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Nancy Christie, Michael Gauvreau, and Matthew Gerber, eds. *Voices in the Legal Archives in the French Colonial World: "*The King Is Listening*."* Routledge Research in Early Modern History. New York: Routledge, 2021. ix + 365. List of contributors, notes, and index. $190.00 U.S. (hb). ISBN 9-78-0367508067; $59.99 U.S. (pb). ISBN 9-78-067508074; $51.29 U.S. (eb). ISBN 9-78-1003051367.

Review by Jakob Burnham, University of North Texas.

The everyday litigants of the French empire went to court "hop[ing] the King is listening," and as a result they produced a legal cacophony of different interpretations of law and empire (p. 12). In this volume, Christie, Gauvreau, and Gerber show that administrators, judges, and other legal entities who applied the French law that produced the empire, did so in conflicting, inconsistent, and ad hoc ways. So much so that after reading these essays, it is hard to challenge the central idea of this volume that law and legal practices in the French empire were constructed without an intentionally hegemonic design. Instead, these authors show the French empire emerged at least in part "as the result of the perpetual renegotiation of colonial and transatlantic interests through competing concepts of law, justice, and legalities" (p. 2). Subsequently, each contribution takes up a different instance where such concepts were being forged anew, often in paradoxical and contradicting ways. Tying together cases from runaway enslaved persons to the criminally insane to peasant resistance, the editors have successfully brought some harmony to the French empire's seemingly discordant voices and opened a new avenue for the study of global early modern France in the long eighteenth century.

The extensive introduction from the editors clearly positions the book within its wider para-intellectual influences. The editors push back against two unchallenged claims within the historiography of the French empire, stemming from Anthony Pagden's and other earlier work: the "seemingly natural fit between law and empire" and "[the] assumption that law was a stable and unchanging entity" (p. 2).[1] Rightfully recognizing the King's sovereign authority as a paste that held together the realm, the volume instead addresses the outcomes of delegating some of the legal authority to local courts across the empire. While it offers little new in theoretical understandings of the law and state/empire-building, it nestles well into the revisionist scholarship on the so-called absolutist monarchy, and its research adds a major new ground to the extant field.[2] The editors propose greater attention to alternative sources as central to de-centering Versailles and the metropole. They promise a turn away from the prescriptive sources such as "decrees, edicts, ordinances, and police regulations," in favor of the law's more descriptive archival relatives (p. 21). From these kinds of sources, we are better able to appreciate the fluid nature of the law in practice as it molded around the particularities of social contexts, and to recover the voices often unheard in the story of empire building. Each contributor takes up the mantle and productively "elucidate[s] thematic and methodological approaches to the

study of French litigation" with most of the analyses from court cases in the colonies (p. 4). As a result, the volume solidly contributes to the extant studies on Europe's "empires of litigation" (p. 42 fn. 178).

In part one, "Reading colonial legal records against the grain," we are forced to contend with the archival collections directly as sites made from historical changes as much as they are created by the cultivation of modern institutions. Ghachem's interrogation of Moreau de Saint-Méry's legal archive reminds us that narratives of law *cum* history are shaped by those who record and contextualize them for posterity. Recasting Moreau de Saint-Méry's *Loix et constitutions* with other archival sources, Ghachem draws out the intentional deadening of Moreau de Saint-Méry narrative about the events surrounding the 1722 Cul-de-Sac Treaty. Though it settled a conflict between St. Domingueian colonists and the *Compagnie des Indes*, as a successful episode of colonial resistance to metropolitan legal authority, a purely historical presentation of the events might have undermined later colonial order. Such practices by Saint-Méry resonate to Ghachem as the former's intentions of his *Loix et consititutions* as a "forward-looking document" for legal jurisprudence rather than a "backward-looking [one]" of history (p. 79). The chapter, especially when read alongside Sara Johnson's recent work, powerfully recasts Moreau de Saint-Méry rightly as an agent of empire whose ability to (re)shape the histories of Saint-Domingue mirrored his own political interests. [3] Palmer picks up the task of triangulating archival paper trails to emphasize that the production of archival documents served as a means to silence the historical agency of colonial actors. By her reckoning, women of color--who often used social intimacies rather than physical records to define and defend their un/free status in society--were disadvantaged in ways that others were not as the French colonial legal systems of the eighteenth century pushed for a great emphasis on documentary evidence. Tracing the flight and fight for freedom of one such woman, Marie Victoire Morriseau, Palmer deftly reveals how the push for such a shift protected "the twin towers of patriarchal and white supremacist authority," which the informal claims to freedom challenged (p. 105).

The voices recovered by authors in part two, " Between metropole and periphery," direct readers to question the call-and-response relationship between the two in order to underscore the influence that maturing colonial governance schemes might play in the shaping of imperial politics. Houllemare's thoughtful examination about the systematic marginalization (and muting) of "madmen," shifts the analytical lens from penal to civil disenfranchisement. Houllemare reveals how the legal *and* physical removal of theses madmen's voices served to prevent the misuse or alienation of family wealth and fortune supposedly endangered by them. Bessière's contribution adds to this theme of economic protection, by showing how the particularities of early French Canada's legal outcomes for domestic servants differed markedly from those of metropolitan France. Bessière's analysis of these court cases speaks to the legal system's ability "to compromise and adapt" outcomes to further simultaneous goals of keeping up a robust colonial population and preserving its future of social mobility (p. 143). Rap's dissection of the decades-long civil litigation of village peasants against their absent seigneur's right of *corvée,* ties this section together. Along with Rap's attestation that the people of Angoumois used "civil litigation as an independent form of popular resistance" (p. 153), each chapter in this section emphasizes that legal actors often used civil rather than criminal litigation--the results of which directly influenced the realities of their day-to-day lives--as an instrument to amplify their interests in the face of metropolitan legal standards that they viewed as incompatible with the realities of local, colonial contexts.

Nothing could be more related to the realities of the day-to-day of every voice recovered in this volume than the question of financial stability. In part three, "Chains of property and obligation," continues the use of civil cases to "examine the contested terrain of credit, debt, family property, and inheritance" (p. 33). Gerber explores the nuances of the early modern colonies' creative flexibility for categorizing enslaved people's transferability as a property. By digging into the legal paradox institutionalized by the edict of March 1685, the first in a series of legal codes that would become the *Code Noir*, Gerber shows that this legal opening allowed colonial agents to bring forth litigation that constantly forced the renegotiation of Caribbean colonies' social order in the face of tenuous colonial economic structures. While a legal paradox rests at the heart of Gerber's contribution, Gaffield focuses on a social one. She thoroughly considers how recently arrived migrants to Cap Français might have integrated themselves in the socially constructed credit networks, which were central to colonial society. By recovering the voices of the middling class of migrants, she argues that formalized exchanges (such as those requiring a contract) were based in a "racialized network of economic trust" even if daily interactions were regularly trans-racial (p. 209). Both Gerber and Gaffield here demonstrate how local actors used particular legal mechanisms as a way to defend financial interests in an increasingly racializing society. Though mired in a particular intellectual/class prejudice rather than a racial one, the farmer-litigants examined by Christie and Gauvreau also turn to formalized legal practices as a means to mobilize their own (often dense) credit networks for participation in the emerging global markets of consumption.

While they might not be able to speak--whether figuratively or literally--for themselves, part four, "Circuits of power and the testimony of the marginal," considers how negotiations of law might occur by the most marginalized. Wezel's contribution adds to the methodological conundrum of working with voices we hear only through translations.[4] He argues that conciliation in legal proceedings for colonial litigants who required translators reflected administrative aims at regulating the fur trade. Therefore, their cases illustrate the ways that these actors still participated, albeit silently, in colonial governance. Bringing gender to the analytical front, Deslandres then enumerates the ways that women operationalized their own working knowledge of the law to overcome a French legal system imbued with structural obstacles to their participation. As Peabody examines in her contribution, even the enslaved, whose voices were marginalized by an interdiction on their ability to testify, can still be heard if we listen with a creative ear. Her use of British and French archival sources to trace the prosecution of an accused slave trading ship highlights the ways that competing and intersecting legal structures can be employed to recover voices of the enslaved experience otherwise silenced in the French archives.

Finally, part five, "Divided sovereignties, legal hybridities," rightly reminds us that the transition between any sort of presumed hegemonic legal regimes following colonial exchange was not instantaneous. Whether from Freund's analysis of the Ceded Islands or from Christie and Gavreau's Quebec, the post-Seven Years' War legal landscape evolved as much from colonial interests as metropolitan intent. The two chapters emphasize that while colonial powers--in these cases the British--were keen to expand geographically, they were weary of doing so in a way that resulted in negative demographic impacts. To maintain colonial populations--an implicit desire of any empire--the new British regime made choices when applying the law. Freund shows how the British at times allowed French colonists continuing their own inheritance practices and therefore allowing them to maintain control over large swaths of land. Gauvreau and Christie show how certain legal statutes,

especially *couverture*, were subsequently rather sporadically applied and usually only if doing so did not affect economic activity. The three authors convincingly illustrate that the British empire found an effective practice that smoothed the transition in colonial control by not alienating its new colonists from their antecedent legal practices.

Ultimately, if unintentionally, the editors perhaps understate the possibility of an intentional unifying legal culture that they seem so set on opposing. While not to discount the importance of the present work in showing how law was manipulated, it must be remembered that as a source genre, legal records and court cases are inherently exceptional. Historical actors produce these kinds of records in response to an event they perceived to have violated of *some* understood law or legal protection. Their existence, I'd argue, indicates a quotidian understanding of the events in question as something that is inherently in violation of *some* understood law or legal protection. Every chapter speaks to this fact in one way or another. I am left wondering how a definition of law might look different if we look at the unexceptional negotiations that the colonists and other imperial agents had with the law. Given the sporadic mentions of notaries throughout the text, I wished we might have heard more of their voices in this story, rather than as a specter haunting the pages. Certainly the law was a resource for the everyday person, but access to it, as Julie Hardwick has shown, was regularly cultivated and gatekept by notaries in order to serve social and culturally productive ends.[5] Colonists and other imperial agents lived by the initial negotiations recorded in these sources, only turning to the courts essentially to renegotiate them when litigants felt their rights had been transgressed in one way or another. The notarial presence in all French colonies was an intentional choice within the empire meant to exert some kind of legal hegemony. Are these documents (so often used as evidence in the cases analyzed by the authors) not produced within a common understanding of the law? It's a question beyond the goal of this volume, but it is an example of one of the new avenues of research still in need of deeper consideration when it comes to the French empire--especially in the long eighteenth century.

The volume achieves so many of its goals, but still leaves some dissatisfaction in some of its claims, most particularly with regard to its supposed geographic and chronological coverage. Even if they editors make "no claims to geographic comprehensiveness" (p. 4), the imbalance in coverage is hard to ignore. Twelve of the thirteen chapters pertain broadly to what we might consider the French Atlantic--six on the Caribbean colonies, five on Quebec/New France, and one on France (though on a decidedly non-colonial aspect of Angoumois which might not even fit within that framing). Only Peabody's contribution addresses the Indian Ocean. For a subtitle making claims to a coverage of the "French Colonial World," we are left wanting for a more balanced geographic spread if only to encourage future, wider scholarly coverage beyond the Atlantic. Even recognizing that scholarly expertise is more substantial in the covered areas and contributions are often dictated by contributor willingness, the book implicitly contributes to the dominant narrative of other colonial spaces' secondary importance to the French Atlantic in the early modern period. Peabody's excellent chapter emphasizes the book's curious chronology as an outlier whose periodization extends beyond the end of the supposedly absolutist state and somewhat distracts from the focus of the volume. As an outlier extending beyond the end of the supposedly absolutist state, that chapter somewhat distracts from the focus of the volume. There are certainly interesting questions to be asked about the continuation of colonial legal practices across and beyond the Revolution at the end of the Old Regime, yet this single contribution does not fit within that frame. The absence of any chapter over the Revolution or First Empire bridging the gap is a missed opportunity to more fully illuminate the robustness of legal pluralism in the face of the transformative internal and external forces that sought to impose legal hegemony.

Nevertheless, this volume does remind readers that the centralizing state of the Old Regime was supported, challenged, and changed with the emergence of the French Empire. Christie, Gauvreau, and Gerber have edited a volume that truly emphasizes the vibrancy and richness still to be found in the legal histories of empire across the long eighteenth century.

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NOTES

[1] Anthony Pagden, *Lord of All the World: Ideologies of Empire in Spain, Britian, and France c.1500-1800* (New Haven: Yale University Press, 1995).

[2] The revisionist literature on absolutism--emphasizing the social origins of a French monarchical state--is a robust field. Two substantial introductions into the field are William Beik, "The Absolutism of Louis XIV as Social Collaboration," in *Past and Present* 188 (2005): 194-224, and James B. Collins, *The State in Early Modern France,* 2nd ed. (Cambridge: Cambridge University Press, 2009).

[3] For a recent addition to the critical studies of Moreau de St. Méry, see Sara E. Johnson, *Encyclopédie Noire: The Making of Moreau de Saint-Méry's Intellectual World* (Chapel Hill: University of North Carolina Press, 2023).

[4] See Danna Agmon, *A Colonial Affair: Commerce, Conversion, and Scandal in French India* (Ithaca NY: Cornell University Press, 2017), 73-92, for a recent addition to the literature on the centrality of translation and interpretation in French colonial legal cases.

[5] Julie Hardwick. *Family Business: Litigation and the Political Economies of Daily Life in Early Modern France* (Oxford: Oxford University Press, 2009).

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