

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

Coda: Law, History, and Theory

Christopher Tomlins

In this Coda to the symposium on my book In the Matter of Nat Turner: A Speculative History, I address the relationship in the book between law, history, and theory. Writing history informed by theory has always been important to me, for historical research is at least as much an engagement in interpretation as an exercise in description.

I am glad that *In the Matter of Nat Turner* has attracted the attention of commentators of the caliber of Simon Middleton, John Arnold, and Holly Brewer, and I am grateful for the care and attention with which they have approached the book. Each reviewer offers her own or his own particular assessment of what in the book is worthy of note, coinciding in some respects, diverging in others. It would be idle (and ill-mannered) of me to pick over what they have written when they have been so generous. Instead, what I want to do in response is very briefly take up the matter of the intersection between law, history, and social/critical theory that I attempt in the book.

As Middleton notes in his remarks introducing the symposium, *In the Matter of Nat Turner* attempts to construct in as much detail as possible the “way of thinking” (or *mentalité*) of the Virginia slave rebel known as Nat Turner in the years from his childhood until the rebellion that bears his name. It also addresses the rebellion itself, which occurred in August 1831; the juridical response to the rebellion; and the political and economic circumstances of the Virginia in which the rebellion occurred, concentrating on the years 1829–1832. It prefaces these investigations with a prologue that examines the most notorious prior attempt to construct an account of Turner’s way of thinking and of the Turner Rebellion, William Styron’s 1967 novel *The Confessions of Nat Turner*. And it concludes with an epilogue that offers my own gloss on what I have presented.

Constructing Turner’s way of thinking is an empirical task—a matter of intellectual history. It is also, and more profoundly, a task of interpretation because the record of his thinking is not only scant but also compromised by the circumstances of its composition. That record is contained in the pamphlet composed by the young (and impoverished) Southampton County attorney Thomas Ruffin Gray from his own researches on the course of the rebellion, decisively capped by the series of jail cell meetings with Turner that he was able to procure during the week between

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Turner's capture on October 30, 1831 and his trial on November 5, 1831. During those meetings, according to Gray's pamphlet, Turner offered an account of himself from his birth in October 1800 to the beginning of the rebellion, followed by an account of the rebellion and its aftermath. His account of himself dwells heavily on matters of Christian faith and culminates in Turner's representation of himself as Christ, that is, as the Redeemer returned. His account of the rebellion appears, in my view, actually to be largely Gray's account of the rebellion.

Gray's pamphlet is a quasi-legal text. It is one of the great documents of American history, but because it is the record of an interaction between a white lawyer and a subaltern rebel composed by the white lawyer it requires careful handling. Initially, I evaluate the pamphlet by employing techniques recommended by the structuralist literary theorist Gérard Genette (1991). These emphasize not interpretation of substantive content but assessment of the material conditions created by a text to steer the encounter between the text and its readers, and of the circumstances of its creation. By disassembling the pamphlet into its multiple component elements, one can, I argue, penetrate the cage of authority that Gray creates to contain its content and to guide reader response to that content. And by examining the conditions of the pamphlet's composition—design, typography, grammar, syntax, and punctuation—one can detect the existence of multiple texts within the pamphlet: most important, one account (of himself) that indeed appears to be spoken by Turner, and another account (of the rebellion) that appears to be written by Gray.

Literary theory is an exceptionally useful critical device for unlocking (deconstructing) the texts that historians—legal or not—represent as the “sources” for their work. Apart from anything else, the work of textual critique reveals quite precisely how “constructed” these sources are, how keenly they lack epistemological or ontological objectivity.

Once past this essential preliminary assessment of the pamphlet's stature as a source through which to encounter Nat Turner, one can engage with its substance. Here too, theory is all-important, for one is dealing with a fragmentary empirical record on which one must nevertheless lean heavily if one is to have any hope of discerning Turner's way of thinking.¹ Hence my subtitle, *A Speculative History*. My approach to Turner's account of himself is informed primarily by biblical text and evangelical theology (both modern-contemporary and historical) and by protestant philosophy (notably Søren Kierkegaard). My approach to the account of the rebellion is primarily philosophical, sociological, and anthropological. Other reviewers (notably Harriss 2020, but see also Holden 2021) have criticized *In the Matter of Nat Turner* as insufficiently informed by African American studies, and I think this is valid to a point. Throughout the book my most important arguments are constructed from a position informed by European social and critical theory rather than by African American studies, in which field I do not think of myself as particularly well read. Readers must decide for themselves whether they think this is a fatal flaw—I do not, otherwise I would not have written the book in the way I did. It would be absurd to maintain that my approach is “better” than one undertaken from a perspective grounded in African American

1. Thanks to some excellent recent social history, the empirical record is not as fragmentary now as once it was (see Allmendinger 2014, also Breen 2015).

studies, but I do not think it is necessarily inferior. It is simply a different way of engaging in historical research, an attempt to mobilize novel standpoints, different bodies of knowledge, in the service of producing informative interpretive outcomes. As John Arnold demonstrates so well, there is very clearly a European context, both historical and research-historical, of relevance to Turner's case. Perhaps *In the Matter of Nat Turner* will encourage others to bring additional new perspectives to bear on law and history.

In my case, deeply influenced as I am by Walter Benjamin, what is particularly entrancing about the matter of Nat Turner is the intersection of religion with violence and law that inquiry into his case uncovers. As Holly Brewer observes, law and legitimacy are central to Turner's "countersovereign" encounter with white Virginia. In that encounter, Turner employs a religious, not a legal, idiom. But religion is hardly without legal content; and in any case, white Virginia's response to Turner is framed by law, for he is condemned by white Virginia as a conspirator and an insurrectionist, which accords him standing vis-à-vis the state akin to what Benjamin called "the great criminal." 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 the primeval times. The state . . . fears this violence simply for its law-making character" (Benjamin 2004a, 241). 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. This is not by itself sufficient for an understanding of Turner or his violence. He explicitly rejected the label of insurrectionist, affirming instead the language of (evangelical) enthusiasm. But whether the duel of cosmologies that Turner initiated is better represented as soterial or profane in character, we can agree that the encounter, though brief, was in its aftermath profound in its legal and political effects.

That outcome is addressed in the longest chapter in the book, my account of white Virginia in the epoch of the rebellion, 1829–1832. The epoch is bounded by a constitutional convention that occurs in 1829–30, prior to the rebellion, and a legislative debate over the gradual abolition of slavery that occurs in the rebellion's wake (early 1832). Both the convention and the debate are characterized by extreme sectional tension between eastern and western Virginia over the institution of slavery. Suffice it to say here that the tenor of the abolition debate, in particular, was unprecedented, the debate itself coming to an abrupt halt after two weeks amid eastern slaveholder threats to divide the state in two sooner than entertain any form of emancipation. What followed was another textual intervention—Thomas Roderick Dew's *Review of the Debate in the Virginia Legislature of 1831 and 1832*, a lengthy (and widely circulated) pamphlet written in justification of Virginia slavery from the perspective of political economy. Dew rebuked the advocates of gradual abolition and denied that either politics or law furnished a competent forum for decisions about the future of slavery in the state. That, Dew maintained, was solely the province of political economy. For as long as Virginia remained engaged in plantation agriculture, the comparative advantage of slave over free labor in plantation agriculture would ensure that the state's economy would remain committed to slavery, a natural and inevitable circumstance that brooked no interference from politics or law. "The time for emancipation has not yet arrived, and perhaps it never will" (Dew 1832, 130).

As an exercise in writing history, I think *In the Matter of Nat Turner* is best understood as a book about texts—Styron’s novel; Gray’s and Dew’s pamphlets; the records of Virginia’s convention and legislative debates—and their interleaved encounters with other texts pressed into service to assist our comprehension of them: Genette’s literary criticism, evangelical theology, Kierkegaard’s philosophy, Hegel’s master/servant dialectic, Jacques Semelin’s sociology of massacre, Michel de Certeau’s anthropology of everyday life, Alain Badiou’s philosophy of the event, Benjamin’s philosophy of history, and many more. This remains the case in my epilogue where my attempt to gloss what I have done, to “conjure” the appearance of Turner and his rebellion as a dialectical image, is informed by additional textual encounters—of Gray’s pamphlet with Benjamin’s text-fragment “Capitalism as Religion” (2004b) and with Max Weber’s famous lecture “Science as a Vocation” (1946). This approach is explained by one of the very last observations on the philosophy of history that Walter 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,” he writes, “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. ‘Read what was never written,’ runs a line in Hofmannsthal. The reader one should think of here is the true historian” (Benjamin 2006, 405).

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 his image. Its goal is to brush against the grain of history imagined as the chronologically linear record of a past etymologically separated from us by historicism’s temporal *caesura* (Tomlins 2009), to read instead 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 think of as an example of material-legal history. But in my view, to read what was never written is the material reading practice that the true historian is always required to attempt. If *In the Matter of Nat Turner* can convey my own sense of excitement at what may be achieved by interleaving historical texts of law, religion, and violence with the work of social and critical theorists whose objective is to help us understand what we encounter in the worlds we examine, then the book will have achieved my purpose in writing it.

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