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Marisa Mancini

History 91 – Final Essay

L'affaire d'Antoine: Colonial Tensions of Freedom and Power

Abstract: In 1774, living in the French colony of Saint-Domingue, Antoine bought his freedom from the Gentil de Paroy, only to be arrested by his former master two years later and accused of using poison. With his mother, Lisette, a free woman of color, advocating for him, the local courts in Le Cap Français found Antoine innocent of the alleged crime and upheld his freedom only for this freedom to be revoked by the French monarchy. Situating Antoine's case into the history of Saint-Domingue highlights the social and political contradictions surrounding citizenship and sovereignty that were inherent to colonial society in the 1770s and ultimately led to Revolution.

When Lisette woke up on May 29, 1779, she learned that her son Antoine, a free man, had been arrested by the fugitive slave police. At this news, “her soul trembled anew with a hidden foreboding,” and she ran, crying, to the city prisons to find her son.¹ Lisette's legal battle for her son's freedom had actually begun three years earlier, when Antoine's former slave master, the Gentil de Paroy, arrested Antoine and kept him in a plantation prison cell for fifteen months. By 1779, Paroy had finally exhausted the colony's appeals processes, forced to accept the decision of the Conseil Supérieur of Le Cap, the largest city in colonial Saint-Domingue. The Conseil's final decision had both recognized Antoine's freedom and denounced Paroy's actions as violations of Antoine's rights. But now, Antoine found himself back in a prison cell, this time by virtue of the *maréchaussée* responsible for returning runaway slaves to their masters. Lisette soon learned that a decision from the Conseil d'État in France, representing the absolute sovereignty of the French monarch, had reversed the local court's decision. Her son was returned to Paroy's plantation, where he would die days later, again wearing the yoke of slavery around his neck.

¹ Archives Nationales d'outre-mer (ANOM) 164APOM//1: “Procédure relative à l'affaire du nègre Antoine.” Doc. 1, pp. 5.

Using Antoine's struggle as a case study, this paper seeks to analyze the social and political tensions inherent to colonial society in the years leading up to the Haitian Revolution, which began with a monumental slave insurrection in 1791 and culminated in the formation of the Republic of Haiti in 1804. Ultimately, Antoine found himself at the center of a legal cost-benefit analysis of manumission, involving a sovereignty battle between various levels of the colonial administration. The ups and downs of his legal status reflect the fundamental tensions of colonial society in the 1770s, in that his status at any given time depended on various understandings of how the slave system could best be preserved. With this in mind, I situate Antoine into the history of the Revolution – his struggle for liberty ultimately sheds light on the social forces that made the Haitian Revolution possible while demonstrating the very real consequences of French colonial policies on both Saint-Domingue's enslaved population and its non-white, free community.

From Slavery to Revolution: Antoine's positionality in the history of Saint-Domingue

Saint Domingue, located on the western side of the island called "Hispaniola" by the Spanish, became an official French territory in 1695.² Its native population, the "Taino," had all but disappeared by the mid-1500s, both from diseases brought to the island by Spanish and French settlement and from forced labor implemented through extreme violence.³ Without an indigenous population to exploit, the French turned to African slaves as the colony's primary labor source.⁴ By 1789, Saint-Domingue – the site of Christopher Columbus' first landing in the

² C.L.R. James, *The Black Jacobins* (New York: Vintage Books, 1989), 4.

³ Laurent Dubois, *Avengers of the New World* (Cambridge: The Belknap Press of Harvard University Press, 2004), 13-14.

⁴ James, 5.

New World – was “the most profitable colony the world had ever known”⁵ and home to millions of slaves.

These slaves lived a brutal existence. Mortality rates among Saint-Domingue slaves were extremely high in comparison to other New World slave societies: fifty percent of “newly purchased Africans died” during their first three to five years of forced labor, in addition to the thirteen percent death rate among Africans making the Middle Passage across the Atlantic on French slave trading vessels.⁶ Slaves on the island were “worked like animals,” “housed like animals,” and tortured in ways explicitly meant “to break their spirit and satisfy the lusts and resentment of their owners.”⁷ This was a system of extreme racial violence that was both codified in the law and encouraged by the social realities of the slave system. Every decision made by the colonial administration, from the local to the international level, was motivated by a desire to maintain this system, no matter the cost.

This is the world in which Antoine and Lisette lived, in which they fought for justice and liberty. The name Antoine first appears in the private archives of the Marquis Le Gentil de Paroy, in a 1754 inventory of the “Habitation de Bellevue,” a plantation belonging to the Marquis the Gentil de Paroy and his wife in Limonade, one of Saint-Domingue’s northern provinces. Antoine is listed here as one of 20 *négrillons* - a derogatory term here used to refer to enslaved boys under the age of 18 - at nine years old.⁸ If this is in fact the same man, then Antoine would have been 29 years old in 1774, when he (or his mother, depending on whose account you trust) bought his freedom for 3,000 livres. Paroy acknowledged Antoine’s freedom

⁵ Ibid, 57.

⁶ Malick Ghachem, *The Old Regime and the Haitian Revolution* (Cambridge: Cambridge University Press, 2012), 36.

⁷ James, 10-12.

⁸ ANOM 164APOM//1: “États des nègres et bestiaux 1754,” Doc. 1, pp. 3.

until the deaths of 25 slaves and 49 animals, all belonging to Paroy, throughout 1776.⁹ Believing these deaths to be caused by poison, Paroy blamed Antoine, the free man who, despite his newfound liberty, continued to appear on Paroy's plantation and speak with Paroy's slaves. So, Paroy had Antoine arrested and placed in a *cachot*, a small prison cell, on his plantation.¹⁰ This is where Antoine stayed for fifteen months, while his mother, Lisette, fought to transfer her son into the royal prisons of Le Cap Français, where he would have the chance to prove his innocence.

Once Antoine was transferred to Le Cap, he was "submitted to the horrors of a criminal procedure" that, given racial policies of the time, he had little hope of winning.¹¹ But the criminal trial ultimately depended on "testimony by the slaves of the plantation," the only witnesses to any crime that may have taken place, and based on the slaves' statements, Antoine was found innocent.¹² By February 5, 1779, the Gentil de Paroy had exhausted the appeals process, and the Conseil Supérieur of Le Cap had upheld Antoine's freedom and ordered Paroy to pay Antoine and his mother 1,000 livres in compensation for Antoine's unlawful imprisonment.

Antoine enjoyed his life of freedom for several months before he was again arrested in May of 1779.¹³ Claiming that "an exact discipline is the only way to conserve order in the colonies of the new world and to assure a peaceful life there for Europeans," the Conseil d'État in France had reversed the local courts' decision, revoking Antoine's liberty and granting Paroy the absolute and exclusive right to arrest him and enslave him on his plantation indefinitely.¹⁴

⁹ ANOM 164APOM//1: "Procédure relative à l'affaire du nègre Antoine." Doc. 15, pp. 3.

¹⁰ ANOM 164APOM//1: "Procédure relative à l'affaire du nègre Antoine." Doc. 1, pp. 2.

¹¹ ANOM 164APOM//1: "Procédure relative à l'affaire du nègre Antoine." Doc. 1, pp. 3.

¹² ANOM 164APOM//1: "Procédure relative à l'affaire du nègre Antoine." Doc. 15, pp. 5.

¹³ Ghachem, 106.

¹⁴ ANOM COL A 17: "Actes du pouvoir souverain," Doc. 54, 27 Nov. 1779, pp. 1.

Although the exploration of Antoine’s struggle put forth here highlights instances where local governance benefitted him and seemed to advocate for his well-being, everything Antoine experienced took place in a brutally unequal and racist system that cared far more about its own maintenance than about his future. This is nowhere more evident than in the racialized language used, without fail, to describe Antoine and his mother in every legal document that addresses this case. In his private records, Paroy labelled this “l’affaire du nègre Antoine,” using a word applied both to slaves and to people of color at the time. Directly translated to “Negro,” the word “*nègre*” replaces the “*Sieur*,” or “sir” that comes before the names of the white men involved in the case (including Paroy’s name). Antoine, then, was always legally identified as “*le nègre Antoine*,” regardless of his slave or free status. Similarly, Lisette, a free woman of color, was labelled as a “*négresse libre*.”¹⁵ Throughout this analysis, I do not refer to Antoine and Lisette using this language, but it is important to note its constant presence. Whether free or enslaved, Antoine and Lisette were always legally identified first by the color of their skin and then by their first name, reflecting that, by the 1770s, Saint-Domingue was governed by a system in which racial identity was the primary determinant of social status and access to rights.

This racialized – and violently racist – system resulted in a network of unsustainable social tensions between slaves, free people of color, white plantation-owners, and the colonial administration, which ultimately culminated in violent social upheaval. The resulting revolution occurred on several fronts, as each of these communities fought against the status quo. Understanding the various motives and desires of these communities during revolution requires an investigation into pre-Revolution understandings of sovereignty and citizenship. As Antoine’s case reflects, colonial society, by its nature, explicitly challenged the meaning of French

¹⁵ *Négresse* being the female form of *nègre*, and *libre* meaning free.

citizenship and questioned traditional understandings of sovereignty, thereby directly undermining the absolutist regime of the French empire even before revolution physically began.

French Regulation of Slavery: An Institutional Source of Colonial Tension

Originally, the slave system of Saint-Domingue, and of all other French colonies, was regulated by the 1865 Code Noir. In James's words, the Code's provisions represented "Louis XIV's attempt to ensure [the slaves'] human treatment" if only to prevent a slave revolt and further institutionalize slavery's presence in the colonies.¹⁶ "One of the most important royal attempts to impose European legal and moral ideals on plantation society,"¹⁷ the Code Noir was very much meant to maintain the stability of the slave economy by reigning in masters' power over their slaves and regulating the daily life of every slave on French land. Among the Code's many stipulations were articles concerning the land and food owed to each slave, as well as restrictions on the physical punishments a master could legally administer to a slave.¹⁸ The Code "also gave the slave the right to bring a case of outright cruelty or deprivation by a master to the attention of the Crown prosecutor,"¹⁹ although slaves were forbidden from testifying in court until a 1738 decree allowed slave testimony under specific circumstances.²⁰ The existence of the Code, then, meant that, in theory but rarely in practice, slaves in Saint-Domingue had a legal recourse against a master who exhibited extreme brutality and violence. Because these regulations came from the absolute monarch, a master who neglected to treat his slaves in the proper manner represented a direct challenge against the authority of the King. This extended to

¹⁶ James, 11.

¹⁷ John D. Garrigus, *Before Haiti: Race and Citizenship in French Saint-Domingue* (New York: Palgrave Macmillan, 2006), 39.

¹⁸ Carolyn Fick, *The Making of Haiti: The Saint Domingue Revolution from Below* (Knoxville: University of Tennessee Press, 1990), 33-34.

¹⁹ *Ibid*, 35.

²⁰ *Ibid*, 283.

the Code's restrictions on slave activity as well. For example, slaves were forbidden from practicing vodou and were obligated to hold at least "nominal membership in the Catholic church,"²¹ meaning that non-approved religious expression would become inherently revolutionary and threatening to the slave system.

But perhaps the most important of the Code Noir's roles was to regulate manumission, as well as to define the citizenship status of colonial subjects. Like many of the Code's provisions, the manumission policy set forth in 1685 borrowed "from the text of Roman law," while ignoring the unique historical context that complicated Roman slave policies.²² So, while the monarch could rely on the Roman precedent to legitimate the Code's regulations, the nuances of Roman legal history meant that its legacy could be used both to support and to oppose lenient manumission policies.²³ This phenomenon contributed to the varying and often contradictory ideas lawmakers held about maintaining slavery, as Antoine's case will reflect.

The original Code was quite lenient in allowing manumission, giving masters "complete freedom to free slaves."²⁴ The only condition to this freedom was a stipulation that the freed slave "must display a singular respect toward their former masters."²⁵ This legal insistence on an undefined display of gratitude toward the former master could be, and often was, interpreted by local courts as a means of controlling the actions of freed men and women. The 1685 Code also gave all free people of color "equal rights with the whites," a declaration that included freed slaves.²⁶ Any non-slave then, was meant to be considered a French citizen, regardless of race or previous slave status.

²¹ Ibid, 44.

²² Ghachem, 73.

²³ This contradiction will be explored further in the context of Antoine's case.

²⁴ Garrigus, 40.

²⁵ Fick, 280.

²⁶ James, 37.

Those slaves who were manumitted contributed to the growing population of free people of color in Saint-Domingue. Compared to other French colonies in the Caribbean, Saint-Domingue's community of free people of color represented a particularly high percentage of the overall population. By 1789, this community "probably equaled the number of whites."²⁷ Part of the reason for the large numbers was the high level of interracial sex between white men and African women, especially in the early years of the colony.²⁸ The Code Noir "called on masters who fathered children with a slave to free and marry her and free their children" meaning that interracial relationships contributed directly to the growing number of free people of color in Saint-Domingue.²⁹ The sexual implications behind the presence of free people of color contributed in turn to the anxiety that both white colonists and colonial administrators felt about the growing number of non-white free men and women in the colony. The fact that this community shared equal rights with white communities only increased the racial tension.

So, as the community of free people of color increased, manumission policy began to change, particularly after the colonial wars between France and Britain in North America. By the 1770s, "an important mid-century shift in the way French colonists defined their own identity deliberately alienated Saint-Domingue's wealthy freeborn families, recasting them as 'freedmen' or ex-slaves" rather than equal citizens.³⁰ As the French government attempted to unite Frenchmen in support of the colonial wars taking place in the Americas, it realized the threat posed by white communities in the French colonies who identified as American or Atlantic rather than French. The solution, then, was to racialize what it meant to be French, thereby

²⁷ Laurent, DuBois. "Slavery in the French Caribbean, 1635-1804," In *The Cambridge World History of Slavery*, ed. David Eltis and Stanley L. Engerman. (Cambridge: Cambridge University Press, 2011), 439.

²⁸ Dubois, *Avengers of the New World*, 62.

²⁹ Ibid.

³⁰ Garrigus, 4.

alienating white colonists from the rest of colonial society and linking them instead to the white French nation. At the same time, this racialization of Frenchness served to alienate free people of color, framing them as second-class citizens, regardless of their wealth or family status. And because manumission was to grant citizenship to the freed slave, it faced increased regulations as well, thus becoming more and more inaccessible. “Administrative oversight of planter discretion in freeing individual slaves” became the norm and, between 1685 and 1791, the manumission regime evolved from an “‘open-door’ policy” that allowed masters to free slaves to a matter of public governance.³¹ “Taxation and registration of manumission acts, reenslavement proceedings,” and “the nature of the ‘respect’ owed by freed persons to their former patrons” that was often used to send ungrateful slaves back into slavery regardless of their master’s wishes,³² combined to subordinate the master’s absolute sovereignty over his slave to the monarch’s absolute sovereignty over all French subjects.

The debates around manumission reflect the “balancing act” required to maintain a slave system. Montesquieu defined this necessary balance in his 1748 work, *The Spirit of the Laws*, writing that “the republic can be equally endangered by too many freed men and by too many slaves.”³³ Administrators, therefore, had to find an equilibrium between manumitting too many slaves – which could create a community of free men large enough to threaten the republic’s survival – and not manumitting enough slaves – which could create a mass of slaves too large to contain. Often, local courts interpreted this equilibrium differently than the Conseil d’État, meaning that “it was entirely possible, within the context of the very same case, for one level of

³¹ Ghachem, 232.

³² Ghachem, 80.

³³ Charles-Louis de Secondat baron de Montesquieu, *The Spirit of the Laws*. Edited and translated by Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone. (Cambridge: Cambridge University Press, 1989), 261. Quoted in Malick Ghachem, *The Old Regime and the Haitian Revolution*. (Cambridge: Cambridge University Press, 2012), 76.

colonial administrative authority to use the argument from ‘order’ in favor of master’s putative rights over a slave or freed person, and for another level of authority to use the same argument to subvert or deny the master’s rights.”³⁴ Thus, the administration of Saint-Domingue was a constant struggle of sovereignty between the monarch and the Conseil d’État in France, the local colonial administrators in the Conseils Supérieurs, and the white planters themselves, all of whom had their own ideas about how to ensure their own profitability and the stability of the slave economy.

As a result, the issue of sovereignty was, perhaps, inevitable. In addition to varying understandings of a proper balance with which to govern slavery, slavery itself “served to create pockets of sovereignty within the state,” given that slavery demanded the master’s absolute power over the slave, and thereby encroached on the intended absolute sovereignty of the French monarch. ³⁵ Because the Code Noir represented “the extension of absolutism abroad,”³⁶ the French government saw planters’ and local courts’ blatant disregard for its provisions as less an issue of racial discrimination and more an issue of sovereignty and violations of the absolutist paradigm.³⁷ Therefore, at the very heart of French colonial rule was a fundamental confusion surrounding appropriate self-preservation methods as well as a constant battle between various levels of authority.

“Equal rights with the whites”: Antoine as a story of citizenship and freedom

Antoine’s Manumission

³⁴ Ghachem, 121.

³⁵ Ibid, 51.

³⁶ Ibid, 60.

³⁷ Carolyn Fick argues that “rarely, if ever, were any of the Code’s provisions governing the conditions of the slaves enforced in Saint Domingue” (Fick, 33).

In 1695, the original Code Noir gave all free people of color “equal rights with the whites.”³⁸ This statement, of course, had high-reaching implications for policies surrounding manumission practices and complicated the notion that a master could free his slaves at will, seeing as such power would also allow a master to grant citizenship. According to his representative, when Paroy granted Antoine his liberty, he viewed his decision as an “occasion to distance himself from a dangerous slave and to accord him liberty in return for the sum” of 3,000 livres; in other words, this was a way for Paroy to rid himself of a troublesome slave while putting away some money in the process.³⁹ But, perhaps because he felt Antoine was so dangerous, Paroy made this a conditional freedom, based on an understanding that Antoine would never “under any pretext reappear on the plantation.”⁴⁰ This conditional freedom was possible because of the manumission regime that existed by this point in the 1770’s. Rather than a private matter between a master and his slave, manumission had shifted into a matter of public importance, falling under the jurisdiction of the French state. Many slave-owners perceived this shift “as an injury to their absolute right of property in slaves,” and so found ways to emancipate slaves extra legally.⁴¹ The most common method was dubbed “liberté de la savane,” (literally, freedom of the savannah) by which planters granted freedom to a slave while the slave “remained in some capacity on their former owners’ estates.”⁴² Others, however, like Paroy, simply freed their slaves informally and illegally, particularly in urban centers of the colony.⁴³ These masters often continued to expect the level of “respect” from former slaves that had been required by the Code Noir, in addition to adding other conditions to freedom as Paroy did.

³⁸ James, 37.

³⁹ ANOM 164APOM//1: “Procédure relative à l’affaire du nègre Antoine.” Doc. 15, pp. 3.

⁴⁰ Ibid.

⁴¹ Ghachem, 87.

⁴² Ibid.

⁴³ Ibid, 88.

Because freedom granted by these masters did not equate to freedom granted by the state, and therefore did not legally grant the slave with the status of a citizen, this liberty was entirely dependent on the master's continued acceptance of it. At least in the eyes of the King and his Conseil d'état, then, this freedom never existed at all, which meant that Paroy could revoke Antoine's informal freedom at will.

However, despite the regulations against master-imposed manumission, the Conseil Supérieur of Le Cap Français upheld Antoine's freedom as legitimate as late as February 1779, and denied Paroy's right to arrest the free man. From the local court's perspective, manumission was "useful," as Moreau de Saint-Méry argued in his 1789 pamphlet on life in colonial Saint-Domingue, because it "offer[ed] a precious hope" to the enslaved⁴⁴ and "provided slaves with an incentive to conduct themselves in ways that were compatible with the smooth functioning of the plantation economy."⁴⁵ Local courts thus saw Antoine's case as representative of a larger legal issue; revoking his freedom and denying the master's right to grant liberty would prove a dangerous precedent for the future, and could even contribute to the collapse of the slave economy. What is more, 1771 witnessed, "a panic over a rumored slave conspiracy," which prompted "judges of the regional court in Cap Français [to admit] that royal justice should not come between masters and slaves."⁴⁶ This meant that when ruling on Antoine's case in 1779, the Conseil Supérieur of Le Cap Français was reluctant to deny the master's right to grant freedom, even if it had no qualms in denying the same master's rights over the slave once freedom had been granted. In refusing the master's rights after manumission, the local courts ensured the

⁴⁴ Médéric Louis Elie Moreau de Saint-Méry, *Observations d'un habitant des colonies sur le mémoire en faveur des gens de couleur, ou sang-mêlés, de Saint-Domingue et des autres Isles françaises de l'Amérique, adressé à l'Assemblée nationale, par M. Grégoire*. (1789), 19. Quoted in Malick Ghachem, *The Old Regime and the Haitian Revolution*. (Cambridge: Cambridge University Press, 2012), 71.

⁴⁵ Ghachem, 70.

⁴⁶ Garrigus, 39.

validity of the master's right before liberty had been granted, and thereby fully acknowledged the absolute power of the master to grant legitimate, irrevocable freedom to his slave.

Antoine's case was not the first time that local administrators had accepted manumission granted by a master, whatever its legality under official French law. In the early 1770's, a slave woman named Marie-Victoire was freed along with her daughter by the last will and testament of her master. However, her master's brother insisted on inheriting her as his slave, and when she ran away with her daughter, he demanded she be arrested by the fugitive slave police. But the colonial administration "invoke[d] the dogma that only respect for the absolute domestic sovereignty of masters [in this case, the dead man] could prevent the colonial social order from unraveling," thereby upholding Marie-Victoire's freedom and that of her daughter as a means of maintaining the stability of the social order.⁴⁷ In 1775, another free woman of color, Marion, found herself facing re-enslavement when her former master accused her of failing to meet the condition of gratitude enshrined in the Code Noir. But the Conseil Supérieur of Le Cap upheld her freedom, finding insufficient evidence to prove her ingratitude. In both cases, the Conseil Supérieur of Le Cap supported the master's absolute right to free his slave at the same time that it rejected the master's rights over the former slave after the manumission had been granted. These are decisions that must have provided some precedent for the judgement rendered for Antoine later in the decade.⁴⁸

But an ocean from Saint-Domingue, the French monarch and the high courts had a far more sinister view of manumission, and often disagreed with the local administration's lenience toward masters who granted freedom to their slaves without going through the formal manumission process. Ultimately, the Conseil d'État in France denied the liberty of Marie-

⁴⁷ Ghachem, 107.

⁴⁸ Ibid, 99.

Victoire, of Antoine, and of many others who faced re-enslavement. The Conseil's holding that sentenced Antoine to reenslavement, archived in Paroy's records on November 27, 1779, summarizes the main points of the rhetoric that painted manumission not as a benefit, but as a threat to the colonial order.

The "arrêt" or "holding" of the Conseil d'État argues that the French government "had for the manumission of slaves in the new world adopted principles from the Romans," whose laws stipulated that "the magistrates alone had the right to grant freedom. The will of the master did not suffice to free a slave."⁴⁹ It was true, as we have seen, that French legislation on slavery was to some extent based in Roman principles, but the Conseil here ignores the nuance of the Roman precedent. In fact, Roman law could be, and often was, also viewed as the source of "the belief that the master-slave relationship was autonomous and self-regulating" and therefore "beyond the reach of the law altogether."⁵⁰ Thus, both sides of the manumission question – the one that saw manumission as an autonomous power of the master, and the other that placed it under state authority – could be legitimated by way of the Roman precedent. The Conseil d'État also ignores that the original Code Noir actually did allow masters to grant freedom. It was only later in the eighteenth century that manumission became a matter of public sovereignty. This rewriting of legal history, then, represented the Conseil d'État's attempt to establish its power over manumission as a long-standing principle, when in fact, this practice was a relatively new one.

Misattributions of precedent notwithstanding, the Conseil d'État's understanding of French and Roman law dictated that Antoine was and had always been a slave. The arrêt held that "a slave freed by his master," such as Antoine, "would not become free until the moment

⁴⁹ ANOM COL A 17: "Actes du pouvoir souverain," Doc. 54, 27 Nov. 1779, pp. 5.

⁵⁰ Ghachem, 126.

when the leaders of the colony had ratified the manumission.”⁵¹ Since this ratification had never taken place, Antoine had never truly been free. Furthermore, despite the conditions of his freedom, Antoine had failed to fulfill his promise not to return to Paroy’s plantation. According to Paroy, Antoine “had conserved relationships in the slave atelier that he had left” and “returned there continuously.”⁵² Therefore, Paroy, being Antoine’s rightful master and under no obligation to respect Antoine’s freedom, especially after its conditions had been repeatedly flouted, had the right “to exercise the rights and the authority of master and ownership over Antoine.”⁵³ In this manner, the Conseil d’État ensures that Antoine remains a slave, as well as setting a strict precedent for its own power over future manumissions. .

Ultimately, though, the Conseil d’État was motivated by its belief that manumission posed a danger to colonial society. The November arrêt declares that

an exact discipline is the only way to conserve order in the colonies of the new world and to assure a peaceful life there for Europeans. The slave always ready to revolt against the yoke he wears can only be contained by fear and the feeling of his own inferiority.⁵⁴

Clearly, the Conseil proscribed to Montesquieu’s characterization of slaves as the “natural enemies of society,”⁵⁵ always ready to rise up against the social order. The local courts hoped to use the possibility of manumission to contain this constant threat, but the Conseil d’État instead hoped to do the opposite, relying on the impossibility of freedom and a lack of hope to frustrate any will to revolt. Like the Conseil Supérieur of Le Cap, the Conseil d’État viewed Antoine’s case as indicative of a larger issue, with the security of the colony at stake. Inherent to this framework was a distrust of Saint-Domingue’s growing population of free persons of color, itself

⁵¹ ANOM COL A 17: “Actes du pouvoir souverain,” Doc. 54, 27 Nov. 1779, pp. 5.

⁵² ANOM 164APOM//1: “Procédure relative à l’affaire du nègre Antoine.” Doc. 15, pp. 3.

⁵³ ANOM COL A 17: “Actes du pouvoir souverain,” Doc. 54, 27 Nov. 1779, pp. 5.

⁵⁴ *Ibid.*, 1.

⁵⁵ Montesquieu, 256.

the result of the great extent to which planters in Saint-Domingue freed their slaves regardless of legal processes of manumission.

Lisette, “the miserable mother”

The large community of non-white free persons in Saint-Domingue was largely the result of the Code Noir’s provision that a white man who fathered children with one of his slaves was legally obligated to free this slave and her children. In this manner, “whites constantly contributed to the growth of the free-colored population,” even while publicly denouncing interracial sex and disrespecting the rights of free men and women of color.⁵⁶ Under the Code Noir, this growing population should have held “equal rights with the whites,” but as the number of free people of color grew, those provisions of the Code Noir that promised equal treatment were replaced “by an increasingly harsh set of racist decrees that outlawed people of African descent from” exercising equal rights.⁵⁷ This was partly because the very presence of free people of color “provoked anxiety about definitions of empire, citizenship, gender, and nation within the history of France and a wider world.”⁵⁸ Indeed, the existence of a free, non-white community indicated sexual contact between races, increasingly a source of racial paranoia for white colonists. Free women of color in particular found themselves at the center of a discourse that framed people of color as sexually promiscuous and blamed black wet nurses for the corruption of white children.⁵⁹ Depictions of women of color as impure and corrupting contributed to a belief that equality between free people of color and white citizens was a threat to the stability of

⁵⁶ DuBois, “Slavery in the French Caribbean,” 441.

⁵⁷ Ibid, 440.

⁵⁸ Semley, Lorelle, *To be Free and French: Citizenship in France’s Atlantic Empire* (Cambridge: Cambridge University Press, 2017), 12.

⁵⁹ DuBois, “Slavery in the French Caribbean,” 441.

the French empire itself. As a result, by 1770, race, rather than economic class, had become the primary determinant of social status.

Lisette, “the miserable mother” forced to “spend the rest of her existence fighting for the conservation of” her son’s life,⁶⁰ represented both the surprising level of autonomy and social capital that a free person of color, and particularly a woman of color, could possess as well as the distrust aimed at free people of color, and particularly women, in the face of changing racial policies. “One of the distinctive characteristics of the free population of color was the important role played by women,” who participated in the economy (including by buying and selling slaves) significantly more than white women.⁶¹ Women of color, at least on an individual basis, thereby reached a certain level of economic independence and wealth, posing a serious threat to the white and masculine framework of the colonial administration. But free women of color also represented the sexualized aspects of racial identity and often provoked a general anxiety about interracial sexual relationships. The perceived sexual danger exhibited by a woman of color in addition to the chance that she carried a not insignificant amount of wealth, made her a significant threat to the colonial project as well as a potential source of non-white authority.

While we do not know the origins of Lisette’s freedom, it is clear at least that she at least held some level of social authority. In contrast to her son, her voice is preserved in the historical record, albeit through the lens of a male (and likely white) representative. What is more, this representative made an explicit effort to highlight Lisette’s trust of the judicial system, noting that after shedding many tears over her son’s first arrest, she decided to write to the S n chal of Le Cap, knowing that “there existed judges” who would “intercede on behalf” of her and her

⁶⁰ANOM 164APOM//1: “Proc dure relative   l’affaire du n gre Antoine.” Doc. 1, pp. 3.

⁶¹Garrigus, 72-73.

son.⁶² While this may be a rhetorical device on the part of her representative to convince the courts of Lisette's respect for the colonial order, it remains that Lisette did go to the courts, and that her needs were, at first, met. This was not unheard of, either, as many historians have noted the multitude of ways in which Saint-Domingue's free people of color explicitly turned to the legal systems available to them to ensure their own rights and safety, even as these systems increasingly denied access to people of color.⁶³ Slaves, too, demonstrated "legal initiative" at times, demonstrating that "at least some of the colony's slaves saw its judicial officers as figures whose authority potentially superseded that of their masters."⁶⁴ These stories, then, along with Lisette's, complicate James' contention that "not one article of the Code Noir was obeyed" and that judicial recourse was all but nonexistent for people of color.⁶⁵ In fact, from the perspective of many free persons of color, if not from the perspective of the courts, "no legal cards were off the table" when it came to finding legal means of protection for themselves and their rapidly disappearing rights.⁶⁶

At the same time, Lisette's presence in Antoine's history was understated by her representative compared to the writings of Paroy and the Conseil d'État. While her representative wrote that Paroy received the 3,000 livres from Antoine himself, Paroy was sure to note that it was Lisette who offered him the money in return for her son's freedom.⁶⁷ This demonstrates well the pervasive fear among white planters "of collusion between free people of color and slaves,"⁶⁸ and particularly a general anxiety over the potential economic autonomy of free women of color. It could be argued that such fears were somewhat justified, given that free people of color

⁶² ANOM 164APOM//1: "Procédure relative à l'affaire du nègre Antoine." Doc. 1, pp. 3.

⁶³ Garrigus, 84.

⁶⁴ Ghachem, 269.

⁶⁵ James, 56.

⁶⁶ *Ibid*, 105.

⁶⁷ ANOM 164APOM//1: "Procédure relative à l'affaire du nègre Antoine." Doc 15, pp. 3.

⁶⁸ DuBois, "Slavery in the French Caribbean," 441.

“frequently liberated others from slavery,” particularly children.⁶⁹ However, free people of color also “played a central role in policing the slaves through the *maréchaussée*” and “many, though not all, were deeply invested in maintaining slavery.”⁷⁰ The fact that the colony depended on free persons of color to police slavery only contributed to the suspicion that white planters and administrators often demonstrated toward the free community, and that Paroy expressed when depicting Lisette as the driving force behind Antoine’s manumission.

This fear of Lisette’s motives featured even more explicitly in the Conseil d’État’s arrêt in its response to Lisette’s claim to be Antoine’s “curatrice” or legal guardian. In order to receive the 1,000 livres in damages ordered by the Conseil Supérieur of Le Cap, Lisette would have had to be named Antoine’s legal guardian, a role that the Conseil d’État claimed she had no right to hold. Because Paroy never sold Antoine but instead “had only given a promise of manumission with conditions, of which none were fulfilled,” only Paroy could claim “the authority and the rights of ownership and of master” over Antoine.⁷¹ This statement reflected another tension inherent to the slave system as it insisted that the white master held exclusive sovereignty over his slave, to the complete exclusion of the black mother. In a way, this was a question of sovereignty - even the right of a mother over her child could not impinge on the master’s absolute sovereignty over his slave, even as the Conseil d’État insisted that the King’s authority could and did override the master’s will. Thus, the black mother was cast aside, as the slave master, the local courts, and the French monarch fought for control over her son’s fate.

“Pockets of Sovereignty within the State”: Antoine caught in a battle of sovereignty

⁶⁹ Garrigus, 87.

⁷⁰ DuBois, “Slavery in the French Caribbean,” 441.

⁷¹ ANOM COL A 17: “Actes du pouvoir souverain,” Doc. 54, 27 Nov. 1779, pp. 7.

Clearly, slavery “served to create pockets of sovereignty within the state,” which soon became a significant problem for the absolutist regime in France.⁷² Antoine’s case involved three major levels of sovereignty. At the most global level was the French monarch (Louis XVI at this time) whose power over every person on French territory was considered absolute and inviolable. The Conseil d’État was an extension of this royal power, meant to carry out the monarch’s will.⁷³ On the colonial level were the Conseils Supérieurs in the colonies, including the Conseil Supérieur of Le Cap, which presided over Antoine’s legal process. These Conseils were intended to express the will of the king as well, but were also “nonvenal,” meaning that “they were prevented from establishing the kind of *parlementaire* [parliamentary] family traditions that underwrote the development of judicial resistance to the monarchy in eighteenth-century France.” But the Conseils also had some degree of a “right of protest”⁷⁴ which they were not shy in invoking.⁷⁵ Finally, at the more personal level, was the master’s sovereignty over his slave, also considered absolute and inviolable.

At every level of sovereignty here, the people in power aimed almost exclusively at promoting the slave system, but all had different ideas of how to do so. This issue was clearly at play in the case of Antoine’s manumission. Paroy freed Antoine with the intent of maintaining order on his own plantation. The local courts upheld Antoine’s freedom with the understanding that manumission provided “a kind of safety valve for the release of pent-up hostilities”⁷⁶ and with a desire to maintain the master’s sovereignty over his slave. The Conseil d’État in France revoked Antoine’s freedom hoping to prevent undermining of the slave system by giving slaves

⁷² Ghachem, 51.

⁷³ Ibid, 72.

⁷⁴ Referred to in French as a “droit de remontrance”

⁷⁵ Ghachem, 41.

⁷⁶ Ibid, 11.

too much power in determining their own fate. While the actions on each level of authority differ in substance, they each reflect a similar goal towards order and maintenance of slavery. At the same time, they convey vastly different understandings of manumission and freedom, while also demonstrating a clear battle of sovereignty between the master, the local courts, and the French monarchy.

For the monarch and his Conseil d'État, the most important issue here was that they alone, the "leaders of the colony," held the power to grant citizenship, and that impeding on this authority would represent a danger not only to the maintenance of slavery but also to the absolutist regime itself. The Conseil wrote in its arrêt,

What would then be, from now on, the fate of the colonists if two authorities can fight against each other, if what is permitted and authorized by the leaders of the administration and the representatives of the monarch can be condemned by ordinary tribunals, if in the end the colonists could be punished for following the decisions and the orders that His Majesty had ordered them to submit to and which are supposed to emanate from His Majesty himself? What would then be their safety if the acts of discipline could compromise them with their slaves; if in a word, all the authorities cannot reunite to hold slaves in subordination and fear when all other methods would be incapable of containing them?⁷⁷

Thus, for the absolute, monarchical power, disagreement between varying levels of the administration was fundamentally a national security problem, putting every white colonist in danger of punishment by local courts simply for following the monarch's law but more importantly, in danger of losing control over slaves and facing a mass revolt as a result. For the Conseil d'État, the solution to this problem was clear. In order to ensure agreement and consistency in the application of the law, all levels of the colonial administration – including the master in his administration over his slaves – must conform to the will of the monarch. So, while the local Conseil Supérieur focused primarily on the facts of the case and on determining

⁷⁷ ANOM COL A 17: "Actes du pouvoir souverain," Doc. 54, 27 Nov. 1779, pp. 9.

Antoine's guilt, the monarch saw only that his sovereignty has been undermined and ruled solely on this fact.

In fact, the Conseil d'État went so far as to criticize the Conseil Supérieur's trial process, mimicking Paroy's own condemnation of the process that found Antoine innocent of any alleged crime. Paroy's representative wrote that "the proof of the facts depended on testimony from the slaves of the plantation," the only possible witnesses to Antoine's alleged wrongdoing. However, "these slaves had no scruples and would rather betray the truth among themselves as long as it will benefit one of their species."⁷⁸ Antoine was pronounced innocent, then, only because these slaves felt more allegiance to a fellow member of "their species" than to the truth.

To be sure, the presence of slaves as major witnesses in a criminal trial had a complex history. The original Code Noir expressly forbade slaves from providing testimony in court, but a 1738 decree allowed slave testimony "for lack of white witnesses if the slave was an essential witness," although with the caveat that a slave could never testify against his or her master, which seems to have been the case here.⁷⁹ All the same, the Conseil d'État, and the King himself, clearly viewed Antoine's case as one in which a slave's freedom was granted by his master and then upheld based on slave testimony, all a clear violation of the monarch's sole authority to grant citizenship.

At the end of the day, Antoine fell victim to a sovereignty battle over manumission, in which the high courts felt the need to assert their authority over lower courts, over Paroy, and over the slaves living on Paroy's plantation. It did not matter to the Conseil d'État what crimes Antoine may or may have committed or what evidence may or may not have existed to convict him. Underlying the November 1779 arrêt was an intense fear of disorder and slave revolt. "The

⁷⁸ ANOM 164APOM//1: "Procédure relative à l'affaire du nègre Antoine." Doc. 15, pp. 5-6.

⁷⁹ Fick, 283.

slave always ready to revolt” had to be contained, and only by accepting the absolute power of the sovereign - the monarch - could this revolt be avoided.⁸⁰ Antoine’s case, then, raises important questions about this fear, so clearly present in the decisions made by each level of authority. These questions become more pertinent when we recognize that the November 1779 arrêt came only a decade before the “Paris masses” revolted against absolute power, and only twelve years before the “slave masses” of Saint-Domingue would rise up against their oppression.

“The Only Successful Slave Revolt in History”: Antoine as a precursor to revolution

By 1791, Saint Domingue saw the beginning of what would become “the only successful slave revolt in history,”⁸¹ leading to the emergence of the Republic of Haiti in 1804. This was a revolution carried out on many fronts, as dictated by pre-revolution realities. In August 1791, masses of slaves violently rose up against the vestiges of slavery, burning plantations to the ground, destroying agricultural equipment, and threatening their masters.⁸² The extent of the physical violence against white plantation owners and their families was often exaggerated, although there is no doubt that the insurrection responded to the violent slave system with more violence.⁸³ But before 1791, Saint-Domingue’s community of free men and women felt their own stirrings of revolutionary fervor, first in rhetoric, as they demanded equal rights with the white population, and then, after 1791, in the form of a militarized revolution, alongside the slave insurrectionists, under leaders like Jean Jacques Dessalines and Toussaint L’Ouverture.⁸⁴

⁸⁰ ANOM COL A 17: “Actes du pouvoir souverain,” Doc. 54, 27 Nov. 1779, pp. 1.

⁸¹ James, ix.

⁸² Dubois, *Avengers of the New World*, 96.

⁸³ *Ibid*, 113.

⁸⁴ *Ibid*, 65-70.

At the same time, white colonists of Saint-Domingue started to demand “national representation” in the new French Republic and began to threaten their own revolution modeled after the American Revolution against the British Empire.⁸⁵

Of this multi-faceted revolution, nineteenth-century historians tended to produce “straightforward narrative political histories” that highlighted the role of the free “mulatto” community in driving the revolution forward in the 1790s at the expense of the contributions of enslaved peoples.⁸⁶ But C.L.R. James’ *The Black Jacobins*, originally published in 1938, represented a turning point in understanding this event. James was the first to recognize that “mass revolutionary action had produced the Haitian Revolution,”⁸⁷ arguing that the pre-revolutionary context was a key factor in the development of the Revolution.⁸⁸ Indeed, while recognizing the role of the free black community, James writes that the slaves of Saint Domingue expressly “aimed at the extermination of their oppressors.”⁸⁹ At the same time, he argues that the “Paris masses” during the French Revolution completed what the “slave masses” had begun, providing the revolutionary context necessary to challenge not only slavery, but the entire foundation of the French empire.⁹⁰ Looking to the pre-revolutionary years, it is evident that all levels of the colonial administration were actively thinking of ways to prevent rebellion, both from slaves and from free people of color.

In fact, the 1791 insurrections were preceded by countless other acts of rebellion by slaves, “marons” or fugitive slaves, and free people of color long before revolution officially started. Among fugitive slaves who “fled to the mountains” and created communities of

⁸⁵ Ibid, 74.

⁸⁶ Fick, 2.

⁸⁷ Garrigus, 14.

⁸⁸ Fick, 4.

⁸⁹ James, 85.

⁹⁰ Ibid, 118.

resistance, was a man named Mackandal, who aimed at “driving the whites out of the colony.”⁹¹ His method was poison, and for six years “he and his followers [poisoned] not only whites but disobedient members of their own band” before he was captured and burned alive in 1757.⁹² Among his followers, Mackandal was considered “a religious cult leader,”⁹³ and after his death “his name became identified with almost all forms of fetishism, with poisoning, sorcery, and slave dances.”⁹⁴ In addition, “his name was ascribed to certain voodoo dances” and vodou talismans, ensuring that evoking his legacy or the use of poison itself took on religious significance.⁹⁵ The practice of vodou was not only illegal, but also a direct violation of the absolutist framework, a clear rejection of European morality in favor of a foreign spirituality. The association of poison with the vodou religion, then, could only have intensified white fear of this phenomenon.

Viewed as a part of this history, the allegations against Antoine – poisoning “25 slaves et 49 animals”⁹⁶ – are entirely possible. “By 1757, the use of poison had become a generally established practice among many slaves,” and was “carried out against plantation work animals, as well as against other slaves or against the master and his family.”⁹⁷ If Antoine truly did poison the slaves and beasts found dead on Paroy’s land in 1776, this was an act of revolutionary significance “gainst the nature of slavery and the colonial order, and as such contributed to the creation of a state of fear, uncertainty, and even paranoia and hysteria within the master class.”⁹⁸

⁹¹ Ibid, 20.

⁹² Ibid, 21.

⁹³ Fick, 60.

⁹⁴ Ibid, 63.

⁹⁵ Ibid.

⁹⁶ ANOM 164APOM//1: “Procédure relative à l’affaire du nègre Antoine.” Doc. 15, pp. 3.

⁹⁷ Fick, 69-70.

⁹⁸ Ibid, 70.

It is no wonder, then, that Paroy's allegation could have sparked so much fear of disorder in Paroy, the Conseil Supérieur of Le Cap, and the Conseil d'État.

Additionally, a significant precedent existed for planter brutality in response to uses of poison (or even mere suspected uses). Planters' fear and paranoia "prompted excessive slave arrests and executions," although the evidence does not exist to say the extent to which this violence responded to actual incidents of poisoning rather than planters' unfounded fears.⁹⁹ We do see this violence in Paroy's response to Antoine's alleged crimes, although his violence only appears in the record of Lisette's representative. In fact, this document is the only mention of Bayolet, a slave imprisoned with Antoine in 1776. Lisette's representative writes that Bayolet, being weaker than Antoine, died in the *cachot* that he shared with Antoine, "his pale and disfigured body" taken from the cell to leave Antoine alone, waiting to join his friend.¹⁰⁰ The fact that this violence was unmentioned both by the Conseil Supérieur and the Conseil d'État may indicate the commonplace nature and perhaps the acceptance of planter brutality toward slaves suspected of poison.

Besides poison, white planters and the colonial administration expressed many other fears connected to revolution, most of which have already been discussed here. Paroy's claim that Lisette had offered the 3,000 livres for Antoine's freedom represented one fear of the power of the free black community and its infiltration in the slave economy. In addition, Paroy's statement that Antoine "had conserved relationships in the slave atelier that he had left" and "returned there continuously"¹⁰¹ implied a fear of the free black man corrupting those still living in slavery or encouraging that they too seek freedom, whether through manumission or more violent means.

⁹⁹ Ibid, 67.

¹⁰⁰ ANOM 164APOM//1: "Procédure relative à l'affaire du nègre Antoine." Doc 1, pp. 2.

¹⁰¹ ANOM 164APOM//1: "Procédure relative à l'affaire du nègre Antoine." Doc. 15, pp. 3.

Finally, we have seen the Conseil d'État's fear that allowing Antoine to go free would constitute a threat to "the tranquility of the life of Europeans."¹⁰²

In looking at these fears, we have to ask the extent to which they were based in reality, rather than representing abstract, racist paranoia. Historians have noted that free people of color did play a major role in the Haitian Revolution, using poison, vodou, and secret networks between maroon communities and slave communities to communicate. And in looking at the historical development of the revolution, Paroy's fears were not entirely misplaced. A tableau "of the sugar plantations burned in Saint-Domingue," dated September 1791, listed both the plantation "de Parroy" and of "Parroy de Bellevue" as two of the thirty plantations burned down in the "Quartier de Limonade."¹⁰³ By 1793, the city of Le Cap had been burned to the ground as well.¹⁰⁴ Additionally, the mémoires of the Comte of Paroy, the Gentil of Paroy's oldest son, note that by the turn of the century, his parents had been financially "ruined by the troubles of Saint-Domingue."¹⁰⁵ Clearly, the colonial administration was unable to prevent revolution, even as it constantly returned to questions of security from slave rebellion.

Conclusion

Despite his attempts to escape slavery and his possible participation in revolutionary activities, Antoine died a slave. But his imprisonment and long legal struggle situate him in the greater narrative of Saint-Domingue as a French colony and as the site of a massive revolution of slaves and free men and women of color. His story highlights the complexities of the

¹⁰² ANOM COL A 17: "Actes du pouvoir souverain," Doc. 54, 27 Nov. 1779, pp. 1.

¹⁰³ ANOM 164APOM//1: "Tableau des Sucrieries Incendiées à Saint-Domingue."

¹⁰⁴ Semley, 38.

¹⁰⁵ Étienne Charavay. *Mémoires du Comte de Paroy: Souvenirs d'un Défenseur de la Famille Royale Pendant la Révolution (1789-1797)*. (Paris: Librairie Plon, 1895), XXI.

manumission regime, especially as freeing a slave became a matter of public sovereignty of the colonial administration rather than the private sovereignty of the master. At the same time, Antoine's struggle indicates the tensions between slavery and the absolutist regime, demonstrating the ways in which slavery pitted local authority against that of the monarch.

At its heart, Antoine's is a story of an enslaved man, abandoned by a legal process that pronounced him innocent, representative of thousands other enslaved men and women violently oppressed by the colonial framework. This was a system, like many others before and after it, that justified injustice and served the few only by repressing the many. Antoine tried to escape this system, buying his freedom and perhaps even resorting to crime in an attempt to undermine its hegemony, but he died in slavery. He died too early to see the 1791 slave insurrectionists that burned down his former plantation, and after more than a decade of struggle, created a new Republic out of the ashes. But Antoine – and the countless other unnamed men and women who died under the colonial administration – must be included in this history of social upheaval, as his struggle for liberty contributed to the contradictions of colonial society that ultimately led to Revolution.

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