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Mrs. Dred Scott: A Genre Bender?

Lolita Buckner Inniss

Southern Methodist University, Dedman School of Law

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Book Reviews / Chroniques bibliographiques

Mrs. Dred Scott: A Life on Slavery's Frontier

By *Lea VanderVelde* (New York: Oxford University Press, 2009)

Lolita Buckner-Inniss, Sonia Lawrence, Emily Grabham, Maneesha Deckha,
and Kim Brooks

Mrs. Dred Scott: A Life on Slavery's Frontier is a biography of Harriet Robinson Scott, the wife of Dred Scott, written by Lea VanderVelde, the Josephine R. Witte Professor of Law at the University of Iowa College of Law. VanderVelde's writing covers a wide range of topics, from labour law, to equality, to the laws of slavery. Her *curriculum vitae* shows her commitment to gendered analysis across these areas of inquiry.¹ Feminist method generally involves looking into the circumstances of women's lives, and *Mrs. Dred Scott* is in this vein. "Women's history is often necessary to complement the many histories that have been written about men," writes VanderVelde.² However, VanderVelde's task was monumental, at least in part because Harriet was not literate and left no records of her own. Her life has to be pieced together from archival materials such as letters, accounts, legal documents, the memoirs of others, and contemporary reports. "Writing the life of an illiterate servant also requires a careful reconstruction of the material culture. Performing household tasks . . . dictated most of Harriet's daily efforts."³ Since Harriet was largely invisible to those who were literate and whose writings did survive to this day, there is an extent to which the outcome of all of VanderVelde's considerable work is still deeply frustrating. She replies to these critiques: "We have no alternative but to speculate on these lives using the best means possible. Otherwise, we leave them unimagined and thereby risk, as a result of the silence inflicted upon them, creating the false impression that only the lettered contributed to history."⁴

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1. University of Iowa Law Library Reference Staff, "Lea S VanderVelde: Josephine R Witte Chair in Law—Bibliography," online: University of Iowa Faculty of Law <http://www.law.uiowa.edu/documents/faculty_bib/vandervelde-bib.pdf>.
 2. Lea VanderVelde, *Mrs Dred Scott: A Life on Slavery's Frontier* (New York: Oxford University Press, 2009) at 4.
 3. *Ibid.*
 4. *Ibid* at 5.

Following VanderVelde's introduction, which speaks to her methods and aims, Chapter 1 offers a vignette from Harriet's later life as a washerwoman in St. Louis. It is 1857. The Dred Scott case is over. Two newspapermen come looking for Dred Scott, now a "celebrity," and they find Harriet at her ironing. The following chapters are about Harriet's life on the frontier, St. Peter's Indian Agency in Indian Territory, where she arrived in 1835 as a fourteen-year-old slave owned by Lawrence Taliaferro (pronounced "Tolliver"), US Indian agent to the Sioux. These chapters detail her daily chores and the major events at St. Peters, including a treaty signing in 1837, and, in the same year, Harriet's marriage to Dred Scott. Her first child was born in 1838. Passed between a number of "masters," the family moves to St. Louis, then to Jefferson Barracks just south of the city, and, finally, in 1846, they file suit in the St. Louis courthouse. Chapters 25-31 cover the filing of the lawsuit to the release of the Supreme Court of the United States decision in 1857. Chapter 32 is a brief "Aftermath and Epilogue." More than 100 pages of footnotes and source lists follow.

What follows are five reflections on VanderVelde's tour de force. Lolita Buckner-Inniss troubles the genre of VanderVelde's contribution. Sonia Lawrence teases out and reflects upon five themes of the book: justice, oppression, racialization, the relationship between lawyer and client, and courage. Emily Grabham presses at some of the limits of writing—otherwise identifying ways in which this book falls short, perhaps necessarily so, of our expectations. Maneesha Deckha explores the corners of the book, identifying places where the text is rich with detail and marking places where an absence of narrative left her uneasy. Kim Brooks highlights a few additional contributions of the work. These pieces were originally written for a blog. They have been edited lightly for inclusion in the *Canadian Journal of Women and the Law*. We have, however, preserved their informal feel.

Mrs Dred Scott: A Genre Bender?

Lolita Buckner-Inniss

"History is twofold. There is the history of things and the history of words."⁵ So wrote Giambattista Vico in describing how history is both an embodied, material object—the *past*—to be studied as well as a discipline that formulates, re-formulates, and otherwise analyzes the words used to describe what has become the past. Accordingly, there are plural modes of producing historical knowledge and of writing about history. The writing is itself a synthesis of the historian's position and point of view within the historical enterprise and of the process of researching sources that reveal an historical instance. Such historic writings are

5. Giambattista Vico, *Universal Right*, translated and edited by Giorgio Pinton and Margaret Diehl (Amsterdam: Rodopi BV, 2000) at 353.

often aligned with conventionally recognized, related sub-genres within the larger historical enterprise: non-fiction history, historicized fiction, and fictionalized history. *Mrs. Dred Scott*, to my read, manages to fall somewhere in the interstices of all three of these. The book is clearly based on real people who lived, including Harriet Robinson Scott, the subject of the work, her husband Etheldred (better known as Dred), and the various historical figures who surround them, and so in this regard it has a claim to the label of non-fiction history. There is also a recounting of real life events, such as the signing of Aboriginal treaties and the settling of former Aboriginal lands by white Americans. VanderVelde discusses, for example, the Ojibwa Treaty of 1837, whereby the Ojibwa ceded most of their Wisconsin lands.⁶ The events, in fact, are researched in admirable detail, as are several of the historical figures discussed. For instance, one of the figures that VanderVelde addresses in some depth in the book is Lawrence Taliaferro, Harriet's master. Though his is not a well-known name, he played an important role on the frontier. For over two decades, Taliaferro worked to manage westward expansion by whites seeking land, white traders who wanted increasing access to wilderness areas, and hostilities between the Aboriginal people.

The book also resembles in some ways a historicized fiction in that it relies upon documented events and people within a clear historical context but ornately colours in gaps in the historical narrative with assumptions, speculations, and probabilities. Finally, because Harriet lives at the margins of many of the events depicted and in the historic shadows of some better-known figures, including her husband Dred, one might also view the book as a fictionalized history in which Harriet is given centrality and importance as a key figure in a story that, up until VanderVelde's telling, assiduously excluded her. From this standpoint, Harriet creates for the reader a kind of relational intimacy between Dred and the larger tableau of slavery in the Western territories of the United States.

The problem of genre may, I suppose, be resolved by viewing this book as a work of micro-history that looks just outside of the centre of the story of Dred Scott in much the same way that a viewer of a painting or photograph looks outside of the centre of the intended visual frame to gain a new perspective on the entire image. Harriet is a historical figure whose role in making law and making history is perhaps just as large as (or larger than) her husband's, though it is his name that is remembered. For at least four decades, historians have acknowledged the important role of micro-history, giving historiographic attention to smaller events and unknown or little known persons as a way of illuminating larger trends. Since lesser known people and events often leave little trace of themselves, one of the significant challenges of micro-history is to allow such persons to speak and to do so in their own voices. Excavating existing materials that memorialize larger events and better-known persons may help to achieve this objective.

6. *VanderVelde, supra* note 2 at 5, 96-9, 104-5, 106-13 and 312-13.

Micro-history, however, lends itself to a significant critique. The historian sometimes takes license to extrapolate from existing accounts that may offer little if anything about the subject of the discussion. As such, micro-history may fall short of typical expectations about the objectivity of the non-fiction history genre. This is true despite the fact that we have long known that most histories, even “official” histories, are anything but objective. At its extreme, what is history, after all, but a historian’s self-valourizing tale of the past? Micro-history may in some cases alter the narrow, particularized relationship between the known, the knowable, and the knower that we often posit in such renditions. This is certainly one significant problem that I see in *Mrs. Dred Scot*. Harriet is too little present for much of the early part of the book, and when she is present descriptions of her actions or thoughts are tempered by “probably,” as in “Harriet probably saw” and “Harriet probably thought.” (I was so struck with the use of “probably” throughout the text that I used Amazon.com’s preview function to count them: according to this search engine, “probably” occurs 142 times in the text.) VanderVelde opines, for instance, when considering how Harriet and Dred met: “Living at Fort Armstrong at the time was the man who would become Harriet’s husband: Etheldred, the post doctor’s slave. They probably didn’t meet then because their masters were neither acquainted nor had business with each other.”⁷ At other times, VanderVelde speculates on how Harriet might have developed ideas of law and justice: “Over the next four years, watching her master mete out justice, Harriet probably came to see how the principal actors in this new place regarded him.”⁸ VanderVelde notes still later: “From her time with Master Taliaferro, Harriet had probably absorbed at least some of the former agent’s advice on self-sufficiency, along with what he considered to be justice and how he carried out those judgements.”⁹

It is difficult, of course, to know exactly how and when Harriet and Dred met. It is, I suggest, even more difficult to know how, at what point, and, indeed, even whether Harriet ever developed a justice-based ethical perspective on the problems of others or on the problems that she and her family faced. VanderVeld’s speculations on this point strike an odd chord that recalled for me the formalist fiction of mutuality and shared understandings in legal relations. How did Harriet’s sense of justice mesh with that of her master? Might it not equally as well have been the case that Harriet, as a black woman slave in a system that valourized free white men, would have seen her master’s “justice” as harsh, spare, and ultimately deficient in the most essential ways? Might it not have been the case that in Harriet’s world what mattered was not just (or unjust) words but, rather, relationship-based deeds? As VanderVelde writes, it is difficult to understand why Harriet and Dred filed their suit for freedom when they did, given that they likely had

7. *Ibid* at 14.

8. *Ibid* at 27.

9. *Ibid* at 171.

earlier opportunities to do so and could probably have run away at various junctures.¹⁰ The answer lies perhaps in another observation of VanderVelde: slavery and freedom are not “clearly opposite poles.” Instead, there are “gradations of liberty, security and autonomy.”¹¹ VanderVelde suggests that Harriet and Dred’s owner at the time of their suit, Mrs. Emerson, was in a financially precarious situation, possibly making Harriet and her daughters (but not the aged, less salable Dred) subject to sale or seizure by creditors.¹² Given the possibility of such peril, Harriet and Dred’s resort to law may have been, rather than a demonstration of faith in the formal justice system, instead an act of unsure recourse in the face of faltering informal norms of the master-servant relationship.

VanderVelde addresses the use of speculative language in the introduction, noting that we have no choice but to surmise the details of lives that are for the most part unrecorded.¹³ Still, I found myself troubled by my early reading; I simply wanted much more information about Harriet that was premised on established facts. I grew more reconciled to the author’s technique as I reached Chapters 12 through 14, since these parts focused more directly on the life of Harriet. If, as Vico said, history is twofold, consisting of either material objects or words, then I suppose that Harriet, if she is to be found at all, must be found in the speculative interstices of a recorded history that for the most part counts her as both insubstantial object and mute subject. However, if the choice is no historic Harriet at all and Harriet in the historic margins, then I’ll take Harriet at the margins.

Cold Comfort

Sonia Lawrence

At the outset and in its introductory chapters, I found the work to be a strange contrast of fascinating and hard slog. Sometimes I longed for less detail (this is a rare request for me to make of a book), particularly in the first eighteen chapters (before the Scotts move to St. Louis). I was struck by the vivid depictions of certain material realities—particularly the descriptions of the weather, perhaps since I was reading this book during the Toronto spring. The ways in which the killing cold affected everyone’s work (the ink freezing, the fire having to be fed every ten minutes) and made survival a daily concern (see, for example, Chapters 6 and 7).¹⁴ The precarious legal/political/international situation in this frontier region was only a part of the issue. The constant problems with

10. *Ibid* at 229.

11. *Ibid*.

12. *Ibid* at 230.

13. *Ibid* at 5.

14. See, for example, Chapters 6 and 7 of VanderVelde, *supra* note 2.