

Dawn Rae Flood. *Rape in Chicago: Race, Myth, and the Courts*. Urbana: University of Illinois Press, 2012. 272 pp. \$55.00 (cloth), ISBN 978-0-252-03689-7.

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The Power and Peril of Rape Myths in American History

Before the American Civil War, slave owners and other white Southerners created what came to be known as the “rape myth.” In this scenario, delicate and defenseless white women were at the mercy of African American brutes, intent on depriving them of their virtue via rape, the worst of all possible crimes, short of murder. Underlying this myth lay several motives, all of which were designed to empower white men, while keeping black men in chains and white women dependent on white men’s protection. In reality, black women were far more likely to be the victims of rape—most often from the same white men who created the myth in the first place—yet they received little sympathy or concern.

As many scholars have noted, the “rape myth” continued well into the twentieth century; by this time, however, few people understood that it had been constructed for a specific purpose, or questioned whether it was a real phenomenon. For black men and women, this ignorance of history has led to dire and sometimes lethal consequences. Until the U.S. Supreme Court (briefly) eliminated capital punishment in the 1970s, rape was a capital offense in many parts of the country. And the death penalty for rape was utilized disproportionately against black men.

It is into this emotionally charged minefield that historian Dawn Rae Flood plunges in an effort to examine how the “rape myth” affected dozens of rape victims and perpetrators in Chicago during a forty-year period beginning in 1936. This was the year Chicago police created a separate sex crimes unit, and that courts began keeping appellate records. She ends her study in 1976, the year that saw the passage of “shield laws,” designed to protect rape victims from intrusive courtroom questions about their backgrounds and sex lives. Coincidentally, 1976 was also the year that the U.S. Supreme Court reinstated the death penalty, though rape had been eliminated as a capital offense unless it was a “special circumstance”

related to a murder.

Flood offers a convincing argument for why she chose to focus on rape trials: they reveal the intersection of race, class, and gender in a way that many other kinds of cases do not. Chicago represents a fruitful venue for examination because it is urban and thus has a large enough population to study, and it has stood at the center of many reform movements throughout American history; some led by women, such as Jane Addams and Ida B. Wells. The rape trial transcripts provide a wealth of information and Flood utilizes them very effectively. She sprinkles details from individual cases throughout her narrative, personalizing the story in a way that statistics and general information cannot. All of the cases Flood studies resulted in convictions and were appealed, thus giving her access to a wide array of information.

Some of her findings are predictable. Black men were, in fact, more subject to prosecution and conviction than their white counterparts, and black women could be reluctant to press charges against white men. But some findings are surprising. Flood discovered, for example, that judges and juries were often as sympathetic to black women as they were to white women. And, despite society’s taboo against discussing sexual matters in the early years of her study, women—both black and white—were willing to press charges and face their accusers in court, with support from friends and family members. Most intriguing is Flood’s revelation of how the civil rights movement of the 1950s and 1960s gave defense attorneys a language and strategy to allege racial bias in prosecutions. While this strategy may have benefited African American male defendants, it forced female victims on the defensive and opened the door to questioning victims about their motives, and their sex lives.

Flood begins her story in an era when female rape victims were often the only women in the courtroom. A rash of rapes in downtown hotels in 1936 led the Chicago

Police Department to create a sex crimes unit, staffed with five officers. The added attention meant more rape trials and convictions, suggesting how seriously authorities took rape cases in the 1930s. It is also possible that police created the sex crimes unit to allay the fears of female tourists visiting Chicago, already a reputed “gangland.” Victims had to tread a careful path to ensure convictions, however. They had to be emotional, even hysterical in their testimony. If they were raped while away from home late at night, they had to justify their behavior, explaining, for example, how they were returning from church. To this extent, the pattern followed the rape myth, as did the fact that far more black than white perpetrators were convicted. And they received longer prison sentences—in some cases, twice as long as white perpetrators. But victims confounded the myth via their willingness to confront their rapists and offer graphic testimony about the act itself. And court personnel contradicted the myth with their willingness to treat black victims with the same level of sympathy (or almost so) that they reserved for white women.

The myth positing black men as brutal rapists began to break down somewhat in the post-World War II period—more than a century after its creation. The catalyst, as Flood argues, was the confluence of the nascent sexual revolution and the civil rights movement. American women had gone to work in record numbers during the war. Afterward, some young women began to strain against longstanding notions of “appropriate” behavior, including expectations of sexual purity. Magazines such as *Playboy* and film stars, including Marilyn Monroe, hinted at a sexualized future. Then, in 1960, birth control pills became available.

Defense attorneys used social unease about increased female sexuality, and the language of oppression crafted by civil rights activists, to argue that corrupt and brutal police officers purposely and wrongly targeted black men. Rape prosecutions, argued these attorneys, represented just one more example of racism conducted under cover of authority. They raised the specter of consensual relations between victims and defendants. This new tactic opened the door for questioning, by attorneys and judges, about alleged victims’ appearances, lifestyles, and

sexual partners. One judge, for example, asked a rape victim whether she had been wearing “tight slacks” at the time of her attack. Some defense attorneys even accused victims of having been prostitutes. All of these factors made trying rape cases harder for prosecutors, who countered by calling on expert witnesses—doctors and nurses, for example—to buttress victims’ claims.

It took second-wave feminism in the late 1960s and 1970s to shift the focus back toward rape victims. By forcing victims on the defensive, feminists charged, attorneys had buttressed a legal system “set up to defend men against false accusations, rather than to provide women with access to legal recourse” (p. 132). Feminists placed rape and other “hidden injuries of sex” at the center of their agenda, which came to include rape crisis centers, telephone hotlines, victim advocates, and shield laws.[1] In their eagerness to aid rape victims, however, feminists found themselves at odds with civil rights activists, including some African American woman, who identified both with rape victims and with black men who were, in fact, still victimized by the legal system.

Rape in Chicago is a very significant book and Flood has done a masterful job of demonstrating how myths, once created, wind their way through history, reshaping themselves—or being reshaped—to conform to different historical exigencies. Even when they seem to be waning in influence, or disappearing altogether, they always seem to reemerge, often at times of societal stress. Even today, when we are steeped in the notion of myth as “social construction,” too many people fail to understand that myths are created, at specific times and for specific purposes. And they can be very dangerous. The first image of a rapist that works its way into public consciousness is still often that of a black man; and some people still maintain that rape victims were “asking for it” because they lacked “virtue” by dressing “inappropriately,” flirting, or having one drink too many.

Note

[1]. The term “hidden injuries of sex” appears as the title of a chapter in Ruth Rosen’s *The World Split Open: How the Modern Women’s Movement Changed America* (New York: Viking Press, 2000), 143-195.

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