On October 10, 1802, the French General François Kerverseau composed a frantic “proclamation” that detailed the plight of “several black and colored children” from the French ship Le Berceau who “had been disembarked” in Santo Domingo (modern Dominican Republic). According to the “alarms” and “foolish speculations” of various rumor-mongers in that colony, these children had been sold into slavery with the complicity of Kerverseau. As Napoleon’s chief representative in Santo Domingo, Kerverseau strove to dispel the “sinister noises” and “Vain fears” that had implicated him in such atrocities, insisting that “no sale [of these people] has been authorized” and that any future sale of this nature would result in the swift replacement of any “public officer” who authorized it. Kerverseau concluded by imploring his fellow “Citizens” to “distrust those who incessantly spread” these rumors and instead to “trust those who are charged with your safety; who guard over

1. In this era the term “Santo Domingo” referred to both the Spanish colony that later became the Dominican Republic and to this colony’s capital city which still bears this name. In this article I will use this term to refer only to the entire colony unless otherwise indicated.

2. I gratefully acknowledge the financial support of the French government’s Chateaubriand Fellowship and the Social Science Research Council’s International Dissertation Research Fellowship which enabled me to conduct the research for this article. This article has benefitted from the feedback of my fellow participants at the “We Must First Take Account” conference on race and legal history in the Americas held at the University of Michigan on 1-2 April 2011, at which I presented an earlier version of the article. The other Graduate and Faculty Fellows at the University of Michigan Institute for the Humanities also provided valuable comments on a version of this article that I presented at a Fellows’ Seminar in February 2011. Finally, I wish to thank Rebecca Scott, Richard Turits, Jean Hébrard, Marlyse Baptista, Laurent Dubois, and Malick Ghachem for their invaluable assistance in the composition and revision of this article.
you while you sleep, and who attach to the prosperity of this country, and to Yours, their happiness and their Glory.”

Would Kerverseau clear his name? Would these children be fated for a life of bondage, or would they be able to enjoy the right to grow into free men and women? These children were among the thousands of individuals who found themselves at the center of conflicts over the meaning and boundaries of freedom and citizenship in the Haitian Revolutionary era (1789-1809). In the Haitian Revolution, the legal, economic, and perceived moral underpinnings of slavery came under sustained and unprecedented attack as the only successful slave revolt in world history transformed the French slaveholding colony of Saint-Domingue into the independent and emancipationist nation of Haiti. Neighboring Santo Domingo also underwent profound changes in this period, passing from Spanish to French rule in 1795 and therein from rule by a pro-slavery regime to one that professed universal emancipation. This article offers a reassessment of Santo Domingo under a Napoleonic regime that attempted to re-enslave thousands of individuals.

Kerverseau was part of a massive military expedition that Napoleon had deployed to Hispaniola (the island shared by Haiti and the Dominican Republic) in late 1801 and early 1802 with the aim of deposing the island’s ruler Toussaint Louverture and asserting unquestioned metropolitan control over the entire island. By the fall of 1802, this expedition had also become committed to the hidden goal of the restoration of slavery. Keenly aware of the ferocious opposition that French forces would encounter should the island’s freed population get wind of the second of these motivations, the expedition’s leaders did their utmost to discredit rumors suggesting an impending return to slavery. This lent a special urgency to the Berceau incident, impelling Kerverseau to shore up the French Republic’s emancipationist credentials by denying all wrongdoing and promising harsh punishments for all would-be enslavers. Kerverseau’s determination to conceal this

3. Proclamation of François Kerverseau, 18 Vendémiaire an 11 (10 October 1802), Centre d’Accueil et de Recherche des Archives Nationales (hereinafter CARAN), Paris, 135 Archives Privées (hereinafter AP) 2, dossier 18.
4. The French National Convention had decreed the end of slavery in all French domains on 4 February 1794. This built on the general emancipation edicts that the French Civil Commissioners Léger-Félicité Sonthonax and Étienne Polverel had issued for French Saint-Domingue on 29 August and 31 October 1793.
5. On 24 July 1802, the expedition’s commander General Charles Leclerc wrote to the French Minister of the Decrès: “Do not think of restoring slavery for some time. I think I can arrange everything so that my successor has no more to do than to put the government’s decree into effect, but after the endless proclamations that I have issued here to ensure the blacks their freedom, I do not want to contradict myself, but assure the First Consul [Napoleon] that my successor will find everything ready” (quoted in Champion 2003:233).
objective from freed people on the island led him to take the extraordinary measure of calling upon several captives to testify on the circumstances of their captivity and forced transit. The remarkable series of “declarations” that survive in the archival record serve as evidence of a striking irony: that an official in the service of a campaign of re-enslavement invited captives to offer eyewitness accounts to assist an investigation into slaving. One such witness, a “nègre créole de la Martinique” (black Creole from Martinique) named Jean-Charles, claimed to have been captured from a Danish ship by the British off the coast of St. Thomas and then sent to Martinique, where he was placed on the Berceau and shipped to Santo Domingo.6

These attempts to prevent freed people from learning of the expedition’s goal of re-enslavement ultimately proved futile, as the “common wind” of information spreading from diverse locales brought word not only of episodes such as the landing of the Berceau but also of France’s successful restoration of slavery in Guadeloupe and the preservation of the institution in Martinique, which had spent most of the emancipation era (1794-1802) under slaveholding British rule (Scott 1986). The Berceau incident attests to the intense concern that French officials, including Kerverseau, had for their own credibility and that of an expedition that effectively sought to re-enslave hundreds of thousands of individuals.7 It also illustrates Santo Domingo’s involvement in networks of captivity and coerced migration that became especially pronounced during a decade that witnessed fundamental challenges to both the transcontinental slave trade and slavery itself.

The French words Le Berceau translate as “The Cradle;” in practice Hispaniola in late 1802 was fast becoming a graveyard both of French Republican emancipation and of Napoleon’s grand designs to reassert French imperial power in the Americas using Saint-Domingue as a base. For his part, Kerverseau felt his own position gravely jeopardized by the Berceau affair, forwarding to his superiors seven documents detailing the facts of the case. While these papers suggest that the embattled general had entrusted the children in question to a man named Cornet who would care for them as free people, they also hint at the existence of an enterprise of illicit slaving that involved Santo Domingo.8

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6. Testimony of Berceau captives, Brumaire an 11 (23 October-21 November 1802), CARAN 135 AP 2, dossier 18.
7. In 1789, French Saint-Domingue had contained roughly half a million slaves who had constituted 90 percent of the population, while in Spanish Santo Domingo at this same time the enslaved population had stood at approximately 15,000, or 15 percent of the total population. On Saint-Domingue, see Dubois 2004a:30. On Santo Domingo, see Moreau de St-Méry 1796:44 and Turits 2003:30.
8. L. Delpech to Kerverseau, Vendémiaire an 11 (23 September-22 October 1802), CARAN 135 AP 2, dossier 18.
These children and other captives found themselves in the middle of the reversal of the hemisphere’s first large-scale experience with general emancipation. The reestablishment of slavery in France’s overseas colonies imbued longstanding quandaries with urgent new significance. Could one capture a juridically free individual in one jurisdiction and then proceed to claim him or her as a slave in another? On what legal basis could a person held as a slave sue for his or her freedom? Long before the French Republic formally abolished slavery in all its colonies in 1794, legal struggles over the boundaries of freedom had emerged from the dense webs of extralegal commerce in both human beings and material goods, the physical proximity of many islands claimed by competing colonial powers, and divergences in colonial slave law across colonies (including those in the same empire). Then, after 1802, the successful struggle against slavery in Saint-Domingue/Haiti transformed the scope of claims-making for those held as slaves and gave rise to powerful new liberation discourses.

In early 1804, following the Napoleonic expedition’s defeat, two enemies formed governments on either side of the island. While Toussaint Louverture’s onetime subordinate Jean-Jacques Dessalines proclaimed the birth of emancipationist Haiti in 1804, General Jean-Louis Ferrand, a veteran of the doomed expedition, established a regime in the eastern part of the island that was driven by the overriding objective of placing thousands of freed people back into bondage. Partly in response to the presence of the abolitionist nation next door, Ferrand strove to make slavery a juridical and social reality in Santo Domingo, prompting those targeted by these efforts to fight back. This article explores the conflicts that emerged when men and women in Santo Domingo challenged the fact and terms of their subjugation. It argues that, while Ferrand undertook a massive project of attempted reenslavement, those claimed as slaves or vulnerable to enslavement devised a multitude of ways to carve out their own versions of freedom.

Presenting re-enslavement as the raison d’être of the Ferrand regime presumes that slavery had previously been legally abolished in Santo Domingo. The wording of the 1795 Treaty of Basel (which established the terms of Santo Domingo’s cession to France) and that of the French National Convention’s 1794 general emancipation law together imply that slavery indeed became illegal in Santo Domingo upon this cession.9 It is not clear,
however, whether slavery was ever explicitly reestablished in law by the French in Santo Domingo in the years that followed the 1795 cession.

One speech and one military order constitute the only surviving documentary evidence that Napoleon endorsed the restoration of slavery in Santo Domingo. In a riposte to the pro-slavery arguments of the former Saint-Domingue intendant François Barbé-Marbois, Napoleon in a speech before the Conseil d'État (Council of State), had on August 16, 1800 proposed a plan that would retain slavery in territories such as Martinique (where foreign occupation and local opposition to emancipation had kept the institution intact after 1794) while preserving formal emancipation in places such as Saint-Domingue and Guadeloupe where emancipationist regimes had come to power. “My policy is to govern men as most want to be governed,” Napoleon had stated in this speech. “I believe that this is the manner of recognizing the sovereignty of the people ... thus, I will speak of liberty in the free part of Saint-Domingue; I will confirm slavery in Ile-de-France [an Indian Ocean territory where planters had retained slavery in violation of the 1794 emancipation law], [and] even in the enslaved part of Saint-Domingue [Santo Domingo]; allowing myself to soften and limit slavery, where I will maintain it; [and] reestablish order and introduce discipline, where I will maintain liberty” (quoted in Roederer 1909:15-16).

Moreover, on October 31, 1801 Napoleon had issued a lengthy series of instructions to his brother-in-law, General Charles Leclerc, whom he had appointed to lead the expedition to Hispaniola. In these instructions Napoleon had declared: “If the political goal [of the expedition] in the French part of Saint-Domingue should be to disarm the blacks and make them cultivators, but free, we should in the Spanish part disarm them as well, but place them back into slavery.”

Yet no known legal mechanism backed up this order, as the two measures that did address the reestablishment of slavery in the French empire did not encompass Santo Domingo. On May 20, 1802, Bonaparte’s legislature passed a law composed of four short articles that simply confirmed slavery in those areas where it had been maintained de facto. The law’s four articles are worth quoting in their entirety:

First Article: In the colonies returned to France in execution of the Treaty of Amiens of 6 Germinal Year Ten [27 March 1802], slavery will be maintained in accordance with the laws and regulations prior to 1789.

constitution [of 1793]” (emphasis in original). “Decree of the National Convention ... That abolishes the Slavery of Blacks in the Colonies,” 16 Pluviôse an 2 (4 February 1794), CARAN Colonies CC/9a/9.

Article 2: This will also be the case in the other French colonies beyond the Cape of Good Hope.

Article 3: The trade in Blacks and their importation in the said colonies will take place in accordance with the laws and regulations in force before the said date of 1789.

Article 4: Notwithstanding all of the preceding laws, the colonial regime is subject for ten years to the regulations that will be made by the government. (quoted in Branda & Lentz 2006:121-22)

In simply stating that “slavery will be maintained” in those colonies that Britain had “returned” to France by the Treaty of Amiens (Saint Lucia and Martinique), this measure thus did not legalize the reestablishment of slavery in Saint-Domingue, Guadeloupe, or Guyana, which had come under emancipationist governments after 1793. It was also silent on Santo Domingo, as was a lesser-known “consular order” (arrêté consulaire) which stipulated that: “[t]he colony of Guadeloupe and dependences will be governed in the manner of Martinique, Saint Lucia, Tobago, [and the] eastern colonies, by the same laws that were in place in 1789” (quoted in Niort & Richard 2009:36). Scrupulously avoiding the use of the word “slave,” this order made no mention of either Saint-Domingue or Santo Domingo. Moreover, the French scholars Jean-François Niort and Jérémy Richard (2009:58), who have unearthed surviving copies of this order, have argued that the order may not have carried legal weight even in Guadeloupe. They contended that “the reestablishment of slavery, and more generally of the old segregationist and discriminatory order in Guadeloupe [after 1802] rested, for 46 years, on a legality that was more questionable than that of the law of 30 Floréal an X (20 May 1802).”

This article explores the intersections of the force of re-enslavement and the law of “slavery” in Santo Domingo during the reign of General Ferrand, which lasted from 1804 to 1809. As the historian Yves Bénot (2006:93-99) has shown, the abandonment of emancipation by Napoleon’s Consular government provoked considerable opposition in metropolitan France among those who condemned slavery, racism, and colonialism (though not always all three together). In Santo Domingo, a different form of opposition emerged: that of freed people who sought to preserve their liberty. The very uncertainty of their condition, as much as the abject deprivation that they so feared, gave them a visceral appreciation for liberty. It is their actions – often in vain, occasionally with success – that animate this article.

“The General in Chief [Leclerc] had … the double task of reestablishing [in Saint-Domingue] legitimate authority by the force of arms and by that of Laws. The Second [task] was perhaps still more difficult than the first, since it was necessary to complete it in the tumult of the Camps.”12 In a report to Paris composed on February 25, 1803, one anonymous observer of the upheaval in Hispaniola hinted at the intertwined nature of “law” and “force” in slave societies and the extraordinary amount of the latter that was needed to re-impose a slaveholding legal order on thousands of individuals who had taken up arms to avoid a return to servitude. This in turn attests to the violence and tortuous legal logic that were at the heart of all American slave societies. In societies predicated upon the forced servitude of some of their members, conflicts often emerged between these two pillars of “force of arms” and “laws,” as “existing relations of force,” in Rebecca Scott’s (2009:134) words, ultimately undergirded master-slave relations.13

“Race” as a concept and a stigma constituted the third pillar in the slave society that Ferrand sought to construct. By the eve of the Haitian Revolution, slavery in much of the Americas had become strongly associated with African descent, and racist ideologies underlay the slave systems of both French Saint-Domingue and Spanish Santo Domingo, even as these ideologies took on distinctly different forms in these two contexts. Antiracism and antislavery, though, did not always converge in the early years of the revolution, as in the case of free-colored activists who grounded part of their arguments for the abolition of institutionalized racism in a defense of slavery.14 Nonetheless, hard-won legislative triumphs against legalized racial discrimination (1792) and against slavery (1793-1794) became enshrined in the 1795 French constitution which declared all the inhabitants of the French empire to possess equal citizenship rights, while the erosion of these gains after 1795 again drew racism and slavery closely together. After replacing

13. For further discussion of the process of status determination in a context of re-enslavement, see Scott 2011.
14. In their campaign for the repeal of racist laws, free-colored activists split over the question of slavery. While some joined or supported the abolitionist Society of the Friends of the Blacks (founded in 1788 by the activist and politician Jacques-Pierre Brissot), others argued that granting free men of color equal citizenship rights would reward and ensure their vital role in protecting the slave system. Among the latter was Julien Raimond, a wealthy indigo planter who in the late 1780s owned one hundred slaves (Garrigus 2006:234-63).
this constitution in 1799 with a document characterized by a much more restrictive conception of citizenship, Napoleon coupled his (partial) repeal of the 1794 emancipation decree with an array of racist laws. These included a reinstatement of the infamous pre-revolutionary Police des Noirs regulations which had aimed to closely monitor the activities of persons of African extraction in France, the reinstatement of the requirement that blacks carry identity cards while in the metropole, prohibitions on mixed-race persons’ entry into France, and a ban on interracial marriage.15

An integral part of Ferrand’s enterprise of re-enslavement was his effort to re-inscribe racial categories into the law and to map them onto the island’s political geography. In a study of 103 acts created by French notaries in Ferrand-era Santo Domingo that recognized the freedom of one or more individuals, I found that 78 percent of all freed subjects were identified with a racial label, rather than the term citoyen/citoyenne (citizen), which was typically applied to parties of diverse social standing in notarial records and other documents in the emancipation period (Nessler 2012). Ferrand also enforced a distinction between “French” blacks, whom he associated with Haiti and considered especially subversive, and “Spanish” blacks, deemed somewhat less dangerous.16 In this respect the actions of Ferrand mirrored those of his counterparts in other parts of the Americas, as Cuban officials generally sought to bar the settlement on that island of free and freed men of color from Saint-Domingue, while North American authorities passed laws designed to halt or greatly reduce the entrance of so-called “French Negroes” into the United States (Peabody 2008, Scott & Hébrard 2008:33).17

Proximity to Haiti heightened these anxieties for Ferrand, who in a January 25, 1804 letter to a subordinate related his fears concerning a “quantity of blacks and people of color of both sexes, refugees from the French part [Haiti], who are continually in idleness and who will surely become dangerous especially if the Brigands [Haitians] invade the land.”18 Such sentiments resulted in a 15 September 1804 order by Ferrand to create a comprehensive registry that recorded the following information for all “French blacks and people of color” over twelve years old: their names, ages, legal status (“free or slave”), and “from which neighborhood and plantation they come,” in addition to their present place of domicile. Ferrand also proposed either

15. For details on these laws, see Heuer 2009 and Schloss 2009:24.
16. For instance, on 22 May 1804, Ferrand declared that while “Spanish” inhabitants of the Department of Cibao could enter the Department of Ozama, most “French blacks and men of color” were prohibited entry. Ferrand to Sandoval, 2 Prairial an 12 (22 May 1804), CARAN Colonies CC/9a/40.
17. On the United States and “French Negroes,” see also White 2010.
employing “French black and colored slaves” (nègres et gens de couleur français esclaves) in “useful jobs” or loaning them out.¹⁹

Ferrand issued an assortment of other racially discriminatory orders, some implicitly in response to claims-making by both those claimed as slaves and those deemed to be of African descent who were acknowledged as free. These laws included curfews, racially based exclusion from emigration and immigration programs, anti-vagabondage measures, and even discrimination in treatment for illnesses.²⁰ In re-creating the twin legal constructions of slavery and race, Ferrand employed as his model colonial French Saint-Domingue, where authorities especially after 1763 had tried to institutionalize racial categories in order to buttress the slave system by imposing a spate of laws targeting the political and civil rights as well as the dignity of the free-colored population.²¹ In the spirit of a “Police Ordinance” from November 19, 1773

¹⁹. Ferrand to Vives, 28 Fructidor an 12 (15 September 1804), CARAN Colonies CC/9a/40. While I have not located any surviving copies of such a registry in my research, both the salience of race and perceptions of fused racial and political identities are evident in extant demographic data. For instance, a census published by the Ferrand regime on 1 January 1808 divided the population of the colony of Santo Domingo into four categories: “European Whites” (Blancs Européens), of which 948 were listed; “Whites of the Country” (Blancs du Pays [sic]), of which there were 12,193; “Creoles of color” (Créoles [sic] de couleur) (29,996 listed); and “Slaves” (Esclaves) (7,052). “General State of the Population of the Eastern Part of Saint-Domingue, as of the First of January 1808,” 1 January 1808, CARAN Colonies CC/9a/45. In addition, in an 18 November 1808 census for the city of Santo Domingo, 3,875 inhabitants were listed as “French,” while the remaining 3,891 were labeled “Spanish.” The census takers listed a quarter (24.7 percent) of the city’s “French” population as “black” (nègre or nègresse) while applying this label to only 13 percent of the “Spanish” population. “General State of the population of the City of Santo Domingo on 18 November 1808,” 18 November 1808, Service Historique de l’Armée de Terre (hereinafter SHAT), Vincennes, France, B7 13.

²⁰. One such curfew prohibited most “Blacks and Mulattos” (Nègres et Mulâtres) from being outside after seven in the evening. Ferrand to Colonel Pichot, 7 January 1808, CARAN Colonies CC/9a/45. During the 1805 siege of Santo Domingo city by Haitian forces, Ferrand instructed the “Notables of Santo Domingo” to compose a detailed listing of families that would be eligible for evacuation, which was to only include “whites, and others considered as such.” Ferrand to “Notables of Santo Domingo,” 13 Ventôse an 13 (4 March 1805), CARAN Colonies CC/9a/40. Furthermore, in one order from 26 February 1804, Ferrand invited only white Saint-Domingue refugees to settle in Santo Domingo. Ferrand order on refugees, 25 February 1804, Archivo General de Indias (hereinafter AGI), Seville, Spain, Papeles de Cuba (hereinafter Cuba), 1705. Finally, when undergoing treatment in Santo Domingo’s hospitals, “black and mulatto” nurses could not claim any part of their salary, while their “white” counterparts would receive half of their salary in the same situation. Vives to “Colonial Inspector,” 18 March 1806, CARAN Colonies CC/9b/3.

²¹. For details on these laws, see Dubois 2004a, Chapter 3, and Garrigus 2006, chapters 5 and 7.
that had ordered the arrest and imprisonment of all “Black slaves who try to pass for free” in Port-au-Prince, the Ferrand government imposed all manner of restrictions on the mobility of non-whites, seeking to enslave those who could not prove their freedom and to disenfranchise those who could. For instance, in a February 27, 1806 order, Ferrand banned the bestowal on any person of color of inheritance exceeding the value of 100 gourdes that was against the interests of “absent rightful heirs,” while on December 31, 1807 he decreed that the subjects of all État Civil records in their name must furnish written proof of their free status.

Ferrand sought to repudiate not only the legacies of the emancipation era but also a much deeper struggle for equality that could invoke roots in the 1685 Code Noir, the comprehensive code promulgated under Louis XIV that had granted ex-slaves “the same rights, privileges, and liberties that persons born free enjoy” (Sala-Molins 1987:200). As the legal scholar Malick Ghachem (2002) has argued, the efforts of many free-colored individuals to realize this egalitarian promise throughout the eighteenth century constituted a central aspect of the deep legal history of the Haitian Revolution. The notarial archive offers hints that these conflicts continued in Santo Domingo under Ferrand.

In their long struggle against these racist laws, free-colored activists from Saint-Domingue had devoted scrupulous attention to law and to the adroit manipulation of language. John Garrigus (2006:95) observes that “[t]he first free colored spokesmen in revolutionary Paris – a merchant and a planter – were so skilled at legalistic argument that historians have mistakenly described them as ‘lawyers’.” Language, especially in the context of administrative and legal documentation, also became an important terrain for contestation over rights in Santo Domingo under Ferrand. The language of notarized liberty acts often displayed an ambiguity concerning the scope of citizenship there. A discernible tension existed between two statements that one encounters repeatedly in these acts: that the person thus freed would live like “other freed people”; or that the freed subject would have “all of the rights” of “anciens libres” (the formerly free; i.e. those who had never been slaves). This tension was rooted in

23. Ferrand order on inheritances, 27 February 1806, CARAN Colonies CC/9a/42; Ferrand order on Napoleonic Civil Code, 31 December 1807, CARAN Colonies CC/9a/44. The État Civil was the official archive of births, marriages, and deaths in France and in its colonies.
24. For an abridged and translated version of the Code Noir, see Dubois & Garrigus 2006:49-54.
25. According to one notarial act, Louise-Félicité dite Agard was to be “freed from the yoke of slavery, and Free, as all the other freed people of the colony, to enjoy, and make use of her Free state … and as the former regulations and Laws [illegible] in the colony of Saint
the bitter political and legal history of colonial Saint-Domingue. By the 1780s, living like “other freed people” often meant enduring political disenfranchisement and innumerable quotidian humiliations in spite of the promise of equal rights contained in the *Code Noir*, while the ability to claim the status of “formerly free” could enable one to avoid these curtailments of rights.

Two notarial acts highlight these conflicts. On 17 October 1806 in Santo Domingo city, the Saint-Domingue refugee Rozine *dit* Alzire came before a notary with a August 19, 1803 act of sale (created in Saint-Domingue’s former commercial capital of Le Cap) which confirmed that her mother Rosalie *dit* Dufay had purchased her in order to free her. This 1803 act had labeled Rosalie a “mulâtresse libre affranchie” (free freed mulatto), but the word “affranchie” (freed) had been crossed out. The 1803 document then declared that Rozine would enjoy “all of the rights … attached to The Class Of Free men.”

Moreover, the December 12, 1805 Santo Domingo city manumission act of the adolescents Zénon and Solon noted that they would “enjoy liberty from this day forth, as the other freed people enjoy it in this Colony, by virtue of the edict of the month of March 1685 [the *Code Noir*].”

Of course, the mere invocation of the *Code Noir* in this and other acts in no way implied its wholesale and faithful application, any more than was the case in colonial Saint-Domingue. Nonetheless, the *Code’s* provisions of equality and the history of free-colored activism associated with them may have represented grounds for the advancement of claims by those targeted by the regime’s racist laws. Furthermore, correspondence and reports concerning disputes over the ownership of several “slaves” suggest the ability of the purportedly enslaved to exploit legal and documentary mechanisms to improve their condition. While the *Code* had represented for free-colored leaders a latent royal commitment to a legal regime of racial equality, it had distinctly different meanings for those still held in bondage. Though the *Code* contained certain avenues for escape from servitude (such as being named the executor of the master’s will and marriage to the master) along with provisions requiring masters to provide for slaves’ basic subsistence and to refrain from “barbarous and inhumane treatments … of their slaves,” its stance on matters such as slaves’ serving as witnesses was much less liberal than its position on the rights of manumitted persons (Dubois & Garrigus 2006:51-
53, Sala-Molins 1987:142). Nonetheless, some of those held in bondage in Santo Domingo in the Ferrand period stretched the boundaries of the law, forcing authorities to address their claims to switch masters, to reunite with an allegedly enslaved relative who had been transferred to another location, or to escape from servitude altogether.28

As in other slave societies, many slaves in French Saint-Domingue had sought to attain their freedom by purchasing themselves from their masters, leading colonial authorities in 1711 to pass a law requiring official authorization of all manumissions (Ghachem 2002:60-61). A century later, Ferrand appears also to have targeted this practice in his efforts to limit manumissions. On December 26, 1807, Ferrand decreed that henceforth no “Slave” could sell “dry goods” in the streets, requiring all “People of color” who wished to sell such goods to provide written proof of their liberty and pay a deposit. Though he based this order on the claim that unfree dry goods sellers frequently engaged in theft, it may have represented an attempt to reduce these alleged slaves’ opportunities to accumulate the funds for self-purchase.29

Those claimed as slaves in Ferrand’s Santo Domingo also struck against their predicament by provoking or exploiting disputes over their purported ownership. In a July 28, 1808 letter to a don Juan Castillos, Ferrand described a conflict concerning the ownership of a black Creole named Manuel Aldañá, who was detained in a prison in Seybo (eastern Santo Domingo). While Feliciana Cabrera, a native of the border town of Hinchá who had emigrated to Seybo, claimed to have “lost” (perdu) this would-be slave in Hinchá, a man named Jean Lemdez also asserted his rights over him. Lemdez meticulously assembled a dossier of evidence to prove his case, including a notarial act of his purchase of Manuel from Thomas Figueredo, a native of Bánica (western Santo Domingo), created by the notary Antonio Pérez. Other documentation traced the purported ownership of Manuel back to a Dionicio Hernández, whose succession had transferred Manuel to his brother Santiago. Ferrand requested that Santiago Hernández appear before Castillos in order to show one or more “titles of property” over Manuel so that the matter might be resolved.30

28. In colonial Cuba, litigation and other actions by slaves led to the creation of two legal rights for slaves: coartación (self-purchase in installments) and pedir papel (to “request paper” to change masters). For a discussion that situates these phenomena within the contexts of Spanish-American slave law and Cuban slave society, see Fuente 2007.

29. Order of Ferrand on dry goods sales, 26 December 1807, CARAN Colonies CC/9a/42. The Code Noir’s Article XIX forbade slaves from “sell[ing] any type of foodstuffs” in the “market” or in “private houses” “without the express permission of their masters by a note or by known marks, on pain of confiscation of the items thus sold” (Sala-Molins 1987:128). Ferrand may have sought to close this loophole in this 1807 order. For more on self-purchase in Santo Domingo under Ferrand, see Nessler 2012.

30. Ferrand to don Juan Castillos, 28 July 1808, CARAN Colonies CC/9a/45. On 20 July 1808, Ferrand had asked Lemdez in a letter to come before him with Manuel and with
Buried in this voluminous paper trail is Manuel’s own agency: the pivotal word “lost” implies that he may have become a fugitive, creating this dispute over his ownership by his attempts to escape from bondage.

While Manuel’s possible intended destination is unknown, other men and women held in servitude in French Santo Domingo sought their freedom by fleeing to Haiti. A cadastral survey completed in 1806 noted that two of the three “blacks” who had labored on the L’Espérance ranch had “followed the rebels [Haitians] in their flight” in the wake of Dessalines’s 1805 attack on Santo Domingo. More evidence of flight appears in a September 3, 1807 letter that a woman named Ana Victoria Lasapelo wrote to the Commandant in Chief of the Western Subdivision in Santo Domingo. In it, she implored her interlocutor to apprehend a “slave” named Mauricio who had departed with the “Brigands” (Haitians), offering to provide proof of ownership if requested.

On what legal basis did this unspecified written proof of Mauricio’s status rest if, as is likely, he had been freed by the 1793-1794 emancipation edicts? Would his settlement in Haiti invalidate his purported master’s claims on his person? Implicit in the assertion that this document superseded his actions was the attempted re-creation of slavery in the documentary record. This letter serves as a reminder that the re-imposition of slavery in Santo Domingo entailed quasi-legal as well as military force.

Some of those who could not escape servitude by legal or extralegal means found that certain aspects of associational life enabled them to ameliorate their condition. As in many other parts of Latin America, Catholic brotherhoods had become part of the social fabric in colonial Santo Domingo, and they offered members of various statuses and conditions numerous forms of social, material, and spiritual support.

Under Ferrand, some “slaves” appear to have continued to find that these groups enabled them to attain a degree of autonomy. The 1806 cadastral survey for instance listed “61 blacks” among the “rural Properties” of the Department of Cibao who were part of the “Brotherhood of St. Antoine” located in the northern Dominican city of the proper “titles” that would prove ownership over Manuel in order to settle the dispute.

Ferrand to Lemdez, 20 July 1808, CARAN Colonies CC/9a/45.


32. Ana Victoria Lasapelo to Monsieur P.C. Desile, Commandant in Chief of the Western Subdivision, 3 September 1807, CARAN Colonies CC/9a/44.

33. Catholic brotherhoods in colonial Latin America often assisted enslaved members in purchasing their freedom, and in one case one such organization fomented a radical critique of slavery that influenced the highest levels of the Catholic Church hierarchy. During a visit to Rome in the 1680s, an Afro-Brazilian leader of the Lisbon-based Confraternity of Our Lady of the Rosary named Lourenço da Silva compelled the papacy to issue an anti-slavery declaration which was “among the most notable statements on human rights ever to have been published by the papacy” (Gray 1987:52).
Santiago. “These blacks have always lived in a state of independence,” this survey noted, “which has never permitted [officials] to collect any goods from them.”

In some instances, those claimed as slaves subverted legal restrictions and obliged authorities to call them to testify in contentions over proper ownership. According to the notes of a session of a government commission from February 9, 1805, an unnamed woman had made a claim to recover her daughter Anastasie, who had been taken from the Cambariva plantation by a Nicolás González and sent to Puerto Rico in exchange for the “petit nègre” Juannico. Anastasie’s mother insisted to the “Captain General” (presumably Ferrand) that her daughter and Juannico be returned to their original residences. Ferrand requested that both Juannico and Anastasie’s mother appear as declarants before a government commission in order to resolve the problem.

On June 4, 1808, Ferrand wrote to Castet, a military commander in Samaná, concerning the alleged slave Nicolás, currently held in prison in Samaná, who had advanced a claim to belong to the family of a man named Sosa against the opposition of Julián Vallejos. Ferrand ordered Nicolás to appear in Santo Domingo city that authorities could determine his “legitimate owner.”

While the original 1685 redaction of the Code Noir had severely limited slaves’ ability to provide testimony by denying their word any legal weight, the 1724 revisions to the Code stipulated that slaves could be witnesses in civil or criminal cases only if their testimony was necessary, no white witnesses were available, and they were not testifying for or against their master (Watson 1989:88). According to Ghachem, though these small “loopholes” existed in French colonial slave law in order to “prosecute slave ‘crimes’ for which the only available evidence was the eyewitness report of another slave,” such provisions became invoked in ways unintended by their framers. For instance, in a 1775 investigation into a complaint brought by a slave named Thomas against his master concerning alleged abusive treatment, the magistrate of Le Cap heard Thomas’s testimony (Ghachem 2002:136-40).

34. “Summary of the Cadastral Register of the Domains of the French Empire,” 1806, CARAN Colonies CC/9a/42.
36. Ferrand to Castet, 4 June 1808, CARAN Colonies CC/9a/45.
37. France, unlike Spain, had no explicit legal mechanism by which slaves could claim redress against owners who treated them especially cruelly, except as concerns the deprivation of nourishment and clothing and the practice of forcing slaves to work on Sundays and holidays (Sala-Molins 1987:102, 134-42, Watson 1989:86) (Articles VI and XXII-XXVI of the Code Noir).
took advantage of these “loopholes” in a way that contravened the spirit of the legal regime that Ferrand sought to put in place.

Ferrand employed his own legal tools in his most draconian policy: the capture and enslavement of Haitians. In an order issued on January 6, 1805, Ferrand authorized those living near the border with Haiti to enter Haiti and “make prisoners” of Haitians who were under fourteen years of age, who would become the “property” of their captors. Females under twelve years old and males under ten could not be returned to Haiti but could be either “attached” to a plantation or sold. Ferrand entrusted his commandant, Joseph Ruiz, and other trusted subordinates with the task of issuing official certificates affirming these captives’ ownership and their capture in the “territory occupied by the rebels.”38 Furthermore, Ferrand stated in a letter to Ruiz that Haitian males in Santo Domingo over fourteen years of age should be shot.39

Extant notarial records provide further evidence of such slaving. On February 3, 1808, a man named Senabrier sold a woman named Marie-Catherine to a buyer named Chafend for 144 gourdes. Marie-Catherine had initially been “captured among the Brigands” before being sold twice. A December 26, 1807 certificate created by her first owner Anastacio Váldez (appended to this notarial act) elaborated that Marie-Catherine had been “captured in the enemy part [Haiti]” before coming into Váldez’s possession.40 On September 11, 1808, a man named Espaillat sold four children to Ferrand’s second-in-command, General Joseph Barquier. Three of them had been “captured among the rebels” according to certificates mentioned in the notarial act.41 As with the certificates issued by Ruiz, these notarial records sought to re-inscribe slavery into the documentary record.

Slaving in Santo Domingo under Ferrand rested on a mix of opportunism and hatred and fear towards the new nation of Haiti. This in turn entailed a wholesale rejection of both the revolutionary emancipation decrees and of emancipations granted by onetime slaves-turned-generals. In one November 8, 1804 letter to a subordinate named Peralta, Ferrand rejected even the limited manumissions that the royalists Jean-François and Georges Biassou had offered in the early 1790s. Insisting that these men had never had the “right” to liberate anybody, Ferrand declared that all “French black and colored slaves” who had been given their “liberty” by either of these men did not have a valid claim to freedom and thus must be “considered as Slaves.” By contrast, Ferrand argued that the former “Spanish Slaves” who had received

38. Order of Ferrand on capture of Haitians, 16 Nivôse an 13 (6 January 1805), CARAN Colonies CC/9a/40.
39. Ferrand to Joseph Ruiz, 16 Nivôse an 13 (6 January 1805), CARAN Colonies CC/9a/40.
40. Sale of Marie-Catherine, 3 February 1808, ANOM DPPC NOT SDOM 1700.
41. Sale of four children, 11 September 1808, ANOM DPPC NOT SDOM 1701.
their liberty from the “King of Spain” due to service in colonial armies ought
to remain free.\textsuperscript{42} In this letter, Ferrand implicitly responded to would-be
slaves’ potential efforts to attain liberty, accepting only a narrow range of
claims to free status.

On other occasions, Ferrand tapped into the legal and social history of
the \textit{Code Noir}, which had proclaimed the French king to be the ultimate
arbiter of legal condition. In giving legal justification to this captive-taking,
however, Ferrand disregarded royal authority and instead recalled that most
ancient of bases for enslavement: capture in war. In a October 2, 1808 letter
to several of his subordinates, Ferrand explicitly stated that captives taken
from Haiti in battle would legally belong to their captors.\textsuperscript{43}

Though the Ferrand regime built on precedents from both the \textit{ancien régime} and the revolutionary era, the overthrow of slavery and colonialism in
Haiti had transformed the geopolitical terrain. The rulers of Napoleonic Santo
Domingo felt compelled to react to the presence of Haiti, fusing the alleged
external threat of “rebel” armies with internal concerns in a way that bears
more than a passing resemblance to early Haitian leaders’ resort to forced
labor on the grounds of the threat of a French invasion. As Rebecca Schloss
has observed, the transformation of French Saint-Domingue into indepen-
dent Haiti exacerbated the tendencies of French authorities on both sides of
the Atlantic to associate non-whites with criminality and subversion, which
they manifested in acute fears that “a network of \textit{gens de couleur} roaming the
Atlantic would incite rebellion and bring the downfall of France’s remaining
West Indian colonies” (Schloss 2009:35).\textsuperscript{44} These developments transpired
during a decade that was marked by both dramatic challenges to enslavement
and human trafficking in some areas and the retrenchment of these practices
in others.

\textsuperscript{42} Ferrand to Peralta, 17 Brumaire an 13 (8 November 1804), CARAN Colonies
CC/9a/40.

\textsuperscript{43} Ferrand to “Commandants” and “Notables” in Santo Domingo, 2 October 1808,
CARAN Colonies CC/9a/45.

\textsuperscript{44} Emphasis in original. “\textit{Gens de couleur}” was a common term in the French over-
seas colonies that translates to “people of color." Alleged connections between Haiti’s
civil strife and non-whites in neighboring slaveholding colonies provoked anxiety among
many authorities. According to one report to the Minister of the Navy composed in
January 1806, many “people of color” in Santiago de Cuba (the site of a large French
refugee community) had collected five to six thousand \textit{gourdes} that were to be given to
the faction that opposed Dessalines in Haiti’s internal conflict. This caused the report’s
author to suspect the existence of a “secret mission, on the part of the mulattos” in France
and to urge a “redoubling of surveillance and of precautions” against them even as he
admitted that “no proof” existed to substantiate his allegations. Letter to Minister of the
Navy and Colonies, January 1806, CARAN Colonies CC/9a/42.
When a group of ex-slaves declared Haitian independence in 1804, they offered a new vision of a New World society without slavery. Three years later, the British prohibition of its Atlantic slave trade gave new impetus to a powerful moral crusade against slavery in the Atlantic World. Nonetheless, in this same period a confluence of technological breakthroughs, policy shifts, the collapse of Saint-Domingue’s plantation complex, and other factors gave rise to the resurgence of plantation slavery in Cuba, Louisiana, and Brazil, a phenomenon that Dale Tomich (2004:56) has termed the “second slavery.”

Though Santo Domingo was never as integral in the transatlantic slave trades as Charleston, Havana, or pre-revolutionary Le Cap, it was a central battleground in struggles over the terms of bondage and liberty – and over the viability of free or slave status across imperial and colonial boundaries – in the decade to 1810. Santo Domingo’s longstanding political links to Cuba and Puerto Rico had facilitated illegal slaving between these places during the emancipation period, and following the Berceau incident in the fall of 1802, Santo Domingo became even more implicated in far-reaching circuits of captivity that blurred the line between slavery and freedom. In his trading of Haitian captives to places with long-established slave-based economies such as rice-producing South Carolina and in his sales of captives from slaving vessels that shipwrecked on Santo Domingo’s coasts, Ferrand participated in networks of captive trading that operated on the margins of the law.

Ferrand’s shocking order to Ruiz, commanding him to execute male Haitians over fourteen, attests to a dilemma that he shared with many other authorities in the Americas: the wish to accrue profit by maximizing the size of the servile labor force, counterbalanced against the fear of an uprising. Largely cut off from sources of servile labor outside the island, Ferrand resorted to trafficking in Haitians – while trying to eliminate those whose knowledge of freedom and warfare might pose a threat. Hence the chilling focus on the seizing of children.

Ferrand also sought to export some of these captives to South Carolina in exchange for slave-produced rice, as a means by which to pass on some of his risk to his North American counterparts while tapping into one of the

45. Though this vision appealed to many slaves and free individuals of color in the Americas, Haiti’s practical influence in undermining slavery elsewhere was quite limited. For discussions of these matters, see Geggus 2007 and González-Ripoll et al. 2004. On the role of independent Haiti in early nineteenth-century legal and political debates over slavery, see Ferrer 2012.

46. On migration from Santo Domingo to Cuba following the 1795 cession, see Deive 1989.
most important plantation economies in the antebellum United States. In a December 4, 1804 letter to the Superior Council of Santiago, Ferrand related that a ship that he had deployed to Charleston, South Carolina containing a number of “black Brigands” had recently returned to Santo Domingo with a quantity of rice obtained in exchange for the captives. Ferrand estimated his revenue at 1,000 to 1,200 gourdes.

Despite this trade, the cash-strapped Ferrand government lacked adequate sources of revenue, and it relied to a considerable degree on the proceeds of ship captures to finance its administrative and military costs, justifying many interceptions on the high seas as retaliation for foreigners’ alleged trading with Haiti. If these ships contained captives who could be sold for the profit of the state, then so much the better. The records of the board that Ferrand entrusted with adjudicating ship capture cases, known as the “Commission des Prises de Santo Domingo” (Santo Domingo [Ship] Captures Commission), contain details on the sale of “slaves” procured from the seizures of vessels that straddled the thin line between legal and illegal trafficking. On February 9, 1804, the ironically named Good Hope, a slave-trading vessel with a largely British crew and British captain sailing under the Danish flag, shipwrecked near the Dominican town of Higüey. According to the Commission’s records, the ship stopped at St. Croix, where the captain claimed to have lived for six years, and then proceeded to sail first to Havana and subsequently to Santo Domingo. This captain’s luck finally ran out in the latter locale, as the March 18, 1804 judgment of the Commission des Prises mandated the confiscation of all of the ship’s purported cargo – including its 185 “Blacks” – and these captives’ sale for a total of 81,400 francs.

Following the abolition of the British Atlantic slave trade by a March 25, 1807 Act of Parliament, attempts to ferret out secretive slaving vessels sailing under foreign flags gave rise to a complex military and juridical infrastructure. For instance, the British and the signatories to their anti-slaving

47. For details on the rice economy in antebellum South Carolina and Georgia, see Carney 1996 and 2001.
48. Ferrand to Members of the Superior Council of Santiago (Santo Domingo), 13 Frimaire an 13 (4 December 1804), CARAN Colonies CC/9a/40.
49. According to General Kerverseau in a 23 March 1804 letter to the Minister of the Navy, “[t]he financial resources of that part [Santo Domingo] are reduced today to captures made by the Corsairs; for in the absolute stagnation of commerce, the products of customs are almost nothing, and in this part’s current State of depopulation, it is necessary to count as almost nothing that of the national domains.” In this same letter, Kerverseau stated that North American, British, and Danish “agents of Commerce” had established themselves in Les Cayes and Jacmel, Haiti. Kerverseau to Minister of the Navy and Colonies, 23 March 1804, ANOM CMSM F3 283.
50. “State of Affairs in which the articles came from Santo Domingo, that are subject to observation,” undated, CARAN Colonies CC/9a/48.
treaties such as Brazil set up “mixed commissions” that adjudicated cases involving the capture of suspected slavers. While the raison d’être of the Commission des Prises may at first appear to have been quite distinct from that of these “mixed commissions,” telling similarities existed between the two bodies. The decisions of both could accrue revenue for state authorities by exploiting the labor of captives, whether labeled “slaves,” “liberated Africans,” or something else.

Those who sought to eliminate slaving in the Napoleonic-era Caribbean faced several formidable challenges, including the difficulties of policing the seemingly innumerable ships that plied circum-Caribbean and Atlantic routes and the willingness of governments such as that of post-1807 Britain to condone and even perpetrate captive trading under new guises. Whatever their legal status may have previously been, these Good Hope captives found themselves sold into something closely resembling slavery in processes that combined the use of force with legal and bureaucratic procedures that re-created slavery in the written record as well as on the slave ship. On December 8, 1806, a négociant from St. Thomas named H. Abendanon sold to another négociant resident in Santo Domingo city named Payra Ferry 187 “new blacks” (nègres nouveaux) who had been sold in a public auction of captives from the Good Hope, which was listed as having been shipwrecked in Higüey and captained by a “Biscoe.” Furthermore, on September 4, 1808, the merchant Mauger sold a seventeen-year-old African-born boy named L’Éveillé to another merchant named René Pichaud. L’Éveillé was noted as having come into the seller’s possession by purchase in a public sale in Samaná of items that had come from the capture of the Danish ship Only Son.

Officials charged with resolving these slaving cases often responded to geopolitical concerns in their decision-making, as the outbreak of the Napoleonic Wars had made colonial rivalries even more salient. In the year before the British and North American abolitions of their respective Atlantic slave trades, an incident involving a slave-trading ship called the Joseph illustrated how shifting geopolitical winds could affect the lives of those held in servitude. In an April 8, 1806 letter to the Minister of the Navy, Ferrand, recounted the story of the Joseph, a vessel that was “evidently English” but sailed under the Swedish flag. After loading its human cargo in Africa, this

51. For a recent article on the political situation between Britain and Brazil with respect to these matters, see Mamigonian 2009.
52. Beatriz Mamigonian (2009:42) argues that a principal objective of the British Colonial Office was to transport “liberated Africans” from captured slave ships (and from the British colony of Sierra Leone) to serve as indentured laborers in British West Indian colonies. On indentured labor and comparisons to slavery, see Northrup 1995 and Adderly 1996.
53. Sale of “Blacks” from H. Abendanon to Payra Ferry, 8 December 1806, ANOM DPPC NOT SDOM 705.
54. Sale of L’Éveillé, 4 September 1808, ANOM DPPC NOT SDOM 1302.
ship had made a stopover in St. Barthélemy, where it had switched flags. It then traveled towards Havana with its “thus disguised cargo” after having “boarded around a Hundred Blacks on another Swedish Vessel”; a French corsair called La Fortune captured it en route. Though the captain of the Joseph requested the “intervention” of Spanish authorities by virtue of being arrested in the territorial waters of Cuba, the Governor of Baracoa (Cuba) turned the case over to a French tribunal in Santo Domingo that he deemed to be the sole authority competent to judge the legality of the Joseph’s capture. After deliberating on the matter, the “Administrative Commission of Santo Domingo” judged this capture to be legal, basing its decision on a 1778 law stipulating that any ship with an “enemy owner” could not be considered neutral.

The application of this ancien régime statute elided the emancipation period, asserting a property right in human beings that was assumed to exist despite the uncertain legality of slavery in French Santo Domingo. While Kerverseau’s preoccupation with saving his own skin in the Berceau episode had stemmed from a concern to not present its captives as slaves, in the case of the Joseph different colonial authorities took as a given the right to hold people as property, even as they disputed specific means of exercising this supposed right. Nonetheless, the illicit itineraries of these slavers serve as an apt reminder that enslavement required the exertion of force regardless of any legal sanction. Both Ferrand and these contrabandists devised their own solutions to navigate the tensions between the force of enslavement and the law of “slavery” – a tension that had existed in the French world since at least the promulgation of the Code Noir.

CONCLUSION

In a report to the Minister of the Navy dated March 6, 1801, a Saint-Domingue official had condemned Toussaint Louverture’s rule as the “shame of the nation,” yet this label more aptly applies to the Napoleonic campaigns of re-enslavement. Ferrand’s enterprise of seeking to place thousands of people into bondage encountered the determined opposition of “slaves” who devised novel ways of manipulating the law of “slavery” in their efforts to evade the force of re-enslavement. While some of these individuals managed to carve out relatively autonomous existences as members of religious brotherhoods or to compel authorities to enable them to change “masters,” reunite

55. Ferrand to Minister of the Navy and Colonies, 8 April 1806, CARAN Colonies CC/9a/42.
56. “Précis sent by the Government to fill in Saint Domingue the functions of Receiver General of Contributions,” to Minister of the Navy and Colonies, 15 Ventôse an 9 (6 March 1801), CARAN Colonies CC/9b/18.
with relatives, or testify as witnesses, others escaped from servitude by flight or self-purchase. Those claimed as slaves or targeted by the Ferrand regime’s racist laws fought back in ways that undermined the regime’s attempts to reinvent a slaveholding order in the first site of plantation slavery in the Americas. These individuals drew upon a heritage of resistance to enslavement and racial repression forged over several centuries by slaves, freed people, and free-born men and women of color from both parts of the island.

In *Beyond the Slave Narrative: Politics, Sex and Manuscripts in the Haitian Revolution*, the literary scholar Deborah Jenson argued that many Hispaniolan slaves and freed people left numerous written traces of their thought and struggles that constitute part of a “French colonial and early postcolonial [literary] tradition by slaves and former slaves [that] offers particularly detailed accounts of *un-becoming* the legal property of another human being” (Jenson 2011:3, emphasis in original). In Napoleonic Santo Domingo, those claimed as slaves left their own traces of their defiance of Ferrand’s attempts to force them to re-become the legal property of others. Though Ferrand tried to re-create slavery as a legal construction, in the written record, and as a lived reality, these “slaves” utilized the legal tools of the Napoleonic state and built on the successful struggle for freedom in independent Haiti. Santo Domingo under Ferrand ultimately represents a crucial case in the legal history of race and slavery in the Americas, as those who fought against enslavement and disenfranchisement there bequeathed powerful legacies for struggles for equality, liberty, and human dignity that continue to this day.

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