Law & Social Inquiry
Journal of the American Bar Foundation

Law & Social Inquiry
Volume 39, Issue 3, 758–782, Summer 2014

Across Oceans and Revolutions: Law and Slavery in French Saint-Domingue and Beyond

Laurie M. Wood

GHACHEM, MALICK W. 2012. *The Old Regime and the Haitian Revolution*. New York: Cambridge University Press. Pp xiii + 364. $99.00 cloth, $26.99 paper, $22.00 e-book.

New work on colonial legal regimes suggests new pathways for scholarship on legal regimes, legal consciousness, judicial personnel, and the Atlantic world. Malick Ghachem's recent book, The Old Regime and the Haitian Revolution *(2012), introduces scholars to one legal regime—that of the French plantation colony of Saint-Domingue—to show how enslaved and free people continually negotiated the terms of master sovereignty and manumission. This debate lasted from Saint-Domingue's establishment as a slave society in the seventeenth century to its revolution in the 1790s, which overthrew the slave regime and culminated in independence in 1804 as the republic of Haiti.*

INTRODUCTION

Legal scholars and historians alike have often observed that the origins of US and modern French political structures lie in the same Enlightenment-era intellectual soil (Albertone and Francesco 2009). They cite, for example, the impact of French writers such as Montesquieu on the constitutional framing of the United States (Shklar 1987; Carrese 2003; LaCroix 2010).[1] Many legal ideas that grew up in this transatlantic community were carried around the Atlantic world and took root in unexpected places. The Caribbean-born French jurist Jean-Baptiste Thibault de Chanvalon cited John Locke's writing on law in Pennsylvania, not English metropolitan law, to promote the benefits of local legislative assemblies in a book about the French Caribbean colony of Martinique, not France (Chanvalon 1763).[2] Caribbean colonies such as Martinique and Saint-Domingue (now Haiti) were as intensely involved in the same transatlantic debates over law and issues like slavery and empire in the eighteenth century as more familiar North American examples such as Virginia. Though scholars have tended to investigate the Caribbean's distinctive plantation slave societies through social and

Laurie M. Wood is the Law & Society Postdoctoral Fellow in the Institute for Legal Studies at the University of Wisconsin Law School. The author thanks Mitra Sharafi for advice on earlier versions of this article.

1. For more on Montesquieu's influence on the French American colonies, including Saint-Domingue, see Ghachem (1999).

2. For Locke himself as a transatlantic thinker, see Armitage (2004).

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

economic studies, sociolegal methods offer answers to many outstanding questions about both the lived experiences of slaves and planters and the intellectual climate of Caribbean colonies in an Atlantic and global context.

New work on these little-known legal regimes can also begin to enrich, and perhaps revise, existing models of legal negotiation in colonies and empires. Malick Ghachem's recent book, *The Old Regime and the Haitian Revolution* (2012), is one example of scholarship that follows these threads. It insightfully explores the development of one legal regime—that of the French plantation colony of Saint-Domingue—to show how enslaved and free people continually negotiated the terms of master sovereignty and manumission. This debate lasted from Saint-Domingue's establishment as a slave society in the seventeenth century to its revolution in the 1790s, which overthrew the slave regime and culminated in independence in 1804 as the Republic of Haiti.[3] This long-run assessment introduces scholars to new evidence, like high-profile but unexplored court cases, and raises new questions about the formation and modification of legal regimes from a variety of angles.

Saint-Domingue during the Old Regime and the Haitian Revolution forms a useful case study for scholars who seek to understand how legal regimes are contested and why some laws persist in the public imagination. Though Saint-Domingue shared many common characteristics with its British and Spanish American colonial neighbors, few colonies had such an intensive slave system from which other minority groups, especially Indians, were absent.[4] In the eighteenth century, Saint-Domingue was the engine that drove the French economy through its reliance on a brutal slave regime to produce sugar, coffee, indigo, and cotton for growing European markets. The colony was a demographic anomaly, being over 90 percent enslaved by the 1780s—a high ratio even by Caribbean standards.[5] Over 10 percent of Africans who came to Saint-Domingue died on the Middle Passage across the Atlantic. Once they arrived in Saint-Domingue, around half of them died within the first three to five years (Ghachem 2012, 36). Demand for slaves was fueled partly by these appalling mortality rates (which created unsustainable slave populations) and partly by the rapid economic growth that their labor yielded, so that rates of slave importation increased up until the moment of revolution. To govern this volatile society, French administrators and colonial elites created a unique legal regime anchored by a code of slave laws. It was designed to protect the rights of slave owners to their enslaved property and guarantee the perpetual status of enslaved persons, except in a few provisions for manumission. This legal regime was both an administrative bulwark for social control and a longstanding cultural reference point in the public imagination.

3. Though Haiti is the current and more familiar name for the country that occupies the western third of the island of Hispaniola, I refer to it as Saint-Domingue for the colonial and revolutionary period (before 1804) and Haiti for the independent era (beginning in 1804).

4. Colonial Latin American colonies such as Peru and New Spain (now Mexico), for example, often used Indian slave labor to extract silver from mines or work on plantations.

5. With the notable exception of Jamaica, Saint-Domingue's British counterpart in the Caribbean. Slave majorities in South Carolina, the other Antilles, and the French Indian Ocean colonies of Île de France (now Mauritius) and Île Bourbon (now La Réunion) tended to hover in the 80 percent range.

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

However, representatives of France's revolutionary government in Saint-Domingue suddenly announced the emancipation of the colony's nearly 500,000 slaves in 1793–1794 following an unprecedented and successful slave revolt in 1791. This dramatic event appeared to overturn an entire legal regime based on slave laws and with it a society based on the legal distinction between enslaved and free persons. But did legal regimes actually change so drastically and suddenly? And were old legal regimes ever as static and moribund as revolutionary rhetoric often implies? Ghachem answers no. He argues that the law of slavery was "the subject of a permanent debate over the nature of legal authority in Saint-Domingue" both before and after the 1793–1794 emancipation (Ghachem 2012, 15). The final emancipation and abolition usually associated with the independence of Haiti in 1804 also had deep roots in the Old Regime. This argument dissolves traditional distinctions between slavery and antislavery movements and calls into question the apparently decisive moments of emancipation in 1793–1794 and 1804. It introduces readers to the hitherto little-known national and imperial legal development of Saint-Domingue/Haiti, while simultaneously encouraging legal scholars to think across national and imperial boundaries.

This essay first examines Ghachem's arguments about the law of slavery in Saint-Domingue. Next, it explores the ways debates over this law resembled constitutional debates scholars have observed elsewhere. It then turns to a discussion of how Saint-Domingue's legal culture does and does not fit with what scholars know already about France's legal culture during this period. The case study of Saint-Domingue can also be brought into dialogue with other Caribbean regimes, an area of research that offers particularly fruitful possibilities for scholars interested in imperial legal regimes and the Atlantic world. Finally, this essay speculates about the outcomes of Saint-Domingue's long struggle with the law of slavery in the postindependence era, as the new nation of Haiti, and offers some suggestions for new scholarship that builds on these themes.

THE LAW OF SLAVERY IN SAINT-DOMINGUE

Not just new polities, but new legal regimes emerged in the revolutionary decades of the 1770s through 1820s that carved up the map of the Americas into new entities such as Haiti and the United States. Postimperial states needed to find new ways to guarantee hard-won political changes, like the transition from imperial monarchies to democratic republics and the abolition of slavery, in the form of written laws and judicial forums. For revolutionary Saint-Domingue, the terms of coerced labor and citizenship were critical questions that deserved legal, as well as social and cultural, answers. Although one might expect the story of these legal transitions to begin at the moment of independence, Ghachem argues that the answers to these questions can be found, paradoxically, at the prerevolutionary origins of these processes.

Ghachem defies the typical chronological strategy of separating old regimes from new ones—in this case France's Old Regime (prerevolutionary state) and the Haitian Revolution. He seeks to augment a synchronic emphasis on the Haitian Revolution as one among many revolutions of the late eighteenth century that included the American and French Revolutions (see, e.g., Davis 1975; Blackburn 1988; Geggus 2001) with a

diachronic approach that situates Haiti's revolution within a century-long contest over slavery.[6]

The span of this project is demarcated by two events: the 1685 promulgation of the Code Noir or Black (i.e., slave) Code, which articulated Saint-Domingue's law of slavery, and the declaration of Haitian independence in 1804, which ended that law by abolishing slavery. Ghachem emphasizes the durability of Old-Regime legal patterns even under immense internal and external pressures. For example, both pro- and anti-emancipation administrators and planters made constant references to the Code Noir during the revolutionary decades of the 1790s and 1800s. Like Tocqueville's history of France and its revolution, *The Old Regime and the Revolution* (1856), Ghachem sees Haiti's Old Regime under French rule and its revolution as events that were entangled, not simply sequential. Like Tocqueville himself, Ghachem seeks to be an interlocutor between French and American observers (here as scholars) of revolutions.

Slave law permeated legal debates throughout this period and Ghachem challenges the notion that slavery and abolition fit neatly on either side of revolutions when examined from a legal perspective. He shows how slaves, free people of color, planters, and administrators continually negotiated both master sovereignty and manumission from the early days of colonization well into the revolution that destroyed Saint-Domingue as a colony. During the colonial period between roughly 1685 and 1791, slave law governed a wide range of court cases that involved slaves and planters. In court, colonial subjects weighed in on these laws, debating their meaning and significance.

The Code Noir lies at the heart of Ghachem's project because it articulated the legal underpinnings of Saint-Domingue's slave regime. Ghachem explains: "More than a corpus of free-standing legal texts, the Code Noir was the subject of a permanent debate in colonial and revolutionary Haiti [Saint-Domingue], a debate that was a key part of the colony's overall culture and the very essence of its legal culture" (Ghachem 2012, 7). As a text about slavery specifically, it contained key statements about the constitution of Saint-Domingue as a slave society in which relationships were defined by status as slave or free and, by extension, a host of more nuanced racial distinctions. For example, slaves were restricted from participating in any civil legal action or initiating criminal matters and their status, including the specification that they were movable community property, was inherited.[7] To reinforce the authority of masters over slaves, the code forbade slaves from carrying weapons and prescribed the death penalty

6. For Ghachem's arguments in the context of the outcomes of these revolutions, see Ghachem (2011); Tanenhaus (2011).

7. As community property, they were to be divided equally among heirs in contrast to Anglophone coverture laws (Article 44 of the Code Noir). Sala-Molins explains that this provision was a clarification because while seventeenth-century laws tended to treat slaves as movables, older laws in the feudal tradition had treated slaves as immovables, attached to the land. This longstanding and ongoing conflict within the laws reflected the paradox that, as French feudal laws had put it, serfs (and by extension, slaves) were "moving things" (*choses mouvantes*) whose status came from the fact that they were integrally attached to immovable things (i.e., property), thus making them something somewhat unlike the traditional definition of "movables" (*meubles*) as property that was separate and wholly distinct from immovable property. Thus, the Code Noir reflects a move toward a more Anglophone chattel definition of slaves rather than an older feudal and Roman law conception of them as immovables (Sala-Molins 2006, 178–79).

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

for slaves who assaulted their masters. This strict regime was somewhat softened by provisions that masters could be fined for neglecting old or ill slaves and a mandate to prosecute masters who abused their slaves, but these stipulations depended on the willingness of masters (and sometimes slaves, as Ghachem shows in the Lejeune case described below) to enforce them (Peabody and Grinberg 2007). As colonial subjects negotiated social relationships with each other, they simultaneously contested the original articulation of these categories in the Code Noir.

One legal case study occupies a full chapter as a microcosm of the ways in which the Code Noir could be interpreted and reinterpreted by a range of court participants. In March 1788, fourteen slaves walked over to the town prison in Saint-Domingue's largest city, Cap-Français, to request the "protection of the judicial system" against their master's son. Nicolas Lejeune was accused of burning slaves with a torch on two separate occasions. Ghachem is an expert guide through the labyrinthine judicial process, from the initial complaint and the problematic testimony of the slaves through the calculations and interests of the lower and appellate court's magistrates as they deliberated. However, despite ample evidence for a conviction based on the Code Noir's prohibitions against excessive violence by masters, public opinion (dominated by planters) successfully intimidated a fourteen-judge appellate court to absolve Lejeune (Ghachem 2012, 202–03). Ghachem reads this case—and especially its outcome—as evidence that the Code Noir provided material with which all Saint-Domingue subjects, from slaves to planters, whether inside or outside a courtroom, could contest the limits and nature of slavery.

However, slavery was not the only ongoing legal issue in colonial Saint-Domingue and slave law did not sum up colonial law. Though Ghachem primarily discusses the law of slavery, Saint-Domingue was also governed under French laws that included the Paris Custom, royal decrees issued from France, and a range of local laws that Ghachem excludes from this study. The Code Noir was published in 1745, for example, as an appendix to a compilation of laws that did not all concern slavery, but were integral to the colonial regime on such topics as indentured servants and commerce (France 1745). Ghachem seeks to define Saint-Domingue's entire legal regime by the Code Noir, but such evidence indicates that the law of slavery was but one part of a multivalent imperial legal regime. Commercial laws, for instance, defined Saint-Domingue's relationship with the trading centers of metropolitan France like Paris and Nantes, while laws about indentured servitude signaled the continued existence of older forms of labor within France's Old Regime empire that were more complex than the eighteenth-century distinction between enslaved and free. The Code Noir may have been ubiquitous in terms of legal consciousness and doctrine in Saint-Domingue, but it was likely not the only specimen that filled the collective mentality of most Saint-Dominguans. Where, for example, did ideas about law and slavery filter into ideas about religion or the economy?

Old Regime laws including the Code Noir, like the revolutionary rhetoric that has been more frequently studied (Geggus 2001; Dubois 2004b, Geggus and Fiering 2009), offered common vocabularies that a range of colonial subjects could employ in legal forums with assurance that they would be understood despite the power disparities that remained in place. In the outbreak of the Haitian Revolution through a slave revolt in 1791, insurgent slaves and prominent free people of color likewise articulated their goals

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

in legal terms. In the midst of the revolution, in 1794, the French administrators sent to subdue the colony found themselves powerless to do anything until they caved in to local demands for abolition.

Ghachem here enters a discussion about nonelite agency that has focused on the revolutionary era in the Francophone world.[8] John Garrigus has shown how free people of color navigated similar rhetorics in prerevolutionary Saint-Domingue and into the French and Haitian revolutions, while Laurent Dubois has uncovered the voices of insurgent slaves who latched onto French revolutionary concepts of liberty, equality, and fraternity on the French Caribbean colony of Guadeloupe (Dubois 2004b; Garrigus 2006). A growing literature tracks the continued negotiation of slavery and freedom in the wake of these revolutions as newly emancipated citizens made their way to places like New Orleans and New York (see, e.g., Jones 2011; Scott 2011). A legal lens on these themes, however, creates a way to discuss agency across extraordinary and ordinary circumstances. Revolutionary rhetoric self-consciously envisioned a break with the past, but legal arguments had to be made with precedents in mind.

This reframing counters an older set of explanations in which Saint-Domingue's slave revolt and revolution were interpreted as a rupture with the Old Regime that had tragic consequences as a newly emancipated slave society devolved into the chaos of civil war. Instead, Ghachem encourages a more careful reading of debates surrounding slave laws to understand the internal political and social dynamics that influenced the kinds of arguments that participants made. Ghachem thus privileges "stories of continuity rather than change, of irony and unintended consequences rather than catastrophe or emancipation" that he argues have been suppressed in scholarship that has accepted the revolution's self-conscious break with the Old Regime (Ghachem 2012, 3).

Even within the tumultuous and complex events of the revolution itself, Ghachem finds continuity in the law of slavery. For example, the leader who emerged in the wake of the French commissioners' departure, Toussaint Louverture, continued restrictions on the autonomy of free people of color and free blacks in the new legal regime he oversaw beginning in 1800. Likewise, Louverture established new laws requiring (free) agricultural workers to labor diligently and remain on plantations under the threat of punishment as in the Old Regime. Ghachem acknowledges that Louverture offered new legal constraints on planter brutality, legitimized by his role as a former slave-turned-legislator. However, even these aspects align quite closely with his argument that Old Regime slave laws defined the terms for the new regime that replaced it (Ghachem 2012, 304–05).[9] New legal constraints could be read as an extension of Code Noir protections of slaves against torture, while Louverture could claim to be on the side of a "well-ordered commonwealth" as a judicious lawgiver, echoing Old Regime models of jurisprudence.

8. This is less the case in the Anglophone literature. See, for example, Craton (1982).

9. Ghachem also notes a third difference: that Louverture defined the "general" and "individual" liberty in more distinct terms than any of his predecessors. This language echoed Jean-Jacques Rousseau's conceptualization of a general and individual will in *The Social Contract*, which was a source for political concepts and vocabulary in France and its colonies during this period in addition to Montesquieu and Bodin, a point that Ghachem alludes to but does not discuss (Ghachem 2012, 305; Darnton 1982).

SLAVE LAW AND CONSTITUTIONALISM

Law and its surrounding practices enabled colonial subjects and imperial authorities to contest slavery and by extension the nature of Saint-Dominguan society itself. In this respect, the Code Noir was a Saint-Dominguan "constitution" in the eighteenth-century sense of constitutions as fundamental principles that defined and ordered political communities (whether state, empire, or colony). Mary Sarah Bilder (2004) has identified a "transatlantic constitution" that bound British North American colonies to Britain itself in the colonial period. Like the Code Noir, it developed as a transatlantic conversation involving "litigants, lawyers, legislators, and other legal participants" who discussed how law should apply in the colonies (Bilder 2004, 1). This constitution gained its legitimacy by virtue of its "being a constitution not of answers but of arguments." This internal flexibility made it durable enough to last for a century and a half, until the American Revolution (Bilder 2004, 4). Like the Code Noir, the transatlantic constitution contained enough material with common conceptions of law that subjects on both sides of the Atlantic could contest colonial laws within a single capacious imperial framework. In both these case studies, court cases appealed from the colonies to high courts in Europe created lasting bonds that influenced wider discussions about law and colonial society.

France's imperial legal regime has not been examined holistically in the way that Bilder has done for the North American colonies and Britain, but an application of Bilder's strategy to France and its colonies might reveal legal continuities that have been elided thus far. Bilder argues that over time, the common framework and language began to hold too many disparate meanings, at which point colonial residents and metropolitan administrators realized that they were no longer speaking the same language. In both British and French empires, this pattern seems to have occurred over a variety of specific issues like the iconic examples of taxation (e.g., with the Boston Tea Party of 1773) and slavery.[10] For example, the Code Noir only applied in France's overseas colonies and France itself was considered a free soil territory, so slaves who came to France could claim emancipation (Peabody 1996).[11]

Ghachem pays less attention to the reverberations of the Code Noir in metropolitan France than Bilder does to similar influences moving eastward across the Atlantic, so he leaves the disjunctures between colonial and metropolitan law less fully explored. Though important distinctions like this one should be taken into account, as a whole both Bilder and Ghachem notice a similar pattern of legal debate that emerged as a result of imperial subjects sharing a common set of legal tools with which to work. These similar mechanisms for legal negotiation within empires imply that certain ways of contestation were unique to the transatlantic imperial context and less specific to particular imperial or legal traditions.

Debates over slavery in Saint-Domingue, whether before or after the revolution began, are also reminiscent of US constitutional debates in the wake of state formation.

10. French colonists, too, protested and often simply ignored new taxes designed to pay for the empire's upkeep (Petitjean Roget 1966; Tarrade 1972).

11. This pattern paralleled the declaration of England and Wales as free soil territories within the slave-holding British Empire in the famous 1772 Somerset case (Tomlins 2004).

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

They occurred with reference to a single, foundational, written document that was interpreted both in more strictly legal and judicial settings like courts and more popularly among colonial subjects. As the US Constitution has done for Americans living at any time in the nation's history, whether Supreme Court justices or ordinary citizens, the Code Noir gave Saint-Dominguans, whether court magistrates or slaves, an origins story through which they could interpret their own lives.[12] Court rulings and new legislation modified the meanings of both founding documents, but they remained at the center of debates about US and Saint-Dominguan society because they were such familiar and defining points of reference. Saint-Domingue's founding as a colony thus seems to have signaled an important moment of political and legal invention as much as did its independence as a republic in 1804.

Constitutional developments are not always easy to separate from both Old Regime and revolutionary contexts. The "transatlantic constitution" identified by Bilder developed gradually alongside Britain's empire, while the US Constitution was forged out of a revolutionary context. Saint-Domingue's law of slavery was initially articulated by the Old Regime but gained new meanings well into the revolutionary era. However, these distinctions appear less problematic when one examines law before and after revolution as a continuous tradition.

Ghachem argues that the relationship between the Old Regime and the Haitian Revolution becomes clearer once scholars discard an old notion of the law of slavery as "merely the rhetorical veneer of a hypocritical effort to cast the exploitations and brutalities of life under slavery in a more generous and humane light." This simpler interpretation, put forth most influentially by Louis Sala-Molins, deals with the Code Noir primarily at a discursive level (Sala-Molins 1998). Sala-Molins recognizes the internal disjuncture within the intellectual movement, the Enlightenment, that simultaneously defended the Code Noir and produced the Declaration of the Rights of Man and Citizen.[13] However, this argument pulls the logic of the law of slavery away from its practice by framing the Code Noir as a faulty description of the practice of slavery.

This line of reasoning has led several scholars to marginalize the Code Noir on the grounds that it was a mere justification for planter brutality (e.g., Ghachem cites Dayan 2007; Nesbitt 2008). The conventional wisdom about the Code Noir has until now been that "the provisions of the *Code noir* that favored the slaves were routinely ignored, but to the slave owners they constituted a warning: as long as they had to acknowledge metropolitan authority, they always faced a potential threat to their most vital interests," as Jeremy Popkin has explained (Popkin 2010, 29). This interpretation discounts the Code Noir on the practical grounds that it was never very well enforced, in contrast to Sala-Molins's emphasis on the logical inconsistencies within the code and

12. This origins story arguably applied to other French slave-holding colonies in the Americas and East Indies under the Code Noir, where these questions have yet to be explored, as noted below.

13. An influential, but contested, argument by Frank Tannenbaum (1947) proposes that the apparent benevolence of Spanish colonial slave regimes in the Spanish colonies was due to the moral and legal standing as persons granted to slaves by Spanish laws in the Roman and civil law traditions. This contrasted with Anglophone laws of slavery that viewed slaves in purely commercial and material terms, generating harsher slave regimes. This line of reasoning has suggested similarities between Spanish and French colonial legal systems that have yet to be fully explored. For an overview of this debate, see Law and History Review (2004), especially Fuente (2004).

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

Enlightenment thought. However, Ghachem contends that neither one of these explanations gives a satisfactory account of the persistence of the Code Noir as both a text and a practiced set of laws.

Parallel debates about the Enlightenment among historians of science offer a way forward for legal scholars who seek to examine colonial societies and laws within the same framework. An influential line of research has posited that colonial places were laboratories of philosophical inquiry and scientific innovation as, for example, planters developed new irrigation systems in the sugar-producing plains of Saint-Domingue. State-sponsored botanical expeditions carried new specimens back to Paris where they were discussed in the familiar Enlightenment *milieux* of salons and scientific societies (McClellan 1992; Grove 1995; Delbourgo and Dew 2008).

Ghachem's work suggests that law, not just science, was an important sphere for philosophical debates during this period (Ghachem 1999, 2012). Legal debates intersected with scientific discussions and writers in both genres attracted similar literary audiences. The literary scholar Christopher Iannini has looked at natural history writing in the eighteenth century to argue that slavery and the plantation world—including Saint-Domingue—was at the center, not the periphery, of Enlightenment culture. In British North American culture, it profoundly impacted the writings of authors such as Hans Sloane, J. Hector St. John de Crèvecoeur, and the Saint-Domingue-born John James Audubon from the early eighteenth century to the early nineteenth century (Iannini 2012). However, as Ghachem points out, the slave societies of the Caribbean did not just transform their environment, they also forged new legal regimes that shaped the ways slaves, free people of color, and white planters interacted. As they did, they created new understandings of slavery and law that reverberated across the Atlantic and around the world.

Legal sources are valuable windows into themes like eighteenth-century philosophy as scholars such as Sala-Molins have shown. However, legal sources are also lenses that reveal the intersection of ideas and practices because of the way law itself uniquely works. Legal scholars know well that while legislation often contains its own internal contradictions, the interpretation and understandings of these ideas depend on how they are put into practice. Ghachem's innovation is thus to recognize the link between rhetoric and practice and then to show that both can be observed through the lives and writing of the colonial administrators who participated in Enlightenment debates and were also responsible for enforcing colonial laws. Maintaining a slave society like Saint-Domingue required a logic that both guaranteed the sovereignty of planters over their slaves and put "meaningful limits" on their institutions and practices (Ghachem 2012, 12–13). Slave law provided that logic in the form of "a set of strategic techniques for mediating the anxious world of masters and their captive 'domestic enemies' " (Ghachem 2012, 209). Defining a body of laws broadly to include its assumptions (and formation) as well as its prescriptions (as Ghachem does with the Code Noir) reveals the dynamics of a legal regime in action.

Legal codes in the civil law tradition besides the Code Noir might usefully be brought into dialogue with it. Ghachem's line of reasoning suggests that the wholesale replacement of legal regimes by tearing up one code and working from new ones obscures the common debates and arguments that transcend specific laws and regimes. Though Saint-Domingue's colonial relationship to France officially ended in 1804

when it became independent as Haiti, other French colonies remained under French imperial control and the Code Noir until abolition in 1848.[14] However, 1804 marked another important legislative turning point with the implementation of Napoleon's Code Civil. This new comprehensive legal regime replaced much of the Old Regime legal system in France and its remaining colonies, with the noteworthy exception of the Code Noir, which remained in place in the slave-holding colonies. Scholars who work on colonies like Guadeloupe have begun to trace the continuities between the Code Noir and the Code Civil (Ghachem 1999; Niort 2005). Enacted in 1804 to replace most of the Old Regime legal codes besides the Code Noir (which remained in place) in France and its remaining colonies, the Code Civil has since formed a similar touchstone for legal regimes around the world, from Germany to Japan.

If, as Ghachem argues, the Code Noir remained influential even after its official demise as the backbone of Saint-Domingue's social structure, it would be interesting to know to what degree other aspects of Old Regime law endured into and after the revolutionary period in those colonies that did not become independent like Haiti. This is a particularly intriguing question as the colonial and postcolonial French legal regimes remain little-known for this period on topics besides slavery. New work in this direction could clarify differences in revolutionary and nonrevolutionary settings of legal debates.

FRENCH LEGAL CULTURE

A rich and global legal culture that developed as an integral part of France's imperial system can be seen when Ghachem's examples are brought alongside evidence from other overseas colonies and metropolitan France, encouraging an expansion of research on slavery and law beyond the typical Atlantic frame scholars employ. Within the French imperial world, legal debates about slavery were rarely just an Atlantic phenomenon. The original Code Noir was issued in 1685 with other legal codes as the legislative centerpiece of a massive state-building effort in the 1670s and 1680s.[15] New French colonial possessions in the Indian Ocean as well as the Caribbean were developed into slave societies during the eighteenth century (Allen 1999; Vaughan 2005). They shared the same demographic trademarks as Saint-Domingue, in which a large majority of slaves were ruled by a minority of white planters. Like Saint-Domingue, they were ruled under the Code Noir (first issued to them in 1724) and metropolitan French laws (Allen 1999; Wood 2013).

14. Including Martinique, Guadeloupe, French Guiana, and Île Bourbon (now La Réunion). Île de France (now Mauritius) was ceded to the British in 1810. For French slave regimes under the Code Noir in the period between the revolutionary era and abolition, see Rebecca Schloss's work on Martinique (Schloss 2009).

15. This is not to deny the influence of colonial elites in determining the content of the Code Noir, but to emphasize that the center of gravity for legislative decisions remained France's metropolitan center, rather than its colonies. Though French colonial assemblies existed, they are virtually unknown to scholars in contrast to the well-known British colonial assemblies (Garrigus 2006; Wood 2013). In contrast to the French Code Noir, which was always closely linked to metropolitan politics and remained relatively consistent in terms of codified law (if not always practice) during this period, several English slave codes emerged gradually over the course of the seventeenth and eighteenth centuries, largely at the direct instigation of colonial assemblies (Rugemer 2013).

However, unlike Saint-Domingue, these colonies were entrenched in a largely non-European oceanic system that was farther removed from metropolitan French influence. They were also more isolated from the British and Spanish imperial alternatives that lay just a few miles away from Saint-Domingue in Jamaica and Cuba. These islands were not founded with white indentured labor, as in Saint-Domingue, but developed indentured labor from South Asia and southeastern Africa toward the end of the eighteenth century and into the nineteenth century (compare Ghachem 2012, 57 with Allen 1999). Debates in contemporaneous colonies with different geographic and cultural contexts might thus help explain whether the case of Saint-Domingue is representative or unique in the global story of slavery and abolition. An expansion of scholarship on the law of slavery, not just slavery itself, into domains like the Indian Ocean and Africa might contribute to the creation of a distinct literature about the role of law in the formation and reformation of labor regimes (ranging from enslaved to free) in many colonial contexts.

Though the example of Saint-Domingue points to many opportunities to globalize studies of law and slavery further, European legal regimes should not be excluded from this picture. When viewed alongside its imperial counterpart, metropolitan France, Saint-Domingue's legal regime appears to have been characterized by similar patterns of judicial negotiation, particularly in the ways these negotiations moved between courtrooms and communities. One important strand of French legal scholarship has emphasized the degree to which a dissolving boundary between private judicial proceedings and an increasingly literate and politicized public created ripe conditions for revolution as subjects began to demand that their legal interpretations be legitimized by the state, beginning as early as the seventeenth century (Bell 1994; Hanley 2003; Breen 2007). Hitherto specialized debates among jurists found new audiences with the rise of print culture and sensationalist journalism in the eighteenth century.

Saint-Domingue legal writers, such as the polemicist Hilliard d'Auberteuil and the administrator Malouet, benefited from this new medium as their works were printed and distributed to both colonial and metropolitan audiences. Their work emerged at a time when people in France and the Americas were reconsidering slavery as part of a much wider transatlantic conversation about sovereignty and state building (see, e.g., Sala-Molins 2006). Ghachem discusses torture specifically because judicial torture was abolished in 1788, at precisely the height of prerevolutionary debates about planter brutality and authority in Saint-Domingue. However, concerns about how the monarch should rule permeated political and legal debates during the second half of the eighteenth century. Sarah Maza has argued that as high-profile court cases became increasingly publicized during the eighteenth century in France, they fueled a national debate about authority and excess, particularly in reference to the monarchy (Maza 1993). According to Maza's assessment, these debates became particularly explosive once they reached the public through sensationalized newspaper accounts. This pattern does not appear in Ghachem's story, though it was not absent from Saint-Dominguan political culture.

Lawyers in the largest French Old Regime law courts, the *parlements*, appropriated judicial forums for political debates about the legitimacy of the monarchy in the same way that Saint-Domingue magistrates used the *conseils supérieurs* to debate master authority and the limits of slavery. Because several of the legal experts in Ghachem's

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

story were trained in French law schools and were admitted to the Paris bar, it is likely that colonial jurists cut their teeth on these metropolitan legal debates before turning to the law of slavery. Maza's parallel timeline to Ghachem (like Ghachem, she emphasizes the 1760s to 1780s) is another reason to suggest that French legal culture on both sides of the Atlantic was becoming increasingly tied to public debates about authority and the rights of subjects. If this is the case, then studies that privilege a transatlantic political culture in the revolutionary era (such as Geggus 2001; Dubois 2004b; Geggus and Fiering 2009) could be enriched by expanding to encompass the transatlantic legal culture that predated it.

In Ghachem's narrative, slaves sometimes speak for themselves (as in the Lejeune case), but the legal format of their claims and the existence of litigation over enslaved status implies that slaves also had legal representation. The role that these lawyers played in bringing cases to the superior councils and appealing them to metropolitan courts—even the king's council as the highest resort—might illuminate questions of how antislavery advocates represented African Americans (or Africans, in the Caribbean case)[16] in the context of slavery (Brown 2006; Tanenhaus 2006).

Work on antislavery might be supplemented by more intensive sociolegal studies of the legal experts who participated most vociferously in these debates. One of Ghachem's main sources, the legal commentator and Saint-Dominguan observer Moreau de Saint-Méry, for example, inhabited an elite creole (born in the colonies) political milieu in which he sought patronage from royal officers at Versailles and political standing in Saint-Domingue's legal community. These factors greatly shaped his motivations in collecting an immense collection of legal codes and cases that form not only one of the primary archival sources for Ghachem's work, but also one of the best troves for all of France's overseas colonies during the Old Regime.[17]

Ambitious lawyers on both sides of the Atlantic capitalized on opportunities to act as liaisons between royal authorities and French subjects, thus becoming a political elite that was poised to join a revolutionary vanguard by the time the Old Regime fell apart and the French Revolution began in the late 1780s. However, some of the most ambitious careers were made—and lost—in Saint-Domingue. As David Bell has explained, lawyers were a critical component of a rapidly modernizing and growing bureaucratic French state during this period (Bell 1994). An expanding court system, for example, created new openings for lawyers, notaries, and other legal personnel in both metropolitan France, where new courts were established in frontier territories like Alsace, and in new overseas colonies like Saint-Domingue (Wood 2013). Aspiring

16. Because living conditions were so harsh in the Caribbean plantation colonies and enslaved populations did not sustain themselves, planters most often chose to replace slaves who died with newly imported Africans. Thus, slave populations in these societies were overwhelmingly born in Africa, not the Americas.

17. These archives are perhaps the largest and most important source for work on Saint-Domingue. However, Moreau de Saint-Méry also collected materials on law in colonies as diverse as Québec and Pondichéry, reflecting a global rather than purely transatlantic conception of a French imperial legal regime (Wood 2013). They can be found in Archives Nationales, Section d'Outre-Mer (ANOM), Aix-en-Provence, France, Fonds Ministériels, Premier Empire Colonial, Secrétariat d'Etat à la Marine, Sous-série F3, Collection Moreau de Saint-Méry. For more on Moreau de Saint-Méry, see Taffin (2006).

political stars often sought appointments in Saint-Domingue—and lucrative sugar plantation interests along the way—as they bound their careers to this emerging French state.

Upwardly mobile lawyers such as Moreau de Saint-Méry form central figures in Ghachem's discussion of the law of slavery and they add to our understanding of the legal profession in imperial and revolutionary contexts. They might also be integrated into a wider scholarly conversation about how people moved across linguistic, imperial, and social boundaries during this period. A rapidly growing literature identifies cultural intermediaries such as the formerly enslaved Saint-Domingue rebel and Code Noir interpreter Georges Biassou as a distinctive class that Jane Landers has labeled "Atlantic creoles" (Merrell 1999; Metcalf 2005; Landers 2010).[18] Legal professionals such as the creole Saint-Dominguan magistrate Hilliard d'Auberteuil, however, have been inadequately examined and theorized in this literature. They used their metropolitan and colonial legal experience to participate in transatlantic debates about colonial (and especially planter) rights over slavery.

Likewise, Spanish colonies like the Viceroyalty of the Rio de la Plata (now Argentina) developed distinctive classes of colonial-born (creole) elites, who parlayed their colonial—and especially local legal—expertise into arguments for political power during this era (see, e.g., Lynch 1969; Adelman 1999). The community of legal commentators to whom Ghachem introduces his readers deserves to be examined alongside a wider literature on the role of eighteenth-century lawyers in both the reform movements that preceded the revolutionary era of the late eighteenth and early nineteenth centuries and the revolutions themselves (compare, e.g., Adelman 1999 with Bell 1994). Revolutionary scholarship has looked at the transnational influences that permeated these imperial and postindependence boundaries, but fewer studies bring these prerevolutionary stories into dialogue (Armitage and Subrahmanyam 2010). The specialized legal training and judicial debates that informed these revolutions remain underexplored.

One potential challenge for Ghachem's prosopographical approach stems from the occupational hazard of compromise required of those who sought to make (and keep) careers in politics. Ghachem insists that the political elites who form the focus of his study all shared a desire for stability within Saint-Dominguan society. However, it was precisely these individuals who had the biggest motivation to ensure control and stability in Saint-Domingue because their careers depended on it, regardless of their politics. Colonial administrators such as Malouet needed to make the case to metropolitan French audiences and, ultimately, the king, that they were fostering a "well-ordered commonwealth"[19] and that they did not overlook too many examples of brutality. New administrators under the French revolutionary government such as Polverel and Sonthonax were sent primarily on a mission to restore that order once Saint-Domingue showed signs (not least through the slave revolt of August 1791) that it would not comply with the trajectory laid out by revolutionaries in Paris. Toussaint

18. Landers cites Biassou in her chapter on the Haitian Revolution, while Ghachem (2012) discusses him at length from pages 276–85.

19. For more on this idea as articulated by the sixteenth-century French jurist Jean Bodin and later filtered into eighteenth-century colonial thought, see Ghachem (2012, 43–54).

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

Louverture, the formerly enslaved general who consolidated and led the Haitian Revolution in the 1790s, like his foil in France Napoleon, made his career through his ability to play the military politician. He knew how to command rebelling Saint-Dominguans and how to engage foreign powers like the Spanish and British for his own ends.

Ghachem's emphasis on these political elites usefully untangles the complex political and legal stakes of slavery and antislavery debates throughout the eighteenth century. As Saint-Domingue lawyers such as Hilliard d'Auberteuil weighed in on colonial debates on a variety of issues in printed pamphlets, they returned again and again to questions that arose directly out of the law of slavery. In a polemic aimed at garnering a judicial post, Hilliard d'Auberteuil walked a fine line between arguments that promoted planter autonomy and humane treatment of slaves, the flipsides of manumission (which granted slaves autonomy by making them freed persons)[20] and planter brutality. Though he conceded that slavery was an "inhuman policy," he promoted good treatment of slaves on the grounds that it would increase the productivity of plantations.

Hilliard d'Auberteuil's book was censored in both Saint-Domingue and France and prompted accusations that he was an abolitionist, but it also attracted subsidies from within the French Navy (Ghachem 2012, 147–50). Saint-Dominguan writers who debated proper slave governance thus entertained ideas about the limits of slavery as a sustainable system even while they sought to ensure its viability. Ghachem concludes that "the task of imagining life without slavery" turned out to be "central to the process of analyzing and managing the hazards entailed by the worst excesses of plantation governance" (Ghachem 2012, 151).

The arguments presented in these political writings might be more calibrated to colonial realities, not just envisioned futures, through more work that explores court practices. The judicial history of Saint-Domingue and the Caribbean in general remains little known, especially regarding slavery. Because slavery was a constant fact of life in Saint-Domingue, ideas about slave law pervaded everyday legal transactions, not just matters that directly concerned manumission and planter brutality. John Garrigus has explored legal documentation like notarized contracts to illuminate how creole elites, especially free people of color, negotiated race and rights in Saint-Domingue both before and during the Haitian Revolution (Garrigus 2006). However, these themes have yet to be explored fully in terms of courtroom practices and legal culture despite extant and underutilized archival sources.[21]

Trial proceedings—ordinary cases as well as publicized and appealed cases like the Lejeune case—tell stories that express conceptions of law. They give voice to wider cultural narratives about how power should be employed and what counts as acceptable behavior. Ariela Gross has investigated lower court proceedings in the antebellum American South to show how courtrooms became forums in which both slaves and masters worked out the terms of slavery, revealing what she calls the "moral agency" of slaves (Gross 2000). This contestation appears quite starkly in the drama of a courtroom but tends to be muted in codified laws that tend to prescribe rather than describe.

20. This is not to elide the fact that masters across slaveholding regimes sometimes manumitted old or sick slaves to avoid having to care for them, contrary to the Code Noir (discussed above).

21. See note 17.

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

Ghachem finds that slaves had legal agency and consciousness, not just moral agency, in prominent court cases like the Lejeune case, but it would be interesting to know how these debates were worked out on a more day-to-day level in colonial courtrooms like the local courts of first instance that could be found in rural parishes throughout Saint-Domingue. Julie Hardwick has noticed that in similar courts of first instance in metropolitan France in the seventeenth century social issues like the acceptable limits of domestic violence were often contested in neighborhoods and then brought to court, a trajectory that shares similarities with the route of slaves from plantation to court (Hardwick 2009).

Ghachem's focus on elites and a few select enslaved individuals make it somewhat difficult to get a sense of a Saint-Dominguan legal culture as experienced by a majority of Saint-Dominguan subjects, especially slaves and free people of color. Ghachem makes a good case that virtually everyone in Saint-Domingue, from free to enslaved, was legally conscious of the Code Noir because it was the law that governed the actions of all enslaved person and the actions of planters toward their slaves. However, the extent of that knowledge and the factors that correlated to legal action remain hazy. Rates of participation in debates over the Code Noir, both as legislated and as adjudicated in court, merit more attention by scholars to gauge the degree to which the subversive interpretations of the Code Noir emphasized by Ghachem were shared throughout Saint-Dominguan society.

CARIBBEAN LEGAL REGIMES

Legal regimes throughout the Caribbean deserve more investigation, especially for the often-discounted colonial and preindependence era. To nonspecialists, the early days of Caribbean colonization might seem to have been a happy era of lawlessness thanks to well-told stories of pirates and buccaneers. Historians of the Caribbean, too, often deal with illegality and bestselling topics like piracy (see, e.g., Rediker 2004; Banks 2005; Latimer 2009; Rupert 2012). New work on legal pluralism has similarly emphasized maritime spaces like the Caribbean as sites of illegality and legal borrowing (Benton 2002, 2010; Benton and Ross 2013). Yet colonial laws like the Code Noir formed the necessary and defining counterpart of extralegal actions. Legal sources like those cited by Ghachem show that early settlers, planters, and traders were eager to ensure their commercial activities on both sides of the Atlantic by participating in imperial legal regimes that could guarantee their possession of slaves, as well as their land titles and sales of cash crops. European imperialism and economic development there—as in many other places around the world—depended largely on empires' ability to establish governance and, at least to some measure, the rule of law.

The Caribbean was an unusually dynamic zone characterized by its multinational and multiracial populations, but it was also a space in which imperial legal regimes mattered. Attachment to particular legal regimes determined which judicial resorts could be accessed and what legal vocabularies could be deployed. Nicolas Lejeune could cite Montesquieu's *The Spirit of the Laws* (1748) and offer his own (if questionable) reading of it in defense of his brutality toward his slaves because he inhabited a global French empire in which such a script was comprehensible on both sides of the Atlantic.

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

Lejeune, as well as the slaves who brought him to court, could rely on a diverse array of ideas about slave law as they made their cases, but the opportunities afforded by this French legal regime came with limitations, too. Litigants like Lejeune's slaves faced difficult odds in winning cases in Saint-Domingue against slave masters, and litigants who managed to have their cases brought in France faced similar difficulties (Peabody 1996; Ghachem 2012).

However, French law was much more consistent on matters like commerce and marriage that concerned both European and overseas contexts more equally (complications from slavery notwithstanding),[22] though it has yet to be investigated in detail. Some traders in Saint-Domingue's bustling port of Cap-Français undoubtedly carried out illicit transactions on the side, but they were primarily engaged in meeting the demands of merchants and consumers in metropolitan France, including port cities like Bordeaux and, of course, Paris.[23] French law thus mattered because contracts needed to be equally valid on both sides of the Atlantic, especially in case of losses like shipwreck.

More work that examines the transatlantic continuities and local idiosyncrasies of imperial legal regimes together might bring the paradoxes of imperial legal opportunity and limitation into starker relief. Mitra Sharafi has examined forum shopping in colonial South Asia during the early twentieth century and found that litigants who sought to cross jurisdictional lines most often failed in their attempts (Sharafi 2010). She argues that rather than allowing litigants to expand their toeholds by succeeding within an imperial state, flexible legal forums actually allowed the state to strengthen its power by reinforcing its own legitimacy as an arbiter. This pattern appears to hold true for Saint-Domingue, where the promise of benevolent planter control offered in the Code Noir paradoxically created a rationale whereby planters could define the boundaries of control over slaves as the legitimate bearers of state and local authority.

Caribbean legal regimes might usefully be integrated in scholarship on imperial and Atlantic themes, but further defined as unique locations of legal practice. Among the sites where European law was transplanted and transformed, the Caribbean contained a remarkable diversity of traditions. Scholars have considered British North American legal regimes in detail, often with attention to the regional differences that made law and society distinctive in, for example, Virginia or New England (Tomlins and Mann 2001). Anglo-American scholars have increasingly interpreted the North American and Caribbean colonies like Jamaica together as part of a British Atlantic against an older conceptualization that effectively divided the British Empire along future national boundaries (O'Shaughnessy 2000). Work on the British West Indies has emphasized the degree to which they were sites of much harsher slave regimes and

22. Marriage contracts and successions, for instance, were ubiquitous in both colonial and metropolitan contexts and tended to follow the same scripts, whether drawn up in rural Saint-Domingue or Paris. Virtually no research exists on these themes, however, so new work might reveal local differences in content and interpretation of laws in these areas, not just slavery.

23. In fact, illicit trade throughout the Caribbean was often associated with backwater regions, such as Saint-Domingue's southern peninsula, that had difficulty accessing the more frequently traversed sea lanes and port cities that made desirable commodities available. These areas also had fewer legal services (especially courts and attorneys), though as in the rest of France's early modern civil law regime, notaries could be found everywhere. John Garrigus has argued that much of Saint-Domingue and especially its southern province remained a frontier society well into the 1760s, despite the boom in northern agricultural regions like the Plaine du Nord and neighboring port cities like Cap-Français (Garrigus 2006).

idiosyncratic politics than earlier American origins narratives implied (Burnard 2004), but the legal dimensions of these stories have only recently begun to be explored (Rugemer 2013).

Historians have barely begun to look at French law outside its European boundaries, but growing attention to early modern French colonialism in the Caribbean, North America, and the Indian Ocean deserves to be supplemented by scholarship that carefully teases out the impact of law in all these places (Wood 2013). Scholars of Louisiana such as Shannon Lee Dawdy have situated their work on law in reference to a Caribbean plantation model exemplified by Saint-Domingue (Dawdy 2008). Though some recent scholarship has treated different regions of French colonization like Canada and the Caribbean together, it has paid very little attention to the common legal regime that bound them to metropolitan France (Banks 2006; Rushforth 2012).[24]

French colonial and Haitian histories have often been collapsed into an Anglophone narrative. Scholars of the revolutionary period have usefully pointed out how a Saint-Dominguan diaspora of revolutionary ideas, slaves, and fleeing planters made their way to US ports like New Orleans, Charleston, and Philadelphia (see, e.g., Dessens 2007; White 2010; Scott and Hébrard 2012; Force 2013).[25] Others have emphasized the Haitian Revolution as one of many Atlantic revolutions (Davis 1975; Blackburn 1988; Armitage and Subrahmanyam 2010). However, this line of scholarship has blunted the perceived significance of Saint-Domingue as a site of negotiation itself. Studies of the Haitian Revolution (Dubois 2004a; Popkin 2010) have reclaimed Saint-Domingue as a discrete object of analysis, but they have left the Old Regime colonial context largely untouched (excepting Garrigus 2006). Ghachem's carefully delineated scope offers a model of how new scholarship might cultivate new fields like Caribbean legal history while remaining in conversation with the rich existing Anglo-American scholarship.

Parallel debates over the law of slavery and antislavery took place in all the European imperial contexts in which slave regimes had been founded. A pan-American conversation about slave law in Old Regime and revolutionary colonies might usefully be expanded geographically, beyond the "French or British/Anglo-American contexts" Ghachem discusses (Ghachem 2012, 23). Scholars who have compared imperial legal regimes have tended to privilege law at the prescriptive level, like slave codes (Tannenbaum 1947; Goveia 1970).[26] Scholarship on "legality" (legal practices and negotiation as distinct from legal prescription) has emerged across imperial literatures and has substantiated the contours of the law of slavery and imperial law more broadly with investigations of legal practices, but its comparisons have tended to remain

24. One exception that treats French colonial and metropolitan legal regimes together during the revolutionary era is Spieler (2009).

25. The Saint-Dominguan diaspora has thus tended to be a topic of study for Americanists and US scholars much more than for French historians. With few exceptions, only recently have historians in France begun to deal systematically with the legacy of colonial slavery (e.g., Régent 2007). Previous work, especially by Eric Saugera, addressed slavery in the French colonial world from the vantage point of French port cities like Bordeaux (Gisler 1981; Saugera 2002).

26. Interestingly, much comparative legal and political work that assessed European empires appeared during the eighteenth century itself. See, for example, Montesquieu (1748) and Petit (1778) for colonial and metropolitan perspectives, respectively.

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

implicit rather than substantive (see, e.g., Tomlins and Mann 2001). A newer strand of work on legal pluralism undertakes precisely the question of what happens when different legal regimes come into contact, usually brought by litigants through practices like forum shopping, though this work has been limited by the difficulty of teasing out legal doctrines and practices (Benton 2002, 2010; Sharafi 2010; Benton and Ross 2013).

In particular, the correlations between the legal culture of France's overseas colonies and colonial Spanish America remain less fully explored, though they shared many more similarities with the French system than with the British American system.[27] Spanish and French legal regimes relied heavily on Roman law precedents that favored the codification of law, including slave law like the Code Noir.

Both systems employed ranks of legal personnel like notaries[28] and magistrates who adjudicated these codes in a much more procedural system than the more adversarial English common law regime. Similar arrays of governors and intendants presided over judicial proceedings in which colonial and metropolitan (or creole and peninsular, in Spanish imperial terminology) tensions were worked out simultaneously through specific cases. Contestations over slave law likewise took place in very similar courtrooms, whether the Latin American *audiencias* or the French superior courts (*conseils supérieurs*) that occupied similar intermediary places between local governance and metropolitan/imperial oversight. How did these similar legal structures shape the kinds of arguments that were made about slave law? Did different revolutionary events significantly modify these legal forums and, by extension, the ways these arguments could be made?

OUTCOMES

Though this is a book about origins, it raises questions about outcomes. In particular, one wonders whether Saint-Domingue's longstanding debate over the Code Noir set it up uniquely for life after independence. Ghachem qualifies the scope of his book to preclude "the influence of slavery on Haiti's contemporary situation," but he leaves a well-appointed stage on which scholars might continue to work out the drama of Haiti's complicated relationship to law and slavery (Ghachem 2012, 23 n54). Ghachem's chronological argument creates a bridge by which legal scholars on both sides of revolutionary divides—and, indeed, those who happily situate their work athwart revolutions—might move into conversation with each other.

27. Though slave codes were enacted in all of the American colonies, slave codes in British colonies were issued piecemeal as collections of statutes, usually at the instigation of colonial assemblies. By contrast, Spanish and French slave codes were usually promulgated as part of comprehensive and empire-wide legislative programs issued from metropolitan centers. Thus, British colonies developed several slave "codes" or collections of slave statutes over the course of the seventeenth and eighteenth centuries, while Spanish and French slave codes tended to be issued less frequently and maintained longer. For British West Indian slave codes, see Rugemer (2013).

28. For scholars who work in civil law traditions, notarial records have proven to be fundamental sources for uncovering everyday legal practices, legal consciousness, and many social patterns. For insights about social dynamics, including gender and race, in France and Saint-Domingue, respectively, see Hardwick (1998) and Garrigus (2006). For critical readings of notarial documents that explore themes of power, legality, and epistemology in the Latin American context, see Serulnikov (1996) and Burns (2005).

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

One recent book on law and religion in Haiti by Kate Ramsey suggests ways iterations of law under slavery might usefully be brought into dialogue with law in the wake of abolition and independence. Like Ghachem, Ramsey begins chronologically in colonial and revolutionary Saint-Domingue, but she carries the story of law well into the twentieth century (Ramsey 2011).[29] However, Ramsey takes the subject of law in Haiti in a different direction by linking it directly to popular religion, particularly *vodou*, a mix of Catholicism and indigenous African religions. She looks at the ways the Haitian government likewise sought social control over rural populations against the threat of "barbarism" by prohibiting the practice of *vodou*. Through this lens, she uncovers how communities chose to regulate spiritual practices.

Where Ghachem argues that the law of slavery was at the center of debates about planter and imperial authority, Ramsey contends that laws about *vodou* and ritual assembly indicated wider conflicts that permeated Haitian society and its relationships beyond the state, including those with the Catholic Church and the United States. Ramsey and Ghachem both look at legislation for its potential to uncover institutional and social histories. They agree that law could be a tool used alternatively to coerce and to undermine, especially on issues (slavery and *vodou*) at the heart of Saint-Dominguan and Haitian society. Though the issues they examine are different, Ghachem and Ramsey are interested in similar conflicts and especially the ways in which residents of Saint-Domingue/Haiti engaged with restrictive legislation to create meanings within the law that accommodated them.

The juxtaposition of Saint-Domingue with Haiti can be duplicated in other settings, clarifying the continuities of legal debates across time. An emerging literature in US history has utilized this strategy to chronicle the development of vagrancy laws and legal definitions of slavery and then citizenship before and after the American Civil War (Stanley 1998; Welke 2010).[30] With Ghachem, this scholarship suggests that legal scholars can trace and theorize the endurance of debates over legal status during rapidly changing circumstances by looking at how legal categories were continuously negotiated, though renamed and redefined, before and after major events. Beyond the Western Hemisphere, a similar method might shed new light on topics like communal conflict in pre- and post-Partition India and Pakistan, especially in terms of evolving legal regimes. These kinds of comparisons can reveal generational changes in legal contestation over perennial issues. They can also clarify the long-term causes and repercussions of singular events, like revolution, war, and independence.

Readers will find fertile material to inspire more studies of how laws generate debates within legal regimes, especially because Ghachem clears a pathway for scholars working on different times and places to talk to each other. Insights into why and how legal regimes evolve at different rates might be gleaned by comparing Saint-Domingue's century of debate over the Code Noir to slower changes, for example, in the Spanish American colonies. As Ghachem points out, scholars have tended to read the achievement of abolition in the nineteenth century as a success story that underlines the possibility of human progress, but this triumphalist narrative becomes less certain when viewed from a wider chronology.

29. Note, too, that Ramsey's title plays on Montesquieu's *The Spirit of the Laws*.
30. I thank Jesse Nasta for drawing this literature to my attention.

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

Saint-Domingue's astonishingly fast development in scarcely a century from buccaneer outpost to the "pearl of the Antilles" and the Americas' wealthiest colony contrasts with the much slower development of other colonies, such as the adjacent Spanish Cuba, which only became an economic dynamo in the wake of Haiti's revolution. There, abolition did not occur until 1880 despite the long existence of a similar slave and legal regime (though admittedly with much less demographic and economic pressure than Saint-Domingue experienced).[31] The basis of Spanish slave law lay much farther in the past, in the *Siete Partidas*, a code that dated from the thirteenth century, as well as Roman law, though the French Code Noir had precedents in Roman law and shared similarities with principles outlined in the sixteenth century by Jean Bodin (examined in Chapter 1). Latin American legal regimes had, by the time of their revolutions in the early nineteenth century, been extant for several centuries rather than the mere 119 years that separated the Code Noir from Haitian independence. Why, then, was Saint-Domingue's experience of slavery and struggle for abolition so brief?

THE LIMITS OF THE LAW

Law, not slavery or revolution, sets the parameters of history in Ghachem's narrative. As he explains: "Colonial law set many of the terms of the Haitian Revolution, including the terms by which violence was or was not used" (Ghachem 2012, 7). Colonial law determined the boundaries of violence and therefore described acceptable power relationships among Saint-Domingue's enslaved and free subjects. Ghachem tells the story of the Code Noir largely through the voices of the legal commentators who were best situated to write at length about it. Ghachem reorients the story of the Haitian Revolution from a political and racial story to a one that interprets political and racial contests in legal terms. But does law really have such power? Can a set of laws permeate a society such that many other phenomena, like slavery, are contingent upon them? How and why can law be such a foundational and determinative element in a given society? The extent of the law as exemplified by the Code Noir might be countered with a discussion of the limits of law in general, not just the specific provisions of Saint-Dominguan slave law.

This story might be incorporated into a wider discussion about how legal sources can reveal social patterns beyond legislative texts and courtrooms. Some of the main characters in this story point to a larger and more diverse community of parties who were invested in these debates. In the process, social and cultural aspects of Saint-Dominguan life might be painted in greater detail in order to describe the interplay between different social groups, especially slaves and masters as they interacted on a daily basis, not just once the legal stakes had been laid out through judicial proceedings or legislation.

31. The growth of its sugar plantations during the nineteenth century largely made up for the sharp decline in Saint-Dominguan production (Hall 1996). Contrast the abolition of slavery as described by Ghachem with Scott (2000). For Cuba in comparison with formerly French Louisiana in the wake of abolition, see Scott (2005).

https://doi.org/10.1111/lsi.12087 Published online by Cambridge University Press

The fourteen slaves who went to court against their master closely resemble the enslaved rebels who identified themselves as "citizens and friends" in Laurent Dubois's account of the French Revolution in another Caribbean colony, Guadeloupe (Dubois 2004b, 23; Ghachem 2012, 184). In both instances, the parties of slaves appear in transit, between plantation and town, between master-defined and state-defined spaces. Glimpses of slaves in these liminal places blur the sharp distinctions between the presence of planter and state authorities and thus check the assumption that master and state sovereignty were exerted with continuous force and jurisdiction. These transitory moments raise the question of whether there were spaces on the edges of legal regimes in which colonial subjects like slaves could carve out quasilegal or vernacular legal traditions. Were there conceptual spaces that were off limits to imperial and slave law (in practice, if not in theory) akin to the maroon (runaway slave) communities that dotted the mountainous landscape beyond the plains that were cultivated with sugar? Put more broadly, what was nonlegal in Saint-Domingue, if indeed the Code Noir defined Saint-Dominguan society by virtue of its monopoly on the discourse about slavery and authority?

CONCLUSION

Ghachem's insistence that the Code Noir lay at the heart of the law of slavery, and by extension the Saint-Dominguan society itself, is perhaps too often repeated in this book. This claim implies that slave law amounted to colonial law, eliding the many kinds of colonial and imperial law that coexisted in Saint-Domingue and other slave-holding colonies. However, Ghachem's exploration of the law of slavery reveals why law matters for scholars, whether they work on Saint-Domingue/Haiti, revolutions, or any other topic in the humanities and social sciences. Law matters because when people talk about law, they are often talking—at least implicitly—about the relationships between ideas and practices. When people discuss their own laws, as subjects of the French monarch in Saint-Domingue's slave society, they are often debating the logic that undergirds their society and frames their relationships with each other. This phenomenon is thus not limited to a revolutionary context, as discussions of laws can happen in peaceful, stable situations just as much as they can occur in rapidly changing settings. Law, then, offers a way for scholars to look at how people understand the ideas and practices that define their society even when those ideas and practices are in flux.

Saint-Domingue is not an obvious choice for a legal study, nor is it self-evident that it should first be dealt with in terms of law, but Ghachem makes a compelling case that law is the key to unraveling some of the most challenging and persistent puzzles of this place's past. In the eighteenth century, France's colony of Saint-Domingue was the envy of European empires, who sought to compete with its astonishingly fast-growing sugar economy, and one of the main destinations for Atlantic slave traders. By the 1790s, it attracted international attention for its successful slave revolt and in 1804, it gained notoriety as Haiti, the first republic founded by emancipated slaves.

Haiti has reentered global consciousness in the wake of the 2010 earthquake. It thus continues to be seen as a site of massive and often devastating change. However, Malick Ghachem encourages scholars to turn their attention to Haiti for a different

reason. Looking at the long history of Haiti between 1685 and 1804, he finds that "[t]he long arc of Haiti's passage from slavery to freedom underscores just how much of our heritage of legal and moral opposition to slavery descends from the ambiguous and highly conflicted pragmatism of the colonial law of slavery itself" (Ghachem 2012, 308). More than that, this study suggests that legal scholars can approach questions about power, race, agency, and ideology through comparative and diachronic analysis of legal regimes.

REFERENCES

Adelman, Jeremy. 1999. *Republic of Capital: Buenos Aires and the Legal Transformation of the Atlantic World*. Stanford, CA: Stanford University Press.

Albertone, Manuela, and Antonino de Francesco, eds. 2009. *Rethinking the Atlantic World: Europe and America in the Age of Democratic Revolutions*. Basingstoke, UK: Palgrave Macmillan.

Allen, Richard Blair. 1999. *Slaves, Freedmen, and Indentured Laborers in Colonial Mauritius*. Cambridge: Cambridge University Press.

Armitage, David. 2004. John Locke, Carolina, and the "Two Treatises of Government." *Political Theory* 32 (5): 602–27.

Armitage, David, and Sanjay Subrahmanyam, eds. 2010. *The Age of Revolutions in Global Context, c. 1760–1840*. New York: Palgrave Macmillan.

Banks, Kenneth J. 2005. Official Duplicity: The Illicit Slave Trade of Martinique 1713–1763. In *The Atlantic Economy During the Seventeenth and Eighteenth Centuries: Organization, Operation, Practice, and Personnel*, ed. Peter A. Coclanis, 229–51. Columbia, SC: University of South Carolina Press.

——. 2006. *Chasing Empire Across the Sea: Communications and the State in the French Atlantic, 1713–1763*. Montreal: McGill-Queen's University Press.

Bell, David Avrom. 1994. *Lawyers and Citizens: The Making of a Political Elite in Old Regime France*. New York: Oxford University Press.

Benton, Lauren A. 2002. *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900*. Cambridge: Cambridge University Press.

——. 2010. *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900*. Cambridge: Cambridge University Press.

Benton, Lauren A., and Richard J. Ross, eds. 2013. *Legal Pluralism and Empires, 1500–1850*. New York: NYU Press.

Bilder, Mary Sarah. 2004. *The Transatlantic Constitution: Colonial Legal Culture and the Empire*. Cambridge, MA: Harvard University Press.

Blackburn, Robin. 1988. *The Overthrow of Colonial Slavery, 1776–1848*. New York: Verso.

Breen, Michael P. 2007. *Law, City, and King: Legal Culture, Municipal Politics, and State Formation in Early Modern Dijon*. Rochester, NY: University of Rochester Press.

Brown, Christopher Leslie. 2006. *Moral Capital: Foundations of British Abolitionism*. Chapel Hill, NC: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press.

Burnard, Trevor G. 2004. *Mastery, Tyranny, and Desire: Thomas Thistlewood and His Slaves in the Anglo-Jamaican World*. Chapel Hill, NC: University of North Carolina Press.

Burns, Kathryn. 2005. Notaries, Truth, and Consequences. *American Historical Review* 110 (2): 350–79.

Carrese, Paul. 2003. *The Cloaking of Power: Montesquieu, Blackstone, and the Rise of Judicial Activism*. Chicago, IL: University of Chicago Press.

Chanvalon, Jean Baptiste Thibault de. 1763. *Voyage à la Martinique, contenant diverses observations sur la physique, l'histoire naturelle, l'agriculture, les mœurs, et les usages de cette isle, faites en 1751 et dans les années suivantes*. Paris: J. B. Bauche.

Craton, Michael. 1982. *Testing the Chains: Resistance to Slavery in the British West Indies*. Ithaca, NY: Cornell University Press.

Darnton, Robert. 1982. *The Literary Underground of the Old Regime*. Cambridge, MA: Harvard University Press.

Davis, David Brion. 1975. *The Problem of Slavery in the Age of Revolution, 1770–1823*. Ithaca, NY: Cornell University Press.

Dawdy, Shannon Lee. 2008. *Building the Devil's Empire: French Colonial New Orleans*. Chicago, IL: University of Chicago Press.

Dayan, Colin. 2007. *The Story of Cruel and Unusual*. Cambridge, MA: MIT Press.

Delbourgo, James, and Nicholas Dew, eds. 2008. *Science and Empire in the Atlantic World*. New York: Routledge.

Dessens, Nathalie. 2007. *From Saint-Domingue to New Orleans: Migration and Influences*. Gainesville, FL: University Press of Florida.

Dubois, Laurent. 2004a. *Avengers of the New World: The Story of the Haitian Revolution*. Cambridge, MA: Belknap Press of Harvard University Press.

——. 2004b. *A Colony of Citizens: Revolution & Slave Emancipation in the French Caribbean, 1787–1804*. Chapel Hill, NC: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press.

Force, Pierre. 2013. The House on Bayou Road: Atlantic Creole Networks in the Eighteenth and Nineteenth Centuries. *Journal of American History* 100 (1): 21–45.

France. 1745. *Recueils de reglemens, edits, declarations et arrets: concernant le commerce, l'administration de la justice, & la police des colonies françaises de l'Amérique, & les engagés, avec le Code Noir et l'addition audit code*. Paris: Chez les libraires associez. Huntington Library.

Fuente, Alejandro de la. 2004. Slave Law and Claims-Making in Cuba: The Tannenbaum Debate Revisited. *Law and History Review* 22 (2): 339–69.

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

Geggus, David Patrick, ed. 2001. *The Impact of the Haitian Revolution in the Atlantic World*. Columbia, SC: University of South Carolina Press.

Geggus, David Patrick, and Norman Fiering, eds. 2009. *The World of the Haitian Revolution*. Bloomington, IN: Indiana University Press.

Ghachem, Malick. 1999. Montesquieu in the Caribbean: The Colonial Enlightenment Between Code Noir and Code Civil. *Historical Reflections/Réflexions Historiques* 25 (2): 183–210.

——. 2011. Prosecuting Torture: The Strategic Ethics of Slavery in Pre-Revolutionary Saint-Domingue (Haiti). *Law and History Review* 29 (4): 985–1029.

——. 2012. *The Old Regime and the Haitian Revolution*. New York: Cambridge University Press.

Gisler, Antoine. 1981. *L'esclavage aux Antilles françaises (XVIIe-XIXe siècle): contribution au problème de l'esclavage*. Paris: Karthala.

Goveia, Elsa V. 1970. *The West Indian Slave Laws of the 18th Century*. Barbados: Caribbean Universities Press.

Gross, Ariela Julie. 2000. *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom*. Princeton, NJ: Princeton University Press.

Grove, Richard. 1995. *Green Imperialism: Colonial Expansion, Tropical Island Edens and the Origins of Environmentalism, 1600–1860*. New York: Cambridge University Press.

Hall, Gwendolyn Midlo. 1996. *Social Control in Slave Plantation Societies: A Comparison of St. Domingue and Cuba*. Baton Rouge, LA: Louisiana State University Press.

Hanley, Sarah. 2003. The Jurisprudence of the Arrêts: Marital Union, Civil Society and State Formation in France, 1550–1650. *Law and History Review* 21 (1): 1–40.

Hardwick, Julie. 1998. *The Practice of Patriarchy: Gender and the Politics of Household Authority in Early Modern France*. University Park, PA: Pennsylvania State University Press.

——. 2009. *Family Business: Litigation and the Political Economies of Daily Life in Early Modern France*. Oxford: Oxford University Press.

Iannini, Christopher P. 2012. *Fatal Revolutions: Natural History, West Indian Slavery, and the Routes of American Literature*. Chapel Hill, NC: Published for the Omohundro Institute of Early

American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press.
Jones, Martha S. 2011. Time, Space, and Jurisdiction in Atlantic World Slavery: The Volunbrun Household in Gradual Emancipation New York. *Law and History Review* 29 (4): 1031–60.
LaCroix, Alison L. 2010. *The Ideological Origins of American Federalism*. Cambridge, MA: Harvard University Press.
Landers, Jane. 2010. *Atlantic Creoles in the Age of Revolutions*. Cambridge, MA: Harvard University Press.
Latimer, Jon. 2009. *Buccaneers of the Caribbean: How Piracy Forged an Empire*. Cambridge, MA: Harvard University Press.
Lynch, John. 1969. *Spanish Colonial Administration, 1782–1810: The Intendant System in the Viceroyalty of the Río De La Plata*. New York: Greenwood Press.
Maza, Sarah C. 1993. *Private Lives and Public Affairs: The Causes Célèbres of Prerevolutionary France*. Berkeley, CA: University of California Press.
McClellan, James E. 1992. *Colonialism and Science: Saint Domingue in the Old Regime*. Baltimore, MD: Johns Hopkins University Press.
Merrell, James H. 1999. *Into the American Woods: Negotiators on the Pennsylvania Frontier*. New York: W. W. Norton.
Metcalf, Alida C. 2005. *Go-Betweens and the Colonization of Brazil, 1500–1600*. Austin, TX: University of Texas Press.
Montesquieu, Charles-Louis de Secondat. 1748. *De l'Esprit des loix ou du Rapport que les loix doivent avoir avec la constitution de chaque gouvernement, les moeurs, le climat, la religion, le commerce, &c: à quoi l'auteur a ajouté des recherches nouvelles sur les loix romaines touchant les successions, sur les loix françoises, & sur les loix féodales*. Geneva: Barrillot & fils.
Nesbitt, Nick. 2008. *Universal Emancipation: The Haitian Revolution and the Radical Enlightenment*. Charlottesville, VA: University of Virginia Press.
Niort, Jean-François, ed. 2005. *Du Code Noir au Code Civil: Jalons pour l'histoire du droit en Guadeloupe, Perspectives comparées avec la Martinique, la Guyane et la République d'Haïti*. Paris: L'Harmattan.
O'Shaughnessy, Andrew Jackson. 2000. *An Empire Divided: The American Revolution and the British Caribbean*. Philadelphia, PA: University of Pennsylvania Press.
Peabody, Sue. 1996. *"There Are No Slaves in France": The Political Culture of Race and Slavery in the Ancien Régime*. New York: Oxford University Press.
Peabody, Sue, and Keila Grinberg. 2007. *Slavery, Freedom, and the Law in the Atlantic World: A Brief History with Documents*. Boston, MA: Bedford/St. Martin's.
Petit, Emilien. 1778. *Dissertations sur le droit public: des colonies francoises, espagnoles, et angloises, d'après les loix des trois nations, comparées entr'elles. . . .* Geneva: Knapen & fils.
Petitjean Roget, Jacques. 1966. *Le Gaoulé; la révolte de la Martinique en 1717*. Fort de France: Société d'histoire de la Martinique.
Popkin, Jeremy D. 2010. *You Are All Free: The Haitian Revolution and the Abolition of Slavery*. Cambridge: Cambridge University Press.
Ramsey, Kate. 2011. *The Spirits and the Law: Vodou and Power in Haiti*. Chicago, IL: University of Chicago Press.
Rediker, Marcus Buford. 2004. *Villains of All Nations: Atlantic Pirates in the Golden Age*. Boston, MA: Beacon Press.
Régent, Frédéric. 2007. *La France et ses esclaves: de la colonisation aux abolitions, 1620–1848*. Mesnil-sur-l'Estrée: Grasset.
Rugemer, Edward B. 2013. The Development of Mastery and Race in the Comprehensive Slave Codes of the Greater Caribbean During the Seventeenth Century. *William and Mary Quarterly* 70 (3): 429–58.
Rupert, Linda M. 2012. *Creolization and Contraband: Curaçao in the Early Modern Atlantic World*. Athens, GA: University of Georgia Press.
Rushforth, Brett. 2012. *Bonds of Alliance: Indigenous and Atlantic Slaveries in New France*. Chapel Hill, NC: University of North Carolina Press; Published for the Omohundro Institute of Early American History and Culture.

Sala-Molins, Louis. 1998. *Le Code Noir, ou, le calvaire de Canaan*, 6th ed. Paris: Presses Universitaires de France.

——. 2006. *Dark Side of the Light: Slavery and the French Enlightenment*. Minneapolis, MN: University of Minnesota Press.

Saugera, Eric. 2002. *Bordeaux, port négrier: XVIIe-XIXe siècles*. Paris: Karthala.

Schloss, Rebecca Hartkopf. 2009. *Sweet Liberty: The Final Days of Slavery in Martinique*. Philadelphia, PA: University of Pennsylvania Press.

Scott, Rebecca J. 2000. *Slave Emancipation in Cuba: The Transition to Free Labor, 1860–1899*. Pittsburgh, PA: University of Pittsburgh Press.

——. 2005. *Degrees of Freedom: Louisiana and Cuba After Slavery*. Cambridge, MA: Belknap Press of Harvard University Press.

——. 2011. Paper Thin: Freedom and Re-Enslavement in the Diaspora of the Haitian Revolution. *Law and History Review* 29 (4): 1061–87.

Scott, Rebecca J., and Jean M. Hébrard. 2012. *Freedom Papers: An Atlantic Odyssey in the Age of Emancipation*. Cambridge, MA: Harvard University Press.

Serulnikov, Sergio. 1996. Disputed Images of Colonialism: Spanish Rule and Indian Subversion in Northern Potosí, 1777–1780. *Hispanic American Historical Review* 76 (2): 189–226.

Sharafi, Mitra. 2010. The Marital Patchwork of Colonial South Asia: Forum Shopping from Britain to Baroda. *Law and History Review* 28 (4): 979–1009.

Shklar, Judith N. 1987. *Montesquieu*. New York: Oxford University Press.

Spieler, Miranda Frances. 2009. The Legal Structure of Colonial Rule During the French Revolution. *William and Mary Quarterly* 66 (2): 365–408.

Stanley, Amy Dru. 1998. *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation*. New York: Cambridge University Press.

Taffin, Dominique, ed. 2006. *Moreau de Saint-Méry, Ou les ambiguïties d'un créole des Lumières*. Actes du colloque organisé par les Archives départementales de la Martinique et la Société des Amis des archives et de la Recherche sur le Patrimoine culturel des Antilles. Fort-de-France: Société des Amis des archives et de la recherche sur le patrimoine culturel des Antilles.

Tanenhaus, David S., ed. 2006. Forum: Somerset's Case Revisited. *Law and History Review* 24 (3): 601–71.

——. 2011. Special Issue: Law, Slavery, and Justice. *Law and History Review* 29 (4): 915–1095.

Tannenbaum, Frank. 1947. *Slave and Citizen: The Negro in the Americas*. New York: Knopf.

Tarrade, Jean. 1972. *Le Commerce colonial de la France à la fin de l'Ancien Régime: l'évolution du régime de l'Exclusif de 1763 à 1789*. Paris: Presses Universitaires de France.

Tocqueville, Alexis de. 1856. *The Old Regime and the Revolution*. Trans. John Bonner. New York: Harper & Brothers.

Tomlins, Christopher L., ed. 2004. Forum: What Can Frank Tannenbaum Still Teach Us About the Law of Slavery? *Law and History Review* 22 (2): 339–87.

Tomlins, Christopher L., and Bruce H. Mann, eds. 2001. *The Many Legalities of Early America*. Chapel Hill, NC: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press.

Vaughan, Megan. 2005. *Creating the Creole Island: Slavery in Eighteenth-Century Mauritius*. Durham, NC: Duke University Press.

Welke, Barbara Young. 2010. *Law and the Borders of Belonging in the Long Nineteenth Century United States*. New York: Cambridge University Press.

White, Ashli. 2010. *Encountering Revolution: Haiti and the Making of the Early Republic*. Baltimore, MD: Johns Hopkins University Press.

Wood, Laurie Marie. 2013. Îles de France: Law and Empire in the French Atlantic and Indian Oceans, 1680–1780. PhD diss., Department of History, University of Texas at Austin, Austin, TX.