

BOOK REVIEW

Elizabeth Thornberry. *Colonizing Consent: Rape and Governance in South Africa's Eastern Cape*. Cambridge: Cambridge University Press, 2019. x + 360 pp. Abbreviations. Illustrations. Bibliography. Index. \$105.00. Cloth. ISBN: 978-1108472807.

“[T]here is someone here *zuma*-ing among us,” (15) is one of the more captivating quotations from the opening of Elizabeth Thornberry’s remarkable study on rape in the Eastern Cape. It underlines the connection, silences, and preoccupations between past and present debates on sexual violence, as well as the levels of competing or congruent discussions between local inhabitants, settlers, and political agents. *Ukuzuma* (having carnal connection with a person asleep), for example, was a common rape-accusation during the colonial period in the Eastern Cape and surrounding states. Unfamiliarity with Xhosa sexual culture by colonial agents and settler communities meant that acts such as these remained relatively absent from colonial discourses.

Perceived notions of culture and sex were again in the spotlight during the infamous 2006 Jacob Zuma rape trial. The unfolding legal battle was interpreted as a political drama, revealing deep social cleavages in South Africa regarding sexuality, and female sexuality in particular. Thornberry traces the origins of these debates in the Eastern Cape region known as Xhosaland, between 1820 and 1927. This represents a span of time from the late precolonial period to the implementation of the 1927 Immorality Act, which prohibited interracial sex outside of marriage, and the Native Administration Act, which fully segregated South Africa’s legal system. This period was marked by a variety of “black peril” panics—the unfounded preoccupation with the omni[potent] black rapist—which swept through white communities in South Africa and beyond, fundamentally shaping the racial politics of the state and regulating both consensual sex as well as non-consensual sexual violence. Similarly, the changing nature of Xhosaland geo-political boundaries, along with changing demographics, meant that different clans and sub-clans inhabited the area, each with their own dialects, cultures, and understandings of sex and sexual violence. This was further complicated by varying interpretations imported into the region through

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Christian proselytization, colonial conquest, and African nationalisms. These competing paradigms made defining and responding to sexual violence an almost insurmountable challenge.

Thornberry portrays the ways that sex and politics remain deeply entrenched within South African society, and she concludes her study by reiterating that sexual consent should essentially be a political project. This is based on, and supported by, the central tenet of her study: “The question of *who has the right to consent to—or refuse—sex* is intertwined with the question of *who has the legitimate right to exercise political power*” (2). She provides a detailed analysis of two interrelated histories: a social history of sexual violence in the Eastern Cape, and the relationship between consent and authority in four particular domains: custom and familial authority, the spiritual world, liberal humanitarianism, and the individual subject defined in racial terms. These competing nodes are explored in the four substantive chapters, with the final chapter assessing the implications of these changes by the turn of the twentieth century, pointing to their relevance to contemporary debates on sexual violence. Intrinsic is the violation of perceived sexual norms of the time. Thornberry argues that colonialism created not one singular claim but rather a proliferation of competing claims to sexual and political authority, thus offering a sophisticated and nuanced exposition on the competing, and at times complimentary, nodes of authority which regulate the female body.

One of the greatest methodological challenges, yet the ultimate triumph, of this study is the intricate way in which sexual violence is defined, contemplated, and regulated over time. Questions constantly arise about whose definition of rape had more credence at a specific moment in time. It is here that Thornberry negotiates the range of vocabulary of both black and white South Africans’ understanding of sex: from the better known imperial vocabulary of seduction, adultery, fornication, immorality, and miscegenation to the lesser known traditional isiXhosa variations such as *ukuhwula* (seduction), *ukurexa* (adultery), and *uku jkwengula* (to commit a rape). The task is made more complex as these terms changed meaning over time. In the nineteenth century, *Ikudkwengula*, for example, was defined as “rape, or forcing a woman” during the daytime (12). In contemporary society, the term denotes forcible rape. Derivations are also abundant, according to tribal or clan affiliation. Thornberry overcomes these difficulties by relying on complainants’ objections made visible through testimony. She is fully cognizant that translations into English of isiXhosa terms often led to a dissonance within the court record and thus juxtaposes a variety of sources to overcome these methodological drawbacks.

The study integrates a wealth of oral and written sources in English and isiXhosa, including travelogues, ethnographies, archives of the colonial state and mission institutions, oral traditions and histories, and debates within the black press. Her most notable materials are colonial Xhosaland court records: over six hundred criminal and civil cases from King William’s Town, East London, and Nqamakwe are seamlessly intertwined. Thornberry integrates her sources to show how the various legal narratives coexisted and how

each defined and arbitrated sexual assaults. These very challenges also allowed men charged with sexual violence to adopt the rhetoric *en vogue* in order to escape conviction.

This study is meticulously researched, masterfully crafted, and an effortless read, despite the disconcerting nature of the content. Its greatest accomplishment is the intricate and nuanced reading of the sources and the negotiation of the abundance of methodological minefields to which any researcher in this field has become accustomed. These sources have been used to construct a convincing argument, which in turn provides a valuable point of departure from which to situate contemporary debates on sexual violence. It deserves a place alongside the great works of Joanna Bourke, Pamela Scully, Helen Moffett, and Diana Jeater.

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For additional reading on this subject, the ASR recommends:

- Laudati, Ann, and Charlotte Mertens. 2019. "Resources and Rape: Congo's (Toxic) Discursive Complex." *African Studies Review* 62 (4): 57–82. doi:10.1017/asr.2018.126.
- Shadle, Brett L. 2008. "Rape in the Courts of Gusiiland, Kenya, 1940s–1960s." *African Studies Review* 51 (2): 27–50. doi:10.1353/arw.0.0063.
- Zongwe, Dunia Prince. 2012. "The New Sexual Violence Legislation in the Congo: Dressing Indelible Scars on Human Dignity." *African Studies Review* 55 (2): 37–57. doi:10.1353/arw.2012.0047.