

Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580–1865. By Christopher Tomlins. New York: Cambridge University Press. 636 pp. \$36.99 paper.

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My remarks on the beautifully rendered arguments in *Freedom Bound* are derived principally as a scholar of Latin American legal history and the Iberian laws of slavery. *Freedom Bound* holds great promise for broadening the conversations within comparative slavery studies, particularly with regard to the conceptual slipperiness around slavery and servitude in the early colonial period in the Americas. Indeed, Chapter III “Keeping: Discourses of Intrusion” reveals the degree to which both English and Iberian thinkers were equally indebted to Roman Law and the law of nations (jus gentium) in devising legal regimes for slavery, war, and conquest. As Tomlins points out, Vitoria, Suarez, Gentili, Dee, and the Hakluyts all drew upon the jus gentium one century after “Discovery” as a common intelligible framework about the sovereign order, and the vexed question of incorporating sovereigns unlike themselves into that order.

Once the imperial enterprise was firmly moored to the laws of war, legitimate title by Discovery, and the universal right of nations to trade, sojourn and proselytize, then the real work of replacement (what Tomlins calls “manning”) began in earnest. Though evocative, Tomlins’ post-Discovery themes of manning, keeping, and (trans)planting lead me away from horticultural metaphors in search of geographical ones: the twinned processes of place and displacement. *Freedom Bound* meticulously describes the imperial redesign of the new landscape through replacing by displacement. Displacement came hand in hand with new laws of tenancy and patterns of rational land use management, European ideas of sovereignty, and “surplus” (as opposed to disposable) labor. Here we see the grafting of English labor regimes and tenancy—manorial, urban, and sometimes squatting—onto American soil.

Law was foundational to the domestication of the new (now successfully cleared) lands. Predictably, law in the early Americas was discretionary, local, contextual, and malleable. Migrants came with an intellectual toolkit of thoughts about the law, a presumption or consciousness (if you will) of what law should look like in a new place, which often replicated what they left behind. And sometimes the legal landscape was different. As Tomlins observes, when the “center” attempts to replicate itself—without a bureaucracy in place—it must innovate (228). Colonial legalities straddled the contested ground of metropolitan control and local innovation. But innovation was itself bound inextricably to the exigencies of the

environments and people that legal regimes sought to regulate. Remote, foreboding and scarcely populated Andean mines (a great source of wealth) gave rise to different legalities than the populous Cotton Belt (equally a source of great wealth). In the fifteenth and sixteenth centuries, the focus was on the portable, already Christianized subject in the North, and on the native idolatrous subject in the Southern hemisphere. Creole elites in the central plateaus of New Spain and the cosmopolitan cities of the Southern Cone were all bit players in jurisdictional dramas on both sides of the Atlantic.

Thus, we see the greatest divergence in the Americas in the targets and processes of displacement. In Peru, indigenous communities experienced waves of decimation through disease and removal throughout the first century of Conquest (a term that should be used with caution), but the hardest hit communities in terms of demographic decline were coastal chieftaincies. The Spaniards adopted a method of indirect rule that relocated indigenous peoples into *reducciones* (nucleated settlements), where they were accorded limited self-governance with distinct tributary obligations and privileges. *Reducciones* were sites of religious indoctrination, where through proper exposure, tutelage, and education, indigenous peoples would learn the arts of enlightened government and Christian morality. The level of disciplinary energy that went into managing, “protecting,” separating and instructing *naturales* (indigenous subjects) was unparalleled in North America. To the Latin Americanist eye, we see no protector *de indios* or *defensor de naturales* appointed by the British Crown. No fiery Las Casian debates unfold in the English Court about the fundamental humanity of indigenous people and the concomitant enslavability of Africans—at least not commensurate with the vigor that surrounded the subject in the court of the Catholic Kings. In short, American colonists redacted the series of “Better Ordering and Governing statutes” for black slaves, not for the uplift and indoctrination of Indians. On a textual level however, the Better Ordering statutes and Iberian *cedulas* envisioned identical punishments for disciplining black slaves: castration, whipping, dismemberment, and ear excision—partaking in a shared menu of castigation for unruly, presumptively rebellious and fearsome blacks.

Tomlins has thoroughly mined the record for migratory patterns—documenting who went where, and from what place, and in what social constellation of networks and relationships, offering his readers a true demographic history. According to the records: “The ideal-typical metropolitan migrant was an isolated male artisan in his early twenties, a bondsman for several years of unlimited servitude. The ideal provincial migrant, in contrast was a family member. Different people from different places, migrants had different destinations” (51–52). In this light, it strikes the reader that manning is

a misnomer, and peopling may have been a more apposite term given the profiles of these early waves of migrants.

Semantic quibbles aside, the demographic data prompt us to think about how work gradually became gendered and racialized, and the ways that workers were domesticated and disciplined as these patterns of stratification became firmly entrenched. As Tomlins reminds us “everyone worked”—taking issue with the idea of a compartmentalized labor force (40). Richard Hakluyt was keenly aware that migrant populations had to be “organized and disciplined” if the American colony were to prosper. Patterns of domesticity were critical in the calculus of “colonizing, work, and civic identity” (5). For Hakluyt, the ideal migrant was part of a family unit: “honest laborers with wives and children whose domestic stability and well regulated households would render them tractable and tie them to the colony” (391). But as Tomlins points out, “what the Virginia Company managed to recruit was an overwhelmingly unattached and youthful male population.”

What disciplinary forms accompanied and reined in the unattached and youthful males beyond the conditions of their indenture? Tomlins sidesteps the issue of sexuality that was central to the contact zones of colonial encounters. Feminist scholarship tirelessly documents different disciplinary regimes for the single male migrant, the white unaccompanied female, the enslaved black male, the fornicating native, the unmarried “coolie” laborer, and is extremely concerned with demarcating the relationships among these groups (Fischer 2002; Miles 2006; Morgan and Fischer 2003; Murphy 2005; Spear 1999). In both hemispheres, interactions between single white women and freed black men were strenuously punished, and concubinary unions between native women and black freedmen provoked extreme anxieties and fears of potentially rebellious alliances. Despite the painstaking research evidenced here, we know very little about the sentiments or subjectivities of those who make up this book. Ideas about race, sex, and gender changed dramatically over the course of these transplantations described herein, especially in the transition from a white settler society with [relatively] few slaves to a society fully dependent on slavery. What we miss here is how individual’s daily interactions with each other shaped and gave meaning to the lived experience of race—most fruitfully gleaned through sexuality.

The title *Freedom Bound* does important conceptual work for comparative slavery. Tomlins distinguishes clearly between servitude and slavery, especially after the 1660s. This is a moment in which both the Chesapeake-bound single male migrant, and the migrating family unit came to understand the terms of their labor as temporary contractual servitude vis-à-vis the perpetuity of black enslavement. Again thinking of the Hispanic urban experience, I

am tempted to draw parallels here. Hispanic urban slavery was characterized by shorter periods of enslavement, largely due to day-laboring subcontracting arrangements that enabled enslaved people to accumulate earnings to purchase their freedom. These arrangements bear an uncanny resemblance to indenture, particularly for skilled artisans and enterprising bondswomen. But the similarity stops there. In North America, the timing of servitude was calibrated with black slavery: slavery became the index against which whiteness was consolidated. Whiteness and white privilege inhered in what blackness meant for enslavement.

Tomlins turns to Titus Andronicus to remind us of the ideas circulating about blacks, Moors, and slaves in the English imaginaire—focusing on the medieval and early modern origins of racism. “Black” Shakespearean characters included Othello, the tragic (but comely) Moor, Caliban the pre-social brute primitive, Portia’s vain dark-skinned Moroccan prince, and Aron the seething, vengeful captive. Tomlins’ treatment of Aron sheds a different light on the age-old argument of whether racism preceded slavery or whether it became a convenient excuse to legitimate it. The characters in popular theater (and the Biblical interpretations of the Curse of Ham) underscore the imagery that was readily available to underwrite black inferiority and innate enslavability.

Tomlins’ masterful book offers a critical look at the oft-examined dilemma posed by an American society founded on a package deal of slavery and white redemption. What is clear to any reader of *Freedom Bound*, is that when a slave ship and a steerage ship simultaneously embarked on Atlantic crossings in the 1660s, freedom and bondage meant drastically different things for their respective passengers.

References

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