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The French Caribbean in the Eighteenth Century

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The Code Noir

1685

Since at least the 1630s, French Caribbean colonists had held enslaved Africans. However, it was only after sugar planting became the islands' main crop in the middle of the century that enslaved people came to outnumber colonists. In 1685, the French monarchy issued a comprehensive slave code to replace the piecemeal local laws written by colonial administrators and judges. Drafted by European legal scholars who knew far more about ancient Roman jurisprudence than about New World plantations, The Code Noir *contained many provisions that colonists ignored or deliberately violated. Nevertheless, although it was reissued and supplemented by local legislation throughout the eighteenth century,* The Code Noir *remained the foundation for the legal framework of French Caribbean slavery through the early years of the Haitian Revolution.*

Le Code Noir ou recueil des reglements rendus jusqu'à présent (Paris: Prault, 1767).

Edict of the King

Concerning the enforcement of order in the French American islands from the month of March 1685

Louis, by the grace of God, King of France and Navarre: to all present and to come, Greetings. Since we owe equally our attention to all the peoples that Divine Providence has put under our obedience, we have had examined in our presence the memoranda that have been sent to us by our officers in our American islands, who have informed us that they need our authority and our justice to maintain the discipline of the Catholic, Apostolic and Roman Church[1] there and to regulate the status and condition of the slaves in our said islands. And we desire to provide for this and to have them know that although they live in regions infinitely removed from our normal residence, we are always present to them, not only by the range of our power but also by the promptness of our attempts to assist them in their needs. For these reasons, by the advice of our Council and by our certain knowledge, full power, and royal authority, we say, rule, and order, wish and are pleased by that which follows.

I. . . . we charge all our officers to evict from our islands all the Jews who have established their residence there, who we order, as to the declared enemies of the Christian religion, to leave within three months of the publication date of these present [edicts], or face confiscation of body and property.

II. All the slaves in our Islands will be baptized and instructed in the Catholic, Apostolic and Roman religion. . . .

III. We forbid any public exercise of any religion other than the Catholic, Apostolic and Roman; we wish that the offenders be punished as rebels and disobedient to our orders. . . . We prohibit all such [religious] assemblies, which we declare illicit and seditious, subject to the same penalty that will be levied even against masters who allow or tolerate them among their slaves.

VI. We charge all our subjects, whatever their status and condition, to observe Sundays and holidays that are kept by our subjects of the Catholic, Apostolic and Roman religion. We forbid them to work or to make their slaves work on these days from the hour of midnight until the next midnight, either in agriculture, the manufacture of sugar, or all other works, on pain of fine and discretionary punishment of the masters and confiscation of the sugar and of the said slaves. . . .

VII. We also forbid the holding of *nègre*[2] markets and all other markets on such days under similar penalties. . . .

IX. Free men who will have one or several children from concubinage with their slaves, as well as the masters who permitted this, will each be condemned to a fine of two thousand pounds of sugar. And if they are the masters of the slave by whom they have had such children, we wish that beyond the fine they be deprived of the slave and the children, and that she and they be confiscated for the profit of the [royal] hospital, without ever being manumitted. Nevertheless, we do not intend for this article to be enforced if the man . . . would marry this slave in the church, which will free her and make the children free and legitimate. . . .

X. The marriage ceremonies prescribed by the Ordinance of Blois[3] . . . will be observed both for free persons and for slaves; nevertheless, for the slave the consent of the father and the mother is not necessary, only that of the master.

XI. We forbid priests to officiate at the marriages of slaves unless they can show the consent of their masters. We also forbid masters to make their slaves marry against their will.

XII. The children born of marriages between slaves will be slaves and will belong to the master of the female slaves, and not to those of their husbands, if the husband and the wife have different masters.

XIII. We wish that if a slave husband has married a free woman, the children, both male and girls, will follow the condition of their mother and be free like her, in spite of the servitude of their father; and that if the father is free and the mother enslaved, the children will be slaves for the same reason.

XIV. Masters are to be put into Holy Ground in cemeteries so designated; their baptized slaves and those who die without having received baptism will be buried at night in some field near the place where they died.

[1]This was the official name commonly used to describe the Roman Catholic Church at the time. It was meant to emphasize the connection to the early Apostles of Christ.

[2]Throughout the documents, we have sometimes left racial terms, particularly *nègre*, untranslated because no English term precisely captures its connotations. It could be translated as either *negro* or *black*, but in writings and legislation, especially during the French Revolution, the decision to use the term *nègre* rather than the more respectful *noir* (black) carried important implications.

[3]This ordinance governed the practice of marriage throughout the French kingdom.

XV. We forbid slaves to carry any weapon, or large sticks, on pain of whipping and confiscation of the weapon, with the sole exception of those who are sent hunting by their master and who carry their note or known mark.[4]

XVI. In the same way we forbid slaves belonging to different masters to gather in the day or night, whether for a wedding or otherwise, whether on their master's property or elsewhere, and still less in the main roads or faraway places, on pain of corporal punishment, which will not be less than the whip and [branding with] the fleur-de-lis;[5] frequent violations and other aggravating circumstances can be punished with death, which we leave to the decision of judges. We charge all our subjects, even those who are not officers, to approach the offenders, to arrest them and take them to prison, even if there is not yet any warrant against them.

XVII. Masters who are convicted of having permitted or tolerated such assemblies of slaves other than those belonging to them will be condemned in their own and private name to pay for all the damages done to their neighbors by these said assemblies and a fine . . . for the first time and double for repeat offenses.

XVIII. We forbid slaves to sell sugar cane for whatever reason or occasion, even with the permission of their master, on pain of whipping for the slaves and . . . [a fine] . . . for their masters who permitted it, and a similar fine against the buyer.

XIX. We also forbid them to sell any kind of foodstuffs in the market or by carrying them to private houses, including fruits, vegetables, firewood, animal fodder, or handicrafts, without the express permission of their masters by a note or by known marks on pain of confiscation of the goods thus sold. . . .

XXII. Each week masters will have to provide their slaves ten years and older, for their nourishment, two-and-a-half Parisian quarts of cassava[6] flour or three cassavas weighing at least two and a half pounds each or equivalent items, with two pounds of salted beef or three pounds of fish or other things in proportion, and to children, after they are weaned to the age of ten years, half of the above supplies.

XXIII. We forbid masters to give the slaves rum or taffia[7] in place of the subsistence mentioned in the previous article.

[4]Known mark refers to the mark (often an x) made by masters who could not write or sign their names.

[5]The fleur-de-lis was the symbol of the king.

[6]Cassava, also known as manioc or yucca, is a starchy root vegetable often used in the Caribbean to make flour.

[7]Like rum, taffia was an alcohol produced from molasses, but it was of lower quality.

XXIV. We similarly forbid them to relieve themselves of providing food and subsistence to their slaves by permitting them to work a certain day of the week for their own ends.

XXV. Each year masters will have to furnish each slave with two outfits of canvas or four yards of canvas, at the master's discretion.

XXVI. Slaves who are not fed, clothed, and supported by their master as we command in these articles will notify the royal attorney and give him their statements. Based on this, even if the information comes from elsewhere, the master will be prosecuted at no cost to the plaintiff, which we desire because of masters' crimes and barbarous and inhumane treatment of their slaves. . . .

XXX. Slaves may not be given offices or commissions with any public function, nor be named agents by anyone other than their masters to act or estimate losses or testify, either in civil or criminal matters. And in cases where they will be heard as witnesses, their depositions will only serve as memoranda to aid the judges in the investigation, without being the source of any presumption, conjecture, or proof.

XXXI. Slaves cannot be party to either judgments or civil proceedings, nor can they be plaintiffs or defendants in civil or criminal proceedings. . . .

XXXIII. The slave who will have struck his master or the wife of his master, his mistress, or their children and drawn blood, or in the face, will be punished with death. . . .

LV. Masters twenty years old will be able to manumit their slaves by [legal] deed or by cause of death, without being required to provide the reason for this manumission. Provided that they are minors twenty-five years of age, they will not need the permission of parents.

LVI. Any slave whose master leaves him all his property or who names him executor of his testament or tutor of his children will be regarded as manumitted.

LVII. We declare that manumissions enacted in our islands will be considered as birth in our islands and manumitted slaves will not need our letters of naturalization in order to enjoy the advantages of our natural subjects in our kingdom, lands, and countries under our obedience, although they be born in foreign lands.

LVIII. We command manumitted slaves to retain a particular respect for their former masters, their widows, and their children; and any insult that they make against them will be punished more severely than if it had been done to another person. However, we declare them free and absolved of any other burdens, services, and rights that their former masters would like to claim, as much on their persons as on their possessions and estates as patrons.

LIX. We grant to manumitted slaves the same rights, privileges, and liberties enjoyed by persons born free; desiring that they merit this acquired liberty and that it produce in them, both for their persons and for their property, the same effects that the good fortune of natural liberty causes in our other subjects.

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Prophesies of Slave Revolution

1771 and 1780

In his L'An deux mille quatre cent quarante (The Year 2440), *first published in 1771, Louis-Sébastien Mercier critiqued the society he lived in by imagining waking up from a very long nap to find the world perfected and the tyranny and oppression of the past erased. As he wanders in this new world, he comes upon a monument representing a remarkable man who had brought liberty to slaves and redemption to Europeans.*

[T]o the right I saw on a magnificent pedestal a *nègre,* his head bare, his arm outstretched, with pride in his eyes and a noble and imposing demeanor. Around him was the debris of twenty scepters.[8] At his feet were the words "To the Avenger of the New World!"

I shouted with surprise and joy. Yes, I was told with an energy equal to my exclamations, nature had finally created this surprising and immortal man who had delivered a world from the most atrocious, longest, and most insulting tyranny of all. His genius, his audacity, his virtuous vengeance were rewarded; he broke the chains of his compatriots. So many slaves oppressed by the most odious slavery seemed to be awaiting only his signal to become as many heroes. The torrent that breaks dikes and lightning that strikes have a less immediate and violent effect. In the same instant they spilled the blood of their tyrants. French, Spanish, English, Dutch, Portuguese all fell prey to iron, poison, and flame. The soil of America avidly drank the blood that it has been awaiting for so long, and the bones of their ancestors, murdered by cowards, seemed to stand up and shake with joy. . . . This heroic avenger freed a world of which he is the god, while the other [the Old World] has rendered him homage and granted him crowns. He came like a storm spreading across a city of criminals that is about to be destroyed by lightning. He was the exterminating angel to which God and Justice had handed its double-edged sword: He demonstrated that sooner or later cruelty will be punished and that Providence stores away souls that she unleashes on the earth to reestablish the balance that the iniquity of ferocious ambition has destroyed.*

This passage from a history of European colonialism, the publication of which was overseen by Abbé Raynal, followed a common eighteenth-century practice by directly incorporating some of Mercier's language. But the author of the passage, Denis Diderot, also included details not in Mercier, notably referring to events in Jamaica and Suriname, where colonial governments had made treaties with maroon communities, assuring them of their freedom. In this version, which followed a description of the slave trade, Diderot appealed to the sense of justice of European monarchs, urging them to end their own participation in the slave trade and declare war against any leaders who continued participating in the traffic. Then, however, he suggested that a violent revolution among the slaves themselves might ultimately be required to overturn slavery.

Refuse the seal of your authority to this infamous and criminal traffic of men who are turned into herds of cattle, and this commerce will disappear. Unite, for once, in pursuit of good, those forces that are so often gathered together for its destruction. If one among you dares to base hope for his richness and grandeur on the generosity of all others, he becomes an enemy of the human race that must be destroyed. Carry fire and iron against him. Your armies will be filled with the

[8]A scepter is a symbol of royalty.

Source: Louis-Sébastien Mercier, From *L'An deux mille quatre cent quarante: Rêve s'il en fût jamais* (Paris: Lepetit jeune et Gerard, An X [1802]), 180–84.

*This hero, no doubt, will spare the generous Quakers who have just granted liberty to their *nègres* in a touching and memorable moment that made me spill tears of joy and makes me hate those Christians who do not imitate them.

Guillaume Thomas François Raynal, *Histoire philosophique et politique des établissements et du commerce des Européens dans les Deux Indies* (Genève: Pellet, 1780), vol. 3, book 11, chap. 24.

saintly enthusiasm of humanity. You will see what a difference virtue makes between men who are saving the oppressed and mercenaries who serve tyrants.

But what am I saying? Let us no longer seek to make the useless voice of humanity heard by people and their masters; it has perhaps never been consulted in public decisions. Your slaves do not need your generosity or your advice to shatter the sacrilegious yoke that oppresses them. Nature speaks louder than philosophy or interest. Already there have been established two colonies of fugitive Negroes who are safe from your attacks thanks to treaties and force. These bolts of lightning announce the thunder, and all that the Negroes lack is a leader courageous enough to carry them to vengeance and carnage.

Where is he, this great man that Nature owes to its vexed, oppressed, tormented children? Where is he? He will appear. . . . He will show himself and will raise the sacred banner of liberty. This venerable leader will gather around him his comrades in misfortune. More impetuous than torrents, they will leave everywhere ineffaceable traces of their just anger. The American fields will be intoxicated by the blood that they have been awaiting for so long, and the bones of so many unfortunates, piled up for three centuries, will shake with joy. The Old World will join its applause to that of the New. Everywhere people will bless the name of the hero who reestablished the rights of the human species; everywhere monuments will be erected to his glory. Then *The Code Noir* will disappear, and *The Code Blanc* will be terrible if the victors consult only the law of revenge!

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MÉDÉRIC-LOUIS-ÉLIE MOREAU DE SAINT-MÉRY

Description . . . of the French Part of the Island of Saint-Domingue

1797

In the introduction to his encyclopedic Description, *written before the French Revolution but first published in Philadelphia in 1796, the Martinican-born lawyer Moreau de Saint-Méry portrayed the different kinds of people living in Saint-Domingue at the end of the eighteenth century. He drew on the latest scientific theories as well as on his personal observations and historical research. In this selection, he depicts the free people of color, who were culturally, physically, and legally distinct from, yet intimately connected to, the colony's white and black populations. Though Moreau de Saint-Méry never mentioned it in his writings, he, like nearly all white colonists, appears to have had a free colored mistress and perhaps a daughter with her.*[9]

Of the Freedmen

The freedmen are universally known as "people of color" or "mixed bloods," although this name, taken exactly, could also refer to enslaved *nègres.* As soon as the colony had slaves, it had freedmen, and several causes seem to have coincided to form this intermediary class between master and slave. In Saint-Domingue, slaves were not only *nègres* but also Indians and savages only distinguished from *nègres* by their color. The scarcity of women, the ways of the freebooters and

[9]See "Une fille naturelle de Moreau de Saint-Méry à Saint-Domingue," *Revue de la société haïtienne d'histoire et de la géographie* (March 1989): 51.

Médéric-Louis-Élie Moreau de Saint-Méry, *Description topographique, physique, civile, politique et historique de la partie française de l'Isle Saint-Domingue* (Philadelphia, 1797), vol. 1, pp. 45–51 and 90–99.