama, vol. 1, 124; Florida, vol. 2, 758; Mississippi, vol. 4, 2125; North Carolina, vol. 5, 2843; South Carolina, vol. 6, 3317; and Tennessee, vol. 6, 3469.
12. Even though the laws remained part of the state constitution in Alabama and South Carolina until 2000 and 1998, respectively, the statutes were unenforceable, due to the U.S. Supreme Court's ruling in *Loving v. Virginia*.
13. On the development of racial slavery, see Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550–1812* (New York: Norton, 1968), and particularly the first two chapters, 3–98. For a concise overview of the relationship between American slavery and bans on interracial sex and marriage, see Kennedy, *Interracial Intimacies*, 41–69.
14. Jordan, *White Over Black*, 178.
15. “[A]fter the 1660s, courts focused more exclusively on the monetary damages owed to masters by female servants and their lovers than on the moral nature of the sexual transgression.” Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996) 191. Indeed, protecting the financial investments of slave owners and masters of indentured servants was one of the most fundamental prima facie causes of American laws on interracial marriage and sexual unions.
16. White legislators in Maryland soon realized that “such a law legally encouraged masters to force marriages between servant women and slave men in order to gain more slaves for themselves,” so they revised the law in 1681. See Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth Century South* (New Haven, CT: Yale University Press, 1997) 29.
17. Virginia (Colony), *Act 12, The Statutes at Large; Being a Collection of All the Laws of Virginia, from the First Session of the Legislature in the Year 1619*, vol. 2, ed. William Waller Hening, (Richmond, VA: Franklin Press, 1819–1823) 170, <http://www.virtual-jamestown.org/laws1.html#15> (accessed June 5, 2009). Emphasis added.
18. *Proceedings and Acts of the General Assembly of Maryland, 1637–1664*, vol. 1 (Baltimore: Maryland Historical Society) 533f.
19. On “race mixture,” see George Fredrickson, *White Supremacy: A Comparative Study in American and South African History* (New York: Oxford University Press, 1981), especially 94–135.
20. Virginia, Act 16, *Statutes at Large*, vol. 3, 86–88, <http://www.virtualjamestown.org/laws1.html#36> (accessed June 5, 2009).
21. As Randall Kennedy observes about a later era, the “paucity of antebellum cases featuring black female victims of sex crimes is in itself eloquent testimony to the extreme vulnerability of black women.” Kennedy, *Interracial Intimacies*, 176.
22. On the relationship between white womanhood and anti-miscegenation laws, see Brown, *Good Wives*; W. J. Cash, *The Mind of the South* (New York: Knopf, 1941) 86; Jordan, *White Over Black*; Peggy Pascoe, “Miscegenation Law, Court Cases, and Ideologies of ‘Race’ in Twentieth-Century America,” *Journal of American History* 8 (1996) 44–69; Carter Woodson, “The Beginnings of Miscegenation of the Whites and Blacks,” *The Journal of Negro History* 3 (1918) 335–353.
23. The constitutional ban had remained in place even though the state’s anti-miscegenation laws had been unenforceable since the 1967 *Loving* case.
24. “Many Support Wiping Out Mixed-Race Marriage Ban,” *Herald-Journal* (Spartanburg, SC) February 7, 1998, A1 and A10.
25. *Morning Edition*, “Interracial Marriages on the Rise,” National Public Radio, April 15, 1999.
26. Not surprisingly, there is no mention of “race” or “Africans” in the Genesis stories. To learn how this interpretive tradition developed, see Stephen Haynes, *Noah’s Curse: The*

- Biblical Justification of American Slavery* (New York: Oxford University Press, 2002); Sylvester Johnson, *The Myth of Ham in Nineteenth-Century American Christianity: Race, Heathens, and The People of God* (New York: Palgrave Macmillan, 2004); and Fay Botham, *Almighty God Created the Races: Christianity, Interracial Marriage, and American Law* (Chapel Hill: University of North Carolina Press, 2009).
27. W. S. Armistead, *The Negro Is a Man: A Reply to Professor Charles Carroll's Book, "The Negro is a Beast, or, In the Image of God"* (1903; reprint, Miami, FL: Mnemosyne, 1969) 36, 537, 539. Armistead's emphasis.
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VII

## The Stories We Tell



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## Mammy's Daughters; Or, the DNA of a Feminist Sexual Ethics

*Frances Smith Foster*

### The Personal Is Political

I am a woman who was once a girl who loved to read stories. I readily imagined myself as Heidi though I wasn't Swiss, as Wilma Rudolph though I couldn't run fast, and as Wonder Woman though I had no gold tiara and was not and never would be really good with a lariat. My imagined self merged into my experienced self, and both were affected by the self I was told I was or should become. I am a literary historian who believes that our stories reflect and define our identities. I am one of those who affirm that we can know what is true, and that we must tell the truth if we are to be free. Like many of my ilk, I take it as gospel that sometimes the only way truth can be told is through fiction. Not coincidentally, I am an African American woman reared in segregated neighborhoods, educated in a segregated school system, graduated with honors from predominantly white universities, and instrumental in founding the first women's studies department and one of the first black-studies departments in the nation. And I am one who has defied the odds by making and keeping intimate friendships with women who do not share the same stories.

I tell you this so you may know why I essay as I do. Self-definitions and social constructs are not made in petri dishes and do not grow in a vacuum. Who one is, or is thought to be, directly affects what one thinks, says, and does. Who says what, when they say it, and under what circumstance—in other words, the context of the text—are essential to interpreting and assessing definitions, narratives, and assumptions.<sup>1</sup>

I essay to show that though slavery has been abolished in the United States for many generations, slavery's shadows continue to distort or diminish the blossoming of interracial friendships. Our language about slavery and the stories we tell about slavery make it especially difficult for women and girls whose ancestors are assumed to have been on opposite sides then to be friends now. The familiar narratives of antebellum America inextricably interweave African American women with illicit or excessive sexuality and often implicate Euro-American women as accessories to the crimes against them. I propose a vision of feminist sexual ethics that begins by recognizing the degrading assumptions at the heart of our definitions of womanhood, our narratives of enslaved

women, and our suppositions about relationships between enslaved women and women who enforced or profited from their enslavement.

A proper beginning to rapprochement now is for us to expand the vocabularies we use for naming and defining our foremothers and to listen to narratives told from a greater diversity of perspectives. It's not all about words, of course. Slavery is the single most defining element of U.S. history and cultural systems. Before African American women and other American women can consider themselves sisters or even friends, unfair, unjust, and misinformed laws, customs, and habits must change. Any ethic that does not lead to changes in behavior has limited value. Nonetheless, recognizing the power of the traditional definitions, narratives, and assumptions that we use can go a long way toward dispelling slavery's shadows over women and girls. In redefining who is and was our kind and our kin, we can free ourselves and help free others from the shame and disrespect that shackle us today. It all begins with recognition of the power of language, stories, and assumptions.

## On Sorority Row

Once upon a time, not so long ago, we thought that women and girls would lead the way into a new world harmony. Women's rights advocates had already reconstructed the color and contours of the Civil Rights Movement to espouse the claims of women and others regardless of culture, creed, or sexuality. The progression from the Civil Rights Act to the Equal Rights Act had seemed natural, and even after the ERA failed, women continued to believe that sisterhood was powerful and that the personal was political. They continued to define themselves, shape new narratives, and challenge traditional assumptions. Like their antebellum foremothers, whose stories are less known but powerfully suggestive, masses of women and girls went public with their claims to life, liberty, and the pursuit of happiness within and outside of their homes. In the United States especially, they proclaimed that women shared the oppression of patriarchy even if they did not, for various reasons, share the joys of motherhood. "Sisterhood is powerful," they swore, insisting that inclusive politics required personal as well as structural realignments. With women in politics, we would have a kinder, gentler great society. With desegregation, soccer moms and Parent-Teacher Association members, like those who worked for the same company or studied in the same university, would work together to nurture and to negotiate.

But change was not easy. Anger, hurt, misunderstandings, and resistance marked attempts to cooperate or even to communicate. For example, on college campuses, sorority row allowed, and sometimes even welcomed, chapters of historically black organizations, such as Alpha Kappa Alpha, Delta Sigma Theta, and Zeta Phi Beta. But their national charters, if not the local chapters themselves, resisted attempts to integrate. Women's rights advocates, and especially feminists, had particular difficulties putting their theories into practice. While they earnestly advocated sisterhood, their planning sessions, collaborative projects—almost any but the most casual conversations—regularly erupted into quarrels, and decorum gave way to insults, snaps, slaps, and, yes, tears. Some women's studies advocates abandoned the field for other, less stressful

social movements. Some moved their focus from practice to theory. None was excused from having to work hardily to reassess, refine, or redirect familiar practices, goals, and assumptions.

That was more than fifty years ago. In the first decade of the twenty-first century, with few exceptions, sisterhood is still more a matter of coexistence and cooperation on particular projects than of the global sisterhood or integration we envisioned. In most multicultural environments, women of various heritages get along well enough. Some go to lunch, shop, and exchange visits and birthday presents. Bridal showers and even bridal parties are sometimes multicultural. In times of trauma, women of European, Asian, and African ancestry often consider themselves to be their sisters' keepers. But despite decades of desegregated schools, workplaces, and televised soap operas; despite, especially, the several generations of feminists whose rhetoric and rituals generally espoused inclusive and global sisterhood, the students with whom we study and hang out, the women with whom we worship, the mothers with whom we car pool, and the girlfriends with whom we vacation usually look just like us.

The question that haunts us is, why?

The answer is not simple, but one particularly significant factor is the stories we tell. These stories include the definitions, narratives, and assumptions that we and others use to create ourselves within our worlds. Not all of these stories are healthy. Scholars such as Elizabeth V. Spelman in her book *Inessential Woman* have taught us to interpret and critique the ways in which race, class, and gender affect our perceptions of self and society. Susan Sniader Lanser, Susan Stanford Friedman, Emilie M. Townes, Gloria Anzaldúa, Barbara Christian, and others have helped us see and discuss the impact of stories and storytellers—to learn what Beverly Guy-Sheftall called the “words of fire” that we might prefer to redefine or ignore.<sup>2</sup> Evidence abounds that our perceptions, expectations, and experiences shape the stories we tell and that the stories we tell shape our perceptions, expectations, and experiences. Still, the knowledge that some parts of our stories are dysfunctional or diseased has not yet prompted any general effort to develop counter-definitions, counter-narratives, and counter-assumptions that will help us move past the old stories that deform our identities and our relationships.

The volume in which this essay appears is fundamentally concerned with definitions, narratives, and assumptions about slavery. For my part, I am arguing that definitions of womanhood, narratives of slavery, and our (sometimes unconscious) assumptions about sex and sexuality shadow the lives of women and girls through time and over space. Media-made clouds of myths and stereotypes about those who were enslaved and those who enslaved in the antebellum United States cross national and cultural boundaries. These defective stories have kept the new story of sisterhood from gaining traction in our minds and in our lives. But we can repair, reconstruct, and heal by using and spreading counter-definitions, -narratives, and -assumptions.

## Beginning with the Word

In the lexicon of pre-Civil War United States English, adult females were readily defined by their physical appearance and social status into four categories:

“women,” “ladies,” “maids,” and “wenches.” “Women” were mature and comfortably settled in their rightful gender roles. Some “women” were considered more womanly than others. They sat in their parlors, sometimes on a pedestal, and made orderly, happy homes infused with piety, decorated with embroidered antimacassars, and resounding with the patter of obedient little feet. These women, generally differentiated as “true women,” were fetishes for a cult that sacrificed their lives in marriage to men of substance and significant social standing. “Ladies” were women of property or the property of landed men. Young “ladies” were oftentimes known as “maids.” All “ladies” and “maids” were “women,” but not all “women” were or could claim the prerogatives of “ladies.” Many “maids” earned that sobriquet because they associated with or served “ladies.” In early American English, a “wench” was a female of the lower social orders and had little, if any, claim to respect, honor, or deference. A “wench” worked indoors and outdoors. She did the dirty work, and that work dirtied her. Indeed, the assumption was that in her subordinate position, she would routinely be subjected to sexual exploitation. A “wench” was defiled, a strumpet or a consort, or both.

In most American histories, a young woman of African descent was, at best, a “wench.” She was servant to others, and she served men in ways that ladies, women, and wives could not or would not. Whether she was raped or seduced or neither, she was assumed to be sexually available and “prematurely knowing in evil things.” In her postmenopausal years, especially if she had nursed the children of ladies and true women, a black “wench” might be redefined as an “aunt,” or she might receive the highest accolade that this society awarded a woman of African descent. She might become “Mammy.” In the language of today, we have pretty much forgotten “wench,” and we have not remembered that “Mammy” was then a synonym for “Mama.” In the early nineteenth century, “Mammy” was a term of endearment and appreciation used by African Americans and Euro-Americans alike. (In the twenty-first century, we avoid using the word “Mammy” because we tend to define a mammy as a woman of African descent who nurses other people’s children.)

And Mammy was all the name she had or needed. To call Mammy by any other name would make it more difficult to discount her life previous to, or separate from, the white family she serves. To consider Mammy outside of the white family’s own domestic spaces and personal needs would lead to a clash of identities that would compromise her value to whites as the family retainer. In historical narratives, in memories, and in imagination, too, Mammy is not a respectable woman, but she is a beloved paragon of practical domesticity. Though herself not a lady, a black Mammy was able to teach little white girls and remind their mothers how to display appropriate behavior, to dress tastefully, to wear elaborately coifed hair, and to generally feel beautiful, desirable, and at home in the white domestic sphere.

To know Mammy by any other name, to consider Mammy as a black female with a life beyond her role of nurse and nurturer—such a reconception of a familiar figure would compromise the image of pure womanhood that the black woman prodded and petted little white girls into assuming. In suggesting the possibility that Mammy was a woman exploited by her white family rather than slavishly devoted to them, this new story about Mammy would

cast a pall over the masculine rectitude of blackface performer Eddie Cantor and Southern gentlemen who would give the world to be back in the arms of the black woman who suckled them. The stories we usually tell about antebellum African American women have only two female characters: the asexual Mammy and the hypersexual Jezebel/Hagar. Depending upon the narrator's inclination to present her as vixen or victim, Jezebel/Hagar is either the treacherous seducer or the sexual surrogate.<sup>3</sup> The biblical Jezebel was a pagan woman who used her body shamelessly to trick and to control; she has been reviled as the "mother of harlots" and "a whore and a witch."<sup>4</sup> The biblical Hagar obeyed her mistress's command and lay with her master, conceived a child, and was ultimately banished into the wilderness. Our society regards neither persona as dignified, demure, or particularly pious. Neither invites our respect or admiration. Jezebel and Hagar are the same soiled sexual being. Whether she worked all day in someone else's house or in the fields picking someone else's crops, it was believed that at night an African American woman—except Mammy—regularly serviced men's sexual desires.

## Black Herstory

Unfortunately, such stereotyping of antebellum women of African descent is not solely the figment of the imaginations of racist propagandists. African American writers themselves have promulgated such definitions and narratives. One of the most influential and referenced books about an African American heroic woman is Zora Neale Hurston's *Their Eyes Were Watching God*.<sup>5</sup> Here the Mammy-Jezebel/Hagar myth is repeated when Janie's grandmother recites the archetypal genealogy of African American womanhood: "You know, honey," Nanny told Janie, "us colored folks is branches without roots and that makes things come round in queer ways... Ah was born back due in slavery so it wasn't for me to fulfill my dreams of whut a woman oughta be and to do. Dat's one of the hold-backs of slavery... Ah didn't want to be used for a work-ox and a brood-sow and Ah didn't want mah daughter used dat way neither. It sho wasn't my will for things to happen lak they did."<sup>6</sup>

Hurston's summary of Nanny's life, Nanny's daughter's rape, and Janie's erotic response to Johnny Taylor's kisses may be defined as evidence that, as Nanny said, "nothing can't stop you from wishin." But it is also one that confirms generations of indecorous behavior by enslaved women and their resulting ineligibility for our respect, admiration, and emulation. Moreover, Janie's trail of husbands feeds into myths of African American women making bad marriages and, even in the good ones, suffering abuse.

"Back due in slavery," Nanny says, African American women were slaves. This notion prevails despite the fact that from the time the first African woman arrived in the colonies until slavery was officially abolished in the United States, thousands of Africans and their descendants were not slaves for life. Many were never enslaved at all. In 1850, for example, the United States census numbers at least half a million free people of African descent. They were approximately 10 percent of the African American population, the same percentage attributed to Americans of African descent in the 1950s. African American women who were free, and many of those who were not, married, lived together in family

groups, and adhered to standards of conduct that met or surpassed those for “true women.” Nonetheless, most use “African American” and “slave” as synonyms for that time period. Zora Neale Hurston and other African Americans perpetuate that definition and repeat stories peopled with wenches known as Jezebel/Hagar or Mammy.

As Mammy, an African American foremother may have been beloved by those whom she served or doted on. But to them she could never be a “true woman.” She, and any other African American female, was not even a “woman.” A Mammy is postmenopausal, unfeminine, asexual, and more loyal to her charges than to her own children. In fact, a profound silence shadows the early or other lives of those who became Mammies. Their bright-red dresses and large breasts mark their possible past lives as wenches, but their bandanas and clean white aprons serve as chadors, covering their bodies and veiling their pasts, symbolizing and affirming that Mammies have become as pure and as domesticated as a black woman can be. Historians such as Catherine Clinton have demonstrated that “Mammy” was born in the postbellum era and not during slavery.<sup>7</sup> But having stereotyped all African American women as slaves or daughters of slaves, and neatly characterized Mammy as a devoted domestic servant in the home of her superiors, the popular imagination prefers historical fantasies over historical facts.

In the popular imagination, for better or for worse, Mammy is a depiction of black motherhood and domestic servitude that elicits fierce emotion and extreme positions as well as contradictory and ambivalent but vociferous responses. Her devotion, common sense, and even, on some level, moral authority are acknowledged, but Mammy is not a “true woman.” Perhaps she is, or was, married, but the bonds of her matrimony do not form the center of her life. Mammy is not a model of maternity, either. Regardless of reason or reaction, Mammy’s devotion to children does not qualify her as an ideal mother because the children she nurses are not her own. Whether voluntary or not, the black Mammy’s ministrations are to white children. It doesn’t matter whether for love or money or to save her own life—if she did bear children of her own, she has abandoned them.<sup>8</sup>

The best that we can say is that Mammy is domestic and dutiful, a larger-than-life presence who brings order and decorum into the families that she apparently loves and loyally serves. We disagree about her value. Some, usually those who are not African American, praise, present, or represent Mammy in literature such as Harriet Beecher Stowe’s *Uncle Tom’s Cabin* and on kitchen counters as cookie jars. Quaker Oats’ Aunt Jemima brand is just one example of how well Mammy sells as a source of substance and satisfaction. From another perspective, usually African American, Mammy is either reviled or revised. Among the revisionists are Toni Morrison, Betye Saar, Halle Berry, and Kara Walker. Representations and re-presentations cover a wide range of expression, but one basic image is deeply ingrained in our culture. As the expensive and extensively publicized legal battle between the executors of Margaret Mitchell’s *Gone with the Wind* and the publishers of Alice Randall’s *The Wind Done Gone* illustrate, when one tries to show Mammy as other than the lower-than-but-preferable-to-Nanny, battles over image and counter-image and the life-and-death struggle over Mammy are fierce and not for the fainthearted

or less powerful. If, therefore, the most positive image of African American foremothers is tinged with negativity and conflict, how then can we expect modern-day women to willingly identify themselves as Mammy's daughters?

## Mammy's Daughters

In 1986, at the height of the confluence of the women's movement and the black-studies movement, Sherley Anne Williams published a novel, or as she defined it, a meditation on history. This idea originated with her lived experience. As a girl in Fresno, California, Sherley Anne Williams loved U.S. history. She loved it until someone told her there was no place in the antebellum United States where she would not have been a slave. Daunted but not defeated, she searched beyond the most popular and accessible historical narratives to try to understand what life offered a girl or woman like her during the era of slavery. She discovered two factual stories that sparked her imagination. One was about a white woman who in 1830 was discovered to have sheltered fugitive slaves on her isolated farm in North Carolina. The other was about a pregnant black woman in Kentucky who helped lead a slave rebellion in 1829. Williams writes, "How sad, I thought then, that these two women never met."<sup>9</sup>

*Dessa Rose* is Sherley Anne Williams's "What if, once upon a time, not so long ago..." It is an experiment in imagination designed to complement better-known historical narratives, to create new stories that may reshape our views and identities. Williams meditates on the conditions under which her enslaved ancestors may have had common experiences or even positive, strengthening relationships with the enslaving ancestors of many women with whom she now lived and worked. Williams imagines the possibilities of a deep and abiding friendship between a white woman and a black woman in the antebellum period. Hers is a narrative of how such a relationship might have developed within the constraints of the stories told during the slave era. Hers is a meditation upon how our history can affect our lived experiences.

*Dessa Rose* contributes to our understanding of the importance of our own narratives in multiple ways. But for this occasion, I focus upon a scene wherein the nascent friendship of a white woman and a black woman is diseased by antagonistic definitions, narratives, and assumptions. Dessa had been listening to Ruth as she chatted about her childhood and waxed nostalgic about her memories of mutual affection between her and "Mammy." Ruth mused, "She used to dress me so pretty" and began to elaborate upon the clothes Mammy had made her and how Mammy's fashions enhanced Ruth's social status. Dessa interrupted Ruth's reminiscences, saying, "Wasn't no 'mammy' to it... Mammy ain't made you nothing!" Dessa argued that "'Mammy' ain't nobody's name, not they real one," and dared Ruth to prove the validity of her narrative by using Mammy's "real name." Dessa knew that if Mammy were a person with whom Ruth really shared an intimate relationship, then Ruth ought to know who Mammy was. "What's Mammy's name?" Dessa demanded a definition of terms.

The narrator relates the scene that follows this way:

"See! See! You don't even not know 'mammy's' name. Mammy have a name, have children." ... "She didn't." The white woman, finger stabbing toward her



own heart, finally rose. "She just had me! I was like her child." . . . "What was her name then?" Dessa taunted. "Child don't even know its own mammy's name. What was mammy's name? What—" "Mammy," the white woman yelled. "That was her name."<sup>10</sup>

This exchange occurs just about halfway through the novel and marks the women's recognition that their respective narratives hindered the development of a relationship that was the only practical way for either to live a free, healthy life. Their conversation, though painful, released them from the scripted roles of mistress and enslaved and eventually moved them to a partnership based upon a mutually defined story. But, at first, Dessa and Ruth are at a loss for words. "What's her name then?" is Dessa's relentless question. And Ruth cannot answer. Ruth had called her "Mammy" for so long that Ruth had forgotten that the woman who raised her had ever had another name. Ruth knew she once knew Mammy's name just as she knew, or needed to believe, that she and Mammy had had a private and loving relationship. But in the face of Dessa's verbal assault, Ruth cannot remember, and without knowing that name, she cannot make her story about their special relationship viable.

"Her name was Rose," Dessa shouts. The narrator tells us that Ruth defended her story in this way: "'You are lying,' the white woman said coldly; she was shaking with fury, 'Liar!' she hissed." As Dessa recites the names of each of the ten living children of the woman whom she called "Mammy" but whose name she knew was "Rose," Ruth rushed from the room.<sup>11</sup> Williams shows that the narrative that positioned these two women in opposition could be countered by better information, more precise definitions, parallel narratives, and revised assumptions.

The conflict between the narratives of Ruth, a white woman, and Dessa, a black woman, was one of self-protection and respect. Both women, after all, had been right. Dessa was the ninth child born to and named for her mammy, whose name was Rose. Ruth's mammy had been the parent that her birth mother was not. Later, Ruth recalled that Mammy had been "Dorcas" until Ruth's birth mother redefined Dorcas as "Mammy" because she "thought the title made her seem as if she had been with the family for a long time."<sup>12</sup> The conflict between Ruth and Dessa was less about whether Mammy loved either, or both, than it was about their perceptions of who had made them feel so loved. Ruth's "Mammy" was not Dessa Rose's "Mammy." Yet their separate perceptions of Mammy were similar. For both, Mammy was a compassionate, competent, and wise caregiver who instructed, petted, punished, and protected them from girlhood into adulthood. For both the black woman and the white woman, Mammy was the maternal presence in their lives that made them understand their intrinsic value and taught them their rightful roles in society.

Like the fictitious Ruth in *Dessa Rose*, real people today forget, if they ever knew, that Mammy was not a real person in antebellum America and that the women we know as "Mammy" had other names as well. In the twenty-first century, most of us have perceptions of early African American women that do not jibe with the assertions or lived experiences of many African American women, then or now. We "know" that slavery made African American women into wenches, concubines, prostitutes, or victims. We "know" that during the

era of legalized slavery, African American women could not, did not, and perhaps should not, expect to marry as a virgin. We “know” these things even when facts and some fiction make other conclusions equally or more valid. So our dominant cultural narrative views African American women, especially those of the antebellum period, as one-dimensional beings. Their bandanas are the emblems of their servility. Their clean white aprons cover their red dresses and any lingering stains that might provide evidence of previous experiences of concubinage, prostitution, rape, or other defamation. To become sisters is to assume common parentage. It is easier today to assume white paternity of a Tom, Dick, or Harry than it is to imagine sharing the same Mammy, let alone claiming Jezebel/Hagar as one’s grandmother. Given the either-or situation created by the story we tell about antebellum African American women as sycophant or sexpot, there’s still little place for a friendship of equals.

## Slave Narratives

Slavery, so the usual story goes, is passé—at least in the United States of America. It is history. The peculiar institution was an embarrassing detour on the road to becoming the world’s greatest democracy, but the Civil War and a few Constitutional amendments put us back on course. That was “Then.” “Now” is Multicultural and Diverse with Liberty and Justice for All (except perhaps for same-sex couples and pagans). Today, the power and the glory of being Condoleezza Rice, Colin Powell, or Barack Obama is clear evidence that African ancestry doesn’t matter much anymore. Our media and our moguls assure us that we live in a postracial society wherein equal opportunity allows anyone with the right stuff to zoom from the underclass to the upper class in a fraction of a lifetime. They point to Oprah Winfrey, Bill Cosby, and Denzel Washington as proof that an impoverished family history need not portend an impoverished future. Stories on the evening news and on talk radio reveal there are more than a few pedestrians who continue to tread footpaths of racial bigotry, but more often the stories we hear proclaim that the majority of our nation cruises on the harmony highway. So persistent and pervasive is this myth that folks who attribute negative experiences to racial prejudice are accused of “playing the race card.”

To be sure, some stories of today’s social situation acknowledge that a disproportionate percentage of the descendants of former slaves are among America’s most disadvantaged. They brandish statistics that characterize far too many of Uncle Tom’s and Aunt Jemima’s great-grandchildren as uneducated, incarcerated, physically diseased, and socially deviant. But we do not hear these stories along with the accounts portraying the military, the universities and colleges, and the workplace as equal-opportunity institutions. The moral of the stories that we do hear is mixed. Some assume the underclass is inferior, irresponsible, or hard-headed. Some acknowledge systemic barriers but interpret them as inevitable consequences of class or cultural preferences.

Here it is important to note that the stories we tell are not static. They do evolve, but generally in response to irritants in the environment. We have today the beginnings of other, newer narratives that challenge the tired, old saws of racial inferiority because more scientists are declaring race biologically

insignificant. The new science says that stories about the hierarchy of races, with whites at the top of the developmental heap, are not borne out by the facts.<sup>13</sup> The American Anthropological Association is one of several academic entities that has officially proclaimed race to be a socially constructed idea, not a biological fact.<sup>14</sup> There is at least as much difference between the DNA of members of one so-called race as there is between members of different “racial groups.” “Racial” differences exist, say these social scientists, because we created narratives and definitions to validate the attitudes we already held and to justify the behaviors we already exhibited. Our fictions have become truths.

Nowadays, it is harder for us to assume that biological birds of a feather just naturally flock together. But we really do not condone blacks chirping that their color means they experience the environment differently than whites do.

Although this essay is not about “race,” per se, race is the first indication for most people thinking about who they are and where they come from. In the United States—and thanks to our influence, in most of the Western world—to be recognized as an African American is to be defined as the descendant of slaves. To be the descendant of an African American slave woman is not to be pure, in several meanings of the term. Such assumptions quash the empathy that would allow us to see ourselves as sisters with a shared parentage, and hinder our efforts to create and sustain relationships that are equal and empowering.

## Call Me “Mrs.”

It is possible to change our stories. We have done it before. In the nineteenth century, African American print culture constructed counter-narratives about respectable black women, women whose domestic and maternal impulses centered upon their own families and kinfolk. Perhaps the most prominent new story is that of the *Virtuous Wife*, “The Mrs.” In the early twenty-first century, “Ms.” has made its way into the dictionary as a term desired by many because it is free of information about a woman’s marital status. Today, it may seem odd, if not counter-revolutionary, that so many progressive African American women insisted upon being identified as “Mrs.” But remembering the images of that time—the Mammy and the Jezebel and the Hagar—heightens our understanding of the power of the challenge that “Mrs.” posed to those familiar stories.

In comparison to “Mammy,” “Mrs.” connoted a respectable identity beyond that of servant or slave. It stifled the proprietary notions of employers, enslavers, and self-centered, emotionally needy individuals like Ruth in *Dessa Rose*, with her cry, “She had just me!” In the nineteenth century especially, “Mrs.” was a term of respect. It conferred a femininity that assumed dignity and entitlement to a certain deference. A “Mrs.” had worth as a woman because she had been chosen by a “Mr.” as the object of his affection, protection, and provision. A “Mrs.” had a “Mr.” for whom she had vowed to forsake all others. She was not asexual. In the nineteenth century especially, a “Mrs.” was usually a “Mother.” Regardless of her social status or employment outside the home, a “Mrs.” had her own children, her own family circle, where she was the center and moral compass. Proclaiming oneself to be a “Mrs.” was an act of self-

definition that directly and clearly countered the old definitions of Mammy and Jezebel/Hagar.

Nineteenth-century African American women writers almost always countered externally imposed definitions, narratives, and assumptions by signing themselves as “Mrs.” and asserting their spiritual, aesthetic, and intellectual acumen. They did this regardless of whether they were then married, how long they had been married, or in some cases, despite the fact that they had never been married. The earliest extant public lecture given by a woman in the United States was published in 1831: “Religion and the Pure Principles of Morality, The Sure Foundation on which We Must Build by Mrs. Maria W. Steward” [sic]. The *Liberator* of October 8, 1831, further identified “Mrs. Maria W. Steward” as “a respectable colored lady of this city” whose “production is most praiseworthy and confers great credit on the talents and piety of its author.” Other examples include *Religious Experience and Journal of Mrs. Jarena Lee, Giving an Account of Her Call to Preach the Gospel* (1849), *Memoirs of the Life, Religious Experience, Ministerial Travels and Labours, of Mrs. Zilpha Elaw...* (1849), *A Narrative of the Life and Travels of Mrs. Nancy Prince...* (1850), *Moses: A Story of the Nile* by Mrs. F. E. W. Harper (1869), *The Life of Mrs. Edward Mix, Written by Herself* (1880), *A Brand Plucked from the Fire: An Autobiographical Sketch* by Mrs. Julia A. J. Foote (1886), and *The House of Bondage...* by Mrs. Octavia V. Rogers Albert (1890).

The early African American press is full of essays, stories, and poetry about marriage and respectable behavior. From its earliest manifestations, African American publishers offered new narratives about African American women who were neither Mammy nor Jezebel/Hagar. Consider the first issue of the first African American newspaper, *Freedom's Journal*, which appeared in 1827. Its articles assumed the morality and value of African American women. One was “Mary Davis, a True Story.”<sup>15</sup> Mary Davis’s husband was conscripted into the military, so despite her advanced pregnancy, Mary had to leave her son with a woman she hardly knew and go find work. The woman kidnapped the boy, but Mary Davis was physically unable to pursue her. As soon as the baby was born, Mary set out, infant in arms, to find her lost child. The story ends without reference to the father’s fate but with mother and children happily reunited. Whether they were enslaved or not, African Americans particularly understood the dangers and difficulties that beset wives and mothers involuntarily separated from their partners. Insofar as hers is a story of a desperate mother’s journey through a wilderness to save her child, Mary Davis does bear some resemblance to the biblical Hagar, but she was not a concubine. She was a respectable woman who through no fault of her own had to fend for herself and her children. She was brave, determined, and triumphant. She was what Johnnetta B. Cole has coined a “shero.”<sup>16</sup>

“Mary Davis, a True Story” is but one of a multitude of counter-narratives promoted in the African American press. There is no sign of Mammy or Jezebel. Indeed, often enough, writers such as Maria W. Stewart directly challenged the legitimacy of domestic servitude. “How long,” asked Stewart, “shall the fair daughters of Africa be compelled to bury their minds and talents beneath a load of iron pots and kettles?”<sup>17</sup> Stewart and others, including Mrs. Jarena Lee, Mrs. Frances E. W. Harper, Mrs. Nancy Prince, and Mrs. Zilpha Elaw,

also asserted that African American women have “minds capable and deserving of culture,” that “innocence and virtue” are valued and encouraged in African America, and that “respectable we now consider ourselves but we might become a highly distinguished and intelligent people.”<sup>18</sup>

Although “Mrs.” was important as a counter to the prevailing stereotypes about African American women, with most nineteenth-century African American writers, an even more definitive expression of respectability was what Mrs. F. E. W. Harper called “Enlightened Motherhood.” Enslaved or free, an African American woman’s first priority was her family’s safety and security. Harriet Jacobs’s *Incidents in the Life of a Slave Girl* makes this clear when her grandmother vetoes Linda Brent’s plans to run away from an abusive master. Grandmother (the name by which the narrator most consistently refers to this African American woman) tells her that she cannot seek freedom for herself if it requires abandoning her children. “Stand by your own children, and suffer with them till death,” Grandmother declares. “Nobody respects a mother who forsakes her children; and if you leave them, you will never have a happy moment.”<sup>19</sup> Linda Brent was in grave personal danger, but rather than abandon her children, she hid for six years and eleven months in an attic crawl space. From that “loophole of retreat,” she could sew clothes for her children, watch them, and intervene with their caregivers on their behalf. And despite the necessity of hiding and her inability to directly succor her children, Brent felt the sacrifice was fitting. “I was not comfortless,” she said. “I heard the voices of my children.”<sup>20</sup>

“Matrimony,” by Daniel A. Payne, represents another genre of counter-definitions for Jezebel/Hagar and Mammy. Writing for the *Repository of Religion and Literature and Science and Art*, Payne declares, “O! woman, remember thy dignity. Thou art not a mere thing, to minister to man’s unholy pleasures, nor a toy for him to play with, neither an idol for him to worship. Thou wast made to be a vessel of honor, promotive of the glory of God . . . mother, to train immortal spirits to love, serve and adore the King of the Universe” (January 1859).<sup>21</sup> Payne argues that African American women were not created to be the subordinate of all whites or of black men. African American women had innate dignity; they were essential to God’s design; they were holy vessels with the commission to train immortal spirits in divine love, service, and adoration—and “matrimony” was the occasion by which they fulfilled their holy obligations. In the twenty-first century, periodicals such as *Ebony*, *Essence*, and *American Legacy* continue the tradition of telling stories that counter the stereotypes. Nevertheless, African American counter-definitions, -narratives, and -assumptions do not dominate in our society.

## Can You Say “Dr. Rice”? Can You Say “Wardrobe Malfunction”?

Today we rarely say the word “Mammy” without some degree of consternation or disparagement (some even feel a bit uncomfortable using Aunt Jemima pancake mix or Mrs. Butterworth’s syrup).<sup>22</sup> But Mammy lives, especially in caricature and insults. Earlier I mentioned Condoleezza Rice as one of the “power

and glory” symbols of postabolition progress. She is. But slavery’s shadows fall over Dr. Condoleezza Rice, also. During her term as national security adviser, this multilingual, concert-pianist Ph.D. was most often addressed as “Dr.” in tones dripping with sarcasm and patronage, especially during congressional hearings or just before an attack upon one of her edicts or actions. She was usually referred to by her given name. Even so, almost immediately following her nomination as secretary of state, which made her fourth in the line of succession for the presidency, the mainstream media renamed her with the diminutive of “Condi,” and political cartoonists increasingly depicted her as George Bush’s Mammy. One cartoon shows a picture of Rice on a box of “Uncle Dubya’s Condoleezza Rice.”<sup>23</sup> The drawing has been modified to resemble the representation of Aunt Jemima on the pancake-mix box. In reference to the notorious search for weapons of mass destruction in Iraq, another syndicated cartoonist redefines Condoleezza Rice in relation to the movie *Gone with the Wind* with the headline “Condoleezza Rice in the Role of a Lifetime.”<sup>24</sup> Combining the wench Prissy with Scarlett’s Mammy, this drawing shows Condoleezza Rice sitting barefoot in a rocking chair trying to get an aluminum tube to suck a baby bottle. The caption reads, “I knows all about aluminum tubes! Correction: I don’t know nuthin’ about aluminum tubes...” Although Condoleezza Rice had been a Stanford University provost who supervised a \$1.5 billion budget, 14,000 students, and a star-studded faculty of about 1,400, Pat Oliphant, a Universal Press Syndicate artist, consistently depicted her as a big-lipped parrot with buckteeth. John Sylvester, a radio host, described Condoleezza Rice as “a servile black, laboring slavishly for the Bush White House...an ‘Aunt Jemima.’”<sup>25</sup>

The shadows of Jezebel/Hagar also followed Secretary Rice. M. E. Cohen depicts Bush’s bedroom with a double bed and a twin bed is on the right side. Laura Bush sleeps on the far left side, her back to the president. The president is saying to the woman in the twin bed, “Wake up, Condi! I’m making you the secretary of state today.” Another cartoon shows Rice and Bush sharing a bed. It is one of several that jumped upon an alleged “slip of the tongue” Condoleezza Rice made at a dinner party: “As I was telling my husband—as I was telling President Bush...”<sup>26</sup> In contrast, Aaron McGruder, an African American cartoonist not known to shy away from controversy, uses neither the Mammy nor the Jezebel/Hagar image. In a May 1, 2005, reference to an apparent attempt to soften Condoleezza Rice’s image and adopt a “more feminine look,” McGruder draws her as Darth Vader dressed in a form-fitting but discreet floor-length ball gown.<sup>27</sup> My point here is not whether Dr. Condoleezza Rice deserves respect or should not be named as a hawkish, conservative, dangerous political leader. My point is that despite our narratives of a nation progressing steadily along the highway of racial harmony, when push comes to shove, definitions of African American women as either Mammy or Jezebel/Hagar quickly come into play.

In today’s climate of torrid verbiage regarding marriage and sexuality, who is and who is not eligible for marriage, how reproduction and sexuality should be expressed or regulated, and what is and what is not appropriate female behavior, slavery’s shadow obscures and interferes with the growth and status of girls and women. Despite our tolerance of, and even admiration for, the

brash behavior of Madonna, Paris Hilton, and the “Desperate Housewives,” we continue to hold separate standards, influenced by race and by class, for the sexual behavior of men and of African American women. In the widely discussed halftime show at the 2004 Super Bowl, Justin Timberlake ripped the bodice of Janet Jackson and briefly exposed her breast on prime-time television. The Super Bowl halftime incident could have been defined as an ignominious conclusion to a fine artistic performance, a bold marketing device for Jackson’s upcoming CD release, or even a humiliating experience for an unfortunate woman.

But after a brief fumbling for the appropriate explanation, it was defined as a “wardrobe malfunction.” At the time, no one accused Janet Jackson of exposing her own breast; Justin Timberlake did the deed. But the narrative of that incident is now known as “Janet Jackson’s ‘wardrobe malfunction.’” Subsequent narratives did not address the question of what the gesture had been intended to mean or whose idea it actually was, as much as the fact that Janet Jackson’s breast was briefly revealed. In an MTV era, when Victoria’s Secret and Abercrombie & Fitch market to affluent buyers via televised fashion shows and photographic tableaux that qualify as soft porn, this brouhaha over a quick glimpse of breast seems odd indeed—unless one factors in race. A white man ripped open a black woman’s clothing, and the black woman was blamed. Of course! Janet is Jezebel’s daughter.

## To Be Continued...

One of the counter-narratives that I learned as a child was that sticks and stones might break my bones, but words would never hurt me. It helped—some. Unfortunately, it’s not enough to protect one’s self-image from the talons of the dysfunctional and inaccurate stories we tell. Definitions, narratives, and assumptions do hurt individuals and groups. Action and identity are connected. Names and definitions trigger, form, and inform assumptions, and those suppositions are often more effective than sticks and stones in damaging psyches and shaping opportunities. Especially in legal, political, and social situations where symbols are reality, words control behavior through mandatory definitions, prescribed behaviors, and regularized assumptions.<sup>28</sup> The identities imposed upon us shape how we act, how we see ourselves, and how we see others.

Embedded and damaging stories like those of Mammy and Jezebel, and the more accurate and empowering stories that we create to counter them, are crucial to forming a feminist sexual ethics that can begin to dissipate slavery’s shadows over women and girls. Scholars such as Hilde Lindemann Nelson and George Lipsitz and writers such as Sherley Anne Williams and Zakes Mda have carefully defined and argued extensively for the value of counter-narratives.<sup>29</sup> Franz Fanon, Toni Morrison, and Claudia Tate are among the intellectuals who have theorized the importance of language in defining the roles that individuals play in society.<sup>30</sup> We may assume that interactions based on the roles assigned to us are natural and normal. But these interactions are often choreographed—our behavior is determined by our assumptions about how different kinds of people behave. Those assumptions shaping our interactions have been

created, just as the Mammy stereotype was created. They did not arise naturally. And we can change them.

Public policy grows from the actions and beliefs of individuals—their definitions, narratives, and assumptions. Reparation or remodeling can begin with individuals recognizing and accepting and using counter-definitions, -narratives, and -assumptions. Educational, legal, and religious institutions; arts projects and business practices; and fraternities—and sororities—can begin to dispel slavery's shadows by bringing publicity to and encouraging the use of appropriate counter-stories. Textbooks must do more than include units on the Civil War and civil rights, and classes must stop devoting merely a single day to the contributions of "others" to our society or teaching the histories of Other Americans as supplements to "American" history. These institutions and groups must redefine our society as part of a continuing process of defining, narrating, and assuming our future, present, and past. They must tell the stories and encourage the re-creation of stories that best fit our positive desires.

To integrate sorority row, to play together as well as work efficiently and effectively, to become sister-friends, we must examine the stories that guide our definitions and assumptions. We must understand that the origins of degrading or degraded stereotypes of African American women as mammy or mistress, as welfare queen or the truly disadvantaged, are easy to trace back to our perception of African American women as the descendants of slaves. We must cultivate counter-narratives of empowerment. This is easier to do when we learn the definitions, narratives, and assumptions that African Americans who witnessed slavery employed. African American print culture does not dismiss or mitigate the evils of slavery. It is clear about the psychological and physical damage slavery wrought upon all those who lived under its shadow. But it does also declare that asexuality or immorality were not the only options for African American women—that Mammy, Jezebel, and Hagar were not the only names by which women of African heritage could or should be called.

In *Nobody Knows My Name*, James Baldwin encapsulates what I propose as a first step. Baldwin wrote in 1961 that the United States had fallen short of the "standard of human freedom with which we began. The recovery of this standard demands of everyone . . . a hard look at [themselves]. For the greatest achievements must begin somewhere, and they always begin with the person."<sup>31</sup> Beginning with ourselves, we must review the assumptions that we have about who and what ancestors our would-be sisters have, the names by which we call them, and the narratives that keep us from seeing ourselves as part of that family story. In considering the cultivation of new stories in ourselves, we bring the light of logic to the shadows of slavery that haunt us. We realize that Mammy had other names that she may have preferred and that may be more accurate. We can adopt her self-definition, or we can adapt our own in its light.

To lessen slavery's shadow over women and girls, we can begin with something as simple as understanding that some antebellum African American women were, and preferred to be addressed as, "Mrs." We need to respect the inextricable interweaving of sexual ethics in how we know and value ourselves and others. As a mighty oak from a little acorn does grow, so too might the freedom standard upon which our country was founded, aided by the goals of sisterhood (and brotherhood) that underlay the Civil Rights Movement, and



encouraged by the friendships that our desegregation of public places has made easier. By transplant or by evolution, we can realize a new, improved story of who we are.

## Notes

1. "Personal identity, understood as a complicated interaction of one's own sense of self and others' understanding of who one is, functions as a level that expands or contracts one's ability to exercise moral agency...The connection between identity and agency poses a serious problem when the members of a particular social group are compelled by the forces circulating in an abusive power system to bear the morally degrading identities required by that system." Hilde Lindemann Nelson, *Damaged Identities, Narrative Repair* (Ithaca, NY: Cornell University Press, 2001) xi–xii.
2. Racism, prejudice, and stereotypes were discussed intensely in the late 1980s and early 1990s. Among the most articulate, perceptive, and influential discussions, see Elizabeth Spelman, *Inessential Woman: Problems of Exclusion in Feminist Thought* (Boston: Beacon, 1988); Susan Sniader Lanser, *Fictions of Authority: Women Writers and Narrative Voice* (Ithaca, NY: Cornell University Press, 1992); Susan Stanford Friedman, *Mappings: Feminism and the Cultural Geographies of Encounter* (Princeton: Princeton University Press, 1998); Emilie M[laureen] Townes, *Womanist Justice, Womanist Hope* (Atlanta: Scholars Press, 1993); Gloria Anzaldúa, *Borderlands/La Frontera: The New Mestiza* (San Francisco: Spinsters/Aunt Lute, 1987); Barbara Christian, *Black Feminist Criticism: Perspectives on Black Women Writers* (New York: Pergamon, 1985); and Beverly Guy-Sheftall, *Words of Fire: An Anthology of African-American Feminist Thought* (New York: New Press, 1995).
3. Many feminist and womanist scholars, such as Emilie Townes, Cheryl Townsend Gilkes, and Renita Weems, have written about ways in which Hagar and Jezebel influence our concepts. Some, such as Jacqueline Grant and Wilma Ann Bailey, have directly considered differences of ethnic and cultural heritages in interpretations. See, for example, Bailey, "Black and Jewish Women Consider Hagar," *Encounter* (Winter 2002) 37–45.
4. These quotations are from "Jezebel," on the Latter Rain Page, a Web site of radical Christian fundamentalist Jay Atkinson, <http://latter-rain.com/eschae/jezebel.htm> (accessed July 17, 2009). However, these and other terms are regularly used in titles of books, e.g., Lesley Hazleton, *Jezebel: The Untold Story of the Bible's Harlot Queen* (New York: Doubleday Religion, 2007) and scholarly journals, e.g., *Theology and Sexuality* 13, no. 3 (2007); *French Forum* 32, no. 1–2 (2007); and *Feminist Studies* 1, no. 2 (1972).
5. Hurston names Janie's grandmother "Nanny," a word in which the "n" is only one letter or one pen stroke removed from "m" in "mammy." Janie's statement, "... Ah never called mah Grandma nothin' but Nanny, 'cause dat's what everybody on de place called her" foregrounds "Nanny's" lost name. Zora Neale Hurston, *Their Eyes Were Watching God* (1937; reprint, Urbana, IL: University of Illinois Press, 1978) 20.
6. Hurston, *Eyes Were Watching God*, 31.
7. Catherine Clinton, *Tara Revisited: Women, War and the Plantation Legend* (New York: Abbeville, 1995).
8. Clair Huxtable is an exception that proves the rule. She is an attorney whose job outside the home does not hinder her effectiveness as the mother of five children. White children—or any other children—matter only as they are related to the goings on in Clair's own family. But the hue and cry with which this depiction was greeted as unrealistic and unrepresentative of black life—as well as the focus on Bill Cosby, who plays her physician husband—demonstrate that Clair's non-mammy representation renders her unacceptable and relatively invisible.

9. Sherley Anne Williams, *Dessa Rose* (New York: William Morrow, 1986) 5.
10. Williams, *Dessa Rose*, 119.
11. Williams, *Dessa Rose*, 118f.
12. Williams, *Dessa Rose*, 123.
13. "DNA studies do not indicate that separate classifiable subspecies (races) exist within modern humans. While different genes for physical traits such as skin and hair color can be identified between individuals, no consistent patterns of genes across the human genome exist to distinguish one race from another. There also is no genetic basis for divisions of human ethnicity." Human Genome Project Information, "Will Genetic Anthropology Establish Scientific Criteria for Race or Ethnicity?" U.S. Department of Energy Office of Science, Human Genome Program, [http://www.ornl.gov/sci/techresources/Human\\_Genome/elsi/humanmigration.shtml](http://www.ornl.gov/sci/techresources/Human_Genome/elsi/humanmigration.shtml) (accessed June 17, 2009).
14. American Anthropological Association Executive Board, "Statement on 'Race,'" May 17, 1998, Statements and Referenda of the American Anthropological Association, <http://www.aaanet.org/stmts/racepp.htm> (accessed June 17, 2009). Since issuing this statement, the AAA has partnered with the Ford Foundation and the National Science Foundation on the "Race Project," an award-winning series of exhibitions, interactive Internet sites, and teaching resources.
15. Samuel E. Cornish and John B. Russworm, eds., "Mary Davis: A True Story," *Freedom's Journal*, March 16, 1827. The narrative is set in England, so Mary Davis was not necessarily of African ancestry. However, the article was published in a newspaper for, by, and about African Americans and is consequently influenced by its context. Clearly, readers are expected to identify with the heroic mother.
16. Many linguists have noted that "hero" is a masculine-gendered term without a feminine synonym. Johnnetta B. Cole, Ph.D., is widely accepted to have coined the phrase "shero" as an equivalent to "hero." Dr. Cole uses the term consistently in interviews, essays, and speeches. See *Spelman's First Female President*, June 28, 1996, Johnnetta Cole Interview, Academy of Achievement, <http://www.achievement.org/autodoc/page/col0int-1> (accessed June 17, 2009). An example of the term's popularity is the establishment of the "Shero Hall of Fame" by the National Association of Black Female Executives in Music and Entertainment.
17. Maria W. Stewart, *Maria W. Stewart: America's First Black Woman Political Writer: Essays and Speeches*, ed. Marilyn Richardson (Bloomington, IN: Indiana University Press, 1987) 38.
18. Stewart, *Maria W. Stewart*, 38, 60.
19. Harriet Ann Jacobs, *Incidents in the Life of a Slave Girl: Contexts, Criticism*, ed. Nellie Y. McKay and Frances Smith Foster (1861; reprint, New York: Norton, 2001) 75.
20. Jacobs, *Incidents*, 92.
21. Daniel A. Payne, "Matrimony," *Repository of Religion and Literature and of Science and Art* (January 1859).
22. An interesting comparison can be made with the introduction of Obama Waffles and Palin Mooseburger Helper during the 2008 presidential election. Although bloggers argued about whether racism and/or sexism underlay these entrepreneurial ventures, many also consistently evoked Aunt Jemima pancake mix in their discussions. See West Wing Waffles, <http://www.obamawaffles.com> (accessed August 13, 2009).
23. The cartoon "Uncle Dubya's Condoleezza Rice" was posted at "About.com: Political Humor," <http://politicalhumor.about.com/library/images/blpic-uncledubyarice.htm> (accessed February 15, 2005). Condoleezza's surname, "Rice," strengthens the Mammy/Aunt Jemima image, because "Uncle Ben's Rice" is also a popular brand. Uncle Ben, a.k.a. Uncle Tom, is Mammy/Aunt Jemima's consort.
24. The cartoons by Jeff Danziger and Pat Oliphant were published in major newspapers, including the *New York Times* and *Washington Post*, leading up to and after Dr. Rice was named secretary of state in 2005. (These images could also be found on Web sites such as <http://www.politicalcartoons.com/> and <http://politicalhumor.about.com>.)

- com/, accessed August 6, 2009.) Shortly before Rice's nomination, a blog entry presented a selection of the cartoons in an editorial; see "Racist Cartoons of Condoleezza Rice?" Alas, a Blog, posted November 20, 2004, <http://www.amptoons.com/blog/archives/2004/11/20/racist-cartoons-of-condoleezza-rice/> (accessed August 19, 2008).
25. Shock jock John "Sly" Sylvester made these comments on November 17, 2004, during his radio show "Sly in the Morning" on WTDY (1670 AM) in Madison, WI. Having received much criticism for his comments, he subsequently apologized to Aunt Jemima for having called Rice by that name, and on a later show gave away Aunt Jemima pancake mix and syrup.
  26. Racist political cartoons that depict popular narratives of slavery to vilify contemporary Americans of African descent are not limited to women and girls; we can find similar stereotypical narratives about Barack Obama. Though Obama himself is not a descendant of African American enslaved people, this seems not to matter to those narratively disadvantaged who conflate all Americans of African descent as descendants of chattel who had been legally defined as three-fifths human.
  27. Aaron McGruder, "The Boondocks," *Atlanta Journal-Constitution*, May 1, 2005.
  28. "Mandatory identities set up expectations about how group members are to behave, what they can know, to whom they are answerable, and what others may demand of them." Nelson, *Damaged Identities*, xii.
  29. Nelson, *Damaged Identities* and Williams, *Dessa Rose*. Others have also written extensively on establishing empowering counter-narratives; see George Lipsitz, *Time Passages: Collective Memory and American Popular Culture* (Minneapolis: University of Minnesota Press, 1990) and Zakes Mda, *Cion* (Johannesburg: Penguin, 2007).
  30. Frantz Fanon, *Black Skin, White Masks*, trans. Charles Lam Markmann (New York: Grove Weidenfeld, 1991); Toni Morrison, *Playing in the Dark* (Cambridge, MA: Harvard University Press, 1992); and Claudia Tate, *Psychoanalysis and Black Novels* (New York: Oxford University Press, 1998).
  31. James Baldwin, *Nobody Knows My Name: More Notes of a Native Son* (New York: Dial, 1961) 116.

VIII

Restorative Justice

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## Enslaved Black Women: A Theology of Justice and Reparations

*Dwight N. Hopkins*

### Introduction

Many black women who had been enslaved in the United States never doubted that their God would do right where others had done wrong. They believed that God would not allow the great suffering of black women's bodies and minds to go unanswered. Some type of restitution and reparations were in order. After the hell of the Civil War, Mrs. Lucy Delaney exclaimed, "Slavery! Cursed slavery! What crimes has it invoked! And, oh! What retribution has a righteous God visited upon these traders in human flesh!"<sup>1</sup>

Mrs. Maria W. Stewart displayed similar confidence in her God's justice in her 1834 autobiography. She wailed against America's "foul and indelible stain" and declared this a nation marked "for thy cruel wrongs and injuries to the fallen sons [and daughters] of Africa." God, she wrote, would plead the case of the oppressed against the oppressor and would provide "charity," even if it was a "small return" for the suffering of black women and men. Marshaling evidence in her argument for reparations, Mrs. Stewart asserted, "We will tell you, that it is our gold that clothes you in fine linen and purple, and causes you to fare sumptuously every day; and it is the blood of our fathers, and the tears of our brethren that have enriched your soils. AND WE CLAIM OUR RIGHTS."<sup>2</sup>

Some decades after the Civil War, Mrs. Callie House led a movement of more than 300,000 ex-slaves to petition the government to pay them pensions for their labor. Mrs. House organized through churches, including her own, the Primitive Baptist, which was largely composed of poor people. Mrs. House, who did heavy manual labor as a washerwoman in Nashville, proclaimed in 1899, "My Whole Soul and body are for this ex-slave movement and are willing to sacrifice for it." Indeed, Mrs. House was imprisoned for "fraudulently" giving the hope of an old-age pension to ex-slaves.<sup>3</sup>

These faith testimonies and the nation's history urge us to rethink the relationship between the need to repair the effects of slavery, on the one hand, and ideas about collective responsibility on the other. The process of considering rights and responsibilities regarding reparations for slavery might help restore the material and spiritual health of America.

Many Americans today deny that they are reaping benefits from the past system of slavery. They perceive no connection between their lives and the need to restore justice for today's black women based on wrongs incurred during the period when Americans owned other humans as chattel. Yet Americans belong to a nation that codified and bolstered the trade in human flesh and prospers from it to this day.

A variety of arguments are offered against the payment of restitution (returning something lost or stolen) or reparations (making amends for doing wrong) for slavery:<sup>4</sup>

1. "Since slavery ended quite some time ago, the nation should get over it and move on." In fact, the nation's legacy of injustice continues to play out in its economic system and in the spiritual makeup of its people.
2. "My family did not own slaves." This may be true. The issue, however, is not one of tracing connections to past individual slaveholders. Rather, the issue is recognizing the system of disproportionate benefits given to some U.S. citizens and denied to others as a direct and immediate result of the U.S. slavery system.
3. "African Americans already have privileges manifested in affirmative action programs." In fact, these programs affect miniscule numbers of people. They have not benefited the majority of blacks, who are working-class, non-professional, and working-poor people.
4. "I don't believe in white superiority." Again, the issue is the responsibility of our society as a whole, and the fact that whatever one's beliefs, non-African Americans continue to benefit from the wealth that whites accrued from uncompensated black labor during the slavery era.
5. "Reparations will divide blacks and whites." But blacks and whites are already divided; wealth, income, residential, job, health, education, and other indicators of well-being all show a racial hierarchy and disparity. The playing field is not level.

Although cognizant of these concerns, in this essay I lay out how the faith commitments of Mrs. Delaney, Mrs. Stewart, and Mrs. House can hint at ways to move beyond our slaveholding legacy to establish the more just order that they imagined. Forging just relations among people and within institutions requires rectifying past wrongs and the persistent racial and gender discrimination that grows from them. The route to rectification involves producing healthy individuals and public policy and a reconstructed economic system. Taking the faith of these women seriously is a first step along that path.

I argue that a more just order has to include restorative justice, a type of reparations that I advocate in this essay. Restorative justice begins with an apology from the wrongdoer. In the case of American slavery, this means the government and corporations, a process that has begun with the apology for slavery issued by the House of Representatives in 2008.<sup>5</sup> Public apology soothes the spiritual hurt of the abused. And the apology enables the oppressor group to start lifting its burden of guilt. In addition, restorative justice requires listening to the victims of the crimes, trauma, or sin at issue, hearing their stories, and

engaging with the forms of repair that they suggest. Finally, the victims' statements of forgiveness relieve the culpable party of guilt.

In restorative justice, both parties take on active, interactive roles. The perpetrator speaks an apology. The aggrieved accepts the apology or at least enters into dialogue. The advantaged group hears the case of the disadvantaged. The wrongdoer repairs the relationship by providing material compensation for the wrong. The victim advances more forgiveness. Community is formed through restoring justice with forgiveness and reconciliation. Both parties undergo healing through their words and actions.

Ultimately, restoring justice to the victims enhances the rebuilding of right relations among all parties, both the perpetrators and the injured petitioners for relief. At its root, restorative justice brings material and spiritual healing, that is, it involves caring for the whole person and the entire nation.<sup>6</sup> With healthy individual and corporate bodies, reconciliation follows. From a theological perspective, restorative justice entails healing, forgiveness, and community.

Theology, in the context of restorative justice, explains how people understand their situation in relation to faith in a divinity who heals the brokenhearted and heals shattered systems. Mrs. Delaney, Mrs. Stewart, Mrs. House, and many other enslaved and formerly enslaved black Americans knew that God would always take care of the victims and make things right. Their conviction provides a conceptual framework for thinking about the possibility of reparations.

During the great suffering of slavery, enslaved African and African American women were not paid for laboring in the Big House, in the fields, and in their own slave shacks. No one compensated them for serving as the objects of white male lust. And they have not received restitution for the physical or psychological trauma of their transgenerational suffering. From roughly 1441 (when the first group of enslaved Africans were taken to Portugal) to 1865 (the end of the Civil War), black women were forced to surrender their bodies and their families to the whites who owned them. As a result, a small group of elite men of one race accumulated unmerited, unearned wealth. They passed that wealth down to their sons and, to a lesser degree, daughters, who also handed it on down through the generations. This legacy contrasts with the legacy enslaved African American women left to their children, one that includes rage, shame, pride, and a fierce belief in justice. Although wealth brought numerous opportunities to the white descendants of slaveholders, its lack thereof continues to plague the descendants of the enslaved.

Progressive Christians understand that the actions of the community's members affect the rest of the community across time and space. These Christians, who feel connected with other Christians both past and present, want to atone for the past wrongs of Christian slaveholders. And they want to heed the calls of enslaved Christians from the past for some form of reparations. Christians in the United States can draw on the experiences of Mrs. Stewart, Mrs. Delaney, Mrs. House, and their sisters and cousins, and mothers and daughters, to explore theologically how to reduce the long-term damage of slavery by creating just policies in the present.



## Theology and Justice

The reasons for considering theology and justice together might not be apparent at first glance. Many people—including many theologians—see Christianity mainly as offering a spiritual resolution to the material world’s predicaments. That is, they think that there are two realms: a secular realm, which is this world, and a spiritual realm, which is God’s realm. They see Jesus Christ’s pure world as antagonistic to the sinful affairs of the earth. They think of sin mainly as personal and individual missteps on the part of individual women and men. One should not lie, steal, fornicate, curse, and so forth. In this way of thinking, sin consists of the multiple individual errors of each person on the globe. All have fallen short of God’s justice and law. Therefore, sins that groups of people build into their societies, such as slavery, do not register as sins because there is no category for sins by a group. Many, or even most, nineteenth-century white Christians saw no sin in slavery. In this view, it would not be sinful to worship in a church built by enslaved persons or to hold stock in a transportation company using tracks laid by enslaved workers. This fracturing of life into spiritual and material realms is typical of the conservative theology of many Pentecostal, Charismatic, and Prosperity Gospel preachers.

Liberal and mainstream theology also does not give us an adequate mission to form a more just society. Some church people from the Episcopalians, Presbyterians, United Methodists, and Roman Catholics believe in the concept of social sin. They correctly highlight social justice in God’s created world. But the rabid individualism of American culture creates a counterweight to this acknowledgment of social sin, with the result that these same Christians do not feel responsible unless they have directly participated in society’s wrongdoing. Thus, these theologies do not deal adequately with racism or with the ways in which slavery allowed whites to accumulate wealth for free, because both of these problems originated in the past and not the present. Considering the notion of social justice lacking in these theologies, Sheila Briggs observes,

Social justice requires that we take responsibility not only for our own actions, but also for those of our communities. Since communities endure over time, then this responsibility is not just for what happens during our individual lifetime, but is trans-historical and therefore must address the consequences of slavery, because they have survived with our communities.<sup>7</sup>

Summing up my argument thus far, it is clear that both the two-realms theology and the theology of personal responsibility overshadowing communal obligations lack a fundamental definition of justice as collective accountability. They do not help us understand how to address the past, present, and persistent inequities of the American slavery system.

Human accountability, including accountability for our social structures, is central to theology. Theology is, in fact, an accountability discipline. The word “theology” derives from two Greek words, *theos*, which means “God,” and *logos*, which means “word” or “reason.” Theologians pose questions about God and about the interaction between God and human beings. Are humans faithful to God? What is the faith to which God has called them? Do their

actions reflect that faith? Theologians are also constantly adapting Christian tradition to present circumstances. Theology challenges Christians to live by what they believe and urges them toward a faith that addresses the pressing moral issues of the day. The unfinished business of slavery is a pressing moral issue for our day. We can learn to address this issue by remembering the faith of enslaved black women who understood that faith must include justice.

## Black Women's Experience

Enslaved black women's theology differed from that of their slave masters not only because they disagreed ideologically. Enslaved African American women believed differently because their material life circumstances differed so greatly from that of their owners. The sins of life as these women experienced them begged for the implementation of justice in the material world, if not for enslaved women, then for their generations to come. Divine justice lacks statutory limits of time and space. The theology of a God who created nature for all humans to share arises out of the concrete circumstances of enslaved black women's earthly plight and prospects. A theological basis for reparations for black women thus requires an investigation of what these women gave and what they did not receive.

The unpaid labor of African women, and subsequently African American women, starts with their capture on the West Coast of Africa.<sup>8</sup> This heinous encounter began the white redefinition of these women's identities to serve the needs of their owners. From the time they were abducted, sold, or traded into the European Christian slave system, their owners used these women as (1) laborers, (2) reproducers of laborers, and (3) sexual objects of white male lust.

African women, along with men, were sold or traded to white businessmen who usually waited for their arrival on the Atlantic coast of Africa. Adventurous white men carried out direct attacks on African communities. In some cases, white entrepreneurs paid African clans to capture other linguistic groups, bought Africans who were already prisoners of war, or otherwise applied divide-and-conquer tactics among African peoples.<sup>9</sup>

The first experience of African women reduced to slavery was the trauma of being captured by force and removed from family, familiar surroundings, the faith of the clan, and the fun memories of being safe and loved. Then came the grueling days of walking from the interior to the sea in what were called caravans. Many died along the way.

On the shore, the second part of their becoming exiles from Africa unfolded. They were housed in small, crowded shacks called barracoons, or they were lodged underground in slave castles. More deaths, the stench of body waste, the lack of food and water, and rape by white men became routine.

After weeks in stifling heat and inhuman living conditions on the coast, the months-long final leg of their forced exile commenced for these women; they were forced aboard slave ships headed for the Caribbean or the Americas. On the sea, African women underwent cruel rituals of rape at the hands of crewmen and European adventurers. Impregnated women were already carrying future laborers for the system of bondage that waited for them in the so-called New World.

When the ships arrived, the surviving Africans were not necessarily sold immediately. Some prospective buyers came out to the ships to examine women's breasts and reproductive areas to gauge their productivity and reproductivity. African women (and men) might remain in cramped ship's quarters for weeks awaiting sale. Even when Africans were unloaded from the ships (with names like *Jesus*, *Mary*, and *Brotherhood*) and dragged ashore, they might be kept in coastal dungeons so prospective buyers could consider their reproductive capabilities. The eventual purchase of these captured Africans meant they had to walk miles, hours, and days to their new shacks on slave plantations. Along the way, some died exhausted from traveling on foot.

### **Forced Labor**

Enslaved African and African American women labored without pay so that a small group of elite white men could accumulate wealth and pass it on to their descendants. Owners of plantations and factories gained immense unearned profits from several centuries of unpaid African and African American labor. Black women worked as house slaves around the master, mistress, and their children. They worked in the field performing the same duties as black men. And they toiled at night carrying out chores for their own enslaved family. All three forms of uncompensated labor yielded free wealth accumulation for white men and their families.

House work began at an early age for girls. Several former enslaved women recalled this dynamic:

When I was about six years old they take me into the big house to learn to be a house woman, and they show me how to cook and clean up and take care of babies...help the cooks and peel the potatoes and pick the guineas and chickens...I had to get up way before daylight and make the fire in the kitchen fireplace and bring in some fresh water, and go get the milk.<sup>10</sup>

After these elaborate preparations performed by a six-year-old baby-child, then "Old Master and Old Mistress" came in for breakfast. The little girl's next job was to stand silently behind her white owners and shoo off the flies while they enjoyed a full meal.

Another former enslaved elderly woman remembered, "When I was nine years old, dey took me from my mother an' sol' me." Furthermore, she tells how "Massa Tinsely made me de house girl." Jobs entailed making beds, cleaning the house, standing quietly in the mistress's room until she noticed the nine-year-old, lowering the shades throughout the house, filling water pitchers, and arranging towels on wash stands. The child was not allowed to ever sit down, especially in the presence of white people.<sup>11</sup>

Older women engaged in more sustained toil. Some wove thread into cloth to make clothes and blankets for the plantation owner. After the weaving was done, slaves took the materials to the dyeing room where another black woman, knowledgeable in roots, leaves, barks, and berries, brought to the cloth the colors of the rainbow. The final stage in this use of African American women's labor with clothing was sewing the dyed cloth into the items demanded by the slave master.<sup>12</sup>

And then there was the cooking. White families enjoyed the luxury of not having to grow, harvest, prepare, cook, or serve food to themselves. Black women worked hard in the kitchen all day to produce meals for others. Black women grew the fruits and vegetables, nurtured and then slaughtered the livestock, and milked the cows. After fetching the firewood, they prepared a scrumptious meal for the plantation owners.<sup>13</sup>

Enslaved women also worked in the fields. In the Southern economy, slaves and land ownership were the two major sources of white wealth until the Civil War.<sup>14</sup> Forced field work was even given to little girls. The testimony of formerly enslaved women attests to these chores. “When I was a little bitty girl dey used to make a scarecrow outen me. Dey’d make me git up fo’ daybreak an’ go out into de cornfields an’ set dere till way pas dark...” Another youngster was the “gap tender,” that is, the one who opened and closed fence gates, called gaps, so that white people could walk and ride through any time of the day. In contrast to her having to stand all day controlling the gate, she describes the freedom of movement of farm animals: “De cattle am ‘lowed to run where dey wants, here, there and all over.” Children worked in groups when it came to “pickin’ de bugs off de terbaccy leaves.” And a very small child was forced to labor with a hoe in order to scrape cornfields.<sup>15</sup>

Adult women were expected to work as hard as grown men. “I split rails like a man,” said one former enslaved woman. Others echoed her experience. “I drive the gin, what was run by two mules.” And in these words: “My mama could hunt good as any man.” Another exclaimed, “I toted bricks...I fired de furnace...”<sup>16</sup> Women repaired roads, rolled and cut logs, set rail fences, fed chickens and pigs, and took care of the horses on the plantation.

Enslaved African American women worked alongside men in the rice fields of South Carolina, on tobacco plantations in Virginia, and in sugarcane fields in Louisiana. Cotton became king in Dixie with the 1793 invention of the cotton gin, a mechanical device that removed seeds from the raw crop. Women participated in every phase of the cotton production process. They “plowed fields; dropped seed; and hoed, picked, ginned, sorted, and moted cotton.” Though picking 120 to 200 pounds of cotton a day indicated a good average worker’s ability, some women doubled that amount, picking 400 to 500 pounds per day. Even while pregnant, black women were forced, under penalty of the whip, to pick cotton.<sup>17</sup> The coldest months of cotton picking, like January, saw them working with frostbitten and bleeding hands and feet.

Enslaved women also labored in businesses linked to the growing industrial Southern economy. They were ditch diggers and lumberjacks. They worked in iron foundries and coal mines, where they replaced animals pulling trams in Southern mines. They were 50 percent of the workforce that produced the Santee Canal in South Carolina. They labored on Louisiana levees and helped build Southern railroads still used today.<sup>18</sup>

After a day of heavy labor, enslaved black women further enriched their owners by returning to their own slave homes to prepare their family to return the next morning to work for the slave master. Late at night in a slave shack, they mended clothes; cooked their meager meals; helped the sick; made soap and candles; grew, preserved, and stored food; dyed thread and wove cloth to make clothes; churned butter; conjured natural home remedies for wounds and

illnesses; and heard the reports of emotional and physical pain felt by their children and husbands.

### *The Body as Producer of Wealth*

Plantation owners saw the bodies of black women as machines for producing more workers who could be either sold to the highest bidder at the slave markets on Wall Street or in Charleston, South Carolina, or who could remain as laborers on the estate where the black person was born. Both circumstances yielded income and wealth for the white owner. “Breeders” were enslaved women set aside to be impregnated by both white and black men in order to birth laborers at no cost to their owners.<sup>19</sup>

This view of black women’s bodies as machines for the creation of wealth was not the spontaneously generated way of life of a few white landowners. Quite the contrary. State and local governments institutionalized the subordination of black women’s reproduction through legislation.<sup>20</sup> Early on, when the first group of a little more than three women, along with about seventeen men, was brought to Jamestown, Virginia, in 1619, some African women began to lose their reproductive rights. In 1662, the Jamestown legislature declared all children born of enslaved black women to be enslaved.

Despite the laws they made against miscegenation, plantation owners used African and African American women’s bodies whenever the men chose to satisfy their lust for sex, for power, and for the creation of property. They fashioned at least three forms of sexual injustice: (1) they exercised their privileged white male right to black women’s bodies; (2) they chose husbands for black women; and (3) they rented black men out as studs to impregnate black women.

Formerly enslaved women remembered clearly the first form of sexual injustice. Mrs. Savilla Burrell reported, “Old Marster was the daddy of some mulatto children.” Other plantation owners segregated black women to use for sex. Any man could visit the segregated group to rape a black woman and then go about his business. Mrs. Mattie Curtis recalled, “Mr. Mordicia [the slave master] had his yellor gals in one quarter to themselves and these gals belong to the Mordicia men, their friends, and the overseers. When a baby was born in that quarter, they’d send it over to the black quarter at birth.” When a girl baby was produced, she grew up and was sent back to the light-skinned women’s quarters, where she “had more children for her daddy or brother.”<sup>21</sup> Those children counted as free wealth expanding their master’s holdings.

Other men performed a ritual of gang rape on little girls. A formerly enslaved woman retells the history of her sister during chattel days:

My sister was given away when she was a girl. She told me and ma that they’d make her go out and lay on a table and two or three white men would have sex with her before they’d let her up. She was just a small girl. She died when she was still in her young days, still a girl.<sup>22</sup>

Christian plantation owners and their white wives aped the powers of God by deciding which black men enslaved African American women could marry or live with. Mrs. Hilliard Yellerday, a survivor of slavery days, retold her memory

of this customary practice: "Some of them [black women] had children at the age of twelve and thirteen years old. Negro men six feet tall went to some of these children."<sup>23</sup> One mistress gave her servant direct orders about whom to have babies with and whom not to: "Don't you ever let me see you with that ape again," threatened the mistress. "If you cannot pick a mate better than that I'll do the picking for you."<sup>24</sup>

Beyond free access to black women's bodies and forced partnering, plantation owners also institutionalized breeding to create a future enslaved workforce that was tall and strong. Owners hired out enslaved black men like bulls to stud black women on other plantations. An ex-slave testifies, "Dey uster take women away fum dere husbands an' put wid some other man to breed jes' like dey would do cattle." And just as prize bulls carried out a daily routine of fathering offspring, so too did black men function as basic sperm donors: "Dey always kept a man penned up an' dey used im' like a stud hoss."<sup>25</sup> These various forms of forced reproduction created wealth for white owners. Mrs. Tempie Herndon knew well her value to her master: "I was worth a heap to Marse George 'cause I had so many chillen. De more chillen a slave had de more dey was worth."

Finally, light-skinned black women earned a premium for their owners when sold to businesses in such commercial centers as New Orleans. The so-called fancy trade was an exclusive market for white men who traveled to New Orleans, Charleston, St. Louis, or Lexington to purchase women of varying hues (mulatto, quadroon, octoroon) to use as prostitutes or concubines. The sexual violence of their white fathers, grandfathers, and great-grandfathers rendered these women vulnerable to continued trauma caused by requiring them to submit sexually to white men.<sup>26</sup>

Enslaved African American women were not only physically abused. They suffered psychological abuse as well. Black mothers had no choice but to watch the sale of their children in slave markets up and down the eastern seaboard.<sup>27</sup> "Babies was snatched from deir mother's breasts and sold to speculators," recounted one former female slave. Another remembered how the master and a speculator (the slave buyer) walked among enslaved black folk working in the fields. When the African Americans were together eating later that night, a mother looked frantically among the slaves who had returned from the field. Not seeing her child, she knew the white master had sold him. She exclaimed: "'De speculator, de speculator.' Den de tears roll down her cheeks, cause maybe it her son or husband and she knows she never see 'em again."<sup>28</sup> Another master, who had just sold a black woman's child, told her, "'Stop that sniffing there if you don't want to get a whipping.'"<sup>29</sup>

Slave masters also created stereotypes of black women in order to justify their inhuman treatment and to wear down their self-esteem. The damage done by these stereotypes continues to dog our society to this day.<sup>30</sup>

One deceptive stereotype is the Mammy character. In the white imagination, Mammy was asexual, a female lacking the natural libido of healthy women. This overweight, maternal martyr ran the Big House of the master and sacrificed herself day and night to maintain order and discipline in the cooking and cleaning, the administration of house affairs, and the compassionate nurturing, protection, and rearing of white children. Mammy was a superwoman.

She was trustworthy, respectful, and loyal; some even called her an aristocrat. In reality, this white psychological projection undercut black women's self-esteem by rendering their actual lives invisible.<sup>31</sup>

If the Mammy myth was of the asexual woman, the opposite extreme in the denial of the reality of the lives of enslaved black women was the lie of the Jezebel. Jezebel, the ultimate temptress, woke up each day and schemed to have uncontrollable sex. Her *raison d'être* was fulfilling the sexual fantasies and desires of white men. Mammy led men to heaven. Jezebel led them to hell. Mammy lacked libido. Jezebel epitomized the libido. White men and their women described Jezebel as lewd, addicted to the pleasures of the flesh, and ravished by wild lust. Her body burned in constant need of a man. The myth became so powerful that some slave masters placed newspaper ads depicting their enslaved women as able to please any man by night and by day because of their fiery and promiscuous nature.<sup>32</sup>

## Slavery's Legacy and Black Women's Theology

Black women's enslaved experiences provide a factual basis for developing a theology of justice through reparations. In addition, the legacy of wealth accumulation during slavery has created huge discrepancies between contemporary whites and blacks, especially African American women, increasing the need for a theology of justice that involves reparations.

Wealth is not only income, or a paycheck. Inherited wealth passed down through generations in white families is the key to the reparations owed to black women. Indeed, inherited wealth in the white community is the basis of contemporary black-white inequality.

Wealth means economic assets, including pension funds, houses and other real estate, works of art, businesses, cars, cash, and stocks and bonds. Wealth includes land, natural resources, commercial buildings, trust funds, "down payments and closing costs for first-time homebuyers, college tuition, large cash gifts, and loans, as well as old-fashioned bequests at death."<sup>33</sup> Wealth is also home equity, savings accounts, silver, and antiques. One has wealth when one owns and controls capital and resources. One has income when one gets a salary or works for someone else. Wealth provides opportunities, including the ability to pass wealth along to one's children.<sup>34</sup>

The net worth of our parents, grandparents, and earlier generations heavily influences wealth because most private wealth in the United States is inherited.<sup>35</sup> Although whites, especially the richest families, have accumulated wealth through inheritance, generation after generation, African Americans have not seen growth in their net assets. In 1865, the year the Civil War ended, blacks owned 0.5 percent of all U.S. wealth. In 1990, they owned 1 percent. Virtually no progress has taken place.<sup>36</sup>

American wealth is concentrated in very few hands. Since the days of the European and European American Christian slave trade, 80 percent of family wealth has come through inheritance, not individual savings.<sup>37</sup> The wealthiest 1 percent of families owns 47 percent of America's financial wealth (businesses, real estate, buildings, other financial instruments, stocks, and bonds),

and the United States continues to undergo a redistribution of wealth upward.<sup>38</sup> According to a study by the U.S. Federal Reserve, as of 2007 the typical African American family held ten cents in wealth for every dollar held by the typical white family. That is a decline from 2004, when the typical African American family had twelve cents in wealth for every dollar held by a white family.<sup>39</sup> At every income level, white households have significantly higher median wealth than black households earning similar amounts of money. At the highest income level, white net worth is \$133,607, compared to \$43,806 for blacks. At the lowest income level, net worth for typical white households is \$17,066, compared to \$2,400 for black households.<sup>40</sup> Among women, white widows have more than \$15,000 in assets on average, but black widows have no assets.<sup>41</sup> A 2006 study found that white female heads of household earn an average of \$13,202 annually and have \$23,530 in net worth, compared to \$10,245 earned on average annually by black female heads of household, who have a net worth of \$500 on average.<sup>42</sup>

After slavery, the U.S. government and individuals continued to foster the development of white wealth and to cripple the creation of black wealth. The Southern Homestead Act of 1862 was intended to provide land to former slaves, but only four thousand out of four million blacks in the South submitted applications, in large part because blacks lacked the capital necessary to work the poor land that was on offer.<sup>43</sup> The Federal Housing Authority, established in 1934, practiced racial discrimination for many years in deciding who got cheap mortgages and who did not.<sup>44</sup> In the private sector as well, blacks suffered discrimination; less than 1 percent of all mortgages went to blacks between 1930 and 1960.<sup>45</sup> A 1991 study found that commercial banks rejected black mortgage applicants twice as often as they rejected white applicants.<sup>46</sup> The G.I. Bill of Rights that sent tens of thousands of veterans to college and provided hundreds of thousands with low-cost mortgages included numerous built-in barriers to black participation that only widened the black-white wealth gap.<sup>47</sup> The United States Department of Agriculture has acknowledged decades of discrimination against black farmers in its lending programs.<sup>48</sup>

Equality for African American women will never come in the United States until the state and federal governments address the legacy of unequal wealth accumulation begun in the slavery era. Today's unequal distribution of wealth is not the result of harder-working whites reaping their just rewards compared to feckless African Americans. It is the direct result of generations of whites exploiting black labor. Wealth gaps occur along both racial and gender lines, revealing themselves in terms of cultural capital such as networks developed through sports, camps, pre-college education, contacts, friendship, and after-school activities; milestone life events, including gifts for college, weddings, and first home purchase; and willed assets after death.<sup>49</sup> This system of wealth differences began during the great suffering of the slave trade.

Though unpaid forced laborers, black women maintained a faith in God's future justice, if not for themselves, then for their children and grandchildren. Even though enslaved women did not develop a systematic theology, their experiences of justice and faith help us to craft our own theology of justice.



## Theology of Justice

Enslaved black women's historical experiences, coupled with the effects of slavery that African American women still experience in today's socioeconomic system, suggest a way for us to create our own theology of justice.<sup>50</sup> This theology draws on the biblical emphasis on equality and justice in both the Old and New Testaments.

### *A Biblical Basis*

African American women's cry for equality and justice in all of creation suggests the need for us to re-read the Bible from the perspective of equality and justice. These women's experiences and faith inspire us to reinterpret the creation narrative in Genesis (of the Hebrew Scriptures) and understand what it tells us about the foundations of a healthy community. The principles of equality and justice enunciated by these women can provide a lens through which to read scripture. For example, in Genesis, Yahweh takes dust and combines it with divine breath to give birth to humanity. And humanity is created to be in harmony with the rest of nature—birds, plants, fish, animals, air, water, wind, and earth. In Genesis 1:26, the initial command of the divinity is for humanity to be responsible stewards over all of the created order. Yahweh leases responsibility to all people to tend to the gardens of the Creator. Metaphorically, the sin of Adam and Eve lies in their turning away from the divine intention for humans to live in harmony with each other and with nature and adopting instead a focus on selfish individual pursuits. Enslaved black women longed for equal stewardship over all things and creatures on the earth. They believed that God would provide the opportunity for them to have wealth to enjoy family and experience the joy of living. Though injured by slavery, black women used a justice faith to repair damage done to them and their families. Sojourner Truth speaks to such a theological point in the following debate with a white slave mistress:

I tell you. I stretched up and felt as tall as the world. "Missus," says I, "I'll have my son back again!" She laughed. "You will, you nigger? How you goin' to do it? You ha'nt got no money." No Missus but God has enough, or what's better! And I'll have my child again.<sup>51</sup>

Indeed, through the kindness of various people, including a group of Quakers in a neighboring town, Truth was introduced to and given money to pay for a sympathetic lawyer who found and returned her son. Truth understood this as fulfillment of her prayers to God, whose egalitarian benevolence "shields the innocent, and causes them to triumph over their enemies."<sup>52</sup> Thus, God allowed Truth to share in divinely given wealth and obtain her son once again. The oppressor class assumes that wealth creation is their private realm. They believe in Jesus, but with a theology that separates his heavenly realm from the troubles and pain of the earthly world. But this theology contradicts the original creation narrative in which Yahweh leases responsibility to humankind as stewards, not as exploiters of black women's flesh. A theology of justice based on faith in universal access to the fruits of the world realized justice for Truth and can do so for contemporary African American women as well.

According to this reading of Genesis, all private pursuit of individual desire rather than communal good flows from the original sin of the parents of all humankind. The primary theological point is that we are not working toward the God-given balance and harmony of equal sharing in divine creation. Consequently, restoring just relations requires sharing the bountifulness of Yahweh's created order equally among all people.

Similarly, the experiences and faith of enslaved black women help us to read the Hebrew Scriptures as a liberation document offering justice to those at the bottom of society, those who have been wronged by the elite's hoarding of the world's resources. The Hebrew people had been held in slavery under one of the most powerful rulers in that era. The Egyptian pharaoh commanded a great army, much land, and enormous wealth. Yet Yahweh delivered these enchained people and granted them their share of the created order, symbolized by Canaan, the land flowing with milk and honey. For enslaved African American women hearing this story, the message is that Yahweh not only fights one's battles and achieves one's emancipation, the divinity also ensures the provision of land, food, and other resources for the earth's poor to share in. Like Genesis, the sacred text helps us see a way to restore hope by working toward a world of equality and justice.

### *The Christian Scriptures*

The Christian Scriptures also offers a religious basis of a theology of justice in which the bottom stratum of society wins the struggle to participate equally in God's creation. Martha Griffith Browne, writing in her autobiography after slavery was abolished, attests to the inevitable judgment that plantation owners will face for their unjust treatment of others in God's creation. She uses the message of Jesus Christ as a lens for developing this notion. Mrs. Griffith Browne [leave full name as is] draws on the "sheep and goat" story in Matthew 25, in which Jesus is the ultimate judge and provides the only criterion for entering heaven: Does one help the poor and oppressed? Slavery exploited and robbed one group within society, and its perpetrators will one day face "the divine rule." The exploiters "will stand with a fearful accountability before the Supreme Judge. Then will there be loud cries and lamentations, and a wish for the mountains to hide [the slave masters] from the eye of Judicial Majesty."<sup>53</sup> The poor ultimately experience a new material reality where they participate equally in all that God has created. In her specific reference to Matthew 25, Mrs. Griffith Browne points to the only place in the Christian Bible where Jesus gives direct, unambiguous instructions on how Christians are to enter heaven. Here heaven is a reconfigured social arrangement; it is shared wealth and social harmony. Mrs. Griffith Browne read the Bible and concluded that justice is restored to those who aid the oppressed.

The fact that Matthew concludes its story with the entrance into a new society based on the sharing of the divine bounty is not surprising. Jesus ends where he began in the Christian Scriptures. The slave community was well aware of the book of Luke, chapter 4, where Jesus gives his first public sermon or speech. A divinity incarnated on earth reveals the sole purpose of the divine among humankind—to preach good news to the poor, to announce release for all captives, to give sight to the blind, to set at liberty those who are oppressed,

and to realize Jubilee—the year of universal emancipation. Jesus’s sole intent through his birth narratives and life on earth was to break the chains preventing the dispossessed from becoming full human beings equal to all others. And Jesus, as Mrs. Griffith Browne read Matthew 25, would make a way out of no way to bring this about.

## Conclusion

The historical experiences, faith, and biblical interpretations of enslaved black women examined in this essay can assist us on the path to recognizing the need for and creating a theology of justice. One key to this search for a theology of justice is the following: we must begin to see a theology of justice as a way to assign collective accountability for slavery and its consequences. Today’s black-white and black woman–white woman’s wealth disparities do not result primarily from whites’ hard work and blacks’ laziness. The disparity flows from inherited economic, political, and social advantages and inherited economic, political, and social disadvantages.

As Sheila Briggs argues,

Whites have inherited advantages simply through their membership in a trans-historical community that has accumulated the material resources that were produced in slavery and a later racially discriminatory society. Since individual benefit depends on collective identity, then moral responsibility for the injustice of wealth distribution cannot be restricted to a purely personal and individual level, but must be assigned to the trans-historical social group that collectively enjoyed the benefits.<sup>54</sup>

In sum, while whites have continued to benefit from wealth held by whites, blacks continue to suffer the economic, political, and social costs of their lack of wealth, which is a direct result of the slavery era. One group has consistently benefited from black labor, and another has consistently suffered. The historical facts, and the lives and beliefs of enslaved black women together encourage us to position collective responsibility at the center of a theology of just reparations. Healing would benefit the progeny of both the slave owner and the enslaved. Restorative justice with forgiveness and reconciliation presents one path toward a healthy America.

## Notes

I am appreciative of Jill Hazelton for suggesting improvements in the outline of this essay.

1. Lucy Delaney, “From the Darkness Cometh the Light, or, Struggles for Freedom,” in *Six Women’s Slave Narratives*, ed. Schomburg Library of Nineteenth-Century Black Women Writers (1857; reprint, New York: Oxford University Press, 1988) 14.
2. Maria W. Stewart, “Productions of Mrs. Maria W. Stewart Presented to the First African Baptist Church & Society of the City of Boston,” in *Spiritual Narratives*, ed. Schomburg Library of Nineteenth-Century Black Women Writers (1835; reprint, New York: Oxford University Press, 1988) 17–21.

3. See Mary Frances Berry, *My Face Is Black Is True: Callie House and the Struggle for Ex-Slave Reparations* (New York: Knopf, 2005) 7, 212.
4. For more on these and other arguments, see Christopher Hitchens, "Debt of Honor," in *Should America Pay? Slavery and the Raging Debate on Reparations*, ed. Raymond A. Winbush (New York: HarperCollins, 2003) 172–179; and Molly Secours, "Riding the Reparations Bandwagon," in *Should America Pay?* 286–298, 399.
5. *Apologizing for the Enslavement and Racial Segregation of African-Americans*, HR 194, 110th Cong., 2nd sess., *Congressional Record* 154, no.127, daily ed. (July 29, 2008): H 7224.
6. See Mark S. Umbreit, "Restorative Justice in the Twenty-First Century: A Social Movement Full of Opportunities and Pitfalls," *Marquette University Law Review* 89 (2005) 251.
7. This comes from e-mail correspondence with Sheila Briggs on April 2, 2008.
8. Native Americans were also enslaved in the colonies and the United States, and small numbers of Native Americans and African Americans are known to have owned slaves. This analysis focuses on the experiences of African American women owned by whites as most typical of plantation-system slavery in the United States.
9. References for the following paragraphs: Darlene Clark Hine and Kathleen Thompson, *A Shining Thread of Hope: The History of Black Women in America* (New York: Broadway, 1998); Angela Yvonne Davis, *Women, Race, & Class* (New York: Vintage, 1983); Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, Family from Slavery to the Present* (New York: Vintage, 1986); William St. Clari, *The Door of No Return: The History of the Cape Coast Castle and the Atlantic Slave Trade* (New York: BlueBridge, 2007); David E. Stannard, *American Holocaust: The Conquest of the New World* (New York: Oxford University Press, 1992); and Robin Blackburn, *The Making of New World Slavery: From the Baroque to the Modern, 1492–1800* (New York: Verso, 1997). For the complicity of some Africans in the European Christian slave trade, see Saidiya Hartman, *Lose Your Mother: A Journey Along the Atlantic Slave Route* (New York: Farrar, Straus, and Giroux, 2008).
10. Dorothy Sterling, ed. *We Are Your Sisters: Black Women in the Nineteenth Century* (New York: Norton, 1984) 7.
11. Sterling, *We Are Your Sisters*, 7. See also George P. Rawick, ed., *The American Slave: A Composite Autobiography: Supplement, Series 1*, vol. 6, *Alabama Narratives* (Westport, CT: Greenwood, 1978) 183; and Rawick, ed., *The American Slave*, vol. 7, *Mississippi Narratives, Part 2*, 400. See also Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 2000) 46–52.
12. Sterling, *We Are Your Sisters*, 17; and Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South* (New York: Norton, 1985) 115.
13. See also Gerda Lerner, ed., *Black Women in White America: A Documentary History* (New York: Vintage, 1973) 17–22.
14. Claud Anderson, *Black Labor, White Wealth* (Edgewood, MD: Duncan and Duncan, 1994) 133f.
15. Quoted in Sterling, *We Are Your Sisters*, 8.
16. Quoted in Sterling, *We Are Your Sisters*, 13.
17. Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, Family from Slavery to the Present* (New York: Vintage, 1986) 15–18.
18. Angela Yvonne Davis, *Women, Race, & Class* (New York: Vintage, 1983) 10.
19. Davis, *Women, Race, & Class*, 7.
20. For example, see in this volume Fay Botham, "The 'Purity of the White Woman, Not the Purity of the Negro Woman': The Contemporary Legacies of Historical Laws Against Interracial Marriage"; and Catherine Clinton, "Breaking the Silence: Sexual Hypocrisies from Thomas Jefferson to Strom Thurmond." See also Pamela Bridgewater, "Ain't I a Slave: Slavery, Reproductive Abuses and Reparations," *UCLA Women's Law Journal* 14 (2005).

21. Quoted in Darlene Clark Hine and Kathleen Thompson, *A Shining Thread of Hope: The History of Black Women in America* (New York: Broadway, 1998) 98.
22. Quoted in Dorothy Sterling, ed. *We Are Your Sisters: Black Women in the Nineteenth Century* (New York: Norton, 1984) 25.
23. Quoted in Hine and Thompson, *Shining Thread of Hope*, 80.
24. Quoted in Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, Family from Slavery to the Present* (New York: Vintage, 1986) 34.
25. Dwight N. Hopkins, *Down, Up, and Over: Slave Religion and Black Theology* (Minneapolis, MN: Fortress, 1999) 63.
26. Deborah Gray White, *Ar'n't I a Woman? Female Slaves In The Plantation South* (New York: Norton, 1985) 37.
27. Pamela Bridgewater, "Ain't I a Slave: Slavery, Reproductive Abuses and Reparations," *UCLA Women's Law Journal* 14 (2005).
28. Quotes are from Dorothy Sterling, ed. *We Are Your Sisters: Black Women in the Nineteenth Century* (New York: Norton, 1984) 10, 43, respectively.
29. Quoted in Darlene Clark Hine and Kathleen Thompson, *A Shining Thread of Hope: The History of Black Women in America* (New York: Broadway, 1998) 98.
30. See in this volume Frances Foster, "Mammy's Daughters; Or, the DNA of a Feminist Sexual Ethics"; Dorothy Roberts, "The Paradox of Silence and Display: Sexual Violation of Enslaved Women and Contemporary Contradictions in Black Female Sexuality"; and Emilie M. Townes, "From Mammy to Welfare Queen: Images of Black Women in Public-Policy Formation."
31. White, *Ar'n't I a Woman?* 45–56.
32. Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South* (New York: Norton, 1985) 29–32. See also Yanick St. Jean and Joe R. Feagin, *Double Burden: Black Women and Everyday Racism* (Armonk, NY: Sharpe, 1999) 5–15 and 100–105; and Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 2000) 72–75, 81–84.
33. Thomas M. Shapiro, *The Hidden Cost of Being African American: How Wealth Perpetuates Inequality* (New York: Oxford University Press, 2004) 10f.
34. Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 2006) 2, 203.
35. Meizhu Lui et al., *The Color of Wealth: The Story Behind the U.S. Racial Wealth Divide* (New York: New, 2006) 2. Also review Dalton Conley, *Being Black, Living in the Red: Race, Wealth, and Social Policy in America* (Berkeley, CA: University of California Press, 1999) 5 and 10f; and Claud Anderson, *Black Labor–White Wealth: The Search for Power and Economic Justice* (Bethesda, MD: PowerNomics, 1994).
36. Conley, *Being Black*, 25.
37. Shapiro, *Hidden Cost*, 61; and Lui, *Color of Wealth*, 8.
38. Oliver and Shapiro, *Black Wealth*, 201; and Shapiro, *Hidden Cost*, 44. On the wealth-redistribution figures, see Lui, *Color of Wealth*, 13.
39. Meizhu Lui, "The Wealth Gap Gets Wider," Op-Ed, *Washington Post*, March 23, 2009.
40. Thomas M. Shapiro, *The Hidden Cost of Being African American* (New York: Oxford University Press, 2004) 47–49.
41. Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 2006) 126.
42. Oliver and Shapiro, *Black Wealth/White Wealth*, 274.
43. Jay R. Mandel, "Continuity and Change: The Use of Black Labor After the Civil War," *Journal of Black Studies* 21 (1991) 420.
44. Oliver and Shapiro, *Black Wealth/White Wealth*, 17f.
45. Meizhu Lui et al., *The Color of Wealth: The Story Behind the U.S. Racial Wealth Divide* (New York: New, 2006) 11.
46. Oliver and Shapiro, *Black Wealth/White Wealth*, 19.
47. Ira Katznelson, *When Affirmative Action Was White* (New York: Norton, 2006) 113–124.

48. Shaila K. Dewan, "Black Farmers' Refrain: Where's All Our Money?" *New York Times*, August 1, 2004.
49. Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 2006) 154–159.
50. For extended treatment of enslaved women's theology, see Joan M. Martin, *More Than Chains and Toil: A Christian Work Ethic of Enslaved Women* (Louisville, KY: Westminster John Knox, 2000); Dwight N. Hopkins and George C. L. Cummings, eds., *Cut Loose Your Stammering Tongue: Black Theology in the Slave Narrative*, 2nd ed. (Louisville, Kentucky: Westminster John Knox, 2003); and Dwight N. Hopkins, *Down, Up, and Over: Slave Religion and Black Theology* (Minneapolis, MN: Fortress, 2000).
51. Quoted in Martin, *More Than Chains*, 82. See also Olive Gilbert, *Narrative of Sojourner Truth* (New York: Penguin, 1998) 30.
52. Gilbert, *Narrative of Sojourner Truth*, 20.
53. Martha Griffith Brownne, *Autobiography of a Female Slave* (1857; reprint, New York: Negro Universities Press, 1969) 21f.
54. From e-mail correspondence with Sheila Briggs on April 2, 2008.

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IX

A Meditation



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## A Visit from the Old Mistress<sup>1</sup> (Oil on Canvas by Winslow Homer)

*Florence Ladd*

Why has she come from over yonder?  
She calls up our miseries on her plantation,  
ploughing her fields, picking her cotton,  
nursing her children, our own neglected  
for their ease. She ain't sorry for her ways,  
just sorry we done quit slaving.

Crossing the sill of our cabin, she opens  
old wounds: our meals her leftovers,  
our clothes rags from her trunks; harsh words,  
hard work; thrashings; rape of our daughters,  
sale of our sons, stillness of hanging bodies  
at carnival lynchings we were forced to see.  
Our hearts heavy, hers stony.  
Dare she tarry?

Why won't they come to see me?  
Poor piccaninies turned ornery  
now manumitted, they took leave  
of my God forsaken plantation  
forgetting the years I took care  
of them, by rights my property.

Crossing these fields gone fallow  
as cotton rots and vultures flock,  
I reckon I'll not redeem the land,  
stand proud again without hands  
black and quick to plant and pick.  
Bereft, lonesome, and weary,  
I need their shiftless company.  
But dare I tarry?

### Note

1. The reader may view Homer's painting at the Smithsonian American Art Museum of the Smithsonian Institution in Washington, DC. Visit the Smithsonian Web site, "CivilWar@Smithsonian," under "Slavery and Abolition," [http://www.civilwar.si.edu/slavery\\_visit.html](http://www.civilwar.si.edu/slavery_visit.html).

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## Epilogue

Mende Nazer, with Bernadette J. Brooten

### Editor's Note

*Mende Nazer, internationally known anti-slavery activist, was enslaved for six years in the Sudan as a young girl and later escaped in London, after having been sent there by her Khartoum owner to the owner's sister. *Slave: My True Story*, which Nazer co-wrote with journalist Damien Lewis, opened the world's eyes to slavery in the Sudan.<sup>1</sup> Before speaking out about her ordeal, Nazer had to weigh potential reprisals by the repressive Sudanese government against her relatives still living there versus the fate of the countless enslaved persons to whom her book might draw attention. Fortunately, the intense international media attention to the book has thus far protected Nazer's family.*

*In 2005, I asked Mende Nazer to join the Feminist Sexual Ethics Project at Brandeis University to inspire others to work to end slavery, both in the Sudan and worldwide, and to help scholars better understand the dynamics of slavery. The scholars, activists, and artists in this volume finely delineate the historical, geographical, and religious differences among the varying forms of the enslavement of girls and women. Exceedingly few slave narratives by women have come down through history, and even today, very few women escape slavery and have the opportunity to tell their story. Although Mende Nazer's enslavement differs in numerous respects from some of slavery's past forms, her insights can sharpen both our historical and moral imagination.*

*I asked Nazer to share her reflections on the various contributions in this volume. What follows are her responses to my questions. English is Nazer's third language, learned as an adult; her first is that of the Nuba Mountains where she was born in central Sudan, and her second is Arabic. Thus, although now fluent in English, Nazer needed help in formulating her thoughts on this volume in English. As with her collaboration with Damien Lewis in writing her two books, the thoughts are Nazer's own. As we worked together, Nazer always insisted on finding just the right phrase; she is both parsimonious and precise in her speech.*

*Brooten:* As a woman who was enslaved for six years in the Sudan, how do you respond to the content of this book?

*Nazer:* I am disturbed that Muslim, Jewish, and Christian texts allow slavery and that Jewish, Christian, and Muslim people practiced slavery for so many

hundreds of years. In everything that I have learned from the authors of this volume, I have not found a form of slavery that was better than others. That includes the religious forms of slavery, in the Jewish Bible, the Christian Bible, and the Qur'an. Among those texts, there are some differences, but the differences do not change what it is to be enslaved. I understand that some Jewish, Christian, and Muslim people believe that their religions made slavery more humane. But I don't think that any form of slavery is humane.

As a Muslim, I totally disagree with Muslims who say that Islamic slavery was not harsh. I want to know what experience those people have had with slavery. Have they even spoken to anyone who has been enslaved? People who say that their religion's form of slavery is not as harsh as other forms are trying to cover up the real situation.

Before working on this project, I did not know that the Qur'an allows slavery. I was also troubled to learn about the history of slavery in Muslim communities. Kecia Ali writes that people in these communities also held slaves before Islam, which makes me wonder where human beings ever got the idea to enslave other human beings in the first place.<sup>2</sup> If there had never been slavery in the world, people would be more shocked to find slavery today in the Sudan and elsewhere. I do not understand why the Prophet Muhammad accepted the gift of two slave sisters. How can a human being give one human being to another? The Prophet is a model to us, and I have always heard that he was very kind. Does the Prophet's accepting human beings as a gift mean that he treated those sisters as slaves? Kecia Ali describes how the Prophet took Mariyya as a concubine and how he freed her when she had a child with him. I am surprised that the Prophet took her as a concubine. Why did he not marry her first and then have the child with her? Mariyya came from Egypt, and her family must have been in Egypt. Where did she go once she was freed? Did her child go with her?

I am also disturbed that the Islamic jurists Ibn Rushd and Mohammad 'Ala al-Din Haskafi allowed men to have sex with their slave-women. How can that be ethical? These legal opinions have hurt women for centuries.

I appreciate Kecia Ali's mentioning slavery-like conditions today. I have a friend who signed a contract to work in Saudi Arabia. Her employer took away her passport and treated her like a slave. In fact, that one household alone had fifteen to twenty-five workers, all of whom the employers treated horribly. The house itself was so huge that you cannot imagine it, and the masters had guards posted all day and all night. Some workers were not paid at all. Their only wages were their food and a place to sleep. When we think about slavery, we have to think about these slavery-like conditions as well.

Based on my own experience, I see that Frances Smith Foster understands how important it is to have a name.<sup>3</sup> *Dessa Rose* reminds me of my enslavement. I can understand why Dessa protests to Ruth that Mammy has a name and has her own family. I can see why Dessa is upset even though Ruth is saying nice things about Mammy. Calling a person by her name gives her status, an identity. This reminds me of when I was in slavery and other women would come to the house and say about me, in front of me, "How can we get one like 'her'?" I was especially upset when the children called me by the curse word that their mother used. I would bend down and whisper to them, "My name is Mende," and I would smile, so maybe they would not go and tell their mom. I

was too terrified to protest when their mother called me by the curse word. I start with the assumption that children are innocent. But when they called me by the curse word, *yebit*, I began to think that they were not innocent. This verbal abuse was central to trying to make me feel worthless as a human being, and I still struggle with the effects.

I found Jennifer Glancy's thinking about how slavery shapes your body to be helpful.<sup>4</sup> No one even told me how to hold my body, but I knew what I had to do. I held my head down, my shoulders down, and my whole body down. I spoke softly so that the masters would not say that I was not respecting them. Enslaved people today still have to call their slaveholders "Master." Without the masters saying anything, my body was trained. Glancy writes about clothing as part of the way to recognize who was enslaved and who was a slaveholder. My masters' and their children's clothing was beautiful, but they gave me an old dress to wear that was not my size and did not show my shape at all. And even then, my shape was not my real shape, because I was in slavery, and my body was hunched over.

Frances Smith Foster is working on what it will take for Black women and white women to be friends and to really work together.<sup>5</sup> For me, I cannot imagine being friends with someone from northern Sudan. I think that if I tried to be friends with a woman from northern Sudan, we would argue about slavery, and she would consider herself superior to me. In the Sudan, even though there is only a small difference in color between the north and the rest of the country, there is still racism. The Northerners define themselves as Arab and as white, and they call everyone else Black. They think that every Black person can be their slave.

Sylvester Johnson's essay about Americans using the Bible to defend as well as challenge slavery shocked me.<sup>6</sup> How could anyone think that Black people are naturally suited to slavery and that Black women are animal-like in their sexuality? What Josiah Priest said about Black women's sexuality is simply not true. Why did these men not recognize that the women's masters forced them to have sex? What evidence did the slaveholders have that Blacks are "naturally suited" to slavery? How can it be natural to be enslaved? Why were Blacks not trusted to be free? This modern racism is not in the Qur'an or the Bible. But I am still disturbed that slavery appears in these books.

I agree with Catherine Clinton and the others who write about miscegenation.<sup>7</sup> It does not make sense to me. If white people support segregation, then they should avoid Black people. I cannot understand how Strom Thurmond sent his own daughter to a segregated Black school. This is all illogical.

In Dwight Hopkins's essay, he calls for reparations for slavery in the United States.<sup>8</sup> I do not agree, because I think that reparations mean putting a monetary value on human life.

*Brooten:* What do you most want us to know about your time of enslavement?

*Nazer:* My belief in God is the most important thing in my life. I have been Muslim since I was born, and I started learning the Qur'an in Arabic at an early age. There are so many beautiful verses (Arabic: *'ayat*) in the Qur'an that can help you and can guide you through your life. Praying five times a

day is the foundation of my life. Under slavery, my masters tried to keep me from praying. I think that they thought I was imitating them or that I'm not good enough to be a Muslim and to pray. They said that prayer is not for Black people. But I persisted in my prayers, because prayer was the only moment in which I could be alone and speak to my God. I felt held by God, to whom I could tell my requests.

I am one of the very few who have escaped slavery and been able to tell what it means to be a slave. There is no good kind of slavery. Whether you are in slavery for six days or six years, it is horrible. One day in slavery can be equivalent to six years. I mean by that, that the hard work you do, and the verbal abuse you experience, and the sexual abuse you undergo—all those horrible things can happen to you in that one day.

In my experience, slavery is not only about physical abuse, about having to work for unlimited hours every day, not being allowed to sleep enough, and having to work when you are sick, and work even under all circumstances. Verbal abuse can include not calling you by your name, which makes you feel that you are not human. In the United States, even dogs have names.

My masters were trying to take my identity away. Not only did my masters, including even their children, not call me by my own name, which had been given to me by my loving parents—instead they called me by a curse word for the whole six years—they were trying to rob me of my identity. Finally, they took away the last remaining connection between me and my family, and me and my village by tearing away the beads that my mother had made especially for me and given to me as a gift.

All of this and other verbal and emotional abuse were meant to make me feel worthless, even worse than I felt at the beginning. All of this abuse and damage continues to affect me every day and will for the rest of my life.

*Brooten:* As a Muslim woman of faith and as a woman who has experienced enslavement, what do you think about the Qur'anic texts on slavery?

*Nazer:* When I was in Muslim primary school in the Nuba Mountains in the Sudan, before I was captured and carried off into slavery, I was taught lessons from the Qur'an. I learned by heart one of the *surahs* (chapters) that includes verses that illustrate the meaning of Islam to me. These verses explain how people should treat one another (Qur'an 90:12–18). The Qur'an says that good Muslims must follow a steep path in life. This path includes freeing slaves and providing food to the poor and to orphans in times of famine. This is difficult guidance to follow. The Qur'an says that all human beings are equal, like the teeth of a comb. The Arabic phrase “like the teeth of a comb” is an incredible description of human equality.

But I have since learned that the Qur'an includes what look to me like contradictions, or injustice. The Qur'an says that Muslims should not have sex outside of marriage: “Do not go near illicit sex [Arabic: *zina*], as it is immoral and an evil way” (Qur'an 17:32).<sup>9</sup> But other verses in the Qur'an allow masters to have sex with their slave-girls and slave-women. For example, the Qur'an's *Surah* 23, called “The Believers,” begins by stating that those who will receive spiritual rewards live by certain moral precepts, including restrictions on their

sexual behavior. But the fifth and sixth verses give men permission to have sex with the women that they own, saying that right-living believers are those:

<sup>5</sup>Who abstain from sex,

<sup>6</sup>Except with those joined to them in the marriage bond, or (the captives) whom their right hands possess,—for (in their case), they are free from blame.<sup>10</sup>

Traditionally, the Arabic phrase, “whom [or what] their right hands possess” is understood to mean enslaved women.<sup>11</sup>

I have trouble understanding the justice of these two verses absolving slave-masters of guilt for having sex with women in their possession. In my view, slave-masters who have sex with their slave-women should be considered guilty of illicit sex because enslaved persons are human beings. Slavery is a brutal institution based on force and domination. Enslaved people live in terror, and people should not assume that they have the same choices as free people. An enslaved woman has no choice but to submit to the will of her master. He is doing wrong in owning her, and he is doing wrong in forcing himself on her.

When I was a young girl enslaved in Khartoum, a man visiting the house attacked me, attempting to force me into sex. I was able to resist until another person entered the room, and he gave up. If he had been able to force me, I believe that it would have been immoral for him and not for me, because I was a slave and would have been the victim of his power over me.<sup>12</sup> If my own master had forced me, that too, in my view, would have been illicit sex (Arabic: *zina*) for him and not for me.<sup>13</sup>

In another verse, the Qur’an commands Muslims to let their slave-men and slave-women marry, if they are good, and goes on to say that if they are poor, Allah will provide for them (Qur’an 24:32). Being able to marry could help enslaved people lead a normal life, which would be a mercy for them. For me, loneliness was the worst aspect of enslavement. Marriage would give you a sense of belonging, because otherwise you feel that you belong nowhere.

Qur’an 24:33 speaks of Allah’s compassion for slave-women. Slave masters are prohibited from forcing their slave-women into prostitution, if the women desire chastity. If the masters nevertheless force them, Allah will have mercy on the women. But I wonder how often masters have really followed what the Qur’an says. I also wonder whether slave-women have ever really had a choice.

*Brooten:* What about passages in the Jewish and the Christian Bibles on slavery?

*Nazer:* David Wright states about the biblical lawgivers, “They seek to improve the institution of debt slavery in one way or another. But, alas, none of them abolishes it.”<sup>14</sup> Based on my own experience, I think that if you really want to protect the poor, you do not allow debt slavery in the first place.

In the same way, the laws in Exodus 21:1–11 and 21:20f, regulating the keeping of slaves, do not help the slaves.<sup>15</sup> If people think that six years in slavery is not that bad, they have no idea what even one day of slavery means. Beyond that, while some people think that gaining freedom after six years would be an



unambiguously good thing, facing freedom can be challenging. In order to be free, to establish a new life, you have to find people who can help you.

The story that David Wright created to explain these laws is beautifully written, and it makes me sad.<sup>16</sup> It is clear to me that Tobit could not go out of slavery because he had established his own loving family. If he left slavery, he would be in agony, knowing that his children would be in slavery forever. In my life, once I gained my freedom, I was afraid to return to the Nuba Mountains out of fear that once I had children, they might be carried off into slavery as I was. I wanted to be somewhere safe, where my children could enjoy freedom. For that reason, I can especially imagine how Tobit's wife felt, knowing that their children would never be free. I can also imagine, in Wright's story, that Shoshanna at least found some comfort in the hope that she could see her family again. When I was enslaved in Khartoum, my master decided to send me as a "gift"—as if I were a parcel—to her sister in London. But I did not want to be sent to England. I had already been isolated from my family for years and had little hope of ever seeing them again, but I continued to hope that my family was alive. As long as I was in the Sudan, we were at least in the same country, and I could hope that I would see them once again. I had no idea that I could gain my freedom in England.

These laws in Exodus give masters ways to manipulate enslaved people. Giving an enslaved man a wife can be a very good way of controlling him, so that he will never want to be free, so that he will prefer staying with his family in slavery. I wonder whether enslaved men had a choice about whether or not to accept a wife from the master. Were they told that if they accepted a wife and had children with her, they would have to leave their families behind in slavery after six years?

The New Testament says: "Children, obey your parents in everything, for this is your acceptable duty in the Lord" (Epistle to the Colossians 3:20).<sup>17</sup> If you allow slavery, this verse becomes impossible to live by. When I read this, I thought, "How could I obey my parents, when I was dead to them?" I was disturbed to read this verse, because people who are enslaved young see their childhood cut short. The separation of the child from their parents creates enormous distress for both. I was taken away from my parents, and I did not even know if they were alive, and they did not know if I was alive.

Slavery has often separated children from their parents, which is logical—from the master's perspective. Slavery strips away your identity. Isolation, especially from parents, has a long-term psychological effect and is a means of control. Slave masters try to shut the door between you and the outside world. The kidnapping of children to enslave them is the first step in that process. The captors try to cut the ties between the child and the parents. In my case, they did not succeed because our strong bond is what kept me going. I maintained my respect for my parents.

"Children, obey your parents" and slavery do not mesh. Even if both the children and the parents live with the master, fear will get in the way of the children obeying their parents. The children will be confused and torn between the parents and the master. Verse 21 reads: "Fathers, do not provoke your children, or they may lose heart." In an enslaved family, a father does not have control of his children. The father will know that if the master says something

to the children, the children will listen to the master and not to him. When the children do not listen to him, the father may provoke them so that they lose heart. He may regret treating them harshly because he knows that the children have no choice. Slavery creates an endless circle of trauma.

Colossians 3:22–25 reads:

<sup>22</sup>Slaves, obey your earthly masters in everything, not only while being watched and in order to please them, but wholeheartedly, fearing the Lord. <sup>23</sup>Whatever your task, put yourselves into it, as done for the Lord and not for your masters, <sup>24</sup>since you know that from the Lord you will receive the inheritance as your reward; you serve the Lord Christ. <sup>25</sup>For the wrongdoer will be paid back for whatever wrong has been done, and there is no partiality.

When I first read this passage, I thought that it is completely beside the point. Slaves do not obey their masters because someone in church teaches them to. They follow their masters' orders out of sheer terror. Slaves try to do exactly what the master says, not to please them, but to avoid being beaten, or psychologically abused, which is actually worse than the physical abuse meted out to enslaved people. The word "obey" does not even apply to slaves. You obey someone whom you love, and love must come naturally. Slaves do not love their masters; they fear their masters, but the masters misinterpret fear as obedience.

These verses feel threatening to me. When I was enslaved, I feared God independently of my master. My fear of God had nothing to do with the master, and I think this distinction is true in all religions. I fear God because of my direct relationship with God. Tying "pleasing the master" to "fearing God" suggests that God and the master are comparable. Every day slaves fear being punished by their masters, but God will not punish them straightaway. For this reason, slaves might fear their masters more than God, and that distorts their relationship with God.

Colossians 4:1 reads: "Masters, treat your slaves justly and fairly, for you know that you also have a Master in heaven." Again, why is the same word used for both the slave-master and for God? What does "justly and fairly" mean? I had no experience of this in slavery. If there were rules or laws protecting slaves from abuse, then I could imagine what "justly and fairly" might mean, but this passage contains no rules. Even if there were rules, I would worry whether church leaders would believe slaves' allegations of abuse.

After reading the story of Hagar, Sarah, and Abraham, I think it was a horrible freedom that Hagar had in the desert.<sup>18</sup> She did not know if she would survive, or if traders would come and enslave her again. But then she realized that God was with her. When pilgrims go on the hajj (the annual Muslim pilgrimage to Mecca), they feel Hagar's joy and her plight. But I do not know that people on the hajj think of Hagar as a slave-woman. I especially do not think that Arabs, who have had slaves and who have slaves, would think of themselves as slaves.

I have questions about Jesus.<sup>19</sup> Maybe he was not against slavery because he did not have any relatives who were enslaved. Or maybe he did not have the political power to help people get out of slavery. But I still wonder why he did not tell his followers, "If you follow me, you should free your slaves." I think

that by washing his followers' feet, Jesus was trying to be humble and to show his followers that he was not better than them. But do people really understand what it means to be a slave? And did Jesus' death really help to free people? After his death, people were still in slavery and still are today.

*Brooten:* What do you think that these essays about history, religion, and slavery mean for today?

*Nazer:* I call upon scholars of these religions not only to describe slavery in these historical texts, or to compare the different forms of slavery in these texts, but also to find religious solutions to these texts' toleration of slavery. Description and comparison are not enough.

My question for scholars and for the readers of this book is, what is the solution? Slavery is not moral, ever. But religious leaders have said that it can be moral. There is a contradiction between seeing the Bible as an absolute guide and recognizing that slavery is always immoral.

You have told me that most religions today do not support slavery, to which I then replied, "What does that mean exactly? That they are denying that it exists?" If you oppose slavery, you should work to stop it. Given that the Bible and the Qur'an tolerate slavery, I wonder how these religions will find a solution. Christians, Jews, and Muslims practiced slavery for centuries.

People have to face up to the truth: slavery still exists. People need to listen to those who have experienced slavery if they want to begin to understand it. And even listening is not enough to imagine the horrors of slavery. Some of you may say, then how can we ever understand slavery? I can only say that no one can understand slavery except for the person who has experienced it. But reading and listening to those who have experienced slavery can help people to begin to be aware of what an atrocity slavery is and has always been. And remember, only a very small number of people have escaped slavery in our world today, and an even smaller number have been able to write or speak about their experiences. Most enslaved people are still in slavery. And most of those who have escaped live in terror.

I urge scholars, jurists, ethicists, and theologians to continue to do research and to think deeply about slavery, and I urge readers to find ways to stop slavery and to overcome its legacy.

Readers can write to political leaders to urge them to investigate allegations of enslavement and to take action to stop slavery here and internationally. Call upon the media to expose slavery wherever it occurs. The Western countries and their media have a crucial role to play in ending slavery and slavery-like conditions. Without my book and the Western media coverage of my case, my family in the Sudan might not be alive today.

People should be aware in their neighborhoods. If they see anything suspicious, they should intervene and ask questions. Neighbors and friends who see a child working in a household may be that enslaved child's only hope for escape. When I was enslaved in London, I stayed with another family while my masters were on vacation. Not knowing that I was enslaved, they asked me whether their friends paid me. Out of fear, I said that they did, but their question was a turning point for me. From that point on, I was determined to gain my freedom. What if everyone paid attention to their neighbors and asked hard

questions if they saw a suspicious situation? In some settings, the police may be of help, whereas in others, the police are corrupt and collaborate in slavery.

People have to stop and think about the best way to help. Even one individual can make all the difference.

## Notes

1. Mende Nazer and Damien Lewis, *Slave: My True Story* (New York: Public Affairs, 2003). The narrative of Nazer's return in 2006 to visit her family in the Nuba Mountains of the Sudan has appeared in German, but not yet in English: Mende Nazer, Damien Lewis, and Karin Dufner, *Befreit: Die Heimkehr der Sklavin* (Munich: Droemer, 2007).
2. Kecia Ali, "Slavery and Sexual Ethics in Islam," in this volume.
3. Frances Smith Foster, "Mammy's Daughters; Or, the DNA of a Feminist Sexual Ethics," in this volume.
4. Jennifer A. Glancy, "Early Christianity, Slavery, and Women's Bodies," in this volume.
5. Foster, "Mammy's Daughters," in this volume.
6. Sylvester A. Johnson, "The Bible, Slavery, and the Problem of Authority," in this volume.
7. Catherine Clinton, "Breaking the Silence: Sexual Hypocrisies from Thomas Jefferson to Strom Thurmond," in this volume; Mia Bay, "Love, Sex, Slavery, and Sally Hemings," in this volume; and Fay Botham, "The 'Purity of the White Woman, Not the Purity of the Negro Woman': The Contemporary Legacies of Historical Laws Against Interracial Marriage," in this volume.
8. Dwight N. Hopkins, "Enslaved Black Women: A Theology of Justice and Reparations," in this volume.
9. Translation by Kecia Ali, written communication, July 17, 2009.
10. Abdullah Yusuf Ali, trans., *The Qur'an Translation*, 3rd U.S. ed. (Elmhurst, NY: Tahrike Tarsile Qur'an, 1998). For this and two additional translations of these verses, see University of Southern California, Center for Muslim-Jewish Engagement, under "Translations of the Qur'an, Surah 23," <http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/quran/023.qmt.html> (accessed July 17, 2009).
11. See also Qur'an 4:3 and Qur'an 70:29. See Kecia Ali, "Slavery and Sexual Ethics in Islam," in this volume, 107.
12. Classical Islamic law is in agreement with this point. Kecia Ali, written communication, July 17, 2009.
13. See Ali, who notes that in classical Islamic law, based on Qur'an 23:5f and other verses, slave masters had the right to have sex with their unmarried slave-women. "Slavery and Sexual Ethics in Islam," 107.
14. David P. Wright, "'She Shall Not Go Free as Male Slaves Do': Developing Views About Slavery and Gender in the Laws of the Hebrew Bible," in this volume, 125.
15. Exodus 21:2–11 reads:

<sup>2</sup>If you acquire a Hebrew slave, he shall work for six years. In the seventh he shall go free, without further obligation. <sup>3</sup>If he came in by himself, he shall go free by himself. If he is the husband of a woman, she shall go free with him. <sup>4</sup>If his master gives him a woman and she bears him sons or daughters, the woman and her children shall belong to her master, and he (the male debt slave) shall go free by himself. <sup>5</sup>If the (male) slave should say, "I love my master, my wife, and my children; I will not go free," <sup>6</sup>then his master shall bring him to the God and bring him to the door or the doorpost. His master shall pierce his ear with an awl, and he will become a slave permanently. <sup>7</sup>If a man sells his daughter as a slave-woman, she shall not go free as male slaves go free. <sup>8</sup>If she is displeasing in the eyes of her master who has designated her for himself, he shall let her be redeemed. He shall not have power to sell her

to a foreign people because he betrayed her. <sup>9</sup>If he designates her for his son, he shall treat her according to the law pertaining to daughters. <sup>10</sup>If he takes another (woman), he shall not withhold (the first wife's) food, clothing, and habitation. <sup>11</sup>If he does not do these three things for her, she may leave without further obligation; no payment is due.

Exodus 21:20f reads:

<sup>20</sup>If a man strikes his male slave or his female slave with a rod and he dies under his hand, he shall be avenged. <sup>21</sup>But if he endures for a day or two, he shall not be avenged, because he is his property [literally: silver].

Translations from Wright, "She Shall Not Go Free," in this volume, 125.

16. Wright, "She Shall Not Go Free," in this volume, 125.
17. The translation from Colossians here and in what follows is from the New Revised Standard Version.
18. Genesis 16:1–16; 21:1–21; discussed by Jennifer A. Glancy, "Early Christianity, Slavery, and Women's Bodies," in this volume, 143.
19. Discussed by Glancy, "Early Christianity, Slavery, and Women's Bodies," in this volume, 143.

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