



BOOK REVIEW / COMPTE RENDU

Canisia Lubrin. *Code Noir: Metamorphosis*. Toronto: Knopf Canada, 2024, 346 pp.

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doi:10.1017/cls.2024.27

“What are we doing here, where every other sentence hides the one that came before it, so that language becomes the material of this account?” Canisia Lubrin writes this in her poetic collection of fifty-nine fiction pieces paired with the fifty-nine artistic depictions and reproduction of the articles of *Code Noir* by artist Torkwase Dyson.

Code Noir is a set of historical decrees that were passed in 1685 by King Louis XIV of France that define the conditions of slavery in the French colonial empire. I have thought about how we decolonize the law that I teach in an institution that boasts a bilingual, bijuridical education in both the common-law and civil-law traditions. How do we teach, knowing that the law in place is colonial, and how do we understand law, knowing its oppressive, violent, and racist foundations? Lubrin’s book provides a breathtaking and invigorating way into the legal, contemporary discussion of how *Code Noir* still contributes to the imprisonment, deportation, and dehumanization of Black persons in the former French colonies. While not doctrinal, the book carries long-held traditions of narrative as method paired with the stark visual art of the code with black shading.

In the art, each of the articles of *Code Noir* are subject to a redacting effect and, in my experience as a lawyer, seeing the black stripes in documents can be a frustrating and infuriating experience. The art provides a dual experience. At once, it is a dissatisfying disclosure that is not only aimed at shielding or covering up nefarious government action from transparent oversight, but also performs as a grotesque artefact, claiming that it is only part of the past. On the other hand, the text, readable through the smudging, makes known the common aspects that show up in law today.

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Lubrin's writing, set side by side with this art, acts as a counternarrative to what is told in the façade of *Code Noir*. She brings nuance, humanity, and a poetic challenge to law and its legitimacy. Black people are depicted and characterized in *Code Noir* as chattels, property, meant to be protected from theft, disease, and subject to different rules and punishment. Seditious, propagated, and bred—the law defines Black people with a nonhuman legal status, incapacitated from making their own decisions. The articles are drafted with such clarity that there is no doubt about the purpose and rationale of the laws to give untrammelled power to slave owners in pursuit of their commercial endeavours to undertake coercive, abusive, and exploitative means to control. However, when looking at the context of the times, one can also understand *Code Noir* as a tool to extend the sovereignty of France by creating the conditions under which occupy territory through commercial development by using slavery. It is a monstrous text.

Lubrin's fiction overtakes the sharp edges of the code with rebellious words that humanize and redefine Black existence. Lubrin manages to interrogate while prioritizing Black life, writing: "One must begin somewhere"; "Meaning we can articulate things we will never understand because they were never meant for making any kind of sense"; and "Some things feel like spells."

How law invokes justice in divided and exclusionary ways, how law defines who is a person, how law informs the masses on how to see and treat people—they are informed by *Code Noir*. There is much to be said about the comparative and socio-legal links that can be made and this book provides a wonderful discussion of it. In my own work as an immigration lawyer, I think of the famous Supreme Court of Canada case of *Baker* and how a Jamaican domestic worker in Canada was denied permanent residence on humanitarian and compassionate grounds, with racist language in the notes in the case file.¹ When taught in law school, the facts are glossed over, and the focus is on the legal principle that each application should be decided in a procedurally fair manner. The racist notes can be understood by looking at *Code Noir* and how it depicts Black people as disposable labour. The *Code* can also be tied to the high rates of incarceration and targeted stops with police, leading to criminalization and deportations—the violence codified as law.

Lubrin writes: "The story that does not obey itself produces another mark of authority, so when will you tell me, sanely with authority, what abundances, what rips such a story; who might invite its targets? Does a story have a target if we know nothing of who can read the unclassified? Would you mind?"

¹ *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC).