

H-France Forum

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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.

Author's Response by Laurie Wood, Florida State University

Having spent so much time in the archives of past courtrooms, I tend to hear written words. In these reviews, I heard enthusiasm for recapturing interpersonal squabbles and disentangling the hazardous hierarchies, especially of race and bondage, that permeated the early modern world. I heard inquiries about how best to interpret complex legal texts. And I heard plenty of head-scratching about how to scale imperial institutions against local and global categories. I'm relieved to know I'm not alone in working this puzzle! It is gratifying to see so many future avenues of research mapped out here. These rich reviews offer more provocations than I can answer so I've chosen a few for reflection in hope that we can continue these conversations in other formats and settings. I thank all four reviewers for their generous comments and attentive reading of *Archipelago* and Junko Takeda for her expert editing.

A driving question for this project, as published and as it still evolves for me, is what happens if we try to account for the global framework in which French colonial projects emerged? And what happens if we assume that the smallest, but most significant, agents of those projects were globally-mobile subjects from a wide variety of ranks, such as enslaved to free? I wanted to underscore this frame as central to French metropolitan historiography—classic debates about state-building by William Beik, Sarah Hanley, and others—because empire and the nation were simultaneous (maybe even ultimately the same) enterprises. Continental scholarship had often assumed that the colonies were minor, but as I show, they were quite central to the institutional growth that we mark as a key feature of modern state formation. The global slave trade, distributing labor and capital in the form of human cargo, offered initial clues that Atlantic and Indian Ocean systems might have been deeply interwoven.[1] Comparative colonial studies offered additional intriguing clues.[2]

And the colonies *were* enterprises, though the private/public mix varied over time. Several reviewers note that the company-state part of the story appears muted in my book. These valid questions have been on my radar since I first began working on the *conseils*, but there was ultimately too little space in one book to probe the company origins of many Antillean and Mascarene colonies, in large part because insular enterprises were so often tied to more ambitious ventures in places like South Asia. Similarly, I braked hard on the book's ending chronology because I wanted to leave the option open to write a sequel that follows the dramatic transformations in law courts from the Maupeou coup of the 1770s through the Revolution in this global frame. These latter developments—particularly controversies over magistrates—had first prompted me to think seriously about legal officials for this project, leading me to the story of global themistocrats (globally-mobile legal experts).

As several reviewers note, this is a project about the personalities who built French law and, more importantly, legal culture into a global armature strong and flexible enough to support an empire, however relatively feeble at different times and places. This book mines legal texts such as court cases and law codes—in addition to personnel files—to understand how law could be picked up and carried on ships, thrown at opponents, held up as a defense. In courtroom settings, with desks overflowing with the *greffes*, court registers, one can imagine snowball fights of inky paper interrupted occasionally by a fist fight. This book insists upon the material, embodied forms of law as enacted in the courtroom (and adjacently) which were often verbal and gestural as much as textual.[3] As Giavarini and Peabody note, this required shortening passages of textual analysis, especially of legislation, and highlighting geographical patterns, sometimes at the expense of tracking changes over time. I chose Martinique and Ile de France as case studies in the hopes that my global survey would enable future scholars to probe in detail similarities and differences in law and legality, especially between the Atlantic and Indian Ocean worlds but also within their respective regions. The Caribbean and western Indian Ocean exhibited unique regional dynamics—driven often by imperial competition and transnational migration—examined in *Archipelago* through the island-hopping of characters like Magdeleine Françoise and Marie Elisabeth Sobobobié-Betty, but deserving of more detailed investigation. This choice (noticed by Marvin) also allowed me to counterbalance the massive literature on Saint-Domingue that has emerged in the last two decades and to test, as I went along, how well-known patterns for Saint-Domingue applied to other tropical colonies. What emerged were many interconnections between colonies that I had not expected, including the final “smoking gun” of correspondence that directly connected Martinique and Ile de France.[4] As Agmon points out, families and epistolary networks formed mutually supportive webs. British colonial scholars have long had comparisons between North America and India to debate and elicit new insights; I have wanted to promote a similarly intensive back-and-forth, emphasizing the simultaneous development of imperial institutions and legal cultures in disparate places.

Contested ideas about empire—where it is, who it is, how regulatory frames such as legality shape it—jumped out repeatedly in the *conseil* cases I examined. Two groups of people stood out: those who styled themselves legal experts, such as lawyers, and mobile subjects who labored freely or in bondage in service of empire. The court case of Pitre Paul, an illiterate shipworker accused of polygamy, forms my opening and favorite anecdote because he was *not* officially a legal expert and one of the rarer cases of a court participant explaining how he understood this world. Figures like Paul appeared in court all the time, however. Paul’s testimony made it clear that he understood France’s global scale—from Martinique to Île Bourbon—perhaps better than anyone else as he spent a career traveling among each port. And he had made it work for himself domestically, accumulating partners in France, the Antilles and the Mascarenes.

Numerous scholars have shown how much empires rely upon paperwork to run.[5] But paperwork is extremely vulnerable, such as to water damage or fire. This vulnerability caught my attention as I thought about the deeply symbolic act of arson, as in the case of Nanette, a mixed-race enslaved woman, convicted of setting fire to urban buildings in Martinique. The free woman of color Magdeleine (accused of *marronage*) turned to the court’s paperwork in one of so many suits to defend (not just acquire) freedom. Justice, as in the book’s title, was always ambivalent for these subjects—a tension I wanted to hang over the whole book.

These cases contrast well with officials such as Dumas and Ribes who appear later in a spat over military versus legal pedigree, a case that highlights the personal and professional honors some sought to achieve through the *conseils*. With the former cases, I underscored how essential such subjects were for the development of the *conseils* even if they weren't always recognized as such. Planter and merchant interests deserve more scrutiny; so, too, the lower-level courts, especially of first instance.

The book's timeline of *conseils* underscores the tensions contained within the period roughly 1680-1780, from the first attempts at state-established law courts to the rise of planter and merchant classes deeply invested in the *conseils* as seats of power. These stories also signal my fixation on the personal relationships and the physical settings that gave rise to the legal texts we so often rely upon as archival sources. So I intentionally worked the logic primarily in that direction, from a social historian's stance, rather than from a literary scholar's focus on text and internal meaning. I concluded that such legal personnel, and court participants, contributed immensely to the nuts-and-bolts development of France's early modern state-building project, which was global.

NOTES

[1] For example, Pier M. Larson, "African Diasporas and the Atlantic," in *The Atlantic in Global History, 1500-2000*, eds. Jorge Cañizares-Esguerra and Erik R. Seeman (Upper Saddle River, NJ: Pearson Prentice Hall, 2007), pp. 129–47.

[2] For example, Eric T. Jennings, *Vichy in the Tropics: Pétain's National Revolution in Madagascar, Guadeloupe, and Indochina, 1940-1944*. Stanford: Stanford University Press, 2001); and, P. J. Marshall, *The Making and Unmaking of Empires: Britain, India, and America c.1750-1783* (Oxford: Oxford University Press, 2005).

[3] For comparisons with other material contexts, see Bianca Premo, Kalyani Ramnath, Sanne Ravensbergen, Laurie M. Wood, and Yanna Yannakakis, "The Everyday Materials of Colonial Legal Spaces," *The Docket/Law and History Review* blog (December 2020): <https://lawandhistoryreview.org/article/bianca-premo-kalyani-ramnath-sanne-ravensbergen-laurie-wood-and-yanna-yannakakis-the-everyday-materials-of-colonial-legal-spaces/>, accessed January 31, 2022.

[4] For more of these circum-Caribbean connections, see Tessa Murphy, *The Creole Archipelago: Race and Borders in the Colonial Caribbean* (Philadelphia: University of Pennsylvania Press, 2021).

[5] For example, Kenneth J. Banks, *Chasing Empire Across the Sea: Communications and the State in the French Atlantic, 1713-1763* (Montreal: McGill-Queen's University Press, 2006); Miles Ogborn, *Indian Ink: Script and Print in the Making of the English East India Company*. (Chicago: University of Chicago Press, 2007); and, Kathryn Burns, *Into the Archive: Writing and Power in Colonial Peru* (Durham, NC: Duke University Press, 2010). And, of course, state-enforced paperwork undergirded claims to slavery and freedom, as shown by Sue Peabody, *Madeleine's*

Children: Family, Freedom, Secrets and Lies in France's Indian Ocean Colonies, 1750-1850
(New York: Oxford University Press, 2017).

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