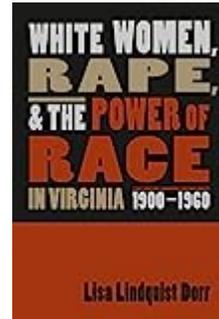




**Lisa Lindquist Dorr.** *White Women, Rape, and the Power of Race in Virginia, 1900-1960.* Chapel Hill: University of North Carolina Press, 2004. 327 pp. \$25.00 (paper), ISBN 978-0-8078-5514-0; \$59.95 (cloth), ISBN 978-0-8078-2841-0.



**Reviewed by** Gail O'Brien (Department of History, North Carolina State University)

**Published on** H-Law (August, 2004)

## The Conundrum of Black-on-White Assault

In an analysis of 288 cases in which black men were accused of raping or attempting to rape white women, Lisa Lindquist Dorr determined that, despite the powerful rhetoric of the “black beast rapist” and of white men as protectors of white women that gained momentum in the South in the wake of the U. S. Civil War and the end of slavery, Virginia juries between 1900 and 1960 rendered a variety of decisions. Indeed, 58 percent (133) of those convicted were convicted of a lesser crime (52 were sentenced to five years or less) and 13 percent (35) were acquitted or saw the charges against them dismissed. Additionally, governors shortened the length of time African American men served by granting pardons. Although Dorr could not ascertain the exact number of those pardoned because of the sampling technique she used, she concluded that “it was not uncommon for black men convicted of assaulting white women to be released before they completed their full sentences, and many returned to the communities in which they were convicted without further incident” (p. 252).

Dorr’s findings do not mean that African American men were treated fairly when accused of assaulting white

women. The author makes this clear when she notes that 6 percent (17) of the defendants in the 288 cases being investigated were killed through extra-legal violence, and she underscores this point as she describes the strong influence that the potential for crowd violence could have throughout the legal process. Above all, conviction rates in black-on-white assaults point toward prejudice and discrimination against African American defendants. While, as Dorr notes, studies of rape indicate that conviction of men in intra-racial rape cases (white or black) is rare, 87 per cent (230) of the men in Dorr’s study were convicted of some crime and spent time in prison.

Dorr’s main point is that the variety of decisions reached in black-on-white assault cases, and in subsequent appeals for pardons, bolstered racial, gender, and class hierarchies and gave segregation and white supremacy the flexibility that they needed to survive. The varied decisions also allowed white officials to believe, and to demonstrate to the wider world, that they were rendering justice. In sum, through persuasive arguments, supported by extensive, solid evidence, Dorr shows very clearly that Virginia’s “reality” differed con-

siderably from its “rhetoric” in black-on-white assault cases.

The author’s richest sources for her findings were clemency files located in Virginia governors’ papers. In these documents, white officials “often candidly revealed their honest opinions about the case, the defendant, the victim, and the jury’s verdict,” and it was here that Dorr learned that the defendant’s reputation, age, mental capacity, and ties with influential whites mattered, as did the victim’s reputation and family background, and the circumstances surrounding the alleged assault (p. 13).

Unfortunately, because documents retained in case files were determined by county authorities, extensive variation occurred, and the author was not able to obtain detailed trial information as systematically as she did clemency records. While Dorr’s lack of attention to jurors’ thinking and motivations is understandable, some consideration of the composition of juries, in addition to the timing of service by African Americans, would have been helpful. How were juries chosen in Virginia? Tax rolls? Voter registration rolls? Did poor white men serve? When did women begin serving on Virginia juries? This kind of information would help illuminate the extent to which white Virginians, apart from the elite, were willing to deviate from the rhetoric of black-on-white assault, and the extent to which elite views and values were shared.

Additionally, one suspects that there must have been some variation among white legal officials that clemency files did not reveal. Were divisions detectable in other sources, and if so, how might they be explained? More importantly, what implications, if any, did they have for the defendant and the alleged victim as the legal process unfolded?

In her conclusion, Dorr broadens her argument that rhetoric and reality differed considerably, and in a way that made segregation and white supremacy more flexible and thereby more durable beyond Virginia’s borders by briefly summarizing the results of her survey of state court appeal records for five southern states (Alabama, Georgia, Mississippi, North Carolina, and South Carolina). In all, she found approximately sixty black-on-white assault cases that were appealed after trial.

While one strongly suspects that Dorr is right and that rhetoric and reality probably differed in other southern states as in Virginia, her work nevertheless begs for additional studies, especially in either Deep South states or Black Belt regions or counties. After all, lynching studies have found not only significant differences among southern states in the number of people killed, but also distinctions in the leadership and nature of the crowds as well as in the reasons for, and the timing of, these horrendous episodes.[1] These studies, coupled with the type that Dorr has pioneered, would help us understand even more distinctions within the South among elites and among ordinary people, black and white, and they just might aid us in doing a better job of dealing with all rape cases in ways that are fairer to accused and accuser alike.

Lisa Lindquist Dorr deserves high praise for her thorough study. It not only provides original insights but also stirs thought about possible new investigations. In this way, it opens doors for all scholars interested in law and society as they pertain to race, class, and gender.

#### Note

[1]. W. Fitzhugh Brundage, ed., *Under Sentence of Death. Lynching in the South* (University of North Carolina Press, 1997), pp. 113, 122, 124. See also pp. 1-14 for an excellent overview of the historiography of lynching.

If there is additional discussion of this review, you may access it through the network, at:

<https://networks.h-net.org/h-law>

**Citation:** Gail O’Brien. Review of Dorr, Lisa Lindquist, *White Women, Rape, and the Power of Race in Virginia, 1900-1960*. H-Law, H-Net Reviews. August, 2004.

**URL:** <http://www.h-net.org/reviews/showrev.php?id=9705>

Copyright © 2004 by H-Net, all rights reserved. H-Net permits the redistribution and reprinting of this work for nonprofit, educational purposes, with full and accurate attribution to the author, web location, date of publication, originating list, and H-Net: Humanities & Social Sciences Online. For any other proposed use, contact the Reviews editorial staff at [hbooks@mail.h-net.org](mailto:hbooks@mail.h-net.org).