

H-France Forum

Volume 17 (2022), Issue 2, #3

Laurie Wood, *Archipelago of Justice: Law in France's Early Modern Empire*. New Haven: Yale University Press, 2020. 288 pp. Figures, maps, tables, notes, bibliography, and index. \$65.00 U.S. (c1). ISBN 9780300244007.

Review Essay by Nathan Marvin, University of Arkansas, Little Rock

In 1782, a Polish officer in the French army named Maximilien Wiklinsky authored a memoir of his thirteen years of service in various posts throughout the Indian Ocean. He mentions *conseils* (the French term for regional law courts) no less than 27 times. In Wiklinsky's description, the *conseils* operated as distinctive corps, with particular prerogatives and interests that sometimes put them at odds with governors and intendants. They were deeply imbricated in local networks of kinship, patronage, and credit. He describes the sprawling plantations owned by the members of Isle de France's conseil, as well as the lavish country villas acquired by the members of Pondicherry's—to which they were so attached, they crossed enemy lines during the British siege of the city to implore that they be spared. What clearly struck this observer, however, was not just the wealth (and sometimes, self-interest) of the *conseillers* but the symbolic ways in which they embodied empire in the Indian Ocean. And this, he shows, was not exclusive to French-occupied spaces. English, Dutch, and Danish *conseillers* performed highly public roles as community leaders, cultural brokers, and diplomatic actors in the region.[1]

In *Archipelago of Justice*, Wood has given us a novel way to think about empire in the early modern period. She demonstrates the essential but overlooked role of regional *conseils* in the making and maintaining of French state power at home and, especially, overseas. She does this through a comparative focus on two of the most important zones in which these courts operated: Martinique, along with Guadeloupe and its dependencies; and the Isles de France and Bourbon (today known as Mauritius and Réunion Island, respectively). Not only did the *conseils* serve as effective extensions of the power and authority of France, they also became venues for legal services in their respective world regions over the course of the long eighteenth century. They helped knit together the far-flung colonies and *comptoirs* of overseas France while pulling in people and regions beyond their immediate jurisdictions. Like war, diplomacy, trade, and missionary enterprise, they performed a crucial role in French expansion. Through the *conseils*, “royal power...was diffused to overseas territories...by the movement of people and paper” (pp. 172-173). What emerges is an institutional history that centers people and place.

Wood's framing is a powerful one that (one hopes) will help dislodge stubborn assumptions and open new paths of inquiry. One of the signal contributions of this book is its simple insistence that France's empire was global; already by the seventeenth century, it “spanned Europe, the Americas, Africa, and Asia” (p. 173). Suggestions that France's “empire only matured once the nation-state had been fully realized” miss the mark (p. 12). Moreover, Wood argues, this process followed the establishment of regional courts. They became “institutional beachheads from which new territories were woven into the political, and especially legal, patchwork of France” on both the continent *and* overseas (p. 12). Table 1 makes clear the global scale of this phenomenon, presenting

in a single list the locations and dates of twenty-three *conseils provinciaux* or *supérieurs* (p. xx). In weaving colonial and metropolitan histories together, Wood joins the growing contingent of historians of France working from a New Imperial approach.[2]

Archipelago of Justice examines the whole sweep of the French colonial world through careful examination of two case studies: the Lesser Antilles and the Mascarenes. In insisting on a “bi-oceanic understanding of France’s early modern empire” (p. 2), Wood is implicitly pushing back against a tendency among historians of France to read “the colonies” as shorthand for the Antilles. In fact, both the architects of French imperial policy and the inhabitants of the colonies saw the empire as two interconnected spheres in the eighteenth century, corresponding roughly to the Atlantic and Indian Ocean basins (although they did not use these terms). And that understanding, as Wood insists, extends at least as far back as the creation of royal *compagnies des Indes* in the mid-seventeenth century and even following the consolidation of the Company of the Indies into a single unit in the 1720s.[3] New work makes clear that French experiences in South Asia and Madagascar were as influential in shaping policy for the whole empire as were those of the Americas.[4] In the wake of the Seven Years’ War, the Ministry of the Marine recalibrated the empire, once again, with an eye to the global. Its ministers invested heavily in sites that could be developed for cash crop production or for their strategic locations at the nexuses of trade routes; as Wood points out, Martinique and Mauritius fit both descriptions.[5] In the 1780s, the ministry of the Maréchal de Castries in particular sought to draw the Atlantic and Indian Ocean branches of the empire even closer together, conceiving of a new pattern of trade in the region whereby Port-Louis would serve as a warehousing center for Asian trade goods, open to French private merchants in the wake of the dissolution of the Company in 1769 and then to friendly “neutrals,” most notably, Americans, in 1787. The result was an explosion in traffic between the Atlantic and Indian Oceans; the Crown continued to invest as much in the Mascarenes as it did in Saint-Domingue right up to the outbreak of the Revolution.[6]

How an empire spread so thin could sustainably function is a question that has long preoccupied scholars. Was this an empire with uniform laws and a centralized imperial authority or one where local, ad-hoc decision making prevailed? Was it truly a political entity or really a series of mercantile networks? Can it be said to have constituted an “empire” at all?[7] Wood does not wade into these debates, but offers an alternative mode of thinking. Without backing down from claims that France constituted a “global state,” she suggests that the Crown relied, at least in part, on its network of *conseils* to maintain the empire (p. 173). As direct Crown rule replaced Company administration in most jurisdictions over the course of the eighteenth century, rules were reformed about the nature and number of *conseillers* to be appointed to each, creating a “structure of colonial justice [that] was uniform across the Atlantic and Indian Ocean sugar islands” (p. 70).[8] Once left to their own devices, the *conseils* of Mauritius and Martinique began to operate as legal venues for the surrounding regions. The result, writes Wood, was something akin to a “polycentric empire” (p. 171) in which regional hubs came to serve almost as metropolises-in-miniature. The *conseils* may have started out fairly uniform in function, but they became local in form. Hence Wood’s focus throughout her four chapters on the institutions as they existed on the ground: their people, practices, and the physical spaces they occupied.

Archipelago of Justice is a project of immense vision and scope, with horizon-expanding implications. It derives from (and contributes to) two recent revolutions in the field: a shift toward

global thinking and a reconfiguration in how we approach and process archives in the digital age. For Wood, the two go hand in hand. Rendered as digitized texts, finding aids and inventories can be searched, broken down, and rearranged, allowing once marginal figures, and the various geographical spaces they moved through, to come into view in a single instance. Seizing on this, Wood developed a databasing process, relying in particular on Série E “Personnel colonial ancien” of the Archives de la Marine housed in Aix-en-Provence, that cuts across the arbitrary divisions embedded in the structure of the archives (the hiving off of colonial archives from the National Archives as well as the siloing of the *fonds ministeriels* by territory). In so doing, she is able to reconstruct the biographies and peregrinations of “subjects [who] saw themselves as participants in a global empire” (p. 8). Some skepticism of this framing may be anticipated, but it would not be warranted. “Global,” as used here, is not meant to suggest universal coverage or to favor transregional connections to the detriment of local developments.[9] Quite the opposite. Global encapsulates the intellectual project at the heart of the book: comparative history that is both intensely local (focusing on interior dynamics within individual islands of the empire) as well as attentive to patterns between and across discreet geographical regions that previous scholars may have missed (or dismissed as irrelevant to their projects). As Lynn Hunt reminds us, “the global is the local multiplied over and over.”[10]

Wood is clear-eyed about the limitations of this methodology. As she writes, judicial services were only “affordable to a very limited proportion of colonial subjects” (p. 51). The memoir-writer Wikliński was like the many men and women whose documentary traces make up the thickest files in the “Personnel” series: they had the wherewithal and connections to accumulate the stack of requests and appointment letters that bounced between colonial and metropolitan courts. Even the indigenous actors whose paperwork worked its way through the *conseils* enjoyed privileged status. Marie Elisabeth Sobobobié-Betty (or Betia), whose case is discussed in chapter three, was a Malagasy stateswoman with political leverage.[11] One wonders about the *non-dits*, the silences, the lives and stories *not* served by the legal apparatuses of the state but papered over (literally and figuratively) in archives that obscure more than they reveal. “In the Indian Ocean,” writes Fahad Ahmad Bishara, “law was both everywhere and nowhere.”[12] What of those places where law was “nowhere,” sometimes in the very heart of the colonies? Certainly, the vast majority of enslaved people, who made up 80% of the populations of both Martinique and Mauritius, are not represented in the *personnel* files.

Like *parlements*, Wood shows, *conseils*, whether metropolitan or colonially-placed, were both courts of last resort and the institutions entrusted with passing local regulations and registering laws from the Crown. This was a process in which they could intervene through delaying registration or negotiating with Crown officials over how the king’s laws could and should be applied locally. Thus, “the *conseils* became spaces in which imperial and national legal standards collided with local legal concerns” (p. 14). Their archives thus become a useful lens through which to probe all manner of local legal issues in pan-imperial perspective, especially the violent dispossession, chattel slavery, and racial hierarchy that were defining features of all corners of the French colonial world.[13]

Colonial law and jurisprudence, Wood shows, cannot be disentangled from the people and practices that made and maintained them. Through meticulous archival work, Wood compares the experiences of court personnel in the metropole with those of the colonies (chapter one is

indispensable background reading for all students of the ancien régime, especially those of us who use court or police records as sources). Wood introduces the magistrates' sinister side, too. Less sympathetic observers, such as Maximilien Wiklinsky, likened their mix of opportunism and performative patriotism to the actions of an oligarchy or even, as one eighteenth-century observer put it, a "cabal." [14] Wood's proposal that we understand the *conseils* through the people who staffed them prompts further questions: what were the roles of particular *conseillers* in perpetuating systems of oppression and disenfranchisement? Did they make decisions based on their personal involvement in these systems?

In a similar vein, to what degree did the conseils function as gatekeepers of Frenchness (and by extension, of whiteness) in the colonies, spaces which drew together so many different kinds of people? Martinique's early conseil embraced this task with zeal, enforcing strict racial segregation in nearly every aspect of colonial life, [15] and in 1703, its members refused to register the titles of nobility of two Breton colonists for having "married des mulâtresses." [16] It makes sense that these questions found their way into the colonial conseils courts (and in at least one high-profile case, a *parlement*), given their official role as arbiters of disputes and their self-appointed one as referees of the social order. [17] Race was fungible in the ancien régime. Whiteness, especially, which gained new currency in colonial contexts as the highest marker of acceptance into the global French community, was often spoken of as a privilege to be granted, contested, and negotiated in legal venues. [18] What is remarkable in these cases is that the conseils took it upon themselves to recognize what was typically the authority of the king to decide (privileged status), driving home Wood's assertions throughout the book that the *conseils* took seriously their triple functions as legislatures, executives, and judiciary in their local jurisdictions (p. 12).

Finally, Wood's emphasis on the lives of the lawmakers themselves also opens up new avenues for considering how race, gender, and belonging were negotiated within their own families. "In both the Antilles and the Mascarenes," writes Wood, "the legal professions remained strictly off-limits to people of mixed race, as the white planter class emphatically, and increasingly, policed racial boundaries" (p. 36). But were the magistrates' interests outside of the courtroom ever at odds with this? Did marriage to a woman of non-European heritage, for example, bar one from eligibility? After all, as Woods points out, marrying into prominent local families could yield political and commercial connections as well as lucrative gains in property, and some of these families were mixed-race. In 1715, when a Company employee married to a Franco-Malagasy woman became governor of Bourbon, he overturned a convention established by his predecessor that no candidate for the *conseil* could be "descended from *négresses*." [19] In 1718, the conseil passed a regulation confirming eligibility for "mixed-bloods" and the same day nominated the governor's brother-in-law. [19] In the 1730s the *conseil* of Gorée tried to push back against the Company's ban on marriages between its employees and local women, in part to allow white men to acquire legal title to the slave wealth of prominent Senegalese trading families. [21] On the other hand, in the same period in Louisiana, *conseillers*' anxieties that conjugal properties were being funneled out of French-colonial society and into the families of Native widows led them to limit intermarriage. [22] In the 1730s, Saint-Domingue's Company governor prohibited men married to women of color from serving on that colony's conseil. The company tried to apply that rule to Bourbon as well, but there, the magistrates refused to register it. After all, many of their wives were of mixed French and Malagasy descent, as were the two Bourbon Islanders named in the opening anecdote of *Archipelago of Justice*, Louise Aubert and Marianne Fontaine, who appear

on the 1725 document as raceless witnesses (pp. 1-3).[23] What role did the *conseillers* (some of whom were their relatives) play in reinforcing their families' status during a period in which it was becoming increasingly precarious? Investigating the role of the colonial courts in determining the rules of whiteness may also lead to a deeper understanding of how the conseils shaped imperial discourses that increasingly associated whiteness with French citizenship before and during the Age of Revolutions.[24]

NOTES

[1] A copy of this manuscript, housed in the Carnegie Library in Mauritius, has been published. Joseph Maximilien Cajetan, Baron de Wiklinski, *Les voyages de Joseph Maximilien Cajetan, Baron de Wiklinski [c. 1782]*, ed. Anne-Marie Nida (Port Louis, Mauritius: Mauritius Stationery Manufacturers, Ltd., 2004).

[2] Pierre H. Boulle and Sue Peabody, *Le droit des noirs en France au temps de l'esclavage: textes choisis et commentés* (Paris: Éditions l'Harmattan, 2014); Paul Cheney, *Cul de Sac: Patrimony, Capitalism, and Slavery in French Saint-Domingue* (Chicago: University of Chicago Press, 2017); Erick Noël, *Dictionnaire des gens de couleur dans la France moderne*, 2 vols. (Genève: Droz, 2013); Jennifer L. Palmer, *Intimate Bonds: Family and Slavery in the French Atlantic* (Philadelphia: University of Pennsylvania Press, 2016); Sue Peabody, "There Are No Slaves in France": *The Political Culture of Race and Slavery in the Ancien Régime* (New York: Oxford University Press, 1996); and, Allan Potofsky, "Paris-on-the-Atlantic from the Old Regime to the Revolution," *French History* 25/1 (2011): 89–107.

[3] Philippe Haudrère, *La Compagnie Française Des Indes Aux XVIIIe Siècle* (Paris: Les Indes Savantes, 2005).

[4] Dominique Deslandres, *Croire et faire croire: Les missions françaises au XVIIe siècle (1600-1650)* (Paris: Fayard, 2003); and, Pier Larson, "Play and Possession: Sex, Marriage, and Household at Fort Dauphin (Madagascar), c. 1660s," *Journal of Southern African Studies* 48/5 (forthcoming 2022).

[5] François-Joseph Ruggiu, "India and the Reshaping of the French Colonial Policy (1759-1789)," *Itinerario* 35/2 (2011): 25–43.

[6] Philippe Haudrère, "Quelques Aspects du Commerce entre la France et l'Asie à la fin du XVIIIe siècle (1765-1793)," in *Révolution Française et Océan Indien: Prémices, paroxysmes, héritages et déviations*, eds. Benoît Jullien and Claude Wanquet (Paris: Harmattan, 1996). By 1789, 28% of the Ministry's colonial budget went to the Mascarenes (over 4.5 million livres), despite the islands accounting for less than 12% of the colonial empire's official population. The report pointed out that the islands' geographical position made them crucial assets for protecting French shipping in the Indian Ocean and for chipping away at the growing maritime dominance of the British. "Rapport de la dépense des colonies par le comité des finances, lors de la séance du 8 décembre 1789," *Archives Parlementaires de la Révolution Française* 10/1 (1878): 437-451. (Many thanks to Rafe Blaufarb for sharing this document).

[7] For a thorough overview of these debates, see Nancy Christie, Michael Gauvreau, and Matthew Gerber, “Introduction,” in *Voices in the Legal Archives in the French Colonial World* (New York: Routledge, 2021), pp. 1-60.

[8] This was part of a broader priority to centralize and consolidate state power in the colonies at the Ministry of the Marine. Marie Houllé, “Seeing the Empire Through Lists and Charts: French Colonial Records in the Eighteenth Century,” *Journal of Early Modern History* 22/5 (2018): 371–91; and, Fanny Malègue, “L’empire en tableaux,” *Histoire & mesure* XXXIII/2 (2018): 93–114.

[9] The positions of critics of the “global turn” in French historiography are discussed in Manuel Covo and Megan Maruschke, “The French Revolution as an Imperial Revolution,” *French Historical Studies* 44/3 (2021): 371–397. One of the defining features of France’s early modern empire, a recent study argues, was the physical and cultural mobility of so many subjects throughout imperial spaces. Andrew N. Wegmann and Robert Englebert, “Introduction: Patchwork and Pathways in French Colonial History,” in *French Connections: Cultural Mobility in North America and the Atlantic World, 1600–1875* (Baton Rouge: Louisiana State University Press, 2020), pp. 1-10.

[10] Lynn Hunt, *History: Why It Matters* (Cambridge, Mass.: Polity, 2018).

[11] Not only did Betia win her request for naturalization as a French subject with the *conseil supérieur* of Isle de France, she was also the first person of color to receive a land grant on Mauritius. See: Richard B. Allen, *Slaves, Freedmen, and Indentured Laborers in Colonial Mauritius* (Cambridge: Cambridge University Press, 1999); and, Rafaël Thiébaud, “Traite des esclaves et commerce néerlandais et français à Madagascar (XVIIe et XVIIIe siècles),” thèse de doctorat d’histoire, Université Paris 1–Panthéon Sorbonne and the Vrije Universiteit Amsterdam, 2017.

[12] Fahad Ahmad Bishara, *A Sea of Debt: Law and Economic Life in the Western Indian Ocean, 1780-1950* (Cambridge: Cambridge University Press, 2017).

[13] Recent work has begun to do precisely this kind of comparative work, mining records for information on the treatment and lived experiences of enslaved people, especially: Mélanie Lamotte, *Making Race: Policies, Sex and Social Orders in the French Atlantic and Indian Oceans, 1608-1767* (forthcoming); and, Sue Peabody, *Madeleine’s Children: Family, Freedom, Secrets, and Lies in France’s Indian Ocean Colonies* (Oxford: Oxford University Press, 2017). Others are recovering subaltern and non-European perspectives through recorded witness testimony, required by law to be faithfully rendered by court scribes. See Danna Agmon, *A Colonial Affair: Commerce, Conversion, and Scandal in French India* (Ithaca, NY: Cornell University Press, 2017); Jakob Burnham, “Keeping ‘White Town’ White: Early Colonial Pondicherry, Real Estate Auctions, and the Color Line,” paper presented at the 48th Annual Meeting of the Western Society for French History virtual conference, October 22, 2021; and, Sophie White, *Voices of the Enslaved: Love, Labor, and Longing in French Louisiana* (Chapel Hill: University of North Carolina Press, 2019).

- [14] “Report from Isle de Bourbon, 1785,” Archives nationales d’outre-mer, F3/1, f. 57.
- [15] Abel Alexis Louis, “Les Libres de couleur en Martinique des origines à 1815: L’entre-deux d’un groupe social dans la tourmente colonial,” thèse de doctorat, Université Antilles-Guyane, 2015; and, Jessica Pierre-Louis, “Les Libres de couleur face au préjugé : franchir la barrière à la Martinique aux XVIIe-XVIIIe siècles,” thèse de doctorat, Université Antilles-Guyane, 2015.
- [16] Yvan Debbasch, *Couleur et liberté. Le jeu de critère ethnique dans un ordre juridique esclavagiste* (Paris: Dalloz, 1967), p. 49.
- [17] See Trevor G. Burnard and John D. Garrigus, *The Plantation Machine: Atlantic Capitalism in French Saint-Domingue and British Jamaica* (Philadelphia: University of Pennsylvania Press, 2016); and, David Allen Harvey, “The Chapuiset Affair: Race, Honor, and Politics in Pre-Revolutionary Saint-Domingue,” *French Historical Studies* 44/4 (October 1, 2021): 583-612. In 1759, the Parlement of Paris heard the freedom suit of a slave named Francisque, whose lawyers argued that South Asian (rather than African) origin disqualified Francisque from being held as a chattel slave. See “Mémoire signifié pour le nommé Francisque, Indien de nation,” ed. and trans. Sue Peabody, in *Slavery, Freedom, and the Law in the Atlantic World: A Brief History with Documents*, eds. Sue Peabody and Keila Grinberg (Boston: Bedford/St. Martin’s, 2007).
- [18] Guillaume Aubert, “Kinship, Blood, and the Emergence of the Racial Nation in the French Atlantic World, 1600-1789,” in *Blood and Kinship: Matter for Metaphor from Ancient Rome to the Present*, eds. Christopher H. Johnson, et al., (New York: Berghahn Books, 2013), pp. 175–195; and, Frédéric Régent, *Les maîtres de la Guadeloupe: Propriétaires d’esclaves 1635–1848* (Paris: Tallandier, 2019).
- [19] “Instructions et ordres de la Compagnie des Indes Orientales pour Messieurs de Beauvoillier de Courchant, gouverneur, Boucher, lieutenant, Etienne de Champion, major, et du Rongouet le Toullec, aide major de l’île de Bourbon. Au bureau de la compagnie des Indes Orientales, le 10 novembre 1717,” in *Recueil trimestriel de documents et travaux inédits pour servir à l’histoire des Mascareignes françaises*, ed. Albert Lougnon, vol. I (Saint-Denis [Île de la Réunion]: Imprimerie Drouhet, 1932).
- [20] “Règlement du Conseil Provincial sur divers objets d’administration et de Police générale et particulière,” 21 November 1718, Archives nationales d’outre-mer, 6DPPC 2707.
- [21] Guillaume Aubert, “‘Nègres ou mulâtres nous sommes tous Français’: Race, genre et nation à Gorée et à Saint-Louis du Sénégal, fin XVIIe-fin XVIIIe siècle,” in *Français? La nation en débat entre colonies et métropole (XVIe-XIXe siècle)*, ed. Cécile Vidal (Paris: Éditions de l’École des hautes études en sciences sociales, 2014).
- [22] Alice Bairoch de Sainte-Marie, “Loi, nationalité et mariages mixtes entre Français et autochtones: Le cas de l’arrêt du Conseil supérieur de la Louisiane du 18 décembre 1728,” *French Colonial History* 17 (2017): 1–32.

[23] Lucien Jacques Camille Ricquebourg, *Dictionnaire généalogique des familles de l'île Bourbon (La Réunion) 1665-1810*, 3 vols. (Mayenne: Imprimerie de la Manutention, 1983), s.v. "Aubert, Louise (née Damour)" and "Fontaine, Marianne."

[24] Robin Mitchell, *Vénus Noire: Black Women and Colonial Fantasies in Nineteenth-Century France* (Athens: University of Georgia Press, 2020); Lorelle Semley, *To Be Free and French: Citizenship in France's Atlantic Empire* (Cambridge: Cambridge University Press, 2017); and, Tyler Stovall, *White Freedom: The Racial History of an Idea* (Princeton: Princeton University Press, 2021).

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Volume 17 (2022), Issue 2, #3