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“Read What Was Never Written”

CHRISTOPHER TOMLINS†

PREFACE

Although I was unaware of it at the time, my earliest encounter with John Henry Schlegel occurred in 1989, at that year’s Law & Society Association meeting in Madison, Wisconsin—the first I ever attended. I had joined the audience for a panel discussion of the direction of scholarship in legal history, led by Lawrence Friedman, Bob Gordon, and Morty Horwitz, and including as well two representatives of the younger generation—Bill Novak and the late Betsy Clark. The panel was lively and funny, but as it proceeded I became aware of a stream of commentary, only somewhat sotto voce, emanating from a personage seated a few feet from me. How rude, I thought, particularly when the personage accused Horwitz of writing his comments for the panel on the back of an envelope on the plane ride from Boston. We did not meet but I later asked someone who this person was. When I learned it was Schlegel—the Schlegel whose “Notes Toward an Intimate, Opinionated, and Affectionate History of the Conference on Critical Legal Studies” I had read in the famous, whopping, 1984 *Stanford Law Review* CLS double issue—well, the shoe fit. He was, I realized, an intimate of the panelists, affectionate in his

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demeanor toward them, and . . . highly opinionated. “Intimate, opinionated, and affectionate” is, I think, an apt description of Schlegel. And unlike the Conference on Critical Legal Studies, he is, happily, still around to prove it. I have enjoyed the many years of friendship that began (I’m not sure when) sometime after that Madison panel, but I will never forget that first encounter, because for me that was the *echt* Schlegel. I am delighted to have this opportunity to offer the following Essay in his honor.



I am a historian of law, and so, like most historians, I write books. For the past several years I have been at work on the latest of these, a book duly published in March 2020. At times during the endeavor, usually in the dark early hours of morning, I found myself wondering whether my book could be considered legal history. Thanks to a recent definition of “legal materiality” supplied by Hyo Yoon Kang and Sara Kendall in their chapter of the same title in *The Oxford Handbook of Law and Humanities* I believe it can, and so I propose to use this Essay to tell you about it.

“Legal materiality,” Kang and Kendall tell us,

is an approach to analyzing legality by considering the material manifestations of its formal language and interpretation. It recognizes law as both a hermeneutic and a material phenomenon . . . uniquely engaged with issues of interpretation and judgment, yet also mediated by and produced through materials, techniques, and practices. Legal materiality interrogates the contribution of materials and things to the making of legal meaning . . . the ways in which materials configure “matters of concern” for law . . . through interpretive and text-based practices,” and how those practices create “the conditions of possibility in and through which law arises.¹

My book is entitled *In the Matter of Nat Turner: A Speculative History*. I call it “a speculative history” because

1. Hyo Yoon Kang with Sara Kendall, *Legal Materiality* in THE OXFORD HANDBOOK OF LAW AND HUMANITIES 21, 21 (Simon Stern et al. eds., 2020).

it is a work of conjecture. In her book *History after Lacan*, the late Teresa Brennan wrote that speculation "connotes the art of wondering about the connections between events, causes, origins, possible outcomes."² That serves as a fine summary of what a reader will come across in my book. But how do Kang and Kendall help me identify my book as legal history?

In the Matter of Nat Turner is an attempt to recover the historical figure named in its title, Nat Turner, and his way of thinking. It is a work of conjecture because Nat Turner and his way of thinking exist only in tiny fragments of text that must be inspected minutely and then interleaved with other texts if one is to have any hope of putting flesh on the bones of wondering. This enigmatic figure materialized entirely in text occupies in American history and law a place akin to that of what Walter Benjamin called "the great criminal."³ In the figure of the great criminal, Benjamin writes in *Critique of Violence*, "violence confronts the law with the threat of declaring a new law, a threat that even today . . . horrifies the public as it did in primeval times. The state . . . fears this violence for its law-making character."⁴ This is highly suggestive on several grounds. Turner's violence certainly did confront the law with the threat of declaring a new law; his threat certainly horrified the public that witnessed it; and the state feared it. Ultimately, as I will explain, this is not by itself sufficient for an understanding of Turner or his violence. My speculative history takes a different direction; its materiality becomes much more metaphysical. But it is close enough to provide me with a beginning, for as an occurrence in American history the ostensible circumstances of Nat Turner's violence indeed appear to be those of great criminality.

2. TERESA BRENNAN, *HISTORY AFTER LACAN* 33 (1993).

3. WALTER BENJAMIN, *CRITIQUE OF VIOLENCE*, reprinted in 1 WALTER BENJAMIN: *SELECTED WRITINGS, 1913-1926*, at 241 (Marcus Bullock & Michael W. Jennings eds., 2004).

4. *Id.*

Nat Turner is, of course, a figure well known to Americans as a rebellious Virginia slave, immortalized as such most recently in Nate Parker's 2016 movie *Birth of a Nation*. Beyond that, he is best known as a mystery. Let me offer two current examples picked off websites that try to tell his story. The website of the Lapidus Center for the Historical Analysis of Transatlantic Slavery in New York describes Turner as the leader of the most famous slave uprising in the history of the United States, the subject of numerous newspapers and scholarly articles, books, plays, a documentary, and a feature film, and simultaneously someone whose personality and ultimate intentions remain entirely enigmatic. He is as mysterious now, the Lapidus Center tells us, as he was when he was executed in November 1831.⁵ The website of the American Antiquarian Society states similarly that "the historical figure of Nat Turner is shrouded in mystery."⁶ It quotes the historian and Turner devotee Kenneth Greenberg who describes him as "the most famous, least-known person in American history."⁷

The event that bears Turner's name, The Turner Rebellion, occurred in August 1831 in Southampton County, which sits on the North Carolina border in southeastern Virginia. Over the course of twelve hours beginning around 1:00 a.m. on Monday, August 22nd, Nat Turner led a group of fellow blacks who were mostly slaves in an armed attack on some fifteen white slaveholding households in Southampton County's St. Luke's Parish, resulting in the death of fifty-five whites, mostly women and children. During the following twenty-four hours, members of Turner's band engaged in a series of confrontations with white militia

5. See *In Search of Nat Turner*, LAPIDUS CTR., <https://www.lapiduscenter.org/in-search-of-nat-turner/> (last visited 28 January 2020).

6. *Revisiting Rebellion: Nat Turner in the American Imagination*, AM. ANTIQUARIAN, <http://americanantiquarian.org/NatTurner/> (last visited 28 January 2020).

7. *Id.*

and armed inhabitants, at the end of which Turner was the only active participant in the massacre who had managed to avoid death or capture.

Turner's rebellion was unprecedented. Actual slave rebellions, as distinct from real or purported conspiracies, are extremely rare in American history. Measured in the death and destruction of white slaveholding families, this was far and away the most violent of all.

In response to the events in Southampton, between August 23rd and early September Virginia's governor, John Floyd, signed orders mobilizing several thousand militia, including cavalry and artillery companies. Beginning August 31st, some forty summary trials of slaves accused of participating in the "insurrection" as it was called took place before the Southampton County Court, sitting as a court of Oyer and Terminer in the Southampton County seat, the town of Jerusalem, on charges of conspiring to rebel and making insurrection. Twenty-eight defendants were sentenced to death, ten with recommendations of commutation. Turner himself was finally captured on Sunday, October 30th. On Monday, October 31st he was examined before two county magistrates and committed to the county jail to await trial. His trial took place five days later, on the morning of Saturday, November 5th, before a bench of ten magistrates. He was convicted, sentenced to death, and hanged six days later, on Friday, November 11th.⁸

I have described Nat Turner as a figure materialized entirely in text. He has no gravesite, no body; there is no likeness of him. His trial is recorded in the files of the Southampton County Court which was required to conform its record to gubernatorial instructions "that upon the trial of such slaves as may be condemned in the County Court . . .

8. It is of passing interest to note that fifty years later, when the arrival of the Atlantic and Danville Railroad resulted in the fastest spurt of growth in the town's history, the little town of Jerusalem changed its name to *Courtland*: one might call this a signal elevation of the material over the metaphysical.

the utmost accuracy may be observed in taking down and certifying the evidence” to the Executive Department of the state, particularly evidence “taken verbatim as given in Court.”⁹ Turner also makes scattered appearances in local newspapers. But neither court records nor newspaper reports provide much in the way of access to him, nor do they provide a basis upon which one could argue, with Benjamin, that Turner confronted the law “with the threat of declaring a new law.”¹⁰

That basis is to be found instead in a 24 page pamphlet written by a local attorney named Thomas Ruffin Gray who gained access to Turner in jail by permission of the jailor and ascertained “that he was willing to make a full and free confession of the origin, progress and consummation of the . . . movements of the slaves of which he was the contriver and head.”¹¹ Gray “determined for the gratification of public curiosity to commit his statements to writing and publish them.”¹² Turner’s account of what had happened spread over the next two and a half days. Then, “having the advantage of his statement before me in writing,” on Thursday evening Gray tells us he “began a cross examination.”¹³ He found Turner’s statement corroborated, to his satisfaction, “by every circumstance coming within my own knowledge or the confessions of others.”¹⁴

Gray’s pamphlet is entitled, in full, *The Confessions of Nat Turner, the Leader of the Late Insurrection in*

9. 2 SAMUEL SHEPHERD, STATUTES AT LARGE OF VIRGINIA, FROM OCTOBER SESSION 1792, TO DECEMBER SESSION 1806, INCLUSIVE, at 279–80 (1835). This procedure was required by Virginia legislation empowering the governor “when it shall be deemed expedient,” to sell any slave “under sentence of death, for conspiracy, insurrection, or other crimes” to any person or persons for “carr[iage] out of the United States.” *Id.*

10. WALTER BENJAMIN, CRITIQUE OF VIOLENCE, *supra* note 3.

11. THOMAS R. GRAY, THE CONFESSIONS OF NAT TURNER 3 (1831).

12. *Id.* at 3–4.

13. *Id.* at 18.

14. *Id.*

*Southampton, Va. As fully and voluntarily made to Thomas R. Gray, In the prison where he was confined, and acknowledged by him to be such when read before the Court of Southampton; with the certificate, under seal of the Court convened at Jerusalem, Nov. 5, 1831, for his trial. Also, An Authentic Account of the Whole Insurrection, With Lists of the Whites who were Murdered, And of the Negroes Brought before the Court of Southampton, and there Sentenced, &c.*¹⁵ The pamphlet has been treated as the standard account of the Turner Rebellion, and it continues to be central to all histories of the affair, including mine. What has been noticeable in those histories, however, is that although the pamphlet is an important source in matters of empirical substance, few treat the pamphlet itself as an artifact with much care or curiosity. Historians, for example, have tended to take the pamphlet at face value, as an impressionistic but largely accurate narrative account of the coming-to-be of a slave rebellion, based, invaluable, on extended conversations with the rebellion’s leader and architect, supplemented by commentary written by his opportunistic white interlocutor. Gray frames Turner’s narrative with observations of his own, “calculated”—as he puts it—to make the narrative acceptable and appealing to a curious white public, and to serve the interests of Southampton County’s legal and slaveholding elites by representing the rebellion as an isolated and purely local affair, conjured into being by one “gloomy fanatic,” easily contained and justly punished, demonstrating the wisdom “of our laws in restraint of this class of our population.”¹⁶ Gray’s commentary notwithstanding, the narrative itself emerges in the

15. *Id.* at 1. By drawing attention to the Court’s certification of the document under seal the pamphlet is conforming itself to gubernatorial instructions for the handling of evidence and thus representing itself as a quasi-official document notwithstanding the informal manner of its creation. The pamphlet’s narrative of Turner’s confession actually commences with a highly elaborated structure of certifications and date stamps attesting to its authority.

16. *Id.* at 4–5.

pamphlet as “definitive.”¹⁷

Literary scholars have also paid a lot of attention to *The Confessions of Nat Turner*. Their interpretive technique has been to assimilate *The Confessions* to one or other available genre, or category, of text, holding that the meaning of the narrative, hence its significance, lies in the modes or techniques of its composition and self-presentation, rather than in the purported “authenticity” and empirical reliability of its substance. As we all know, texts are created in critical compositional contexts that situate them spatially, chronologically, and qualitatively, and influence what they can and cannot do or say. This is to reach beyond the text as an empirical source—an account of an event that is or is not “accurate”—and to ask instead after its intended function as a text. This approach has produced readings of the pamphlet that are far more lively than most historians have managed, but at the same time they have tended to deny Turner any existence other than as a figment of text, entirely the creation of an author.

I have said that Turner is entirely materialized in text, but this does not mean that to me he is nothing but a textual figure. As a historian I believe in Turner’s reality. I believe that an actual Nat Turner existed and is accessible in remnants or traces that one must attempt to comprehend. This Nat Turner is something other than the plaything of a genre. It is a revenant, a once-was, a living-on, an uncontained remainder that possesses recognizability, fragments of whose truth are recoverable. This is a Turner with whom it is possible to communicate.

In the attempt to recover this Turner I take a two-fold approach to Gray’s pamphlet. First, I ask how Gray fashioned his text. Second I read the detail of its substance as minutely as possible.

17. SCOT FRENCH, THE REBELLIOUS SLAVE: NAT TURNER IN AMERICAN MEMORY 51 (2004).

First, then, the fashioning of the text. What does an examination of the form of the pamphlet, rather than the substance or the genre of its narrative, tell us about the pamphlet's purpose and identity as a text?

Here my guide is the structuralist literary theorist Gérard Genette, in particular his theory of the paratext. Genette argues that every text comes accompanied by a paratext, within which the text is enfolded, which exists, as it were, as the fringe of the text, and which informs and indeed attempts entirely to control how the text will be read. Genette divides paratext into two structural categories, the peritext and epitext. Peritext refers to those elements that position text and reader in relation to each other: title, authorial identification, dedication, chapter titles, epigraphs, preface, design, typography, order of content, and so forth. Each is a material manipulation that functions to point the text in a particular direction. Epitext refers to those elements that surround and inform the production and reception of the text—that is, the circumstances into which it enters: print run, modes of dissemination, advertisements, reviews, authorial interviews, commentaries on the text, critical disquisitions, and so forth.¹⁸

In my book I concentrate on the peritext. Although only twenty-four pages long the pamphlet is a complex document of multiple components. What the exercise of structural critique allows one to see is that through a framework of certifications, authentications, and instructions, Gray's pamphlet is a carefully constructed artifact that devotes considerable energy to creating the conditions on which a reader will enter into an engagement with its substance, and hence the conclusions that will be drawn from it. Turner's confession is contained within a paratextual cage. This suggests the confession is an unruly and potentially dangerous text that must be controlled.

18. See Gérard Genette & Marie Maclean, *Introduction to the Paratext*, 22 *NEW LITERARY HIST.* 261–72 (1991).

As important, consistent variation in textual appearance—punctuation, grammar, syntax—and temporal rhythm divides the pamphlet’s narrative of Turner’s confession into two halves. The first part is a confession of faith. It discourses on matters of which Gray could have had little prior knowledge—Turner’s childhood and upbringing, his beliefs and motivations. Its central theme is the maturation of an ascetic evangelical personality, its achievement of a state of ecstatic religious grace, and the ideational consequences attending that outcome. Much of this material is presented with rough punctuation in syntactically untidy and ungrammatical sentences. This suggests to me haste in writing, notes taken verbatim as the narrator spoke. The second part takes the form of a criminal confession, an empirical record of the progress of a crime or crimes. It discourses on matters in which, by the time he met with Turner, Gray had already taken considerable interest, and accumulated considerable independent knowledge. The writing in this section is relaxed, confident, and grammatically and syntactically sophisticated.

Attention to the form of the pamphlet also answers one of its puzzling curiosities—a curiosity that has occasioned no comment from anyone else. The curiosity is contained in the title. The title promises the reader will encounter *The Confessions of Nat Turner, the Leader of the Late Insurrection in Southampton Virginia As fully and voluntarily made to Thomas R. Gray*. As the title continues it also promises that the reader will encounter something else as well: *Also, An Authentic Account of the Whole Insurrection*. But in fact, the pamphlet contains no separate “authentic account of the whole insurrection.”¹⁹ It contains only the description of the events of the insurrection attributed to the pamphlet’s confessing subject Nat Turner.

In my view, the words *Also, An Authentic Account of the Whole Insurrection* suggest that Thomas Ruffin Gray sought,

19. GRAY, *supra* note 11, at 2.

indirectly, credit for the composition of the confession narrative's account of the rebellion by distinguishing it in the pamphlet's title from the confession narrative itself. The "also" betrays pride of authorship. The careful composition of the second half of the narrative suggests that this was the part of the document about which Gray knew and cared the most, and which he likely had already written in some part. In turn, all this suggests that the comparatively rough and hasty composition of the first section of the narrative signifies this section was indeed Turner's own account of his upbringing, beliefs, and motivations, heard for the first time during the jail cell encounter. In this section Gray is truly an amanuensis scribbling notes, rather than would-be author seeking confirmation.

Structural critique allows one to penetrate the self-authenticating world of Gray's pamphlet through a process of textual mortification—not, that is, by evaluating or interpreting the text as a thing in itself, but by corroding it, rendering it a rubble of fragments such that its fragments of truth may be extracted. By exposing the paratextual conditions of the pamphlet's existence, and their frictions and inconsistencies, one can produce from amid Gray's interlocutions and interpolations the likelihood that "Nat Turner's voice [is indeed] strongly present."²⁰

In the early 1990s, the literary critic Marie Maclean situated paratext in the study of thresholds and liminality. As she wrote then, the signs and fringes that accompany a text constitute a threshold, or frame, that interposes between the text and any context within which it finds itself, and that bends, or attempts to bend, its reception by that context, just as an apparently transparent, hence notionally invisible, lens bends light. Maclean cites the philosopher Michel Serres's observations on liminality: "A door opens or closes a threshold which is held to be such because at this spot a law

20. ERIC J. SUNDQUIST, *TO WAKE THE NATIONS: RACE IN THE MAKING OF AMERICAN LITERATURE* 21 (1993).

is overturned: on one side reigns a certain rule, on the other begins a new law, so that the door rests on its hinges on a neutral line where the two rules of law balance and cancel each other. . . . The singular site is a part of neither this world nor the other or else it belongs to both.”²¹ One can argue with Serres that the “law” of the second half of the narrative—the notionally familiar criminal law of insurrection and massacre—and the law of the first part, of Turner’s confession of faith, are unutterably different.²²

The role of the paratext is to anticipate the possibility of alterity in reading, and to deflect the reader from that alterity. By calling attention to the paratext of *The Confessions of Nat Turner*, we can penetrate its deflection, and so construct an opportunity to find the alterities lurking in the text itself, the different laws that will help us understand the life of Nat Turner, and the events of August 1831.

That is the task I set myself in the central chapters of the book, where the technique becomes minute reading interleaved with other texts, or in other words a move from critical engagement with the structure of Gray’s pamphlet to critical engagement with its substance. This becomes the foundation for examination of that Benjaminian contention that Turner’s violence confronted the law with the threat of declaring a new law, although as I have indicated not quite in the fashion that the statement itself and its identification of Turner as a great criminal would imply. There is great criminality here, obviously. Altogether nearly 100 people died as a result of Turner’s rebellion. Still, the argument of those central chapters is not so much that Turner confronted the law with the threat of declaring a new law, but rather that Turner confronted the law with faith. One could of

21. Marie Maclean, *Pretexts and Paratexts: The Art of the Peripheral*, 22 *New Literary Hist.* 273, 273–79 (1991) (citing MICHEL SERRES, *STATUES: LE SECOND LIVRE DES FONDATIONS* 90 (1987) (Marie Maclean’s trans.)).

22. *Id.*

course call that declaring a new law, and indeed I do, but in invoking faith we are moving far beyond the explanatory sphere of the great criminal.

The first of those central chapters pays exacting attention to the first half of the text of Gray's *Confessions*, the goal of which is to understand in as much detail as possible the mentalité and motivation of its confessing subject. The consciousness that the exercise of textual analysis reveals is overwhelmingly one of religious faith.

Faith is a subject that always tends to make scholars a little uneasy. As Robert Orsi has written, to the scholar, religion is a phenomenon that exists to be secularized: "[R]eligious practice and imagination" he says "[are always] about something other than what they are about to practitioners. This something else may be human powerlessness, false consciousness, ignorance, hysteria, or neurosis. It may be a social group's shared identity of itself. [But, whatever] it is, religion is not about itself."²³ When historians write about religion, they usually approach religion as social or cultural history, or in other words as behavioral phenomena embedded in institutions or practices constructed by human beings. They confidently translate "the stories men and women tell of their encounters with the supernatural into language that makes these stories about something else."²⁴ The intellectual orthodoxy of modernity turns religion into a social construction that "underwrites . . . hierarchies of power, [or] reinforces group solidarity, [or] also, if more rarely, functions as a medium of rebellion and resistance."²⁵

I share Orsi's interest in rescuing faith from such modernist reductions. Too often, in my view, reduction has been the particular fate of the religious life of African American slaves. I certainly do not claim that faith is free of

23. ROBERT A. ORSI, *HISTORY AND PRESENCE* 38 (2016).

24. *Id.* at 58.

25. *Id.*

all forms of cultural embeddedness. But in my book, Nat Turner is not a puppet dangling on strings of culture and sociality. He is first of all a Christian. He is “inspired by God,” by “Christian faith and the Bible.”²⁶ It is an error to read his confession simply to explain what we take to be the secular occurrence with which it is associated, his “slave rebellion.” My point, then, is that faith is a material practice in itself. One does not have to restate it as something other than itself in order to decree it sensible.

To understand the meaning of Turner’s confession and of the mentalité materialized in it I concentrate minutely on Turner’s pattern of scriptural citation. It is often the case that scholars reading the confession will read its scriptural citations haphazardly, as if they are dealing with some semi-literate enthusiast who likes to sprinkle his words with biblical allusions without much rhyme or reason. They do not seek patterns because, I believe, to the secular scholar scripture can only be allusive. But Turner’s biblical exegesis in *The Confessions* “was far from simplistic or haphazard.”²⁷

Turner’s biblical exegesis, in its entirety, is to be found amid the 2200 words that comprise the first half of Thomas Ruffin Gray’s narrative of their jail cell conversations. In it, Turner refers entirely to New Testament texts. He exhibits a pronounced fondness for the Book of Revelation, which is perhaps predictable, but also, and even more pronouncedly, a fondness for the Gospel of St. Luke, which is not intuitively obvious and so requires our attention.

Why Luke? I offer two reasons. First, Nat Turner was an evangelical Christian visionary who had lived his entire life in Southampton County’s St. Luke’s Parish. In Christological terms, he may have considered the sacred name of the place of his own birth and life of significance in guiding the

26. MICHAEL A. GOMEZ, EXCHANGING OUR COUNTRY MARKS: THE TRANSFORMATION OF AFRICAN IDENTITIES IN THE COLONIAL AND ANTEBELLUM SOUTH 257 (1998).

27. SUNDQUIST, *supra* note 20, at 73.

extended adult effort to comprehend the relationship between himself and the Saviour that the first half of *The Confessions* narrative describes. Second, considered as a narrative of Christ's life and works, Luke is by far the most complete of the synoptic gospels. It is the longest gospel; it contains material that exists nowhere else in the Bible—material that features prominently in Turner's narrative and that is absolutely essential to his own self-representation and self-comprehension; and when conjoined with Acts, which is written by the same author, Luke's Gospel provides the New Testament with its organizational spine. "Only Luke-Acts tells the story of Jesus Christ from his birth through the beginning of the church into the ministry of Paul."²⁸ Luke tells that story, moreover, as a progressively unfolding narrative "that allows who Jesus is to dawn on the reader."²⁹ Like Luke's life of Christ, Turner's account of himself begins with events prior to his own birth, describes an emerging awareness of "some great purpose," and culminates in a climactic sacrificial act of atonement.³⁰ Throughout, Turner employs forms of typological reasoning familiar in evangelical texts for the messianic purpose of re-creating himself as the Redeemer returned. Turner's account of himself in the first half of *The Confessions* is of the dawning realization that he is the second coming of Christ.

The first half of Nat Turner's confession grants us access to Turner's life history as a narrative of three braided threads. The first thread tells of the ascent of a severely ascetic personality to a state of grace. This is a story of self-isolation, of withdrawal from others, of "austerity of . . . life and manners," of "fasting," continual prayer, spiritual maturation, and at last assurance of sanctification.³¹ The

28. DARRELL L. BOCK, *A THEOLOGY OF LUKE AND ACTS: BIBLICAL THEOLOGY OF THE NEW TESTAMENT* 27 (Andreas J. Köstenberger ed., 2012).

29. *Id.* at 177–78.

30. GRAY, *supra* note 11, at 9.

31. GRAY, *supra* note 11, at 8–9.

second thread, asks the central question of an ascetic Protestant life: What is my calling? This is a question, for obvious reasons, acutely problematic for a slave to answer. It is doubly problematic for Turner, who remembers that in his childhood “my master, who belonged to the church, and other religious persons who visited the house” remarked that “I had too much sense to be raised, and *if* I was, I would never be of any use to any one as a slave.”³² Finding that he had become an adult “and was a slave” nonetheless, “I began to direct my attention to . . . the purpose for which, by this time, I felt assured I was intended.”³³ The third thread comes from Turner’s eventual formulation of an answer to his question of purpose. A maturing consciousness of messianic mission will eventually find fulfillment in the life story from its inception.

It is important to keep these threads distinct. Most readings of *The Confessions* do not—Turner’s narrative is almost invariably read as Gray designed it, as a single linear account in which the life’s final bloody events appear as an outcome ordained virtually from infancy. In my view this is a basic and elementary error. Turner’s account of himself describes a painful struggle for spiritual maturity and a search for his calling both of which become utterly central in his life long before he turns to any clear intimation of interracial violence. Indeed, the moment the confession does make that turn is precisely the moment when the rationalist and empirical prose that I have argued marks the surfacing of Gray’s priorities in their dialog takes the place of Turner’s language of faith. Turner’s account of himself is of a life, as was Christ’s, of preparation: a precocious infant gifted with uncanny knowledge; an adult tested in the wilderness, come to grace and baptism, confronted in his maturity by an immense task given to him by God that nearly breaks him, on the outcome of which rides the salvation of all. In awaiting

32. *Id.* at 7–8 (emphasis added).

33. *Id.* at 9.

his trial and inevitable execution, Turner anticipates the final and most important Christological act of all, his own sacrificial atonement.

The work of textual exegesis central to developing an understanding of the first half of the pamphlet is painstaking but not complicated. Essentially it involves tracing all of the pamphlet's scriptural references and then resorting to theological commentary on Luke and on Revelation to build an interpretation of their meaning. The most exciting discovery this work revealed is that the sequence of spiritual experiences, visions and revelations that Turner describes forms a coherent and sophisticated eschatological hermeneutic that moves, as his faith matures, from acceptance of God's call to service, to discipleship, to visions of the crucifixion and of Revelation's promise of the second coming, and finally to his own transfiguration and his assumption of the burden of redemption.

Once I had what I felt was a good grasp of Turner's theology the question became what might its sources have been. In the book I argue these are to be found in eighteenth and early nineteenth century evangelical Christianity, specifically in Methodist and Moravian practice and theology. The overlap of Methodist and Moravian theology is not wildly surprising for these expressions of pietism are quite intimately linked. I was also able to trace apparent textual connections between the imagery used in Turner's discourse of redemptive atonement, and the millenarian hermeneutics of the eighteenth century evangelical Jonathan Edwards, whose *History of the Work of Redemption* circulated widely and has been credited by its modern editor, John Wilson, with "enormous influence" on American popular culture between the Revolution and the Civil War as "a manual of Calvinistic theology suited for lay readers and popular preachers" and as an explanation of evangelical thought that helped to diffuse a millenarian sensibility

throughout American Protestantism.³⁴ Wilson tells us that Edwards' *History* "nurtured the numerous religious groups, movements, and subcultures making claims to instant or living redemption that so flourished in the antebellum" America.³⁵ It "set up exceptionally long-lived and significant resonances within American culture" that "anchored American experience in a cosmic setting, locating it by means of reference to sacred Scripture, and investing it with preeminent significance for concluding the drama of Christian redemption."³⁶

Many of these possible sources and connections for Turner's theology are conjectural and circumstantial, hence my description of my work as "speculative." But they are reasoned; or at any rate they are not unreasonable. In the case of Methodism they turn on known institutional connections as well as on key soteriological cues, such as Turner's own description of the moment of his sanctification, which is classically Methodist. In the case of Moravian theology and Edwardsian hermeneutics they turn on idiom and image and metaphor. Essentially, by enfolding Turner's confession narrative within a web or network of texts that fragments of the narrative appear to reference or invoke, one can achieve a reading of it that reveals a coherent and sophisticated religious intellect. Turner enfolds himself within the Christian drama of Parousia, of the second coming, of salvation history. Just as Christ had been brought "under the power of death" at his crucifixion to complete the purchase of human redemption,³⁷ so Christ's enemies had to be brought under the power of death to complete the work of redemption itself. As Luke has Christ say, "those mine

34. John F. Wilson, *Editor's Introduction to A History of the Work of Redemption*, in 9 THE WORKS OF JONATHAN EDWARDS 82 (John F. Wilson ed., 1989).

35. *Id.*

36. *Id.*

37. JONATHAN EDWARDS, *A History of the Work of Redemption*, in 9 THE WORKS OF JONATHAN EDWARDS 331 (John F. Wilson ed., 1989).

enemies, which would not I should reign over them, bring hither, and slay them before me."³⁸ This is not mad Mr. Dick babbling about King Charles, as Arna Bontemps once implied in dismissing what he called Turner's "trance-like mumbo jumbo."³⁹ This is in my view, faith as a material practice—a careful and incisive reading practice that I am attributing to Turner that equips him with a mature apocalyptic eschatology.

Of course it is tempting to read *The Confessions of Nat Turner* knowing that at the end of the spiritual odyssey they detail lies a massacre of white slaveholding families undertaken by a group of slaves, to identify that massacre as a "slave rebellion," and to assume that *The Confessions* is a narrative of how that slave rebellion came to be. It is nevertheless remarkable that virtually nothing that Turner says during the first part of his confession (and nothing at all directly) either embraces, or even hints, that the outcome he planned, or intended, or imagined was a "slave rebellion." As he says to Gray at the outset, "insurrection" is your word, not mine. So far as Turner was concerned, it was not insurrection that had "terminated so fatally to many, both white and black" but "enthusiasm," which Jordy Rosenberg helpfully defines as "the passionate experience of unmediated communion with God . . . the capacity of individual subjects to know and understand [the] divine order."⁴⁰ To discover a slave rebellion in the making in *The Confessions* we have to accept Gray's own gloss, read the narrative backwards by privileging the second half's account of the event itself, and ignore Turner's actual words. We have to treat his apocalyptic eschatology as if it were a secret code referencing something other than itself.

38. *Luke* 19:27.

39. ARNA BONTEMPS, *BLACK THUNDER: GABRIEL'S REVOLT: VIRGINIA, 1800*, at xii–xiii (1992).

40. JORDY ROSENBERG, *CRITICAL ENTHUSIASM: CAPITAL ACCUMULATION AND THE TRANSFORMATION OF RELIGIOUS PASSION* 6 (2011).

All that said, one must still come to grips with the bloody violence with which the name “Nat Turner” is indelibly and forever linked. How explain the massacre Turner and his comrades perpetrated?

First, one can take advantage of a scholarly consensus recently reinforced by some very fine social history that the second half of Gray’s pamphlet is indeed an accurate rendition of the sequence and geographic circumstances of the series of killings that constituted Turner’s rebellion.⁴¹ It is rendered in Gray’s language and structured by Gray’s ambition to provide a complete account that would edify a white public, but still it is accurate. The goal then becomes as before to fold that account within a distinct web or network of texts that can expand upon the meaning of what the account offers.

Here too, however, there lies a textual challenge to overcome. If Nat Turner’s purpose in revealing his life story was to open others’ eyes to the sacred space and time in which he and they lived and would die, the time of *Parousia*, of humanity’s redemption, Thomas Ruffin Gray’s purpose in compositing *The Confessions of Nat Turner* was to pay down his monetary debts by trading on the notoriety of the Southampton County “insurrection.” Still, there was more to his labor than moneymaking. Gray coveted the role of authoritative commentator on Turner’s rebellion. He effected that role by overwriting Turner’s revelation with a competing—and, necessarily, under the circumstances, commanding—theory of the events and their cause that determinedly “made sense” out of what had happened. He took the empirical blur of thirty-six hours of action and he methodically organized it. His account is a rational empirical accounting, blow-by-blow, step-by-step, of innocent whites killed and guilty blacks captured. Gray sought to make the

41. See generally DAVID F. ALLMENDINGER JR., NAT TURNER AND THE RISING IN SOUTHAMPTON COUNTY (2014); PATRICK H. BREEN, THE LAND SHALL BE DELUGED IN BLOOD: A NEW HISTORY OF THE NAT TURNER REVOLT (2015).

blur knowable, and in particular *knowable as a slave rebellion*, by turning it into a particular kind of secular knowledge—*An Authentic Account of the Whole Insurrection*. It becomes a balance sheet.

The rational and empirical second half of the confession repudiates the metaphysics of the first part. It restores earthly temporal and spatial order and provides secular explanation. That is what the pamphlet has always principally been valued for by historians, and frankly it is not hard to see why.

In part I of the book, as I have described it here, I attempt to overcome the constraints of Gray's text and its received reading by minute structural examination and by reading its words guided by biblical text and theological commentary. In part II I attempt to overcome Gray's positivist rationality and empiricism by interleaving his account with other kinds of texts—the sociology and anthropology of killing, particularly communal killing. In effect, just as the book treats faith as itself rather than as a code to be cracked to reveal a hidden "real" meaning, so it treats the massacre also simply as itself, in its case as a blunt instrument hitting a lump of meat, as simply a materiality. And to this lump of meat I counterpose a different lump of meat—the retributive juridical massacre that followed, wielding its own blunt instrument, the mechanics of hanging, another materiality. Rather than explain violence, or justify it, rather than try to make it a means to some explicable end, in other words, I am, more simply, trying to do no more than describe it.

But I do recognize an obligation to understand the event of the massacre and the response to it. Here my guide is Alain Badiou's philosophy of the event. As Badiou has it, an event is not to be explained as something mechanically produced, as the effect of a cause, but as the experience of a truth at an evental site, which Badiou describes as "the ontological support of its own appearance . . . [something that] makes itself in the world, [something that is] the being-

there of its own being.”⁴² In Badiou’s terms, Turner is a “subject,” defined as “the local status of a [truth] procedure, a configuration in excess of the situation,” without which an event cannot occur “within an evental site.”⁴³ He is “a militant of truth,” in “active fidelity to the event of truth.”⁴⁴ Oliver Feltham comments, “The ‘and’ of being and event . . . names the space of the subject . . . the one who unfolds new structures of being and thus writes the event into being.”⁴⁵ I chose this way to approach the event of the rebellion because for all its bloodiness, in its material actuality it is almost ephemeral. It leaps into existence virtually without plan or presentiment. It rages for 36 hours. And then it collapses back into nothingness.⁴⁶

The massacre is followed by an extended juridical theatrics that signals the resumption of white control, the climax of which is Turner’s execution, his surgical dissection, and the distribution of his skin and bones as souvenirs. As Michel de Certeau puts it in *The Practice of Everyday Life*, law “engraves itself on parchments made from the skin of its subjects.”⁴⁷ Just as Turner’s theology is reminiscent of the highly material litany of Christ’s blood and wounds that is so important to later eighteenth century Moravian worship, so in Southampton County we have a profane law that “takes hold of bodies in order to make them its text.”⁴⁸ My whole

42. ALAIN BADIOU, LOGICS OF WORLDS 363 (Alberto Toscano, trans., Bloomsbury Acad. 2013).

43. ALAIN BADIOU, BEING AND EVENT 392 (Oliver Feltham, trans., Bloomsbury Acad. 2013).

44. *Id.* at xiii.

45. Oliver Feltham, *Preface to ALAIN BADIOU, BEING AND EVENT*, at xxxii (Oliver Feltham, trans., Bloomsbury, 2013).

46. Crucially, Badiou gestures toward the ephemerality, the instantaneity, of the event. An evental site “is an ontological figure of the instant: it appears only to disappear.” BADIOU, LOGICS OF WORLDS, *supra* note 41, at 369.

47. MICHEL DE CERTEAU, THE PRACTICE OF EVERYDAY LIFE 140 (Steven Rendall, trans. 1984).

48. *Id.* at 139.

account of the massacre is of a dialectic of the formation of consciousness, in a Hegelian sense; but the dialectic is also Benjaminian, in that it is disjunctive, without any obvious crowning sublation. It is a dialectic that collapses back into itself.

There are many other texts that play vital roles in this book: William Styron's novel, the *Confessions of Nat Turner* whose meditation on history supplies my prologue; the master/servant dialectic from Hegel's *Phenomenology of Mind*, which grants me access to the formation of self-consciousness; Thomas Roderick Dew's *Review of the Debate in the Virginia Legislature of 1831 and 1832*, a lengthy pamphlet written in justification of Virginia slavery from the perspective of political economy to rebuke the advocates of gradual emancipation briefly heard in the Virginia legislature in the wake of Turner's rebellion; the record of that legislative debate over emancipation on which Dew commented; the record of the Virginia State convention of 1829, which first revealed the depth of sectional discord in the state over the state's slave economy; and Max Weber's *Science as a Vocation*, through which I gain access both to Gray's purpose in writing his pamphlet, and to Turner's decision to act on his faith. All of these texts become points of access to the fragments of evidence in which Turner and his rebellion are materialized, and also provide commentary on those fragments. I will leave it to those who choose to read my book to determine whether its textual jigsaw is effective.

But (at the risk of taxing the reader's patience) I do not want to finish this Essay without referring to a final textual encounter, one that helped me resolve what was perhaps the most difficult problem of all, a problem which is a question posed but unanswered in Gray's pamphlet. The question is this: How do you respond when God makes it known that He requires you to kill? We know what Nat Turner *did*—he killed, and he persuaded others to kill. But *The Confessions* tells us next to nothing of how he understood what God asked of him, or how he reached the decision to obey.

One can surmise that at some point Turner realized that the instruction he had received “to fight against the Serpent” and to slay his enemies “with their own weapons” was meant to be taken literally; that “the great work laid out for me to do,” as he describes it, was work “of death.”⁴⁹ *The Confessions* hint that the prospect was shocking, that it caused Turner distress: “Many were the plans formed and rejected by us,” we read.⁵⁰ “[I]t affected my mind to such a degree, that I fell sick.”⁵¹ His irresolution—“time passed without our coming to any determination how to commence”—was overcome only by an unambiguous sign from God reminding him of what was expected of him.⁵² But this is all we are told. Turner’s narrative in *The Confessions* turns as if on a hinge at precisely the point where the first half of the pamphlet gives way to the second. On one side of the hinge we encounter hesitation, perhaps doubt, perhaps dread. On the other, action. Evidently a decision has been taken, but it is a decision that the text does not discuss. Instead we exit an entirely metaphysical cosmos to find ourselves immediately enveloped in the utter reality of massacre. One must ask how this onto-epistemological break has occurred. What exists in this temporal and textual cleft between worlds that can explain so abrupt a transition?

For an answer I turned to Søren Kierkegaard, specifically to his book *Fear and Trembling*. Kierkegaard’s *Fear and Trembling* is profoundly relevant to my attempt to comprehend Turner’s response to God’s instruction to kill, because it is a meditation on the identical decision that Abraham must make in the wake of God’s instruction that he kill his son Isaac. That Abraham does not ultimately kill Isaac is irrelevant. Abraham is *willing* to sacrifice Isaac, and in that willingness lies his importance, for it makes him a

49. GRAY, *supra* note 11, at 11.

50. *Id.*

51. *Id.*

52. *Id.*

paradigm of faith. "He knew it was God the Almighty who tested him," says Kierkegaard, "he knew it was the hardest sacrifice that could be demanded of him, but he also knew that no sacrifice was too hard when God demanded it—and he drew the knife."⁵³ For one does not bargain with God. "[W]ithout faith it is impossible to please him" goes the relevant verse in *Hebrews*.⁵⁴ "[H]e that cometh to God must believe that he *is*, and that he is a rewarder of them that diligently seek him."⁵⁵ This precise injunction was the explicit focus of Turner's prayers from the moment of his earliest encounter with religious instruction; the injunction, once finally accepted, that created the route to his own sanctification. "[S]eek ye the kingdom of Heaven and all things shall be added unto you."⁵⁶ Faith, says Kierkegaard, transcends worldly understanding. It transcends hope, or resignation, or barter. In particular it transcends ethics. All of these states of mind are left behind. Faith is acceptance of what may be impossible, or absurd, "by virtue of the fact that for God everything is possible."⁵⁷

Inside the hinge in Turner's text, the cleft between worlds, then, what we discover is the separation of faith from morality in an encounter with the Real—with the Lacanian Real, that is, which is the naked actuality of the death-work to be done, and the terrifying majesty of the God who orders it done.

Turner, though, is unlike Abraham in one crucial respect. He does not act alone. And unlike him his comrades are not driven by faith; or at least they offer no clear sign of

53. SØREN KIERKEGAARD, *FEAR AND TREMBLING: DIALECTICAL LYRIC*, 18, 39 (C. Stephen Evans & Sylvia Walsh eds., Sylvia Walsh trans., 2006).

54. *Hebrews* 11:6.

55. *Id.* (emphasis added).

56. *Luke* 12:31.

57. KIERKEGAARD, *supra* note 52. Kierkegaard draws an absolute distinction between ethics as the highest stage of a worldly morality and faith. The distinction births the paradox "that the single individual is higher than the universal." *Id.* at 49.

it. He must still persuade them to come with him on the journey *he* began in faith. But to persuade them he must enter the creaturely world that they inhabit, and he must address them on its terms. He must discover a politics that will allow them, collectively, to act—beyond ethics, beyond legality, act to confront what they already know, their impossible reality, the social order in which they are forced to live that has elevated itself above God.

To act is to redefine one's situation, untie from fictions and ideology, leap into the unknown, experience "absolute disarray."⁵⁸ Benjamin calls this "find[ing] the constellation of awakening."⁵⁹ Turner must invent a politics that is for that moment and of that moment, a politics that will enable each of them to see through what surrounds them, shrug off hesitation, take the plunge, and act, in the real.

Early newspaper reports of the Southampton event stated, "Nat, the ringleader . . . declares to his comrades that he is commissioned by Jesus Christ, and proceeds under his inspired directions."⁶⁰ Later reports, based on trial testimony, stated more prosaically that the original group had agreed they would "rise and kill all the white people."⁶¹ In the fissure between these two statements lies the politics of the moment that enabled them to begin.

We cannot know the precise content of the politics Turner invented for that moment of persuasion, but we do know that Turner's politics of persuasion was what began the group's collective, violent, defiance of the enslavement that

58. Maria Aristodemou, *From Decaffeinated Democracy to Democracy in the Real*, in ROUTLEDGE RESEARCH HANDBOOK OF LAW AND THEORY 347, 361–62 (Andreas Philippopoulos-Mihalopoulos, ed., (2012)).

59. WALTER BENJAMIN, *THE ARCADES PROJECT* 458 (Howard Eiland & Kevin McLaughlin, trans. 1999).

60. RICHMOND ENQUIRER, Aug. 30, 1831, at 3.

61. "At a court of Oyer and Terminer summoned and held for the County of Southampton on the 3d day of September 1831 for the trial of . . . Jack a negro man slave the property of William Reese decsd." Trial of Jack, 1831, in SOUTHAMPTON COUNTY COURT MINUTE BOOK 89 (1830–35).

had wrapped them all in its coils. This was the serpent, the wicked social order that had elevated itself above God, the embodiment of all the wickedness not fit to live that it was Turner’s charge to end, against all odds, by pouring out God’s spirit so that human redemption might be realized.

For Kierkegaard faith enables the individual to “become an authentic self by responding in faith to God’s call.”⁶² The demand that God’s call makes is both frightful and great. It is to be found in Luke, at 14:26: “If any man come to me, and hate not his father, and mother, and wife, and children, and brethren, and sisters, yea, and his own life also, he cannot be my disciple.” When subjected to trial, before the Southampton County Court, Turner answered the accusation of guilt with his confession of faith. He stated that he did not “feel” guilty.⁶³ And of the matter before the court he had nothing more to say. So, confronted by his silence, slaveholder ethics judged him, and condemned him, as murderer and insurgent, to an emphatic death, “hung by the neck.”⁶⁴

Kierkegaard asks of Abraham: “What did he achieve?” He answers, and he might as well have been writing of Turner as of Abraham, “He remained true to his love. . . . Whoever loves God needs no tears, no admiration; he forgets the suffering in the love. Indeed, so completely has he forgotten it that there would not be the slightest trace of his pain afterwards, if God himself did not remember it; for he sees in secret and knows the distress and counts the tears and forgets nothing.”⁶⁵

This—the move from the work of faith to the work of death—is one of the most important, and most difficult, moments I encountered in writing the book. I do not end

62. BADIOU, LOGICS OF WORLDS, *supra* note 41, at 106.

63. GRAY, *supra* note 11, at 21.

64. *Id.* at 22.

65. KIERKEGAARD, *supra* note 52, at 106.

there. I proceed on to the massacre itself, and from there to the debates over slavery in Virginia that the massacre excited, and to the cosmology of political economy that, eventually, determined the course those debates would follow. Political economy, I argue, became the profane faith to which white Virginia turned in answer to the Christian enthusiasm, “for which” Turner said “I am about to atone at the gallows.”⁶⁶ But my book is not written as a linear history, a chronology of effects and causes. Instead, I encase the book as a whole in a Benjaminian philosophy of history—in other words, in an array of yet more texts that seek to seize upon the fragmentary Turner and his rebellion and to fashion them as a dialectical image, an orthogonal eruption out of the continuum of history.

The dialectical image is a montage constructed from the standpoint of the here-and-now that I occupy as the book’s author. For Benjamin the object of historical inquiry could only exist in such a condition of constellation with the moment—the “now”—of its observation: “It is said” he writes “that the dialectical method consists in doing justice each time to the concrete historical situation of its object. But that is not enough. For it is just as much a matter of doing justice to the concrete historical situation of the *interest* taken in the object.”⁶⁷ Moreover “this situation is always so constituted that the interest is itself preformed in that object and, above all, feels this object concretized in itself and upraised from its former being into the higher concretion of now-being.”⁶⁸

How can this be? The issue, ultimately is one of time—or rather of one’s conception of time. For the linear time of the historical continuum one must substitute the eruptive time of the instant that is orthogonal to duration, *kairos* for *chronos* as Frank Kermode puts it, or in the same apocalyptic Christian terms, “now” for “not yet.” In the New Testament,

66. GRAY, *supra* note 11, at 7.

67. BENJAMIN, *supra* note 58, at 391.

68. *Id.*

kairos means fulfilled time, the time when God's kingdom is at hand. *Kairos* is "filled with significance, charged with a meaning derived from its relation to the end."⁶⁹ It erupts out of *chronos*, which signifies mere unfulfilled duration, time passing, time spent waiting; the time that Revelation tells us "shall be no more."⁷⁰

Benjamin references this conception of time in "The Task of the Translator," where he writes "One might . . . speak of an unforgettable life or moment even if all men had forgotten it. If the nature of such a life or moment required that it be unforgotten, that predicate would not imply a falsehood but merely a claim not fulfilled by men, and probably also a reference to a realm in which it is fulfilled: God's remembrance."⁷¹ God's remembrance is that realm of time in which nothing is forgotten, hence the realm in which the interest taken in an object is preformed in the object and feels the object concretized in itself and upraised. It is the realm of *kairos*. Benjamin's description of the time of God's remembrance is the same as Kierkegaard's. This is the eschatological realm in which Turner dwelled, and in which his rebellion took place.

My Benjaminian philosophical framework is completed by one of the very last observations Benjamin offered in his own lifetime, supplementary to his *Theses on the Concept of History*, but not included amongst them.

If one looks upon history as a text, then one can say of it what a recent author has said of literary texts—namely, that the past has left in them images comparable to those registered by a light-sensitive plate. "The future alone possesses developers strong enough to reveal the image in all its details. Many pages in Marivaux or Rousseau contain a mysterious meaning which the first readers of these texts could not fully have deciphered." The historical method is a philological method based on the book of life.

69. FRANK KERMODE, *THE SENSE OF AN ENDING: STUDIES IN THE THEORY OF FICTION* 47 (2012).

70. *Id.* at 47–48, 192–93; *Mark* 1:15; *Revelation* 21:4.

71. WALTER BENJAMIN, *THE TASK OF THE TRANSLATOR* (1923), *reprinted in* *ILLUMINATIONS*, 70 (Hannah Arendt ed., Harry Zohn trans., 1968).

‘Read what was never written,’ runs a line in Hofmannsthal. The reader one should think of here is the true historian.⁷²

The book I have written assembles an array of texts as developers, to press upon those fragments of text in which the revenant Nat Turner is materialized, and thereby reveal their image. Its goal is to brush against the grain of linearity, to read between the lines whether of life or of law; that is, as Hugo Von Hofmannsthal has it, to read what was never written. “Read what was never written” may seem like an odd coda for a book that I claim here to be a material-legal history. But in my view, to read what was never written is the material practice that the true historian is always required to attempt.

72. Walter Benjamin, *The Dialectical Image*, reprinted in 4 WALTER BENJAMIN: SELECTED WRITINGS 1938–1940, at 405 (Howard Eiland & Michael W. Jennings eds., Edmund Jehpcott et al. trans., 2003).