Law & Social Inquiry
Volume 46, Issue 3, 890–893, August 2021

Law& Social Inquiry

Review Symposium on Christopher Tomlins's *In the Matter of Nat Turner*

Introduction

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CHRISTOPHER TOMLINS, *In the Matter of Nat Turner. A Speculative History*. Princeton, NJ: Princeton University Press, 2020.

Law and Social Inquiry readers will be familiar with Christopher Tomlins's studies in legal and labor history, from his earliest work on the anti-labor overtones of New Deal regulation to the similarly prejudicial judgments against workers' "conspiracies" during the development of market and liberal conceptions of "free" labor in the early republic (Tomlins 1985; 1993).

I first encountered Chris Tomlins in the 1990s, through his research concerning Anglo-American colonization and early American labor and legal history, both of which were then badly in need of fresh thinking.[1] In the first, Tomlins challenged the longstanding focus on proletarianization, which cast the seventeenth and eighteenth centuries largely as prologue to a story that culminated with industrialization and the making of a working class in the early nineteenth century (Tomlins 1995a; 1995b; 1999). This approach had tended to romanticize earlier artisanal work relations as pre-capitalist, and to miss connections between workshops and household and plantation economies wherein female, unskilled, bound, and enslaved laborers did most of the work in early America. In the second, he insisted we move beyond the conception of early American law as an inherited English framework for action and to see it more in terms of discursive and inventive legalities: law conceived less as principles, practices, and institutions that the colonists transported, unpacked, and then adapted to suit colonial conditions, and more as a social technology and classificatory impulse which named, blamed, and claimed and thereby shaped and conditioned actions, practices, and their meaning and understanding (Tomlins 1994; Tomlins and Mann 2001). This reimagining of early American colonization culminated in Tomlins's Bancroft-Prize-winning *Freedom Bound* (2010), in which the history of colonial law and labor, and of the American republic, turned less on the birth of the factory system and the industrial working class and more on the Civil War, the end of slavery, and the invention of "free" labor.

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1. I got to know Chris over the years at academic meetings and conferences, some of which I co-organized and Chris supported by giving papers and contributing to published volumes Middleton and Smith 2008 and Middleton and Shaw 2018.

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https://doi.org/10.1017/lsi.2021.26 Published online by Cambridge University Press

Tomlins's work has always been characterized by a zeal for revisionism and a willingness to use insights drawn from social theory to enhance historical interpretation. Over the years, this has provoked admiring and sometimes censorious responses. Critics offered the expected challenges—relating to the use of evidence and historiographical engagement and so forth—but also seemed discomforted by Tomlins's use of social theory. Thus Melvyn Dubofsky (1986) offered back-handed praise for *The State and the Unions* as a "deeply rewarding book" that was "often brilliant" but also "sometimes idiosyncratic," not least in the way in which Tomlins "strives to prove the thesis of Nicos Poulantzas and Fred Block." Nine years later, David Brody, in his review of *Law, Labor, and Ideology*, was similarly effusive concerning the book's "probing scholarship, subtle argument, and originality," but felt it necessary to warn readers that Tomlins "comes armed with a postmodernist perspective," and that "'legal discourse' is the operative phrase throughout" (Brody/Tomlins 1995)

In response, Tomlins was gracious but forthright. He thanked the reviewers and then provided forensic rebuttals of their criticisms of his take on the primary and secondary sources. He also called out flippant characterizations of his work, which failed to acknowledge the seriousness with which he had engaged his critics' earlier research, and its limitations.[2] Much water has flowed under the historiographical bridge since the days when an online discussion was considered an experimental use of new technology, and reviewers characterized studies which invoked the notion of discourse as resting on "treacherous terrain" (Dubofsky in Brody/Tomlins 1995). The "postmodern" approaches that Tomlins and others were charged with advocating back in the 1980s and early 1990s turned out to be contributions to an era of productive linguistic and cultural "turns" that transformed labor and legal history and much more besides. Tomlins's earlier works have clearly withstood the test of time, and are now routinely referenced as turning points in historiographical debates (Vinel 2013; Holdren 2020).

In his new book, *In the Matter of Nat Turner*, Tomlins endeavors to recover as much empirical detail as he can relating to Nat Turner and his *mentalité* at the time of the infamous 1831 rebellion. He also demonstrates his continuing commitment to the deft handling of social theory in the pursuit of historical revisionism and understanding. In the essays for this symposium, three readers bring different perspectives to bear on Tomlins's argument. My own essay considers Tomlins's comments on historical ethics and his demonstration of analytical practice in the context of recent and ongoing controversies concerning the history of race and slavery. In particular, I wonder about the likely reception of Tomlins's use of social theory given the continuing predominance of narrative history in popular and scholarly approaches.

John Arnold, a historian of Europe in the middle ages, sees in the limited evidence of Turner's life traits reminiscent of medieval chronicles and the methodological challenge of recovering the voices of past subjects, especially those who resisted and are only known to us through hostile sources produced by their oppressors and executioners. Similarly, Arnold sees parallels in the conception and influence of religious belief and the apocalyptic, and wonders about its implications and limits in Turner's life and that of his medieval subjects.

2. After several exchanges, David Brody was sufficiently chastened to offer "to stand up at the next AHA convention or any other place and say I think you've written a terrific book" (Brody/Tomlins 1995).

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Like Arnold, Holly Brewer concentrates on the question of whether the subaltern can speak, but in her case the context is the history of American slavery and resonances between Tomlins's book and other studies by scholars such as Michel-Rolph Trouillot and Sadiya Hartman. In Brewer's reading, the defining characteristic of Turner's life and untimely demise was a struggle over law and legitimacy—the rebel asserting his subjectivity and agency in the face of his oppressors' determination to claim rights over his labor and body—with wide-ranging implications for the history of antebellum Virginian politics and the connection between slavery and capitalism.

All three responses note how well Tomlins captures Turner's extraordinary personal qualities—his intellect, charisma, bravery, and even bravado and vibrance—and the logic that animated his intellectual universe, and his determination to live and die largely on his own terms. Our commentaries appear united in admiration of *In the Matter of Nat Turner* and so, sadly, unlikely to draw Tomlins into the kind of authorial riposte that characterized debates over his earlier studies. Given the sensitivity of the topic and of our times, however, we look forward to following the impact of this book on debates within the historiography of antebellum American slavery and approaches and methods in historical studies more widely.

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