
H-France Review Vol. 25 (January 2025), No. 1

Jennifer J. Davis, *Bad Subjects. Libertine Lives in the French Atlantic, 1619-1815*. Lincoln: University of Nebraska Press, 2023. xii + 352 pp. Notes, illustrations, maps, bibliography, and index. \$65.00 U.S. (hb). ISBN 9-78-1496207890.

Review by Lisa Jane Graham, Haverford College.

For too long now, historians have left the study of libertinage to colleagues in literature and philosophy.[1] This neglect is surprising given the significance of the term in early modern French culture. Jennifer J. Davis's new book, *Bad Subjects. Libertine Lives in the French Atlantic, 1619-1715* marks a welcome intervention. By approaching libertinage from an interdisciplinary and transnational perspective, Davis offers several correctives. First, she argues that previous scholars have misconstrued the libertine by focusing on content (religious dissent or sexual deviance) rather than their *relationship* to the law. The libertine was a "bad subject," but not in a criminal sense, since they broke no laws. This distinction is significant. Second, Davis defines the libertine as a quasi-criminal category that exposed the jurisdictional gaps and ethnic boundaries within the first French empire. Viewed as threats by royal and colonial authorities, libertines were targeted by shifting policies of punishment, confinement, and transportation. This long history of transgression propelled them to the forefront of struggles for freedom in the French and Haitian revolutions at the end of the century.

Davis lays out her argument in eight chapters that unfold chronologically, with stops in France, Québec, Louisiana, Saint Domingue, and Désirade, a small island off the coast of Guadeloupe. Spanning three continents and two centuries, her archives include court cases, police files, administrative correspondence, edicts, sermons, travel literature, and novels. Four of the chapters (1, 4, 5, and 7) focus on court cases that crystallized debates over the repression of libertinage. The remaining chapters (2, 3, 6, and 8) include non-judicial sources to reconstruct the meaning of libertinage in specific sites of the French empire. The final chapter draws these themes together to trace the fate of libertinage during the revolutionary decade. She navigates nimbly among these diverse sources and the book is a treat for its evidence alone.

Chapter one revisits the trial (1623-25) of the celebrated poet, Théophile de Viau, who was denounced as a libertine by his enemies. This highly publicized trial pitted artistic freedom against moral sanction. Théophile challenged the dogmatic uniformity of Jesuit missionaries with his definition of sovereignty grounded in religious and cultural pluralism. This "imperial cosmopolitanism" appeared dangerous in a kingdom still traumatized by the religious wars of the preceding century. Davis traces how Théophile's enemies used the label "libertine" to denounce

his writings as deviant and dangerous. Since libertinage was not a crime, the magistrates accused him of heresy and sodomy. After a protracted imprisonment and trial, Théophile was acquitted in 1625 by the Parlement of Paris. The ordeal damaged his health, and he died a year later. The accusations consolidated the link between heterodox ideas and sexual deviance that defined libertinage for the next two centuries.

Davis revises interpretations of Théophile's persecution by casting it in a global perspective. Where previous scholars emphasized his religious heterodoxy and sexual debauchery, Davis argues that the trail "reframed the libertine category as essential for imagining an imperial France capable of embracing people of multiple faiths" (p. 47). Aligned with a progressive view of literature and empire, Théophile mapped the road *not* taken by the French Crown. While Davis is right to draw attention to Théophile's linguistic wordplay and his curiosity for travel literature, I am not fully convinced by her argument that Théophile "reframed the libertine category" and that "imperial cosmopolitanism constituted a central theme of his writings" (p. 47). The assertions may hold up, but we need more than a few excerpts from his poetry to make the case. The evidence from the trial records that Davis quotes never mentioned Théophile's discussion of empire but targeted his impiety and debauchery. How can we put these concerns aside in favor of an imperial ideology that was never cited in the charges against him?

The next chapter follows Protestant and Catholic settlers along the St. Lawrence River in North America. Working through travel literature and legal records, Davis identifies threats condemned as "libertine" between 1632 and 1765, when France lost the territory. The term first designated religious heterodoxy for European missionaries, both Indigenous and European theologies. Davis reads Lahontan's best-selling *Dialogues* (1704) against colonial court cases to reveal the promise and perils of cultural interactions. Within the settler community, employers denounced servants who quit their employment without permission as libertines. Clearly, these masterless men and women constituted a problem as seen by the Sovereign Council's repeated laws to decree harsh punishment. In the early eighteenth century, the Crown began transporting errant sons and daughters detained for libertinage to New France alongside hundreds of salt-smugglers. These newly arrived populations settled and traded with Indigenous communities. The most frequent use of the term "libertine" targeted the illegal sale of alcohol and guns in violation of colonial treaties. Finally, Davis examines efforts to prohibit sex and marriage across cultural boundaries. In New France, libertine signaled "excessive individual liberty" that defied hierarchy and laws (p. 76). The colonies provided both more and less freedom than the mother country depending on the circumstances.

Chapter three shifts our gaze south to the French colony in eighteenth-century Louisiana and the policing of interracial sex in a slave society. In the early years of settlement, sex across cultural boundaries was encouraged to cement alliances and ensure survival. This attitude shifted dramatically in 1720, when the Crown accelerated transportation of "bad subjects" and later with the arrival of enslaved Africans. The response to this increasingly diverse population was the draconian Louisiana Code of 1724 that prohibited interracial sex and marriage. Davis notes that local priests often ignored the new laws and continued to sanctify interracial unions through marriage. In this context, the term "libertine" designated individuals who flouted the segregationist system and whose behavior was criminalized. The chapter concludes with an insightful reading of Prévost's *Manon Lescaut* that focuses on the colonial setting for the last

part of the novel. The lovers' attempt to sanctify their union through marriage is thwarted by the despotic governor's desire to keep Manon for himself. The novel reveals the Crown's legal incapacity in distant lands where rogue colonial actors enforced laws at their discretion.

Chapter four zooms in on the Seven Years War (1756-1763) to explore how definitions of libertine behavior shifted in response to military fiasco. Davis revisits several high-level scandals including the killing of the French-Canadian officer Jumonville in 1754, the Fort William Henry Massacre in 1757, and finally, the Canada Affair of 1761-63. She combines literary sources, military correspondence, and trial records to assess their impact on public opinion. The press blamed the breakdown in military discipline on Canadian libertines and Indigenous allies in the North American theater. These assumptions culminated in the Canada Affair where the French Crown sought to recoup financial losses by blaming "corrupt" colonial officials for defeat. The legal briefs that circulated around the trial informed French readers about the North American territories. The press portrayed the accused Canadian officers as both swindlers and libertines; the fiscal and sexual abuses reinforced one another to discredit the imperial project.

In chapter five, Davis returns to the hexagon to explore the policing of libertinage between 1684 and 1789. She uses selective sampling of the petitions submitted to the Crown to detain an unruly son or daughter by *lettre de cachet*. Who were these libertines, and how did imperial expansion shape their fates? The practice of administrative confinement reinforced the patriarchal foundations of French society. These assumptions about the parental right to discipline children united Catholic moralists and enlightened philosophes. The term "libertine" loomed large in the petitions and encompassed various types of insubordinate behavior. Across the social spectrum, families sought detention or colonial exile as a solution for disobedient children. The police worked with, not against, the population to investigate the requests. Although royal ministers tried to reform the system in the second half of the century, the requests continued unabated until 1789. Davis's survey highlights recurring complaints and notes the conflation of libertine with sexual promiscuity and prostitution after 1775. Her analysis suggests that the populace expected the royal state to intervene to protect parental authority and marital accord. She concurs with previous scholarship on the need to question the Black Legend that emerged after the storming of the Bastille.[2] Clearly, the families involved bore some responsibility for the survival of the practice until 1791, when the National Assembly abolished the *lettres de cachet*.

In response to the pressures for *lettres de cachet*, the Crown tested a pilot program for tropical detention on the small island of Désirade, twenty kilometers east of Guadeloupe. Chapter six reconstructs the Désirade Experiment that operated from 1762-1768 and demonstrates the colonial dimension of the libertine problem that has been largely ignored by previous scholarship.[3] In July of 1763, the Crown established a detention center in Désirade to reform "bad subjects" through a combination of labor and discipline. The demand quickly exceeded the Crown's expectations and allocated resources. Despite its failure from the Crown's perspective, the short-lived project offered a model for using colonial territories as repositories for "bad subjects." Davis analyzes the reports of the governor general of the island, Gabriel-Rousseau de Villejoin, to reveal his sympathy for these young offenders, whose punishment seemed unduly harsh, and his frustration at the lack of resources at his disposal. Ultimately, the detention policy proved too costly, and the Crown shut it down. Davis suggests that this decision involved more

than fiscal constraints. She argues that the example of “bad subjects” challenged the racial hierarchy in the colonies and was irreconcilable with the ideology that justified imperial expansion. This analysis highlights the competing demands that confronted the French Crown as it sought to quell domestic disorders while expanding its control of populations overseas.

Davis pursues this argument in chapter seven, which focuses on the dramatic shift in the meaning of libertine that occurred in the wake of the Seven Years War (1756-63). After 1763, the term no longer designated objectionable behavior but an identity or essence, which in the French colonies entailed mixed-race populations.[4] To illustrate this shift, Davis reviews lawsuits that pitted the metropole against the colonies and the accompanying legal briefs that amplified debates about liberty and slavery among readers on both sides of the Atlantic. She reminds us that enslavers in Saint-Domingue routinely ignored the Code Noir and suffered no legal consequences. The Crown lacked the resources to enforce its laws in the Caribbean colonies and relied on the local authorities, planters and priests, to maintain order. These two groups targeted both the enslaved and Creoles as libertines and passed laws to segregate along racial lines. She cites the protests over efforts to exclude free men of color from militia service and inheritance disputes in mixed-race families to illustrate the breakdown of the law of slavery in Saint Domingue decades before the revolution. These disputes reflected a growing consensus that *all* free people of color were, by definition, products of libertinage. Where the term “libertine” had previously targeted the white settlers on the island, it now designated Black women and the offspring of their mixed-race unions. It demonstrates the role of racist discourse in consolidating the link between transgressive sex and immorality that politicized libertinage in the context of the French and Haitian revolutions.

The last chapter tacks back to France for the revolutionary decade. In addition to the writings of familiar figures including Edmund Burke, the Comte de Mirabeau, and Robespierre, Davis adds anonymous pamphlets and police reports on erotic spectacles at the Palais Royal. The cumulative weight of these sources demonstrates the central role of libertinage in the revolutionary political lexicon. In the final decades of the Old Regime, libertinage was conflated with aristocratic male sexual privilege. Yet, as Davis insists, the colonial legacy shaped the term’s use in the revolutionary context to denounce individuals who asserted they were above the law. Accusations of libertinage converged with debates about the legal foundations of the Old Regime and efforts to reform them.

In the opening moments of the French Revolution, conservative critics like Burke used the term “libertine” to denounce lawless acts of popular revolt. In response, republicans blamed the Church and Crown for their arbitrary and corrupt authority as embodied in the detention policy. The newly formed National Assembly moved quickly to abolish the *lettres de cachet* in 1791 since they could not be reconciled with the Declaration of the Rights of Man and Citizen. The dismantling of this system did not, however, signal the death of the libertine; rather, it gave the category political import in a polarized nation. In these debates, the libertine represented an enemy of the republic in the guise of émigrés, aristocrats, elite women, and members of the clergy. In an ironic twist, the revolutionaries turned the category of the libertine against the very institutions, the Crown and the Church, that had used it to defend their authority for two centuries. Moreover, by identifying the category of the libertine as a quality inherent to the

nobility, the revolutionaries borrowed the racializing language used in the Caribbean to deny rights to free people of color.

The last section of this chapter surveys the policing of debauched spectacles at the Palais Royal and the Scioto Company speculation scheme to recruit settlers in Ohio Territory. Although this information is fascinating, as a reader, I had trouble following the connections to the previous discussion of libertines in revolutionary political debates. Moreover, Davis's conclusion that "colonial liberties made revolutionary liberties imaginable" feels like a leap based on the racist performances in the Palais Royal. I understand that the visitors to the Palais Royal spectacles may have been targets of the Scioto speculation scheme, but I don't see how the two phenomena are related beyond their shared historical moment. It strikes me that this chapter could have been divided in half. This division would have allowed Davis to develop two lines of analysis. First, Davis could clarify the argument about the relationship between the appropriation of "savages" for titillation and profit at the Palais Royal performances and the Ohio Territory speculation scheme. Second, she could expand the argument about how the revolutionary rejection of the colonial vision of the law as flexible, enshrined in the Civil Code, reinscribed hierarchies of gender and race in France and its overseas territories after Haitian Independence.

In her epilogue, Davis traces the fate of the term "libertine" in responses to the Haitian Revolution and the restoration of slavery throughout the remaining French colonies. The revolutionaries extended the same principles for promoting work and family in the wake of emancipation, encouraging formerly enslaved men to marry their partners and to recognize their offspring. One of the leading political theorists for King Henri-Christophe, Baron Jean-Louis Vastey, identified racism and chattel slavery, not monarchy, as the source of colonial despotism. The French revolutionaries were heirs to this system as seen in Napoléon's failed effort to restore slavery. For Vastey, Haitian resistance and eventual victory marked the true triumph of revolutionary principles. Davis argues that Vastey exposed the gap "between moral action and the letter of the law" that had defined the libertine category for two centuries (p. 255). The term emerged with empire as an instrument for discipline, but it also created examples that inspired resistance.

The book charts several paths for future research. Davis offers a new route through the legal underpinnings of state building and empire in early modern France. She deploys a nuanced analysis of the limits of royal authority and its dependence on a host of reliable and unreliable agents. She also resuscitates obscure individuals whose lives were upended by exile and internment, war and revolution. She identifies key moments in the construction of racial categories and racist laws that emerged prior to and persisted into the revolutionary decades. As she suggests, the tensions between liberty and license, embodied by the libertine, maintain their relevance for efforts to build societies based on rights not privileges. That challenge is not buried in some distant past but is very much with us today. Readers will gain much insight on these problems through Davis's ambitious book.

NOTES

[1] Some prominent examples include Jean-Pierre Cavaillé, *Les déniaisés: irréligion et libertinage au début de l'époque moderne* (Paris: Classiques Garnier, 2013); Michel Delon, *Le Savoir-vivre libertin* (Paris: Hachette, 2000); Colas Duflo, *Philosophie des pornographes: les ambitions philosophiques du roman libertin* (Paris: Editions du Seuil, 2019); Doris Garraway, *The Libertine Colony: Creolization in the Early French Caribbean* (Durham, NC: Duke University Press, 2005) and Thomas Kavanagh, *Enlightened Pleasures: Eighteenth-Century France and the New Epicureanism* (New Haven: Yale University Press, 2010).

[2] On the Black Legend, see Richard Mowery Andrews, *Law, Magistracy, and Crime in Old Regime Paris, 1735-1789*, vol. 1: *The System of Criminal Justice* (Cambridge, UK: Cambridge University Press, 1994); Claude Quétel, *De par le Roy. Essai sur les lettres de cachet* (Toulouse: Privat, 1981) and *Une légende noire: les lettres de cachet* (Paris: Perrin, 2011). In their groundbreaking study, Farge and Foucault stressed the alliance between the crown and families see Arlette Farge and Michel Foucault, *Le désordre des familles: lettres de cachet des archives de la Bastille au XVIIIe siècle*, (Paris: Gallimard, 1982). Until recently, few scholars had followed up on their work for Paris, but that situation has changed with the publication of Goulven Kérien, *Pour l'honneur des familles: les enfermements par lettres de cachet à Paris au XVIIIe siècle* (Ceyzérieu: Champ Vallon, 2023). Kérien's book came out after Davis's book was in press.

[3] Two exceptions to this hexagonal focus are Garraway, *The Libertine Colony*, and Miranda Spieler, "The Vanishing Slaves of Paris: The *Lettre de Cachet* and the Emergence of an Imperial Legal Order in Eighteenth-Century France," in Zvi Ben-Dor Benite, Stefanos Geroulanos, and Nicole Jerr, eds., *The Scaffolding of Sovereignty: Global and Aesthetic Perspectives on the History of a Concept* (New York: Columbia University Press, 2017), pp. 230-345.

[4] This chronology aligns with Dror Wahrman's findings that categories of race and gender hardened in England in the last decades of the eighteenth century. See Wahrman, *The Making of the Modern Self: Identity and Culture in Eighteenth-Century England* (New Haven: Yale University Press, 2004).

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ISSN 1553-9172