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“Free of Everything Save Independence”: Property, Personhood and the Archive in Nineteenth-
Century Haiti

A dissertation in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in History

by

Winter Rae Schneider

2018

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ABSTRACT OF THE DISSERTATION

“Free of Everything Save Independence”: Property, Personhood and the Archive in Nineteenth-Century Haiti

by

Winter Rae Schneider

Doctor of Philosophy in History

University of California, Los Angeles, 2018

Professor Lauren Derby, Chair

Scholarship on slavery and emancipation in the Caribbean has wrestled with how to characterize freedom after slavery as it was experienced by freed populations. “Freedom” itself as a metric for understanding life after slavery has been effectively problematized as it represented the continuation of forms of control and violence—albeit in different terms—that racialized and marginalized freed populations even though they were free. More recent scholarship within this field has turned to material culture as a way to historicize freed people’s lives and agendas as the terms through which they understood and approached liberation from bondage. Haitian history after the Haitian Revolution (1791-1804) represents a significant absence in this field, although it represents the first regional instance of neo-imperialism and racialization under national authority after slavery in the region. Premised on a perceived absence of archival documentation that can speak to Haiti’s internal struggles, the first half of the nineteenth century in the country has been understood through romanticized narratives of an idyllic, cooperative, rural society on

the one hand, and a repressive militarized state on the other. With this dissertation, I ask the question of how to read freedom after slavery in Haiti through an examination of Haiti's foundational period of state-building under President Jean-Pierre Boyer (1818-1843). This dissertation engages Haitian "independence" in the years surrounding the recognition of Haitian state sovereignty by France in 1825 as it was reflected through Haiti's 1825 debt to France, in Haitian law surrounding property and personhood, and as it was reflected in rural projects of self-determination and belonging through land ownership. The research for this dissertation is drawn from Haitian nineteenth-century notarial documentation from the city of Gonaïves and the Artibonite Valley, Haitian civil registry records housed in the National Archives in Port-au-Prince, and the records of French colonists who owned property in Gonaïves and the Artibonite Valley held in France's overseas and national and departmental archives. Additionally, this dissertation draws from oral history interviews and historical ethnography research in Gonaïves, conducted between 2013 and 2016. This dissertation engages the question of historicizing Haitian freedom theoretically through a focus on law and bureaucracy within neo-imperial and postcolonial contexts, and it traces its theoretical foundation to the fields of Black Geographies and landscape archaeology. Such a theoretical orientation allows this dissertation to critically engage the legal and bureaucratic structures of Haitian independence within historical landscapes shaped through both projects of national control and through the experiences of rural non-elite populations. Throughout, this dissertation engages the structures of Haitian independence as they also represent a fraught yet authoritative archive of the first decades of Haitian freedom after the revolution. This dissertation argues that the recognition of Haitian sovereignty by France was conditional on the recognition by Haiti, in turn, of racial privilege, construed as property rights, of Saint Domingue's former colonists. It also argues that Haitian state law and bureaucracy

around property was itself a site of claims-making in rural areas. By structuring Haitian independence through a property discourse that stressed Haitian identity as the irrevocable right to own land, President Boyer instituted an ideology of inalienability and self-possession through property ownership that was taken up and used to dramatically different ends by both the state and by rural Haitian populations.

The dissertation of Winter Rae Schneider is approved.

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Judith A. Carney

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Carla G. Pestana

Lauren Derby, Committee Chair

University of California, Los Angeles

2018

DEDICATION

To my son Idris Wendell Oxius Figaro, for our past and future.

In loving memory of Oxilace Figaro, Diana Estil, Pascal Bien-Aimé, Germain Sené, Joseph Pierre, Fortuné Dorival, Omême Dorival and Registre Jean-Louis.

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“Racial Property and Radical Memory: Epilogues to the Haitian Revolution,” in *Global Raciality: Empire, Postcoloniality, and Decoloniality*, eds. Paola Bacchetta and Sunaina Maira (New York, NY: Routledge, 2018).

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- 2017 “Black Geographies Makes Possible a Capacious Form of Liberationist Praxis.” *Black Geographies Symposium: Insurgent Knowledge, Spatial Poetics, and the Politics of Blackness*, UC Berkeley, October 11-12, 2017.
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INTRODUCTION—ON PROPERTY AND HAITIAN FREEDOM

Everything I love is an effect of an already given dispossession and of another dispossession to come. Everything I love survives dispossession, is therefore before dispossession.¹

Old things provoke because they're not done with us yet.²

On January 1, 1904, the Haitian statesman and writer Frédéric Marcelin addressed a crowd assembled in the central square in the city of Gonaïves to commemorate the centenary of Haiti's declaration of independence—after a revolutionary war of nearly thirteen years in which Haitians had freed themselves from both enslavement and French colonial rule—which had been read and signed on the same square in Gonaïves on January 1, 1804. Marcelin chastised those assembled for what he saw as the gross mismanagement of the country, which had resulted in what he characterized as a weak and inefficient state, rife with corruption and irresponsible towards its citizenry. In his critique, he pitted these realities of the first century of Haitian nationhood against what he saw as the revolutionary promise of Haitian freedom. However, Marcelin still insisted that in gathering to celebrate the centenary they were nonetheless celebrating something important. “We shall glorify,” Marcelin spoke, “an *idea* which . . . in spite of all this, allowed us to remain a small, free and independent nation.”³ This was not the first time Marcelin had cited the importance of Haitian freedom as a foil to the country's independence. In a 1897 publication he used the declaration of independence in 1804 to critique the moment, over twenty years later, when Haiti gained diplomatic recognition as a sovereign nation from France in exchange for agreeing to pay French colonists an indemnity for their

¹ Fred Moten, “The Subprime and the Beautiful,” *African Identities* 11, no. 2 (2013): 237–245.

² Kimberly Alidio, *After Projects the Resound* (Berkeley, CA: Black Radish Books, Small Press Distribution, 2016).

³ Léon-François Hoffman, *Frédéric Marcelin, Un Haïtien se penche sur son pays* (Montréal: Mémoire d'encrier, 2006).

properties lost during the Haitian Revolution. In *Haiti et l'indemnité française*, Marcelin wrote:

There is no Haitian who does not know the history of our debt of 1825. There is not a one for whom Charles X's ordinance is not an unpleasant memory. Those who, at the time, understood it to be ratified by our senate could recall an entirely different sort of event, at which they were present a few years before. After the fierce struggle, the savage epic, 1804 began. From the first hours of the New Year, in the joy of our little State's baptism, our most illustrious soldiers were grouped around a tree of liberty recently planted on the Place d'Armes in Gonaïves.⁴

The debt of 1825, he argued, was not as the defining memory for Haitian freedom; rather, 1825 represented a dispossession of freedom that weighed on the national psyche. Rather than mistake the dispossession associated with Haiti's diplomatic recognition for freedom, he located Haitian freedom in the planting of a tree of liberty in Gonaïves' central square by the soldiers and generals of Haiti's *armée indigène* and in their joy over "our little state's baptism."

Marcelin's speech points to a historical and historiographical tension around defining Haitian freedom in contrast to Haiti's state sovereignty and national independence. Haiti gained legal recognition of its state sovereignty in 1825, but national sovereignty also ushered in an era that was experienced popularly through pronounced forms of dispossession at the hands of both the Haitian state and foreign powers. On the one hand, the idea of Haitian freedom is resonant both in popular discourse and scholarly debate, and indeed, scholars have demonstrated how the idea of Black freedom in a region defined by slave societies also resonated with those who plotted and fought to liberate themselves from enslavement.⁵ By contrast, reports of Haiti's "unfreedom" also circulated through the Caribbean and Atlantic worlds in the years following its independence as a commentary on the capacity of the "Black Republic" to control its citizens

⁴ Frédéric Marcelin, *Haiti et l'indemnité française* (Paris: Société anonyme de l'Imprimerie Kugelmann, 1897).

⁵ Ada Ferrer, *Freedom's Mirror: Cuba and Haiti in the Age of Revolution* (2014). Sara E. Johnson, *The Fear of French Negroes: Transcolonial Collaboration in the Revolutionary Americas* (Berkeley: University of California Press, 2012), 12.

and coerce the labor from them that it needed to continue to produce export commodities such as sugar and coffee.⁶ Observers from the colonial governments of neighboring Jamaica and Cuba critiqued the Haitian state's inability to police black life as an example of the insufficiency of Haitian freedom, even as they exploited the vacuum that Haiti's inability to produce competitively created in the region's sugar production.⁷ Contemporary characterizations of Haiti as a "failed state," and "the poorest country in the Western Hemisphere" are a commentary, too, on Haitian freedom, implying that the promise of the country's revolution failed due to the mismanagement and corruption of the state. In this case, the country's "unfreedom" is expressed through its indebtedness and its poverty.⁸ In Haiti as well, the freedom that Haitians live with today is seen as conditional, dependent on the will of its neighbor the United States and the machinations of global trade and investment. Abroad, Haitian freedom is seen through racist characterizations of Haitians as "backwards" and resistant to development.⁹

While Haitian freedom is largely understood symbolically as an event that shifted the course of history for all parties involved, and while its meaning is interpreted within nationalist narratives that celebrate the revolutionary union of enslaved Africans and creoles, non-elite free blacks and elite *gens de couleur* that fended off successive waves of European military attacks, both scholars and popular narratives stumble on the question of what Haitian freedom looked

⁶ Michel-Rolph Trouillot, "Motion in the System: Coffee, Color, and Slavery in Eighteenth-Century Saint-Domingue," *Review (Fernand Braudel Center)* 5, no. 3 (1982): 331–388.

⁷ Ferrer, *Freedom's Mirror*.

⁸ John Henry Gonzalez writes that the Haitian Revolution silenced because ". . . the revolution's outcomes do not conform to teleological narratives of liberal-democratic nation building, or of revolution as a necessary force for ushering in economic and technological progress." John Henry Gonzalez, "The War on Sugar: Forced Labor, Commodity Production, and the Origins of the Haitian Peasantry, 1791–1843" (PhD diss., University of Chicago, 2012), 9.

⁹ Gina Athena Ulyse, *Why Haiti Needs New Narratives: A Post-Quake Chronicle* (Middletown, CT: Wesleyan University Press, 2015).

like after 1804. While the revolutionary idea of Haitian freedom “allowed us to remain a free and independent nation,” Haiti’s internal struggles, the lived realities of the majority of the country’s population, their aspirations, social and political agendas escape definition. This relative “absence” of Haitian history over the course of the nineteenth century is seen as an issue in the availability of archival sources. While there is indeed a relative lack of Haitian archival sources that can speak to the realities of Haitian freedom, especially as experienced by its rural populations, a discourse of archival absence has to a large degree overdetermined how narratives of Haitian freedom are researched, interpreted and circulated.¹⁰

This dissertation is rooted in a historiographical tension between Haitian “freedom” on the one hand, and Haitian “independence” on the other. It focuses on historicizing Haitian independence as a set of legal, bureaucratic and archival processes, beginning in the 1820s under the administration of President Jean-Pierre Boyer, in order to establish a dialectic with the histories of those whose experiences are unwritten, the first generations of Haitians—those who survived enslavement and “the most transformative of Atlantic revolutions” and the subsequent generations of their families.¹¹ In trying to understand what Haitian freedom meant to Haitians, I came up against how Haitian independence was defined by President Boyer, who was responsible for negotiating Haiti’s diplomatic recognition by France, which ushered in the

¹⁰ This aligns with what Michel Rolph Trouillot calls “Haitian exceptionalism,” that Haiti is so exception that research methods that are used elsewhere are presumed not apply. Michel-Rolph Trouillot, “The Odd and the Ordinary: Haiti, the Caribbean, and the World,” *Cimarrón: New Perspectives on the Caribbean* 2, no. 3 (1990): 3–12. For a discussion of the politics of archival representation see Mimi Sheller *Citizenship from Below*, [PAGE]. While “archival absence” is not a term used by scholars of Haiti, I use it to suggest that the absence in documentary records is not a totalizing condition. However, unlike Sheller, I do not argue that reconstructive readings can take place entirely outside of the archive, as the archive itself shaped the experience of Haitian independence.

¹¹ David Geggus “Haiti’s Declaration of Independence,” in *The Haitian Declaration of Independence: Creation, Context and Legacy*, edited by Julia Gaffield (Charlottesville: University of Virginia Press, 2016).

country's "legal independence" and structured its laws and bureaucracy into the present. This defining moment of Haitian state-building drew from colonial forms of property ownership and legal form in order to repay the country's debt to French colonists who had lost their property during the Haitian Revolution. The new state's bureaucracy, which facilitated a "rural order" that tried to coerce labor from the country's rural populations as agricultural laborers, is also, consequently, an authoritative archive of Haitian independence. As such, it can be read both for the forms of power the state attempted to build and assert, and it can be read in a way that tries to attend to the histories of those the state sought to control.

If Haiti's freedom and unfreedom are seen as contingent on the state's abilities to be productive through the policing of black bodies, then we need to question our adherence to a language of "freedom." If successful "freedom" facilitates terror through taming unruly populations to the demands of a capitalist market, then defining how Haitians lived after independence and struggled for self-determination must be understood through other terms. To articulate Haitians' freedom would be to do so in terms of their making; however, this dissertation, while it unequivocally affirms the existence and importance of Haitians' definitions of self-determination, is disinterested with defining those projects too. Rather, this dissertation "troubles" the idea that a historical interpretation of Haitian freedom can exist *outside of* state and imperial structures which sought to determine the conditions of Haitians' existence through racial categorizations of labor, restrictions on space and mobility, and through attempted policing and bureaucratic surveillance. I contend that Haitian freedom as such can only be read and understood as it is contextualized within structures that defined the country's "independence" both locally and in a transatlantic context. Through centering the processes that structured Haitian independence, this dissertation approaches a project of historicizing the lives of rural

Haitians through the differently structured and experienced archival silences that attended their lives. In doing this, this dissertation makes a direct contribution to scholarship that centers the lives of freed, black, populations after slavery and which decenters the usefulness of “freedom” as a meaningful historical categorization.

On Freedom after Slavery in the Caribbean and Atlantic World

This dissertation contributes to the already rich, and growing, critical historiography of freedom after slavery in the Caribbean region and in the Atlantic World. Rather than accepting a triumphalist narrative ending in Haiti’s self-liberation in 1804, or conforming to a dominant narrative of declension framed through Haiti as a “failed state,” it draws from this field’s critical questions into how freedom after slavery was negotiated, fought over, interpreted by and between newly free and freed populations and the national and imperial contexts they were freed into. This body of work examines how subjecthood and citizenship were imagined by black populations after slavery, and it defines, importantly, the ways that meaningful freedom represented a “moving target” as national and imperial authorities restricted access to social benefits as well as property ownership, and sought to funnel what had been an enslaved labor force into a state of free labor that could support the region’s demanding plantation system.¹²

Within recent contributions to this historiography, scholars have engaged critical reading methods that interpret colonial documents as “cross sections of contested knowledge” and which

¹² Thomas Holt, *The Problem of Freedom: Race, Labor and Politics in Jamaica and Britain, 1832–1938* (Baltimore: Johns Hopkins University Press, 1992); Rebecca Scott, *Degrees of Freedom: Louisiana and Cuba After Slavery* (Cambridge, MA: Belknap Press of Harvard University Press, 2005); Natasha Lightfoot, *Troubling Freedom: Antigua and the Aftermath of British Emancipation* (Durham and London: Duke University Press, 2015). The characterization of freedom as a “moving target” refers to the constant redefinition of how freedom ought to be embodied through contests over resources and as a way to limit freedpeople’s ability to organize, and it comes from Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth-Century* (New Haven; London: Yale University Press, 1985).

locate unwritten perspectives and stances on “freedom” as expressed in the building of institutions such as family land and free villages, and in the investment in moveable property and the appropriation of land and land stories over time.¹³

Definitions of freedom that are tied to imperial and national structures beg the question of how black people who were once enslaved in systems that relied on binaries were able to negotiate any of the terms of their freedom. Michel-Rolph Trouillot argues that in Saint Domingue’s colonial society was defined through a set of contradictions “between slavery and freedom, dependence and independence, export commodities and foodstuffs, plantations and garden plots.”¹⁴ After slavery, “citizenship” and “subjecthood” were already calibrated along legal, social and spatial lines of race and property ownership as they had been defined in the colony. Whether or not freed populations could inhabit the categories of “citizen” or “subject”—or whether or not they aspired to—is not so much an unanswerable question as it is the imposition of liberal definitions of state and empire-based freedoms that in turn close down the possibilities of thinking about how freed populations conceived of their own freedom. The categories of states and empires, this literature reveals, could be used to the advantage of freed populations without historians imposing them as terms through which freedmen thought of themselves or formulated their desires after slavery. Natasha Lightfoot carefully outlines the terms through which Antiguans thought of their realities after emancipation, and reveals the strategic claiming of imperial subjecthood as a way to counter the authority of local, colonial,

¹³ Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002), 87; Rebecca J. Scott and Michael Zeuske, “Property in Writing, Property on the Ground: Pigs, Horses, Land, and Citizenship in the Aftermath of Slavery, Cuba, 1880-1909,” *Comparative Studies in Society and History: An International Quarterly* (2002).

¹⁴ Michel-Rolph Trouillot, *Haiti, State Against Nation: The Origins and Legacy of Duvalierism* (New York: Monthly Review Press, 1990), 40.

officials.¹⁵ This dissertation approaches freedom in Haiti through the different levels of political ideology, legal and material culture focused in the region of the Artibonite Valley, in order to also think about both how independence structured Haitian freedom, and how the structures imposed through independence can help think about Haitian freedom as differently experienced along the lines of race as linked with economic status and gender.

Scope of the Project: Prisms of Haitian History

Haiti's Artibonite Valley is a site that is rich in genres of land contestation, and it remains so into the present. A limited span of well-irrigated earth, the Artibonite has been site to, and has generated, multiple, or a multiplicity, of narratives of possession.¹⁶ This dissertation addresses competing claims to sovereignty and belonging in Haiti's Artibonite Valley during the first half of the nineteenth century. The Artibonite Valley as a region that came into colonial prominence during the middle of the eighteenth century through large land grants made from the French crown to aristocratic, military, French colonial officers. Though archival research and oral history interviews were conducted in multiple locations in the Artibonite Valley over the course of this project, it centers on the "Plaine des Gonaïves," a series of agricultural plains separated by the spiny mountain ridges, "Les Gonaïves," that run east to south outside of the city of Gonaïves, which is the administrative capital of the Haiti's Artibonite administrative department.

Contemporary politics of centralization and marginalization in Haiti have simultaneously mystified the pivotal role that the city of Gonaïves and its surrounding rural plains played in the creation of state in Haiti, and effaced the participation of rural agricultural laborers in state

¹⁵ Lightfoot, *Troubling Freedom*.

¹⁶ Paul Christopher Johnson, *Spirited Things*.

institutions.¹⁷ While rural Haiti at large takes exception to the perceived self-importance of Port-au-Prince, perhaps no other city claims that power of dissension more than Gonaïves. Indeed, the city's reputation is one of uncompromising and bloody rebellion. A commonly understood phrase, "Depi Gonayiv kanpe ou prale kanmenm," or "If Gonaïves rises up you will have to leave power," claims that dissatisfaction in provincial city had the power to undermine Haiti's national government. Moreau de Saint-Méry described Gonaïves in 1789 as concerned mainly with building irrigation canals through the agricultural plains to support the production of indigo and cotton, worked by over 9,000 enslaved people. Saint-Méry wrote that at the time, Gonaïves had a white population of 1000 and a free population of color of 800.¹⁸ The city of Saint Marc, immediately below Gonaïves as you move down the coast towards Port-au-Prince, was a more prominent port city during the colonial period, yet as the two major port towns connected to the upper and lower Artibonite Valley, respectively, the two were connected through trade and through colonial family networks. Gonaïves also enters history for its prominent position in a region of Haiti that was of paramount agricultural importance to the colonists.

In accounts of the revolutionary period, Gonaïves features as an important strategic point right up until the end of the revolution when, after Toussaint's kidnapping, Dessalines supposedly ordered a large-scale massacre of the region's white families.¹⁹ Official history

¹⁷ Robert Fatton, Jr. looks examines this question as central to the dechoukaj movement and Jean-Bertrand Aristide's first presidential term. See Robert Fatton, Jr., "The Rise, Fall, and Second Coming of Jean-Bertrand Aristide (excerpts)," in *Haitian History: New Perspectives*, ed. Alyssa Goldstein Sepinwall (New York: Routledge, 2013), 300.

¹⁸ Moreau de Saint-Méry, *Description topographique, physique, civile, politique et historique de la partie française de l'isle Saint Domingue*, 3 vols. (Paris: Société de l'histoire des colonies françaises, 1958).

¹⁹ See, Laura Virginia Monti. *A Calendar of Rochambeau Papers at the University of Florida Libraries, Rochambeau, Donatien Marie Joseph de Vimeur, Vicomte De, 1755–1813, Papers, 1764-1803* (Gainesville, University of Florida Libraries, 1972). Additionally, Thomas Madiou, while not without his own biases, provides detailed accounts of the political maneuvers of the major figures of the revolution. See, Thomas Madiou, *Histoire d'Haïti* (Port-au-Prince, Haiti: Editions Henri Deschamps, 1987).

remembers that Gonaïves' *Place d'Armes* was the site of Dessalines' declaration of independence on January 1, 1804, while Gonaïviens today remember that *Plas Boutèy la* was where Dessalines and his Boisrond-Tonnerre stayed up drinking to write it.²⁰ Another story of the *Cité de l'Indépendance* during the revolutionary past, recounted in the region's Vodou communitis, holds that is that all of the revolutionary leaders, Dessalines in particular made a home for himself in Gonaïves.²¹ While Dessalines made his eventual home in Marchand Dessalines, Toussaint made his home in Ennery, and it was in Gonaïves that he was eventually brought on board Leclerc's ship on June 7, 1802, where according to Jean Price-Mars he made his famous pronouncement, "En me renversant, on n'a abattu à Saint-Domingue que le tronc de l'arbre de la liberté des Noirs; il repoussera par les racines parce qu'elles sont profondes et vivaces"²² The colonial property, *Kay Georges*, where Toussaint is reputed to have been taken, is marked with a monument which stands in fields of maize and *pitimi* (millet).

Gonaïves' written history is almost the exclusive domain of older generations of ex-officials, who are the *commune's* local historical experts. In particular, Edvard Jean-Baptiste, who was for a long time the most trusted doctor of the city's elite, and Pierre Corvil, the magistrate under François Duvalier, are considered authorities on the city's past. Jean-Robert Constant, a native of Gonaïves but now estranged from the city after *dechoukaj* in the 1980s, is the lone published historian of Gonaïves, even though he is quick to deny the title (he is trained

²⁰ Today *Plas Boutèy la* is home to a monument of the bottle that Dessalines and Boirond-Tonnerre drank from. It is about a story tall.

²¹ This story is told especially in Lakou Badjo Badèy where Ogou Badagri is the primary *lwa* and Dessalines' sabre is the dominating force of its alter. Dessalines would later found the town of Marchand Dessalines, in the middle of the Artibonite Valley.

²² Jean Price Mars, "Toussaint Louverture," *Revue de la Société Haïtienne d'Histoire, de Géographie et de Géologie* 57 (1945): 7–17.

as a lawyer).²³ His publications situate Gonaïves as Haiti's revolutionary essence, intimately linked to the rise and fall of the country's political regimes.²⁴ Recently, Jean-Euphèle Milcé, a member of Port-au-Prince's intelligentsia, published a compilation of essays on the necessity of Gonaïves' development as the "motor of the Artibonite."²⁵

While Gonaïves is implicated in Haiti's revolutionary history as the "Cité de l'indépendance," its agricultural plains are no less so. The area is home to multiple *lakou*, or family compounds, that are sites of national and international pilgrimage for Haitian *vodouisants* or Vodou practitioners. While there are many *lakou* of varying sizes in the area, it is home to three large *lakou* that are described as *lakou nasyonal* or national communities. Seen historiographically as spaces where rural Haitian society was able to build egalitarian value systems into a system of communal family land, the development of these *lakou* in the nineteenth century, amidst a legal context that supported the idea and practice of private property ownership above all else, poses a historiographical quandary. This dissertation approaches the historicization of nineteenth-century spaces of family land through a prismatic approach to rural land including property discourses coming from the Haitian state, French colonists, and lastly, rural elite and non-elite families.

²³ Jean-Robert Constant, *Gonaïves: Un Regard Sur Son Passé, 1954-2004* (Port-au-Prince: Presses Nationales d'Haiti, 2006); Jean-Robert Constant, *Raboteau: Les Mots et Les Maux* (Port-au-Prince: Imprimerie Editions des Antilles S.A., 2008).

²⁴ Of Constant's books, *Gonaïves: un regard sur son passé* in particular provides important information about political rituals in Gonaïves since 1954 (to this day, the president of Haiti celebrates Haitian Independence Day on the *Place d'Armes*). Because Constant apparently was part of one of Gonaïves' more privileged families under Duvalier, his insight into the city's politics is both thorough and personal, and it is evident that the dignitaries he speaks of he or his family knew personally.

²⁵ Jean-Euphèle Milcé, *Gonaïves: Moteur de l'Artibonite* (Port-au-Prince: C Trois Group, 2012). Milcé argues in his introduction that "... cette ville ce place à l'avant-garde de tous les mouvements," 19.

In *Haiti: State Against Nation: The Origins and Legacies of Duvalierism*, Michel-Rolph Trouillot charts the separate trajectories of Haiti's state apparatus and rural Haitian agendas. He uses the disjuncture between an elite state administration from the linguistic, cultural and experiential world of the rural "nation" to frame an approach to understanding the nineteenth century in Haiti. The disjuncture, he describes, is drawn from three primary legacies of colonial Saint Domingue: an insular elite identity, a colonial ordering of space and land use, and a conflicting organization of space and labor by enslaved people. Trouillot gestures to a rural world, "in the background" of Haiti's early nationalist discourse, a world with its own history, culture and identity, drawn from the ". . . complex of economic and social practices associated with daily slave life."²⁶ The binary construction of this relationship and claiming a complete "disjuncture" creates does not support any real way to historicize the lived realities of rural Haitians after slavery, revolution, and national independence. This dissertation locates the development of the "lakou system" both in experiences of enslavement—held in the rural landscape—and in the land concessions and laws that President Boyer established. Locating the lakou this way does not dispute that the universe of rural Haitians is understandable from the ways they were documented, but it does argue that any attempted historicization of the period should focus on the ways that rural land and experience structured and were structured by the state. This dissertation examines the records of Boyer's Republic, alongside privately held notarial archives in Gonaïves and the Artibonite, in order to get a better sense of the relationship between state and nation as mutual constitutive.

This dissertation also focuses on the colonial properties of Gonaïves and the Artibonite as they were resurrected through the indemnification claims of French colonists after France recognized Haitian independence in 1825. While I initially thought that indemnification records

²⁶ Trouillot, *Haiti: State Against Nation*, 38.

could help me reconstruct what colonial, and therefore national, property ownership looked like, after viewing the session minutes of the indemnity's liquidation committee, it became apparent that the reconstruction of properties via Saint Domingue's colonial records, the valuation of those properties and the subsequent payments to colonists for properties Haitians fought for and won possession over represented another possessive property discourse attached to the Haitian landscape. That the value of Haitian properties was calculated using colonial records, and that that value was then leveraged as part of a national debt that rural agricultural laborers shouldered for generations, meant that those records, the archival reconstruction and preservation that they received, played a structuring role in law and experience both in France and Haiti.

On the Archives of Haitian Independence

This is an aching archive—the one that contains all of our growing grief, all of our dispossessed longing for the bodies that were once among us and have gone over to the side that we will go to too. When I told you that I will probably haunt you, you made it about you, but it is about me. The opposite of dispossession is not possession. It is not accumulation. It is unforgetting. It is mattering.²⁷

In many ways, this dissertation represents an archival story. The kinds of stories that I wanted to find about Haitians' projects of self-determination, resistance, essentially their praxis of freedom, will always be missing from this archive. In excess of the state's ability to control and surveil them, their lives are only documented in fragments. The research for this dissertation is rooted in Haiti's national archives and in private notarial archives in the Artibonite Valley. As archives generated through legal transactions, they speak to only a couple of moments in the lives of generations of Haitians who survived enslavement and the Haitian Revolution: moments of their births, their deaths, their marriages and divorces, moments of applying for commercial patents, moments of entering into sharecropping contracts. In many instances, state

²⁷ Judith Halberstam, *Skin Shows: Gothic Horror and the Technology of Monsters* (Durham: Duke University Press, 1995).

records of Haiti's *Etat Civil* or civil registry may represent the only documentation of this generation, excluding the possibility that they were documented in colonial records, ship manifests and property transactions between colonists. If they appear only in fragments, as ghosts, in passing references, this is the nature of the archive.

First, it is a story of unexpected, rural, archives surrounding family land ownership—what I will discuss below as the closest written representation to revolutionary rural agendas of self-determination, belonging and wholeness—that reflect rural Haitian usage of the law, in contrast to what has been characterized as a rural exclusion from, resistance to or popular disdain for, written history. These archives, preserved as an integral part of the practices of notaries in the Artibonite Valley, represent an investment of rural elite and non-elite families and individuals in the state's law, and it represents the usage of legal land-ownership as a counter to state authority.

Second, the official archives of the state and records generated by its bureaucracy shape the possibilities of the narrative of independence I present here. Haitian state building under President Boyer shaped Haiti's recognition diplomatically. The recognition that he sought was associated with performing a certain kind of statehood, one that could control and “civilize” a population of people, two thirds of whom had been born in Africa at the beginning of the Haitian Revolution. Haiti's national debt that came along with its recognition also shaped the laws of the country, and it shaped how we can access the histories of the populations Haiti's administration sought to control today. This is also an archival story because the law itself, and Haiti's bureaucratic and physical infrastructure, represents a site of contestation between the state and populations it racialized.²⁸

²⁸ Anand, Nikhil, Akhil Gupta, and Hannah Appel. 2018. *The promise of infrastructure*.

Lastly, it is an archival story as it traces the practices of documentary preservation and presentation—essentially what amounted to a performance of legal identity and racial privilege—by the former colonists of Saint Domingue. This research project started as a forensic process in trying to reconstruct rural realities in Haiti based on colonial documentation. With little surprise to archivists of colonial and decolonial histories, these records were explicitly repurposed in order to support colonists' claim to the recognition of their property rights over Haiti's legitimate claim to national sovereignty after having won a revolutionary war. That these records, which were collected and preserved by colonists and France's Minister of the Marine and Colonies, continue to be instrumental in writing Haitian history via the National Overseas Archives, questions the relationship between recordkeeping and Haiti's ongoing historical dispossession and political marginalization.

Conducting the research for this project, especially as I was allowed into the coveted papers of families in Haiti, and among its civil registries in the National Archives in Port-au-Prince, allowed me into the presence of names of people who dramatically transformed and inspired social and political realities the world over. The first generations of Haitians, whose names appear in the documentation I was able to consult, kept demanding my focus as the weight of their experience is still felt in the contemporary landscapes of Haiti. They are at the center of this project, throwing all that could not describe them into relief. Haitian ancestors shaped the conversation I was able to have with and about Haitian archives. Archives associated with the landscapes of Gonaïves collect people around them, bringing an archive of the Haitian past into conversation with the stronger ties between families, spiritual lineages, embodied memories in historical landscapes. Archives of land ownership bridge oral and written historical traditions, and imaginations of land documents drive ambitions and sales outside of family.

hile Gonaïves' urban environment has changed as memorials were erected, streets renamed, and the architecture surrounding the central square was redesigned in homage to the 1804 declaration of independence, it is not only in the city but in its surrounding agricultural and increasingly suburban landscapes--characterized the low mountain ridges that divide the region--where the region's revolutionary memory sits.²⁹ Represented by family compounds or lakou outside of Gonaïves, the countryside represents, not an archive, but a site of memory. Without imposing an archival logic on spaces and experiences that defy that logic, its family-, institutional- and nation-driven uses and perspectives, I will turn to how this project tries to tell a story of dispossession and "before dispossession," to draw from Fred Moten's insight at the beginning of this introduction. Instead, this dissertation draws from rural memory situated in the experiences of ancestors within the spatial framework of family lands—which also utilized and were recognized by the state and its laws—as retained through family inheritance of property as an inalienable form of belonging.

On Land Stories and Dispossession

atyasou yangòdò m pa gen kay o,
m pa gen kay atyasou pou m al bale wouze

atyasou yangòdò I have no house
I have no house to sweep and water³⁰

Michel Rolph Trouillot wrote that in Haiti, "the acquisition of family land and the laborers' right to the product of that labor on such land were the terms under which freedom was first formulated in the history of the nation."³¹ A dynamic literature on nineteenth-century

²⁹ Keith Basso, *Wisdom Sits in Places: Landscape and Language Among the Western Apache* (Albuquerque : University of New Mexico Press, 1996).

³⁰ Traditional *chan vodou* or Vodou song sung in Lakou Souvenance, Gonaïves, Haiti.

³¹ Trouillot, *Haiti, State Against Nation*, 39–40.

Haitian history in relation to rural land ownership has established a number of important points. Rural Haitians were able to possess land and organize the cultivation of enough foodstuffs that they were able to export them.³² Later in the century, Vodou practitioners effectively evaded legal strictures of the Catholic Church.³³ That the Haitian rural population created and maintained a hold over the organization and direction of their lives is evidenced, according to these scholars, by the failure, by the beginning of the twentieth century, of the Haitian state to export cash crops such as sugar to the extent that it had intended.³⁴ Lakou and family inherited lands exist to this day, and in and around Gonaïves they play a prominent role in the religious life and moral economy of the region. I intend to merge a deeper reading of the historical landscape of Gonaïves—drawn from archival, oral history and historical ethnography sources—with a critical reading of archival materials from the nineteenth century, which introduces new complexity to scholarly understandings of the relationship between the state and the rural population, and one which engages a critical archival reading of Haiti’s early state records in order to ask more specific questions about the complex realities and agendas of Haitians in the post-slavery and post-revolutionary period.

This project employed a “landscape” framework to approach the history of Gonaïves and the Artibonite Valley. The landscape of contemporary Haiti defined my questions and determined my research strategy. While a *longue durée* focus on the transformation of historical landscapes has informed critical analyses of the history of the African Atlantic and African

³² John-Henry Gonzalez, *The War on Sugar: Forced Labor, Commodity Production, and the Origins of the Haitian Peasantry, 1791–1843* (Chicago: University of Chicago, 2012).

³³ Kate Ramsey, *The Spirits and the Law: Vodou and Power in Haiti* (Chicago: University of Chicago Press, 2011).

³⁴ Mimi Sheller, *Citizenship from Below: Erotic Agency and Caribbean Freedom* (Durham: Duke University Press, 2012).

Diaspora, this dissertation has a more limited focus as it mobilizes records from the end of the eighteenth century through the beginning of the twentieth. In particular, this project was able to link contemporary narratives and experiences to nineteenth and even eighteenth documentation concerning the same landscapes over time. In doing so, it can connect the transformation of Haitian space with the similar development of institutions of family land, built dynamically within, in conversation and in resistance to colonial and national laws elsewhere.³⁵

The lineages that can be traced through family land, as “the central foundation of rural social structure,” can both help redefine the stakes of rural history in Haiti, and also place Haiti’s history more fundamentally within a historiography that surrounds how rural post-emancipation populations coming out of other slave societies managed to protect themselves and their families, indeed managed to stake a claim to their own identity in the face of continuing institutionalized violence rooted in racialized property and anti-black violence and historical misinterpretation.³⁶ Rather than supporting a “rural” “urban” or “power” and “resistance” or “state” and “nation” binary, this new documentation allows me to consider how a legal language of property ownership was transposed onto a range of forms of property ownership and belonging in rural spaces. The archives of Gonaïves and the Artibonite point to a series of dispossessions of land, labor and life. In contrast, a landscape framework decenters those dispossessions and emphasizes continuing and adaptive forms of family inheritance—both elite and non-elite—as primary means of continuity and transformation over time.

Summary of Chapters

³⁵ Jean Besson, *Martha Brae’s Two Histories: European Expansion and Caribbean Culture-Building in Jamaica* (Kingston, Jamaica: Ian Randle Publishers, 2003); Clyde Woods, *Development Arrested: Race, Power and the Blues in the Mississippi Delta* (New York: Verso, 1998).

³⁶ Jean Besson and Janet Momsen, eds. *Land and Development in the Caribbean* (London, Macmillan Caribbean: 1992), 3.

The first chapter draws from the family dossiers of French colonists who claimed indemnification, in addition to Haitian documentation of the two country's diplomatic negotiations, and it examines the archival, bureaucratic and discursive dimensions of the 1825 indemnity and its liquidation as a process that continued until the early twentieth century. It argues that Haitian sovereignty was conditional on the recognition of the property rights of French colonists, forms of racialized recognition were mutually constructed through the indemnity's negotiation, liquidation and the prolonged afterlife of Haiti's debt. Chapter Two approaches the moment of 1825 in Haiti as one of statebuilding through law, bureaucracy and land concessions. It argues that Haitian law framed civil and political rights through a property discourse surrounding "Rural Order," or the legal, bureaucratic and militaristic control of the state over rural spaces. This chapter shows that rural agricultural populations were both central to the state's vision of sovereignty through their labor in agricultural production, and they were also marginalized through their relationship to property and through their labor, from being able to claim civil rights based on land ownership. Chapter Three draws from civil registries in the Artibonite and Gonaïves, locating the testimonies of rural agricultural people in the birth and death records of their children and family, it engages a close reading of the presence of women in the Haitian civil archives, and it argues that rural Haitian women chose to appear strategically before the law to cement family claims to property ownership. Chapter Four looks exclusively at privately-conserved nineteenth-century notarial documentation from the city of Gonaïves—the administrative capital of the Artibonite Valley—and it argues that both elite and non-elite families claimed land inheritance based on concessions made in the 1820s by President Boyer. This chapter further argues that Boyer's land concessions were the foundational documents of the Haitian state, and it also urges a re-assessment of the state's strength through the lens of the

legacy of its bureaucratic order and its archival puissance over time. The final chapter focuses on the history of one property, a contemporary site of family inheritance and Haitian Vodou national and international pilgrimage, tracing its history across eighteenth-century French documentation, records surrounding indemnification, state records, private family and notarial records of sales, and oral histories. This final chapter wrestles with the narrative stakes of each property discourse that narrates the Haitian landscape, and it locates Haitian historical memory in the rural landscape as a property discourse that shifted with the different documentary, state and imperial regimes that sought to define that space through the dispossession of black life, labor, and land.

CHAPTER ONE—CONDITIONS OF EXISTENCE: DEBT AND RECOGNITION BETWEEN HAITI AND FRANCE IN 1825

Frédéric Marcelin later characterized Haiti's diplomatic recognition by France in 1825, and its accompanying debt, as a "bad memory," but in France in 1825, the moment marked a "closing of a wound" and a symbolic "forgetting" of Haiti even as the country was recognized legally. President of the newly united Republic of Haiti, Jean-Pierre Boyer (1818–1843) entered the new decade of the 1820s with the intention of pursuing legal sovereignty and diplomatic recognition for his country. Like Marcelin, President Boyer himself recognized that Haitian political freedom from France had been won in 1803 and declared in 1804. Unlike Marcelin, President Boyer saw Haitian freedom as incomplete without full legal recognition of its independence and state sovereignty. "Independence" was to be the jewel in the crown of Haitian freedom. However, that independence not only accompanied by but *structured by* debt, "economic subordination" and a restructuring of Haitian freedom as an "emancipation" that required Haiti, Haitians, and by extrapolation, all racialized subjects of France's empire and citizens of France, to demonstrate their loyalty to their former masters.¹ Critically, the conditions of Haitian independence, as this chapter examines, hinged on the reciprocal recognition of the "irrevocable" property rights of Saint Domingue's former colonists, expressed through an archival practice that allowed them to claim payouts from Haiti's indemnity to France.

This chapter focuses on the 1825 indemnity as a moment that saw not only the recognition of Haitian sovereignty, but also the recognition and reformulation of civil and political rights in France, both for white former colonists, and for people of color within France's

¹ In *Slavery and Social Death*, Orlando Patterson writes that the masters/slave turned patron/client relationship was marked by the "stain" of race, which demanded a formerly enslaved person remain differential and loyal to their former masters forever. Orlando Patterson, *Slavery and Social Death: a Comparative Study* (Cambridge: Harvard University Press, 1982), 244.

empire whose citizenship and subjecthood depended on their perceived “loyalty.” I argue that the indemnity itself, and its accompanying archival and bureaucratic processes, was a mechanism through which these different forms of recognition were mutually constituted. Haiti’s debt produced changes in French rights to property and inheritance, and it produced a racialized discourse on loyalty, civility and citizenship, in which fiscal responsibility was seen as part and parcel of loyalty to French metropolitan social values. Within the same discourse Haiti was cast as singularly “disloyal” because of the country’s inability to pay its debt to the French state and French banks. First, I will look at a Haitian printed reproduction of correspondence between Haitian and French lawmakers and diplomats. Published at the culmination of two decades of negotiations between Haiti and France, the Haitian state’s official publication of correspondence contributed countered a French print culture that racialized Haiti’s claim to national sovereignty and which reinforced, in turn, French colonists’ claims to their own legitimacy as property holders. While Haiti’s printed record of the negotiations speaks to President Boyer’s awareness of and desire to participate in debates over race, citizenship and sovereignty—in addition to defending his own motivations for the Haitian public—this moment can be characterized through the practice of archival reconstruction that former colonists used to prove themselves legitimate property owners and determine the value of their former colonial properties.

A Prehistory of Debt and Recognition between Haiti and France

The era preceding the 1825 indemnity had been defined through uncertainty about Haiti’s status, speculations about the viability of its independence, and schemes to retake the colony (mainly put forward by former colonists).² Haiti’s existence within the family of civilized nations

² For works by speculators on Haiti’s state of independence, see Dagneaux, *De Saint-Domingue det de son indépendance* (Paris: [s.n.], 1824). J. B. Desmaulants, *Sur Saint-Domingue et des moyens de rétablir* (Paris: J. G. Dentu, 1814). Sir George Richard Brooke Pechell, A visit to the capital and chief ports of the isle of St. Domingo, in 1821, in one of His Majesty's ships, being a sketch of what has occurred since the

was assumed by outside observers as not yet determined. For the men of Haiti's government, however, the era was one of opportunity for the new nation, or at least for its government. Whatever the nation would be, it would be free. It was in that era that Alexandre Pétion, President of the Republic of Haiti from 1806 until 1818, suggested indemnification for French property losses after over a decade of negotiations between France and Haiti's leaders Christophe, Pétion, and Borgella. In an address given to the "Haytian People and Army" on December 3, 1814, Alexandre Pétion, president of the western province of the country, declared:

Never did the annals of the republic present a more interesting epoch than you have now witnessed, or one in which the national character has displayed itself more nobly. Haytians, we have fought during a period of twenty-four years for our rights and for our liberty; the attainment of our independence has been the glorious fruit of our labours; without it there was no security, no guarantee for our regeneration.—Known already by our military reputation, and our honourable character, the eyes of the world are upon us, and await the result of our conduct; it will be an example for posterity.—I will not recall any of the glorious traits which have distinguished those who have immortalized themselves in the cause of freedom. History has recorded them, and they will glow to the end of time in her commemorative page.³

Pétion's speech marked the departure of General Dauxion de Lavaysse from Port-au-Prince, where he had bargained with Pétion for his recognition of Louis XVIII's sovereignty over Haiti. It was during Lavaysse's stay as principal agent of Malouet, the Minister of the Marine and the Colonies of Louis XVIII's Restoration government, that he observed Boyer's inclination to negotiate for Haiti's recognition. Between 1804 and 1815, Lavaysse was one of a stream of such commissioners sent by Louis XVIII to regain the former colony diplomatically

death of King Christophe, and of the present state of affairs under the government of President Boyer. (Portsmouth, England: Mottley and Harrison, 1824).

³ 155 Baron de Vastey, *An Essay of the Causes of the Revolution and Civil War of Hayti*. (Printed at the Western Luminary Office, for the Translator, for private circulation, 1823). Correspondence between Pétion and Lavaysse was reprinted in the Baron de Vastey's book. Stein's research, however, utilizes the same correspondences as archival material, which includes letters not printed in de Vastey's appendix, which reveals Pétion's omission of certain details. 156 Vastey, "An Essay of the Causes of the Revolution," Appendix B, no. 9, xxx.

from Pétion and Henri Christophe, who ruled the Kingdom of Haiti in the northern half of the country. Pétion's speech, as well as selected passages from his correspondence with Lavaysse and subsequent commissioners from Louis XVIII, was printed in French in Port-au-Prince in that same year. The correspondence was later reprinted in the Baron de Vastey's *An Essay of the Causes of the Revolution and Civil War of Hayti*, which was translated into English and printed in 1823, by a semi-anonymous English abolitionist W.H.M.B. Vastey's writings,⁴ as scholars have demonstrated, constituted an important interjection of a Black Atlantic consciousness, framed through the history of Haitian sovereignty.⁵

Pétion himself made repeated reference to the flurry of printed materials that reported on the state of Haitian independence, which were circulated across the colonies of the Americas, independent Haiti and the United States, and the various metropolises of Europe, each of whom had specific reasons for keeping tabs on the country's progress. The crushing myth of isolation and commercial decay, by which this time in Haiti is characterized popularly, overrides the visits, correspondences, political intrigue and espionage that defined diplomacy towards Haiti between 1814 and 1825, and which convinced men like Pétion that they were breaking new ground historically—namely the legacy of colonial slavery—and preparing it for post-colonial rights. During this period, the printed pamphlets, books, and other publications generated about Haiti served to characterize the Haitian Revolution as the work of inhuman, racialized, others.

⁴ The Baron de Vastey's work was first published in French. Period translations of de Vastey, Pétion, and Boyer are marked with the "y" in "Hayti." These texts were translated and re-circulated among the British colonies of the Caribbean.

⁵ Marlene L. Daut, *Baron de Vastey and the Origins of Black Atlantic Humanism* (New York: Palgrave Macmillan, 2017); Baron de Vastey and Chris Bongie, *The Colonial System Unveiled* (Liverpool: Liverpool University Press, 2014), 1.

Haitian independence, on the other hand, was seen as a chimera.⁶

A frenzy of printed opinion circulated around the “issue” of Haiti within France and its empire preceding the moment of recognition of Haitian sovereignty, and these printed petitions and other documents contributed to debates of either reconciliation with or reconquest of the former colony. In *Discourse of the Dispossessed: Saint-Domingue Colonists on Race, Revolution and Empire, 1789–1825*, Pierce writes on the fixation of Saint Domingue’s former colonists, who, motivated by their own recollections and popular recountings of the violence of the Haitian Revolution, produced an overwhelming number of publications on the question of Haiti’s independence.⁷ These former colonists wrote from new homes in France, Louisiana, Philadelphia (and many other locations within the United States), Canada, Martinique, Guadeloupe and Jamaica. The men and women whose livelihood had become dependent on slavery had first to define their own position in relation to the French government and Crown.⁸ As a compromise between their own economic and social identity rooted in racial privilege in a system of chattel slavery and the demands of a new language of “citizenship” and “equality before the law” still at play in Restoration France, former colonists focused their analysis on what role free Haitians would play in sustaining the economy of the colony, once retaken. They devised, Jennifer Pierce

⁶ Michel-Rolph Trouillot cites the work of Roger Dorsinville in order to argue that just as French colonists had believed freedom to be a chimera for black people, the believe in “Negro obedience” also made thinking about the Haitian Revolution nearly impossible for the French, as they did not view black people as possessing enough humanity to take revolutionary action. This rendered the Haitian Revolution as “non-event” and legitimized claims to reconquest. Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995), 72.

⁷ While former colonists caste themselves as victims of Black violence, David Geggus argues that the French military tactics in the Haitian Revolution were genocidal. See Geggus, “Haiti’s Declaration of Independence.” For colonists’ first-hand accounts of their experiences in the Haitian Revolution see Jeremy Popkin, *Facing Racial Revolution: Eyewitness Accounts of the Haitian Insurrection* (Chicago University Press, 2008).

⁸ King Louis XVIII was sympathetic to their plight but would not wholeheartedly endorse their position due to the pressure of liberal values from within his own government and abroad in Great Britain.

illustrates, “an intermediate status for these cultivators—though not slaves, these black men and women would certainly have to see their liberty circumscribed.”⁹ Legally, the Haitians were to occupy a space between slavery and citizenship. They would be obligated to labor on Saint Domingue’s plantations, but they would also have legal recourse to colonial authorities on violence done to them. Haiti’s elite class of *gens de couleur*, which made up the Haitian government under Boyer, were also planning how to secure continued labor by the formerly enslaved populaces on the old plantations of Saint Domingue. In creating their strategy for retaking Haiti, the Saint Domingue refugees had to reconcile their own creole identity, which they had built up over the course of the eighteenth century in order to assert their social and legal legitimacy against royal authority in France and the colonies, to metropolitan ideas of “Frenchness.”¹⁰ The “Frenchness” of white planters, however, rested on arguments of the Haitians’ illegitimate claim to their property on the island by tracing the roots of Haitians’ “non-Frenchness.” Monsieur Dagneaux, a former proprietor of Saint *Domingue*, in *De Saint Domingue et de son indépendance*, published in 1824, wrote:

You Blacks, are you descended from ancient Indians living on the island when Christopher Columbus landed there for the first time? No. Then where do you come from? Africa. Who brought you to Haiti? The French, before you the owners of their territory by virtue of the laws of their country, ordinances of their king and the common law that reigned over all of Europe.¹¹

Here Dagneaux willingly remembers the details of the Atlantic slave trade in order to prove the illegitimacy of the claims made by the formerly enslaved black men and women who had liberated themselves in the Haitian Revolution. His claim is reinforced through reference to the

⁹ Jennifer Pierce, *Discourse of the Dispossessed*, 421. For an analysis of white Creole identity based on the observations of metropolitan eighteenth-century observers, see Belleau, “Love in a Time of Hierarchy,” 216.

¹⁰ Pierce, 159.

¹¹ Dagneaux, *De Saint Domingue*, 6–7.

legal structure that supported France's presence in Saint Domingue. To the *gens de couleur* of Saint Domingue, Dagneaux had other observations to offer. "You, men of color, who are you? Sons of those same Whites that today you banish and dispossess. What is and what must be your aim in joining the Blacks? To enjoy the same civil rights as us."¹² Dagneaux could not imagine an alliance between Haiti's *gens de couleur* and the enslaved population. Saint Domingue's white refugees played upon racial divisions in order to weaken Haiti's resistance to French strategies of reconquest. Like the French government and special advisors to Louis XVIII on the issue of Haiti, the former planters categorically refused to imagine that the *gens de couleur* had joined with the black population of Haiti in order to form, in spite of their lasting differences, a national body that collectively referred to itself as "Haitians."¹³

Pétion, Indemnity, and Independence

President Boyer's predecessor, Alexandre Pétion, had negotiated the terms of France's recognition of Haiti before his death in 1816. Pétion himself had recommended that Haiti pay an indemnity to former planters of Saint Domingue for the value of the colony's properties in 1789. Pétion offered France an indemnity for Saint Domingue's value, excluding the value of one-third of the properties which represented the value of people who had been enslaved on those properties. In an 1814 letter to Lavaysse, Pétion described how indemnification related to the idea of Haitian independence.

Eh bien, although these men breathe and dream only of vengeance and massacres, we want to be more generous to them than your own purchasers of nationalized property. And, if we can agree with the French government, we shall pay them an indemnity to be

¹² Dagneaux, *De Saint Domingue*, 7.

¹³ Stein, "From Saint-Domingue to Haiti," 196. Jean-Philippe Belleau gives this political transition a brilliant racial reading. He writes: "Blacks, whites, and mulattos: these groups were anthropologically, and to a large extent physically, extinct by the beginning of the nineteenth century. Even the Negro ceased to exist, the category reconstructed entirely by ideas about ethnogenesis and the theory of the Haitian nation." Belleau, "Love in a Time of Hierarchy," 214.

based on the value of the plantations in 1789, the most prosperous epoch in the colony. In general, the slaves were supposed to be worth one-third of the plantations, and the land, crops and buildings the other two-thirds. We will pay nothing for the slaves because they are free; but we will pay the value of the other two-thirds, in equal installments, over a six, seven, or eight-year period. We will pay these amounts to an agency of the French government established in Port-au-Prince, and the French government will then arrange for the just and convenient distribution of the funds to the old owners and creditors.¹⁴

From this passage it is clear that Pétion did not intend the indemnity in exchange for Haiti's recognition, but as an acknowledgement of the losses of property sustained by the former colonists. The former slaves and current citizens of Haiti, Pétion argued, were already free; in the act of violent self-liberation, they cleared themselves from the economic necessity of buying their own freedom. As I will address in the following section, this distinction between indemnification alongside recognition and indemnification as the conditions of recognition was elided during later negotiations between President Boyer, his representatives, and the Minister of the Marine and Colonies during the 1820s.

From these early negotiations and debates, the definition of "independence" changed as it was used for or against Haiti's recognition. Within the question of independence for black population who had liberated themselves from chattel slavery, the question of "independence" was also used as a commentary on the reality and possibility of black freedom. On their departure from Haiti in 1816, commissioners of Louis XVIII the Viscount de Fontanges and Esmangart left Pétion with a last letter detailing their exact impression of the country and its situation. After describing that Pétion's Republic would in no way be able to defend itself from attack, and after giving his observations on the hopelessness of the state of agriculture and commerce, Esmangart, who informed almost all diplomatic policy towards Haiti between 1816 and 1825, wrote:

¹⁴ Stein, "Pétion to Lavaysse, September 27, 1814," 168; "From Saint Domingue to Haiti, 1804–1825," 199.

Your present independence is consequently an absolute chimera, a pretension which cannot be maintained, which will be ruinous to yourself, and still more so to those on whose behalf you stipulate; and should the king, weary of opposition, grant your mad request, he would in a little time be fully avenged.

In thus frankly explaining to you, general, the true political situation of your country, our only object is to open your eyes to what you owe to your dearest interests. There is no glory in needlessly maintaining a struggle in which there is a certainty of your being sooner or later subdued and your people destroyed. Such temerity is culpable, and equally repugnant to humanity and to reason.¹⁵

Here, Lavaysse explains to Pétion that Haiti's independence was simply an unrealizable dream, that the country did not have the armed forces or the economic importance to maintain its sovereignty. In Haiti's own interest, Lavaysse tried to persuade Pétion to recognize Louis XVIII's sovereignty over the island.

Indemnity As *Sine Qua Non*, the “Condition Of Existence”: Later Haitian and French Negotiations Over Sovereignty and Debt

In 1824 the government of Haiti published an account of its most recent negotiations with France for diplomatic recognition, casting the published correspondence in the light of a continual dialogue over what form recognition would take, on the one hand, and the persistence of France in claiming a kind of sovereignty, or suzerainty, over its former colony. In publishing the collection of correspondence in *Pièces officielles*, President Boyer and his secretary of state Inginac, contributed to the long publication history around the question of Haitian independence. In it, they saw themselves as offering proof of their loyalty to France through maintaining goodwill through a process fraught with inconsistencies. After tracing the longer history of negotiations between Pétion, Lavaysse and Esmangart, Boyer presents his negotiations as proof of his good faith, beginning with the talks between his emissary, the General Boyé, and Esmangart in 1824.

¹⁵ Vastey, *An Essay of the Causes of the Revolution*, Appendix—E, No. 14.

The negotiations between General Boyé and Esmangart took place in Brussels, at the suggestion of Boyé, between August 16 and 22, 1824. “Our talks,” Boyé wrote to Boyer, “took place daily. All of the questions relative to our purpose were interrogated and discussed.” While the question of recognizing Haitian independence seemed to no longer be a concern for France, Boyé noted, he was unsatisfied with the *form* of recognition that Esmangart offered him. Boyé wrote to Boyer after his series of talks with Esmangart. “One is affected to see the humiliation in a recognition of independence formally stipulated within a special *article of trade*. While I cannot deny that a trade agreement between France and the Republic of Haiti is a kind of recognition,” Boyé continued, “I persisted in my request for an explicit declaration of recognition.”¹⁶

Boyé recounted to Boyer in his report that as he and Esmangart proceeded to talk about the nature of the rapport between the two countries, Esmangart began to try to convince Boyé that in order to maintain relations, “agents commerciaux,” or agents concerned with commerce and the sale of products between the two countries, could be appointed under the title of Consuls. “I begged him,” Boyé writes, “to explain himself openly on this subject; his response convinced me that the prejudice of color, disguised under the name of propriety/etiquette (*covenances*), still exercised its ridiculous influence on *ces Messieurs*, and that this exception that was attempted to introduce in the relationship between two independent states” Boyé continued, “. . . was due to nothing else but the fear of finding themselves face-to-face with a man of yellow or black skin (avec un homme jaune ou noir).¹⁷ A footnote, presumably by Boyer or Inginac, appears after this

¹⁶ Gouvernement Haïtien. *Pièces Officielles Relatives Aux Négociations Du Gouvernement Français Avec Le Gouvernement Haïtien Pour Traité de La Formalité de La Reconnaissance de l'Indépendance d'Haïti* (Port-au-Prince: Imprimerie du Gouvernement, 1824), 28.

¹⁷ Pièces Officielles, 29.

statement. Followed by exclamation points, it reads, “*C'est donc là toujours la pierre d'achoppement!!*” “This is always the stumbling block!”¹⁸

These preliminary questions being settled, Boyé wrote, “we then returned to the principle question of indemnities, which we had already had the occasion to begin discussing several times, and which always appears as the main obstacle.”¹⁹ Esmangart insisted, according to Boyé, that President Boyer had already agreed to an indemnity as the basis for formal recognition in a letter to M. Aubert Petit-Thouars in 1821. Boyé’s response was reiterated in a later letter to Esmangart. On August 27, Boyé wrote to Esmangart:

What was said or written to unauthorized agents (*agents non avoués*), cannot, at any time, be used as the basis for definitive arrangements. Moreover, if the *sitting* president of Haiti spoke of indemnification, as you have assured me, I have no doubt that he was not misunderstood and that we have not falsely interpreted what he said. For his part, it was never a question of a *direct indemnity*, whether to the old colonists or to your government. Of these communications, which we have no idea as to the nature of and therefore can deduce nothing, the vague word of “indemnities” must apply to the kind of compensations that I am charged with offering to you, and which are nothing less than real compensation.²⁰

While placating Esmangart by saying that he could not have misunderstood Boyer’s intention, Boyé goes on to argue that the word “indemnity” itself is vague, and that while President Boyer had every intention of compensating France in some way, a direct indemnity was never his intent. “Once he was satisfied (*bien convaincu*) that I would not give up on your determination on this point,” Boyé offered Esmangart that France could trade with Haiti for five years without tariffs, “I offered him the reduction in import tariffs at six percent.” A *Nota* in the text of *Pièces Officièlles*, references that France “entered” into the Haitian market for 15,000 francs in one year. Boyé’s justification for presenting a six percent trade tariff follows:

¹⁸ *Pièces Officièlles*, 29.

¹⁹ *Pièces Officièlles*, 30.

²⁰ Boyé response to Esmangart's letter from August 27, *Pièces*, 34.

We would not be charged with exaggerating by speculating that, free of any obstacle or uncertainty, French trade [with Haiti] would double in the first year. Even fixing it to twenty-five millions a year, it is *obvious* that the proposed concessions amount to a sacrifice of three millions a year for Haiti, in France's favor, during the five years of exemption; and, for all subsequent years, Haiti would sacrifice one and a half million with the tariff set at six percent.²¹

Boyé ends the report of his talks with Esmangart here. In later letters Esmangart to President Boyer, he interpreted this disagreement in the *form* of indemnification as the principle cause of failure in his negotiations with General Boyé.

On August 25, a letter from Esmangart to President Boyer (three days after the conclusions of Esmangart's talks with General Boyé) offered another explanation of why Boyé's offers to the French Crown were unacceptable. The problem, Esmangart argued, was with the indemnity. "I reiterated this offer [trade] to him in multiple meetings," Esmangart wrote, ". . .but as he [Boyé] persisted still in responding that he was prohibited from talking about indemnification; and as I had the most explicit orders to not change this basis of recognition, I felt I did not have to make him aware of the other propositions that I was charged with making, because he did not have the authorization [pouvoirs] to accept them, we took our leave without concluding anything."²² To support his argument, Esmangart cited the letter sent from Boyer himself to Petit-Thouars, in which the president had explicitly linked Haiti's loyalty and good faith to the payment of an indemnity. Esmangart quotes President Boyer as having written, "To give the entire world proof of Haitian loyalty, and of my love for concord, I will agree to resuscitate (*faire revivre*) the offer of a reasonably calculated indemnity which was made by my predecessor at the time of the delegation that France sent here, and which was ruled out in

²¹ Pièces Officielles, 32.

²² Pièces, "Esmangart to Boyer, August 25, 1823," 38.

1816...”²³ Esmangart’ letter continues that “If someone tried to persuade the Haitian government to act exigent in this matter, then he paid you a very bad service.” He continued:

[I]t is indispensable for this country to take up the kind of consistency in order to one day be welcomed, to be established, in its relations with France. I won’t enter into detail on this subject, it is a truth too much felt by you, *Monsieur le Président*, as it is felt by all Haitians who are in need of seeing their commerce prosper and in need of increasing agricultural production without being afraid of future clouds.”²⁴

After framing for President Boyer, again, the implications of non-recognition of Haitian sovereignty diplomatically, Esmangart’s letter continues by reminding Boyer that “a business of this importance cannot be concluded without reflection,” and he adds that, without a “solid basis,” one could speak of “hostilities, even indirect ones, which would disturb, “in a very annoying manner. . .the harmony which was on the brink of being established.”²⁵ According to Esmangart, if Haiti were to adopt the kind of “direct indemnity” that Esmangart had in mind as the basis of its negotiations with France going forward, then, he assured Boyer, the negotiations would be promptly and cooperatively concluded. As the next and final round of negotiations would show, this was not the case.

In the spring of 1824 President Boyer sent another delegation to France to speak with Esmangart and with the Minister of the Marine and Colonies. This time, in his letter empowering the delegates—Haitian Senator Larose and the government notary, Rouanez—Boyer made a special provision for rewarding the French crown’s readiness to recognize Haitian independence in the form of an indemnity. Larose and Rouanez were first to secure recognition of the independence of “l’île d’Haïti, called *Saint Domingue* by some,” Boyer wrote, “and *Hispaniola*

²³ Pièces Officielles, 37.

²⁴ *Pièces*, 39.

²⁵ *Pièces*, 39.

by others.”²⁶ After securing both the formal recognition of independence and the agreement to the indemnity, Boyer also laid out a plan for trade with France wherein Haiti would assign a tariff to French goods at a favorable rate, and wherein France would accept Haitian goods and raw materials under the same terms as its other trans-Atlantic possessions, with the understanding that these goods not be sold within the French empire, but rather in other places in Europe.²⁷ With the successful outcome of these negotiations, Boyer wrote, “I will be crowned with having labored for our emancipation.”²⁸ Larose and Rouanez left Port-au-Prince on board the *Julius Thalès* on the first of May, 1824, and they arrived in Le Havre on the night of June 14. In their report to Boyer, they enumerate what took place during the negotiations.

After a delay at sea, Larose and Rouanez met with Esmangart in Paris, on the instructions of Minister of the Marine and Colonies Clermont-Tonnerre. As Boyer had instructed, they began by requesting that Esmangart propose the recognition of Haitian independence to the French crown in the form of a royal ordonnance, “the only form that can inspire complete trust in the future of the Haitian people.”²⁹ Esmangart, for his part, seemed to assure them that this request would be met with a favorable response, after which the talks proceeded towards discussing an indemnity to France and a mutually-beneficial trade agreement. Esmangart communicated, via letter on July 9, that they would address all of these things in the next day’s talks, yet these talks were delayed as he became occupied with other affairs, which caused Larose and Ruanez anxiety. Having come to an agreement with Esmangart on every point, they expressed to him

²⁶ A footnote, presumably by Boyer, writes, “Voilà enfin nos propositions du 10 Mai 1821 reproduites. Pourquoi n'ont-elles été acceptées? Le compte rendu par nos Envoyés au Président d'Haïti l'apprendra.” Pièces, 52.

²⁷ Pièces, 54.

²⁸ Pièces, 50.

²⁹ Pièces, 75.

that they would like to leave, and they requested passports from him. “It was only at this point,” they wrote to Boyer, “that *monsieur* Esmangart spoke to us for the first time of the eastern part of Haiti, which has been united for the past two years with the Republic.” According to Esmangart, a treaty with France could only apply to the part of the island which had made up the former colony of Saint Domingue, as Charles X could not speak for the King of Spain. Larose and Rouanez rejoined that they were not permitted to introduce a distinction into the overtures made by their government, “which inspired our mission.” Larose and Rouanez decided to try to resolve this new obstacle at greater length.³⁰ Esmangart wrote to them eventually to propose a meeting with Clermont-Tonnerre, the Minister of the Marine and Colonies, which would take place the same evening.

Larose and Rouanez’ account details that the Marquis de Clermont-Tonnerre opened their meeting that evening by saying that he had instructed Esmangart to invite them with the intention of having them participate in the project of writing the royal ordonnance that would consecrate Haitian independence, of which “*Son Majesté* reserves only an external sovereignty.” “You can imagine our shock, *Président*, they wrote, when we heard this offer that wounds our national honor so deeply.” Clermont-Tonnerre tried, they reported, to persuade them that an external sovereignty would serve to protect Haiti against the attacks of any other foreign power.³¹ The delegates continued in their report to Boyer:

We protested against this clause which reproduced, in a different form, pretensions that our government had already rejected, and asked him to remember that we *fought* for our independence, and if we were able to maintain it for twenty years through difficult times, now that the republic is prosperous we could, without being charged with audacity, defend our independence in spite of everyone. We declared, moreover, that the Haitian

³⁰ Pièces, 75.

³¹ Pièces, 76.

nation would rather bury itself beneath its own ruins than give up to any power the slightest right that could strike a blow to our political freedom.³²

To this, Clermont-Tonnerre offered the same observation as Esmangart, that any royal act, ratified by the French parliament, recognizing Haitian independence could not apply to the eastern portion of the island. Larose and Rouanez reiterated that they were unable to alter the basis for recognition as stipulated by President Boyer. Their negotiations ended, they wrote, on the pretext that “it was the insufficiency of our authority to accept the conditions established within the royal decree.³³ As negotiations fell apart, Larose and Rouanez were insulted by both this perceived deceptiveness of Esmangart and Clermont-Tonnerre, by the assertion of an “exterior sovereignty” over Haiti by France, and by the insinuation that they did not possess the authority required to negotiate for Boyer. They returned to Port-au-Prince in July of 1824. The conclusion of *Pièces Officielles*, follows shortly after Larose and Rouanez’ final report to Boyer, and it charts the different forms of sovereignty presented by France to Haiti over the years of negotiation from an absolute sovereignty over Haiti in 1814, to a constitutional sovereignty in 1816, the indemnity as *the essential condition* of recognition after negotiations with General Boyé in 1823, to the proposition of an “exterior sovereignty” over Haiti in 1824. The conclusion reads. “What spirit of domination inspires them, in 1824, to subdue us under an “exterior sovereignty?” It continues:

This “exterior sovereignty” is composed, in our opinion, of two kinds of rights: the first is a kind of Protectorat in scope; and that is indeed how it was presented to us: the other, which applies to our external relations, whether political or commercial, they would not fail to profit from. But from whichever side we imagine it, this Sovereignty appears to be harmful to us and contrary to our security: this is why we have rejected it.”³⁴

³² Pièces, 76.

³³ Pièces, 77.

³⁴ Pièces, 84.

In this last passage of the collection, Boyer's annotations create a distinction between an implied colonial control of Haiti's internal affairs through its non-sovereign status as a protectorate, and the external domination of Haiti's diplomatic, commercial and military affairs by France. While the revival of any form of colonial domination over Haiti was at least symbolically unacceptable to Boyer, the process of negotiations showed a willingness to enter into trade relationships favorable to France framed through Haiti's own absolute authority over its territory, and, by extension, the entire island of Hispaniola. While the content of the negotiations changed little over time—both sides agreeing to indemnification as the basis for recognition of Haitian sovereignty—the *form* under which that recognition would take place was a critical difference, or “sticking point” as Boyé had written in 1823. The objection to “protectorate” and “exterior” domination, even as they represented similarly favorable terms of trade, locates Haiti's legal ownership of itself as the cornerstone of its “formal,” legal, independence.³⁵

In July of the following year, 1825, President Boyer received an ordinance, which had been issued by French Monarch Charles X on April 17 of the same year, that recognized Haitian sovereignty. In his ordinance, Charles X agreed to recognize the independence of all of the inhabitants of the French part of the island of Hispaniola, on the condition that Haiti allow France to pay only one-half of the customary taxes for imports. In addition to this trade agreement, the ordinance stipulated that Haiti agree to pay an indemnity to France of 150 million francs. Charles X's recognition of Haitian sovereignty in a piece of legislation proposed to the French parliament was a concession to President Boyer in terms of the *form* of recognition that the Haitian President was willing to accept, but it was also an imposition on the president of a

³⁵ In France, the indemnity was construed as the price of Haiti's “emancipation.” By contrast, Haitian sovereignty included, for Boyer, the right to dispossess other colonial authorities, such as Spain, of property in land and slaves.

form of indemnification he had not been willing to concede.³⁶ Additionally, France did not recognize Haiti's authority over Santo Domingo. This ordonnance saddled Haitian independence with a debt and asserted a trade agreement described by others as the revival of a colonial relationship, but it did give President Boyer the recognition of Haiti's sovereignty in the *form* that he had persistently sought. As the next chapter will examine, this moment presaged the complete legal transformation of the Haitian state, which Boyer had been building for some years, triggering an "era of codification"—the institution of laws that could now be legal as the state itself was legal. While Boyer, his bureaucracy, and Haitians at large continued to date Haitian independence back to 1804, the recognition of Haiti's legal sovereignty and political independence by France was a moment that shaped and crystallized the state and civil existence in Haiti as it took its cue from the same recognition.³⁷

Liquidation of Indemnity Claims to Properties in the Artibonite Valley to "those who have rights"

Writing in 1833, Esmangart characterized the indemnity of 150 million francs "not as the price of emancipation, but the property of the former colonists of Saint Domingue."³⁸ As Rouanez and Larose had met with Esmangart and the Minister of the Marine and Colonies in his offices in 1824, they were unwittingly at the center for another process that shaped the indemnification as a condition of Haitian sovereignty, the Archives de Saint Domingue. A

³⁶ The text of Charles X's ordonnance was reprinted in Jean Baptiste Guislain Wallez, *Précis historique des négociations entre la France et Saint-Domingue; suivi de pièces justificatives, et d'une notice biographique sur le général Boyer, président de la république d'Haiti* (Paris: Ponthieu, 1826), 422.

³⁷ Crystallized the Haitian state through Boyer's vision of national sovereignty—and thus property. ADD in here a better reading of the proclamation itself. Within the ordonnance, a fundamental recognition of the claims to property of Saint Domingue's former colonists.

³⁸ Esmangars, *La vérité sur les affaires d'Haiti* (Paris: Imprimerie de Carpentier-Méricourt, 1833). See also Benoît Joachim, "L'indemnité coloniale de Saint-Domingue et la question des repatriés," *Revue Historique* 246, no. 2 (1971): 359–376.

collection of the duplicate registers of Saint Domingue's notarial transactions, civil registries and baptismal records, the Archives de Saint Domingue represented the principal way that former colonists and their descendants were able to prove that they had owned property in the former colony, and the information in those records also enabled them to negotiate the values of their property for indemnification. What follows examines the claims for indemnification by mostly aristocratic colonists for large properties they and their families held in Haiti's Artibonite Valley. The information presented comes from the minutes of the liquidation committee, in addition to the individual files collected on each claimant during the liquidation process. Claimant's records include any documentation that was deemed relevant to establishing their legal identity, right of inheritance and the value of their family's properties in Saint Domingue. These records also include drafts of correspondence between colonists French administrators, notably the director and clerks of the "Archives de Saint Domingue," housed in the offices of the Minister of the Marine and colonies in Paris, where the required duplicate registers of Saint Domingue's records of birth, death, baptism, and notarial transactions were kept. This section examines, through examples, how colonists like de la Bourdonnaye established their rights to inheritance, their rights to property, and the value of the property they claimed.

In her ongoing research on what she terms the "first French decolonization," Mary Lewis engages the 1825 indemnity as a way for colonists to imagine a "French imperial renaissance" under the restored Bourbon monarchy. As the possibility of recapturing Haiti was replaced by France's recognition of Haiti as a sovereign nation, colonists' agendas shifted as well. Before recognition, plans to reconquer Haiti and re-enslave Haitians, alongside plaintive demands for aid from the government in the form of "secours" dominate how we come to have access to Saint Domingue's colonists through the public petitions and debates they vociferously participated in,

and through the archives that surround them as they claimed destitution and made their case for receiving the *secours*. Lewis writes that instead of “closing the wound,” “the indemnity merely reminded them of what they had left behind.”³⁹ Former colonists, Lewis demonstrates, “sought compensation for what [they] could no longer possess.” This assistance from the state and indemnification from Haiti were framed, not as assistance but restitution for what they were owed for a perceived violation of their property rights.⁴⁰ Charles X expected the indemnity to bring liquidity to the metropole and into the hands of the aristocratic class, “deemed essential to restoration politics.” He also assumed that once relations with Haiti were normalized France would benefit from a lucrative trade in the commodities that had made Saint Domingue the “pearl of the Antilles.”⁴¹

Lewis points to the difficulty colonists faced in constructing “the history of losses” that occurred over the course of the French and Haitian Revolutions. The volume of claims paired with a “paucity of evidence” made it difficult to establish a clear registry of beneficiaries. The indemnity was further diluted, Lewis writes, because single properties often had multiple owners whose heirs “up to the twelfth degree of kinship” were allowed to file claims.⁴² As the expected windfall from Haiti never came, the French government found itself extending the *secours* to indigent former colonists through the rest of the century. “These small pensions,” Lewis argues,

³⁹ Lewis, 153.

⁴⁰ Lewis, 154.

⁴¹ By the time the indemnity law was passed and Haitian sovereignty recognized, the former colony’s sugar infrastructure had moved to Cuba. See *Freedom’s Mirror*. On liquidity: “Restitution after the abolition of slavery in the French empire in 1848 “hardly represented an infusion of capital into the metropole, as ninety-five percent of their compensation came in the form of shares in colonial banks,” Lewis, 156, footnote 30.

⁴² Lewis, 155. It is important to note that this didn’t actually preclude claims from being made or the indemnity from being liquidated.

“did more to keep the legacy of loss alive than they did to serve as venture capital.”⁴³ Saint Domingue’s colonists bequeathed “a different and heavy inheritance to the next generation a preoccupation with lost grandeur and a politics of resentment that had a long afterlife.”⁴⁴ The colonists’ discourse of dispossession was prolonged by the sympathies of the government itself, which viewed their experiences, moving from opulence to ruin, as especially pathetic.⁴⁵ Lewis characterizes the indemnification of Saint Domingue’s colonists as a process steeped in emotion, particularly nostalgia. This emotional attachment to their status as undisputed masters, along with their assets and liabilities, was, Lewis argues, the legacy former colonists transmitted. Indeed, elderly children of Saint-Domingue planters still claimed recompense via *secours* for their families’ losses into the twentieth century.⁴⁶

Examining the archival, bureaucratic, and legal aspects of the 1825 indemnity shows that colonists successfully established multiple rights to property, including the “expectation of property,” the “right to exclude” others from claiming that ownership⁴⁷ These rights were in turn built, as I have shown, on judgements of colonists’ authority and character in a past colonial context (read, a judgement of their quality as “masters”), on appraisals of the land being

⁴³ Lewis writes, “Had the indemnity been paid in five installments as planned, it might have “helped accelerate the shift (reconversion) of the largest Saint-Domingue planters from landed elites into investors in capitalism, much as would be the case for a substantial portion of British slave-owners after emancipation” (156). See *Legacies of British Slave Ownership*.

⁴⁴ Lewis, 156.

⁴⁵ Lewis, 157.

⁴⁶ Lewis, 157.

⁴⁷ My reading of Saint Domingue colonists’ establishing rights to property, which merged racial and legal identities through their practice, is drawn from Cheryl Harris’ evaluation of “whiteness as property.” Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (June 1993): 1724–1725. Property is thus said to be a right, not a thing, characterized as metaphysical, not physical. The theoretical bases and conceptual descriptions of property rights are varied However disparate, these formulations of property clearly illustrate the extent to which property rights and interests embrace much more than land and personality.”

considered for indemnification, and lastly on an appraisal of the enslaved labor considered within this process to be integral to the value of their property itself. The anxious culling, archiving and examination of colonial records integrated colonial records into the process of liquidation a standard of evidence, proof that would determine the amount to be repaid to Saint Domingue's colonists. In this way, colonial documentation was instrumental in determining the debt, which was the condition for recognizing Haiti's sovereignty.

Establishing the Rights of Claimants through Documentation

On Monday, February 4, 1828, the Committee for the Liquidation of the Indemnity of the Colonists of Saint Domingue met to discuss the claims of Marie Josephine de la Bourdonnaye to her grandparents' properties in the Artibonite Valley. In order to substantiate her rights as a reclamant, Marie Josephine de la Bourdonnaye provided birth certificates of her mother, death certificates of her grandparents Laurent de Mauger and Catherine Dieulefit Desbarres and of her aunt Marie Magdeleine de Mauger. She also submitted a notarial act stating that Laurent de Mauger and Catherine Dieulefit Desbarres had only two children, Marie Magdeleine and Marie Josephine's mother Elizabeth Josephine, in addition to her mother's death certificate from 1826. Her documents included another notarial act from the inventory taken after her mother's death in 1826 in Nantes, stating that Marie Josephine was her mother's only inheritor. She also presented her own birth certificate and a contract of marriage between herself and Geoffroy de Villeblanche.

De la Bourdonnaye claimed one plantation, cultivated in sugar and coffee, near the town of Verrettes in the lower Artibonite. All the land that made up the plantation that Marie Josephine de la Bourdonnaye claimed for indemnification came, the committee's minutes state, from the succession of Pierre Dieulefit-Desbarres, father of Marie Josephine's grandmother

Catherine Dieulefit-Desbarres, wife of Laurent de Mauger. The succession was opened to Dieulefit-Desbarres' inheritors in 1764 and was proved through an inventory made on April 6th of that year and by an "acte de partage" between his five children as default inheritors of his property. Other documents provided by Marie Josephine de la Bourdonnaye demonstrate that her great aunt Marie Marthe Dieulefit-Desbarres sold her brother-in-law Laurent de Mauger her portion of inherited land and immovable property, and that she later bought the portions inherited by her sisters "les dames Guillaume de Mauger et Caillou" and formed a contract with Laurent de Mauger to manage their property together as two separate yet contiguous plantations. This contract was renewed in an act by a notary in the Artibonite in 1787.

After Marie Marthe's death in Nantes in 1789, a testament, recognized by the colonial court of St. Marc in 1790, stated that she left all of her property to her sister and brother in law. In this way, the committee noted, "that Laurent de Mauger and his wife became the only owners of both plantations, which were cultivated all at once in sugar, coffee and cotton, which is proved by the accounts of their property manager Dominique Pérès. The committee notes that in this record "one finds a list of the names of negros and negresses composing the two workshops [ateliers] together of the Sir and Dame Laurent de Mauger, 152, and of *Demoiselle* Marie-Marthe Dieulefit-Desbarres, 77: 229 in all."⁴⁸ De la Bourdonnaye presented three accounts of the revenues of the plantation made by Dominique Pérès in 1787, 1788 and 1789, as proof of the value of the property she inherited, of which the committee agreed to take the average in order to propose an amount for indemnification. After some debate about what to consider the basis for valuation, the committee agreed to indemnify Marie Josephine for one-tenth of the annual revenue of the combined plantations, which arrived at 117,643.77 francs.

⁴⁸ Archives Nationales d'Outre-mer (ANOM) SUPSDOM 394, file 8.

Other examples of liquidations of the properties of aristocratic colonists in the Artibonite drew legitimacy through outlining extensive family genealogies that demonstrated claimants' rights to property. Philippine-Louise-Geneviève de Cocherel, the daughter of the Marquis de Cocherel and his sole inheritor, provided similar documentation proving her right to inherit her father's properties. Her rights to inherit were established through the presentation of birth and baptismal records, alongside a notarized proof of identity. The committee also drew a family tree in showing the lines of inheritance for de Cocherel in their notes. By framing property rights through the genealogy of claimants, on the one hand, and documentation, on the other, the process of liquidation created an "irrevocable" association between French families and colonial property—a connection that would be crystalized in the performance of property rights in disputes in French courts, on the occasion that multiple colonists or their descendants claimed the same property.⁴⁹ After establishing their rights to property, colonists then negotiated with the liquidation committee over the value of the properties they claimed.

Establishing Value: Land and Slaves, Capital Value and Use Value

To establish the worth of the property she claimed, de Cocherel presented a notarized inventory of all of her father's properties, drawn up in 1788 and 1789, and claimed an indemnity of nearly two million francs. The committee, however, entered into a lengthy debate about the appropriate basis for establishing the value of de Cocherel's properties. On the one hand, the Royal Commissioner appointed to the committee argued that the 1788 and 1789 inventories did not represent an expert evaluation of their worth, and that a more accurate reflection of the properties' value should be calculated instead using the sale price of the enslaved people on all the properties. The price of enslaved labor, he argued, established the *use value* for all of the

⁴⁹ Lydie Jean "Letter to the Director of the Archives de Saint Domingue," Archives Nationales de la France, Pierre-fitte (AN) F12.

properties, a figure which came to just barely a third of the value claimed by de Cocherel. For the rest of the committee—drawn from Paris’ group of “notable colonists” (colons notables)—establishing that the Marquis de Cocherel was in fact an expert on his own properties (which would render the inventories admissible proof of value) meant that he would offer a more accurate evaluation of the properties than the use value proposed by the Royal Commissioner. The properties, they argued, were said to be exceptionally well maintained and were worth far more than the purchase price of slaves. At the end of the debate, the committee’s secretary noted that, “Everyone who knows the colonies also knows,” notes the secretary of the Commission de la liquidation de l’Indemnité des Colons de Saint-Domingue, “that 100 carreaux of good, irrigated earth, cultivated by one hundred prize negroes [nègres], with plenty of horses, cattle and sheep will produce twice as much as that of one hundred carreaux of mediocre land, poorly irrigated, worked by a group of poor negroes and few animals.”⁵⁰

The Marquis, too, was construed as a man of outstanding skill in managing his colonial properties. De Cocherel, a creole born in the colony, was a major landowner and also a major player in Saint Domingue’s colonial government—and he would continue to be a prominent advocate for the indemnity rights of royalist colonists until his death. His properties in the Artibonite were comprised of one sugar and one cotton plantation in Gonaives of 100 carreaux each, one coffee plantation of 165 carreaux, another cotton plantation in the Artibonite of 107 carreaux, and one plantation of 75 carreaux, “établie en hatte,” called La Couleuvre, in the St. Charles and St. Mathurin parishes of Gonaives. In the end, the committee used the Marquis’ personal authority as evidence of the value of six plantations near Gonaives, St. Marc and the lower Artibonite Valley as the basis for awarding his daughter the “most favorable” indemnity

⁵⁰ “Rapport de la Commission de la Liquidation de l’Indemnité des Anciens Colons de Saint Domingue” ANOM, SUPSDOM 394.

possible. De Cocherel was finally awarded 202,772 francs, one-tenth of the estimated property value.

As the committee records of prominent families and large properties in the Artibonite, demonstrate, it is not that the 1789 value of enslaved people was “added to” the cost of the indemnity, but rather that this sale value was thought of as integral to the property itself.⁵¹ “Value,” rather than dependent on a fixed price for the land, for example, was based an amalgam of capital value, or revenue, with “use value,” calculated “by head” of enslaved people laboring on the property, and, through last resort, the sale price of the land. Each of these factors was viewed through the lens of effective ownership and management of the properties. Contrary to terms of indemnification first laid out by Alexandre Pétion, and contrary to contemporary scholarship on the liquidation of the indemnity, the “use value” was routinely established—most often in cases where the capital value was not satisfactorily demonstrated—through the documentation of enslaved laborers on properties that colonists claimed.

Furthermore, the committee minutes surrounding the claims of another aristocratic family with land in the Artibonite, Magnan, shows that the committee read property inventories meticulously for mentions of enslaved people. In looking to establish the “number of negros that made up the workshop” the secretary noted, “we found that amount on the May 19, 1786 listed as 39. A note found at the bottom of the page, that appears to have been written in France by the

⁵¹ As we saw earlier in the chapter, the value of enslaved people on colonial properties was specifically rejected by Alexandre Pétion in his negotiations with Lavaysse and Esmangart. Mary Lewis writes that the 10 percent calculation included, “. . . no accounting for lost movable property, crops, or even slaves, except inasmuch as slaves were what had made the real property valuable in 1789.” Lewis, “Legacies of French Slave Ownership,” 153. In the documents consulted, both speculation on supposed market value of enslaved people by colonists, and the erasure of that speculation from the indemnity performs a kind of double violence on the possibilities of thinking about the implications of the indemnity as a process structured through speculation on black life as subordinate to property. See Patricia J. Williams, “On Being an Object of Property,” *Signs* 14, no. 1, 5–24.

hand of Sieur Jean-François Bérard [a claimant to Magnan's properties], reduced the number to 21 for the year of 1790." The committee then quotes the notation in its entirety. "After the last letter from Bonnaud of the 12th of June 1790, there were 25 negros ["têtes de nègres"] . . . including the negress Genéviève, who was left off of the general register, and four of the recently purchased including Larose, Lafleur, Voltaire and Fleuriette."⁵² Violent in its incidental nature, this note and others like it were integral to colonists' claims and appear alongside their family genealogies and documentation of their properties. The careful collecting and reading of colonial documentation, and the protective guarding of both private and official collections of documents, was the backbone of colonists' practice of making claims.

On February 2, 1828, the same year that the Marquise de Cocherel's indemnity claim was approved by the liquidation committee, an inventory was drawn up of the personal property of Louis Marie Maximilien Alexandre, the Comte d'Hanache, who had passed away that January 5th at the age of 85. Born in Gonaives, the youngest son of Jérôme Marie Hugues Alexandre d'Hanache, himself the sixteenth generation of a noble family from the north of France, d'Hanache, who was also known as the Chevalier d'Hanache, fought in Gonaives' militia and was captain of the dragons as well as owning two cotton and indigo producing properties in Gonaives. A staunch royalist, he fled Paris first to La Rochelle, and then back to Saint Domingue and fought throughout the Haitian Revolution. When d'Hanache died of old age in his Paris home on the Rue de Rivoli, he left two heirs to his estate—his adult son and daughter, both attendees of the Duchess of Berry in the Restoration court. In the inventory of his possessions, eighteen documents, which, the inventory reads, "...can be used to claim the indemnity to which

⁵² "Rapport," ANOM, SUPSDOM 394.

[he] was entitled as a former colonists of Saint Domingue” are listed first.⁵³ The inventory does not say which papers were in this set of documents, but from d’Hanache’s own correspondence with the director of the reconstituted “Archives de Saint Domingue” held at the hôtel of the Minister of the Marine and Colonies, they could very well have included a mixture of birth and baptismal records for him and his children, his father’s land title to a large concession on the road out of Gonaives north to Cap Haitian, notarized inventories of his properties, records of purchase and of sale, and perhaps receipts from his commercial brokers in Bordeaux showing the value of the cotton and indigo he sent there to be sold.⁵⁴ Before his death, the Comte Alexandre d’Hanache had corresponded at length with the director of the Archives de Saint Domingue on behalf of himself, his children, and his nephews and nieces, the children of his deceased older brother, the Marquis Alexandre d’Hanache, who owned property in the lower Artibonite Valley.⁵⁵ A sense of persistence and urgency comes across in this correspondence, which makes repeated claims that certain documents must be found in order to meet the expectations of evidence held by the liquidation committee.⁵⁶ According to his correspondence, the papers he sought which would detail the worth of royal concessions given to his father outside of Gonaïves were never found.⁵⁷

⁵³ “Inventaire après décès: Alexandre Comte d’Hanache, Louis-Marie-Maximilien, 2 février 1828,” Archives Nationales de la France (AN) MC/ET/XCVIII/926.

⁵⁴ “d’Hanache,” AN F 12.

⁵⁵ The Marquis d’Hanache passed away in 1802 in Kingston, Jamaica. His eldest son claimed an indemnity payout and died of old age.

⁵⁶ “d’Hanache” AN F 12. After d’Hanache’s son’s death in *La Vendée* in 1832, it is unclear whether his daughter claimed payouts from the indemnity. Lydie Jean quote.

⁵⁷ No committee minutes are archived for d’Hanache or his descendants showing how the committee decided to evaluate his claims to property.

That reconstructing their claims to property ownership was difficult, as Mary Lewis writes, did not keep colonists from meticulously gathering papers about them that could be used to establish their identity, their rights to inheritance and all manner of documentation of the property they claimed. Establishing their legal identity was a matter of presenting birth certificates or notarial acts attesting to their identity, while proving their presence or the presence of their parents' and grandparents' presence in Saint Domingue before 1793, relied on more elaborate reconstructions of documentation from the colony itself in addition to the many Atlantic locales colonial trade touched.⁵⁸ In particular, the practice of culling papers from notarial "double minutes" and duplicates of Saint Domingue's *Etat Civil* was central to establishing their claims to property before the commission in charge of the indemnity's liquidation. Papers used in the claims included everything from property surveys, sales, transfers, account books, correspondence and inventories of plantations to birth, death, marriage and baptismal records. As colonists worked to establish themselves as "irrevocable owners" of colonial properties, they not only constructed an archival legacy of ownership over Saint Domingue, but they also shaped their legal personhood in France around their claims to those properties. Both the committee's minutes and colonists' worried correspondence with the Archives de Saint Domingue reflect this twin reconstruction of family lines and claims to property, in the practice of archival reconstruction itself, in the presentation of their cases before the commission, and in their public discourse that construed them as victims of dispossession into the twentieth century.⁵⁹

⁵⁸ The law stated that colonists must prove ownership of property in Saint Domingue before the fire in Cap Français in 1793. Another critical kind of documentation were records from the commercial brokers (négoçiants) for Saint Domingue's colonists.

⁵⁹ Lewis, 167. Mary Lewis cites records of claims to indemnification as late as 1927.

Legacies of Recognition: Disloyalty through Non-payment

In 1833 Esmangart published his own account of Haitian sovereignty. Together with his correspondence with President Boyer, and with the negotiators including Boyé, it becomes clear that the 1825 indemnity also symbolized loyalty of Haiti to France. Especially in the letters he addressed to Laujon during Larose and Rouanez' delay at sea—Esmangart wrote that beyond being unhappy with the perceived disrespectfulness of the delay, the French government “Is hurt to think that the President is still distrustful/defiant . . . This distrust is becoming offensive for the government, and it could also make the creation of a treaty more difficult.”⁶⁰ In keeping with this, Esmangart's account of Haiti's delayed repayments of its debt, both to France for the initial indemnity and to the country's creditors for money loaned to make indemnity payments and the interest on those loans, paints Haiti as infringing on the rights of French colonists decades after the revolution. Archived in *Bibliothèque des Frères de Saint Louis Gonzague* in Port-au-Prince, this publication does not address Esmangart's original negotiations with Haiti, but rather it discusses Haiti's ongoing debt to France, and by extension abuse of Saint Domingue's colonists and their rights. “Everybody knows,” Esmangart wrote, “the pecuniary condition inserted into the law that definitively emancipated our former colony.” He continued:

The sum of 150 million, stipulated therein, was not the price of emancipation, but instead represent one tenth of the value assigned to the properties of Frenchmen, which were expropriated in favor of the people of Haiti.

This condition changed the livelihoods of the colonists and was carried out against their rights, as the government adjusted the payments in Haiti's favor, and the committee recognized the justice of the claims of the colonists to also obtain a guarantee for the payments. The execution of this, however, was put off after the initial signature which we sent to Saint Domingue to conclude the affair.⁶¹

⁶⁰ Pièces, 73.

⁶¹ Esmangart, 13.

Haiti's debt, according to Esmangart, after a first payment made by President Boyer, consisted of 120 million 700 francs for the indemnity itself, four million, eight hundred and eight thousand francs advanced to Haiti by the French Treasury as a loan, and a further private loan of twenty-seven million six hundred thousand francs, plus the interest of five million seven hundred and ninety-six thousand francs in interest for the period of December 31, 1828 through December 31, 1832.⁶² Through explanations of new treaties between the Haitian and the French governments, Esmangart insisted on characterizing Haiti's debt to France as an open question, and he characterized the consequences of Haiti's non-payment as producing financial insecurity "too well felt" for Saint Domingue's colonists and in French society generally.

With the mutual recognition of Haitian sovereignty and colonial property rights, the two countries' trajectories did not separate but rather remained intertwined through law, banking, and bureaucracy and within a changing discourse of race and citizenship in the French Empire. After a first payment from Haiti, the country was unable to make significant payments consistently for the rest of the nineteenth century, and funds it had borrowed from French banks to make earlier payments accrued interest over time. That Haiti owed the French government and French banks a debt allowed for a discourse of disloyalty, framed through non-payment of what was "owed" to French former colonists. This discourse also stemmed from the previously-cited racial discourse that viewed the recognition of Haiti sovereignty as a legal emancipation—a discourse that cast Haiti as being in both financial and social debt to white, French, colonists. Ultimately, the basis for this argument was the violation of colonists' property rights.⁶³

⁶² Esmangart, 26–27.

⁶³ Records of indemnity claims housed in the French National Archives, *Pierre-fitte*, show that of all of the claims for indemnification made by people of color, none were rewarded indemnities. Based on my examination of the catalogue of that collection, only one person of color, a former slave named Eustache who was also awarded the Academie Française' *Prix de Vertu*, was awarded a lump sum out of the

In later decades, colonists' "legitimate" claim to ownership (and therefore to indemnification) of Haitian soil was compared with Haiti's own illegitimate claims to property ownership, a characterization which was drawn from and reinforced arguments of racial superiority, on the one hand, and inferiority, on the other. In the decades that followed, Haitian sovereignty stood on trial against the debt it owed to Saint Domingue's colonists, as the French monarchist elite—spurred by the example of Haiti's "disloyalty" to reframe the possibilities of citizenship within France along definitions of loyalty. That debt repayments were drawn out until the early twentieth century speaks to how deeply entangled both colonists and the French government itself were with legacies of their prior wealth and power, and with the legacies of their disempowerment and dispossession in Haiti. The drawn-out and incomplete nature of payments from Haiti, alongside the recognition of colonists' rights by the government, maintained contact between two radically different, yet dependent, accounts of the past, national identity, victimhood and historical culpability. While debates over extending political enfranchisement to non-elite and racialized subjects developed in the decades after 1825, they did so with tangible and discursive connections to the indemnity itself and its liquidation.

Haitian freedom represented both the specter of the end of slavery in the Caribbean and Atlantic world, and it also represented the possibility that black freedom might actually facilitate regional markets and production. French colonists argued against Haitians' legitimate ownership of Haitian territory because the country politically, self-consciously, black, The same argument was

indemnity funds as a reward for his "loyalty" to his former owner, the colonist Belin de Villeneuve, and based on a petition from Belin and other colonists. That the archive of the indemnity simultaneously accommodates the establishment of French rights to property, and Eustache's reward for being loyal points to indemnification as a financial, political and social apparatus that had the power, over time, to conclude questions of rights, belonging and ultimately sovereignty. For an examination of Eustache's receiving the *Prix de vertu* under the July Monarchy, see Cynthia A. Bouton, "Reconciliation, Hope, Trust, and Instability in July Monarchy France," *French Historical Studies* Vo. 35, No. 3 (Summer 2012).

also used by the United States government to refuse acknowledgement of Haiti's independence because slavery and the slave trade were an "unspeakable subject" within the United States. The racial identity of the republic was intimately connected, especially by politicians in the United States, with the question of slavery. Contemporary accounts of Haiti's non-recognition by the United States describe the interest of preserving the country's economic system, which was based in slavery. Through the logic of racialized property, the indemnity of 1825 cast Haiti as the emancipated slave, open to the language of control and paternalism. In 1826, one year after Haiti's agreement to pay France the indemnity of 159 million francs, the U.S. Senate argued over whether Haiti should be included in the Panama Congress. Secretary of State Henry Clay spoke against Haiti's participation based on what he viewed as the "actual" state of the country's independence. According to Clay, the restrictions placed on Haiti by Charles X's ordinance negated any actual freedom the country once had. Therefore, he argued, Haiti could not be considered as a sovereign nation.

This is a restriction upon the freedom of its action, to which no sovereign power, really independent, would ever subscribe. There is no equivalent, on the side of France, in the favourable terms on which the produce of Hayti is received into the ports of France. If the colonial relation may be correctly described to be the monopoly of the commerce of the colony, enjoyed by the present State, it cannot be affirmed that Hayti has not voluntarily by that arrangement, consented to its revival.⁶⁴

Clay clearly attributes Haiti's re-entry into a subordinate (colonial) relationship with France as the primary reason for the country's lack of capacity to act independently as a sovereign state. Another argument, too, also shows why the United States refused not only to recognize, but even to discuss, Haiti. The U.S. government at the time followed a "gag rule" surrounding the twin topics of slavery and the "Haitian question," which, because of the issue of race, were linked together inseparably as "subjects not to be discussed anywhere." Said Senator Hayne of South

⁶⁴ Rayford W. Logan, *The Diplomatic Relations of the United States with Haiti, 1776-1891* (Chapel Hill: University of North Carolina Press, 1945), 227.

Carolina, “There is not a nation on the globe with whom I would consult on the subject, and, least of all, the new Republics.” The same speaker stated succinctly, “Our policy, with regard to Hayti, is plain. We can never acknowledge her independence . . . which the peace and safety of a large portion of our Union forbids us even to discuss.”⁶⁵

Yet the writing and presence of foreign visitors to Haiti, and their routine assessments of the “state of freedom” in the “Black Republic” account for the majority of available descriptions of Haiti during this period. One such visitor, John Candler, an English Quaker who visited Haiti in 1825, had occasion to travel throughout the country, and he commented on what he saw. When he arrived in Port-au-Prince, he wrote “Port-au-Prince, with all its advantages of situation, with every inherent capability of being made and kept delightfully clean, is perhaps the filthiest capital in the world.”⁶⁶ In his observations on the state of agriculture, education and trade in Haiti, Candler repeatedly pointed out the non-development of the nation. Tables in Candler’s publication show, too, the dwindling quantities of exports from Haiti in sugar and coffee. The only area of growth in this entire period was the export of mahogany. Not requiring cultivation and sustained labor, the export of mahogany trees became the most easily manageable export commodity of the new Haiti under President Boyer. Whether Haiti, in a state of freedom, could generate wealth like Saint Domingue was important to observers in the region and further afield because it suggested that black freedom did not have to be at odds with wealth, and that free black populations could be controlled enough so that a country or colony could continually attract capital investment. For President Boyer, too, Haiti’s national independence, now weighed down by the necessity of producing wealth to pay the indemnity, lay in a bet that the Haitian government would be able to control its rural populations which had freed themselves from

⁶⁵ Logan, *The Diplomatic Relations*, 227.

⁶⁶ Candler, *Brief Notices of Hayti*, 69.

enslavement over two decades before.

CHAPTER TWO—“MY MOST SACRED RIGHTS”: SUBJECTING LAND AND PERSONHOOD TO PROPERTY IN BOYER’S REPUBLIC

In a speech marking the ratification by the Haitian senate of Charles X’s decree stipulating France’s recognition for Haitian independence in exchange for the recognition of the property rights of French colonists through indemnification, President Boyer declared a new legal existence for the country and its citizens from that point forward. “The authentic act,” he said. “[b]y adding the formality of law to the political existence you have already acquired, will give you that rank in the world, in which you have been placed, to which Divine Providence calls you.”¹ In contrast to an injunction by Jean Jacques Dessalines’, written into the declaration of Haitian independence in 1804 for Haitians to strive for a freedom “by and for” themselves, President Boyer used the recognition of national sovereignty as the starting point for instituting the legal, bureaucratic, and ideological cornerstone of the republic. The legal dispossession of French legal rights to property in Haiti, a dispossession performed by the Haitian state earlier that year, was mirrored by conceding national territory to private ownership through land concessions. Property rights reframed Haitian civil and political rights, and a racialized relation to property defined the archival presence of the country’s rural populations as agricultural laborers.²

According to Haitian legal historian Jean-Jacques Thalès, Boyer was preoccupied with giving the country a unified corps of laws, attuned to its realities and mores.”³ After the

¹ Joseph Blunt, ed. *American Annual Register for the Years 1825–1826* (New York: J. & C. Carvill, 1827), 148.

² For an explanation of Haiti’s earlier land grant policies, under Dessalines and Pétion in particular, see also Robert K. Lacerte, “The Evolution of Land and Labor in the Haitian Revolution, 1791–1820,” *The Americas* 34, no. 4 (April 1, 1978): 449–59.

³ Thalès Jean-Jacques, *Histoire Du Droit Haïtien* (Port-au-Prince: Imprimerie Nemours Telhomme, 1933), 271–72.

indemnity agreement and the ensuing burden of debt it placed on the country, Boyer shaped Haitian law around the productivity of large properties, which in turn shunted the burden of the debt onto the labor of rural agriculturalists. In response to the recognition of Haiti's national sovereignty, burdened as it was by debt, President Boyer instituted a legal regime that redefined the linkages between the country's spatial order and social order, rearticulating, through law and state record keeping, the connections between spatial and social mobility, land ownership and an economy focused on the exportation of commodities like sugar, coffee and timber. Though President Boyer had already begun legislating changes to laws surrounding property before 1825, in 1825 and the years immediately following, his government promulgated a Civil Code, Rural Code, and Penal Code, as well as establishing notaries as agents of state sovereignty.⁴ Under the legal authority of a newly legalized or "emancipated" state, Haitian citizens were given legal personhood, an *état social*. However, for rural laborers this citizenship was circumscribed by mechanisms that limited their mobility and reinforced their marginalization. Legal documentation from this period attests to the ways that Boyer's laws and bureaucracy reinforced a delimited personhood for the majority of Haitian citizens. Court judgments for desertion, sharecropping contracts with property owners, and prohibitively expensive permits required to conduct commerce in towns all show the state's expectations of rural populations as agricultural laborers, defined through productivity and through limited mobility.⁵

⁴ L'Instant Pradine and Emmanuel Édouard, *Recueil général des lois et actes du gouvernement d'Haïti: depuis la proclamation de son indépendance jusqu'à nos jours* (Paris: A. Durand, 1851), ix. A law from November 28 of the same year accords concessions of 5 carreaux of land to "those who have established cultivation of export commodities (denrées), after authorization, on state lands."

⁵ "1ère Expedition, délivrée le 22 Avril, 1827." Marc-Henry Moïse, Gonaïves, Haiti. The contract obligates Rose and Louis to "remain in their condition as laborers." This document and others from the estate of Joseph Dupedon are discussed in depth in chapter four on family inheritance and notarial practice in the Artibonite.

This chapter argues that President Boyer established a property discourse in Haiti that was crystallized in the years following France’s recognition of Haiti’s national sovereignty. This property discourse was set up around the legislation of “Rural Order,” within the state itself, and within the rural spaces that he sought to control through legislative and military force. Through a close examination of Boyer’s Rural Code especially, this chapter argues that “Rural Order” defined how the state related to itself, its citizenry and its territory—defining each in relationship to property in different ways. “Rural Order” as a property discourse drew from both colonial-era forms of racialized property ownership and objectification, kept alive in the state’s legislating of ownership and of agricultural labor, and the construction of “Rural Order” by the state drove a fundamental belief in Haitian freedom as the right of ownership.⁶ “Rural Order” represents Boyer’s vision of state sovereignty as a property discourse enacted through and upon rural spaces. Within the ideological, rhetorical, legal and practical registers where “Rural Order” was reflected, it created a path towards the belief that property ownership in land was “irrevocable” and “inalienable” from the owner.

That land can be “inalienable” to its owner(s) is most often seen through the spiritual inheritance of family land in rural spaces in Haiti. The Haitian Creole term “demanbre” refers to a sacred portion of family land that can in theory never be sold, and which in practice is a seat of spiritual belonging and potency for all the ambi-lineal descendants of the original land owners—in most cases a soldier in the Haitian Revolution. Chapter 5 of this dissertation looks more closely at rural claims to land ownership and inalienability. This chapter identifies President Boyer’s own use of the term within a foundational moment of Haitian state-building through the

⁶ For “racial property” see Winter Rae Schneider, “Racial Property, Radical Memory: Epilogues to the Haitian Revolution” in Paola Bacchetta, Sunaina Maira and Howard Winant, eds. *Global Raciality: Empire, Postcoloniality, Decoloniality* (Routledge, 2019).

creation of a uniform legal system and a state bureaucracy. In doing so, this chapter locates the idea of “inalienability” itself in the historical context of President Boyer’s administration and especially within the laws and records that formed his bureaucracy. The bureaucracy itself, aside from the question of whether or not Boyer was able to enforce his vision of social control that is examined below, represents both the archive and the infrastructure of Haitian independence, and that the bureaucracy linked state and rural property discourses, calling attention to a shared language around ownership both within the state and in rural spaces.

President Boyer’s emphasis on Haiti’s “legal existence” led him and his administration to create a system that reinforced colonial spatial and social relationships even as it rendered Haiti’s nationhood visible within the legal universe of its former colonizer. Boyer’s legalistic vision of Haitian national sovereignty performed a careful dislocation of French authority from the Haitian territory, and his vision continued to subject rural Haitians to being defined through their relationship to property as laborers. I engage Boyer’s vision of national sovereignty, civil and political rights, and laws surrounding agricultural production, as indispensable to getting and keeping both forms of rights. I also engage Boyer’s bureaucracy as it was used to assert national authority throughout the agricultural, rural and wild landscapes that made up the vast majority of the Haitian territory.⁷

Questions of Continuity and Change in The Form of Law and Property

On January 18, 1825, six months before receiving the decree from Charles X, President Boyer had recommended a law before Haiti’s Chamber of Representatives. The law meant to establish a *positive* legal basis for validating claims to lands that had been taken or lost, both during and after the revolution. While the law itself set up regulations for what kinds of proof

⁷ Additionally, Boyer’s rule of law extended, in theory and often in practice, over Santo Domingo, which Haiti annexed in 1822.

could establish a claim to property (in the form of documentation and witness testimonies), which was needed to start an investigation into the legitimacy of a land claim, President Boyer's introduction to the law couched it in the need to shore up Haitian land claims. Writing at a moment before France's recognition of Haitian independence, President Boyer details individual claims to property, debt or indemnification made by former French colonists to the Haitian state and individual Haitians. These claims, he writes, had led to the establishment of a *negative* law for establishing property ownership, the primary purpose of which was to transform colonial property into part of Haiti's national territory through a law of conquest.⁸ This former act, established by President Boyer's predecessor Alexandre Pétion in 1807, also served to dispossess Haitians who had directly received transfers of land from French colonists. By contrast, Boyer's law for the investigation of property titles—with the purpose of resupplying property titles that had been verified—definitively both transferred authority over Haitian land away from the threat of French reclamation, and opened up legal avenues for claiming disputed land. In the same law, the President's emphasis on written proof and on the “notable” quality of witnesses defended the degeneration of property through those he characterized as appropriating land from the state illegally.⁹

President Boyer introduced the law of January 18, 1825, by writing that at the beginning of the republic, “legitimate owners of buildings had arbitrarily been dispossessed of their properties, because they had lost their titles, and because others did not enjoy what belonged to them, because the circumstances of the Revolution had obliged them to flee their properties.” In the chaos of the revolution, he continued, the state had to take measures to destroy false titles,

⁸ L'Instant de Pradines, *Receuil*, 141.

⁹ Pradines, *Receuil*, 141.

which were created by Haitians looking to appropriate property. Boyer continued that after the promulgation of Pétion's law of 1807, "[t]hose who had been deprived of their titles, by having been aware of and having satisfied the established conditions of the law, and by supplying these titles to state inquiries, and having obtained from the government the recognition of what belonged to them, produced, there is no doubt, the happiest results both for agriculture and for the stability of the State."¹⁰ Boyer wrote that the state's recognition of the titles to properties that had been abandoned by those who fled during the revolution produced the "happiest results both for agriculture and for the stability of the state." In doing so, Boyer supported pre-revolutionary land claims of Haitians drawn from the elite, educated, often slave-owning population of free people of color or *gens de couleur*. Whereas land grants under prior governments in Haiti had been largely based on military participation and leadership, the law opened up the possibility for this population to reassert itself at the foundational level of legal ownership over Haiti's national territory. And while Haiti's infrastructure was already colonial, from its roads to its irrigation canals, the support of pre-revolutionary land claims also reinforced spatial and legal continuities through property ownership.

Boyer framed the law as necessary for stopping continued claims to different kinds of retribution from French colonists. He wrote,

From the year 1807, a host of complaints had appeared before the Senate for amounts owed before the foundation of the Republic by the former colonist owners of this country, either through presenting a balance of accounts. . . legal obligations, inheritances, etc. The Senate. . . adjourned until a time of peace of mind, waited to pronounce definitively on these the fate of these complaints. Since we have had the happiness of enjoying this peace, I have not gone without receiving many more demands for these sorts of liquidations. I was myself in the necessity to adjourn, because the law was mute on the subject. As it is not advisable to permit claims that would be impossible to satisfy to exist, it is important that the law insists on how these be settled.

¹⁰ Pradines, *Receuil*, 141.

You will recall, citizen representatives, that the colonists and former owners of this country were forced to abandon their properties through Haitian *valeur* and their own injustices, properties which they lost forever. . . the largest portion of these properties was given in reward to the defenders of the nation, or sold at infinitely moderate rates, with the beneficial aim of helping the majority of Haitians become landowners. . . it is impossible for the Republic to enter into this sort of liquidation of debts contracted by emigrants before its [the state's] foundation. Moreover, the properties which formerly belonged to them were already appropriated into the national territory.¹¹

Here, Boyer describes that it would be impossible for the state to take on the debt associated with lost properties, which were lost, he writes, even before the founding of the state itself. Articles 14, 15 and 16 stipulated that no land titles given by or land transfers or inheritances of land from “foreigners” *after* November 1, 1803, would be recognized by Haitian law. Land transfers from a foreigner to a Haitian *before* November 1, 1803 would be recognized if the act had passed before a notary or other public functionary.¹² Furthermore, the law stipulated that “no complaint of the debts of former owners of the properties fallen to the Republic as either donations, pensions, inheritances, bonds, contracts or remainders of accounts are acceptable.”¹³ The promulgation of this law came just months before President Boyer accepted the obligation of paying the 150 million-franc indemnity for precisely the form of colonial property claim that this law denies. Through the law’s simultaneous closing off of the possibility of colonists’ repayment for their lost property and opening up of the possibility of resitution of property for elite colonial property owners in Haiti, this moment suggests that President Boyer sought to address the idea of continuity and change from within property law.

The project of historicizing Boyer’s vision and his state bureaucracy can be productively approached through literature that focuses on how to read the transitions between colonial and

¹¹ Linstant de Pradines, 142.

¹² Pradines, 145.

¹³ *Ibid.*

national eras through law, bureaucracy and territorial control. Haiti's legal regime, which was crystallized through the years surrounding its decolonization from France was derived from colonial property relations. Historicizing the Haitian state through this moment of legal transition can facilitate a deeper reading of state records as part of the bureaucratic and physical infrastructure of the new nation.

In *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan*, Matthew Hull examines the survival of colonial legacies within bureaucracy. He illustrates the analytical possibilities of highlighting the documents of bureaucracy as graphic artifacts. While bureaucratic writing is part of the state, Hull writes that oftentimes it is *only* analyzed as a mechanism of social control “over people, places, processes and things.” The *political* function of documents, he writes, remains much more historically ambiguous.¹⁴ State records and bureaucratic “graphic artifacts” skew unproductive binaries of power and resistance by pointing to their material substance and circulation as generative of associations—some enduring and some fleeting—between people. And, while bureaucratic documents represent genres of discourse, they also index those genres socially and politically.¹⁵ Looking at the “enactment” of bureaucratic documents in this way supports Hull's overall argument that graphic artifacts are not reflections of society and social divisions, but are in fact “constitutive of forms of sociability.”¹⁶ Historicizing bureaucracy in turn lends to contextualizing documentary history by reframing it through association and circulation, rather than as signs or representations of historical truths. In Haiti, rather than looking for rural resistance outside or below an elite printed

¹⁴ Hull, *Government of Paper*, 5.

¹⁵ Hull, 17.

¹⁶ Hull, 19. Hull, drawing from Roger Chartier's work among others, argues that graphic artifacts have been conceptualized to be constitutive of publics.

public sphere, the depth of usage of legal documentation after the revolution can similarly reframe rural Haiti as a space of discourse “organized by nothing other than the discourse itself.”¹⁷

In *The Fugitive’s Properties: Property and the Poetics of Possession*, Stephen M. Best asks what is kept alive in the laws of slavery—particularly the laws surrounding fugitive slaves—in the Antebellum South in order to speak to the capabilities of law as a self-referential body not only tie to together socially-produced categories of property and personhood, but to translate the past relationships of things into other contexts. This “chameleon-like” change of legal personality adopted by states (Best examines the example of the United States after the American Revolution) perpetuates, he argues, the dynamics of an antebellum marketplace, and yields revolutions of government and society “largely inefficacious.”¹⁸ Best demonstrates the continuance—through legal extrapolation and contextual translation—of the ways that fugitive slave law created the legal context for intellectual property law in the nineteenth and early twentieth century United States, arguing that “within the text of law is the afterlife of slavery.”¹⁹ On considering law as a *form* rather than as a moment in time, Best writes,

The issues of personhood and property that slavery elaborates and the issues emanating from the emerging law on intellectual property are part of a fundamental historical continuity in the life of the United States in which the idea of personhood is increasingly subject to the domain of property. Slavery is not simply an antebellum institution that the United States has surpassed but a particular historical *form* of an ongoing crisis involving the subjection of personhood to property.”²⁰

¹⁷ Michael Warner, *Letters of the Republic* (2002), 50.

¹⁸ Stephen M. Best, *The Fugitive’s Properties: Property and the Poetics of Possession*, 13.

¹⁹ Best, 14.

²⁰ Best, 15–16.

Bests' examination of law in the United States and his argument, in *The Fugitive's Properties* and elsewhere, for considering law as a historical form that can be read as such introduces a serious set of considerations for Haitian law and state formation. In Haiti, President Boyer's laws used the state as an apparatus to supplant French claims to Haiti's territory, and it did so through the *form* of French property law. The legal codes Boyer instituted more closely resembled France's Napoleonic Code and Martinique's Civil Code, promulgated in the same year, than Saint Domingue's colonial-era laws. In order to identify the continuities of property law between colonial Saint Domingue, we must consider the ways that property law were used in Haiti to keep the country's rural populations laboring on its once-productive colonial properties. In short, to beyond the text of the law itself, it is necessary to look at the social policy that the law enforced through legislating property in order to identify the afterlives of slavery in the laws of Haitian independence.

In both Haitian law and lived experience, the context within which racialization took place was once-colonial properties, the form of property ownership prescribed by the state, and agricultural labor. Patrick Wolfe's work on racialization in a comparative context as a historical processes of expropriation, of both labor and of land, which are site-specific and population-specific can inform a conversation about the Haitian state's revival of property relations that were intended to keep rural populations in their role as "objects of property."²¹ Wolfe wrote that "Race," is "colonialism speaking in idioms whose diversity reflects the variety of unequal relationships into which Europeans have co-opted conquered populations."²² According to Wolfe, race predates racial doctrine, and it can be seen as practices that try to maintain

²¹ Objects of property SECOND Citation.

²² Patrick Wolfe, 5.

“population-specific modes of colonial domination through time.”²³ Racialization is not a removed process of colonial imagination, but rather represents “a response to the crisis occasioned when colonisers are threatened with the requirement to share social space with the colonised.” In the examples that Wolfe cites, racialization intensifies *after* emancipation, as the juridical barriers that had created a separation between those in power and racialized, marginalized and laboring populations were removed. In place of these barriers, post-emancipation societies created a legal framework that justified elite control of space and resources.²⁴ The threat to elite social space is after emancipation represents “no mere metaphor,” Wolfe writes. Rather, “in the most concrete of both practical and geographical senses, and often simultaneously, race and place are inextricable.”²⁵ A focus on race as practice does not diminish the importance of studying racial doctrine across “economic, political, moral, legal, institutional, sexual and aesthetic social discourses,” but race as practice informs an opportunity to historicize processes of racialization within material contexts.

The work of these scholars can help frame President Boyer’s social vision and the forms of social control grafted onto the Haitian landscape through that vision and its attending laws. Their work, when read together, can also help situate law as a site of tension between colonial and national-era regimes within the moment of state-building and recognition of Haiti’s national sovereignty. Boyer’s laws were central to the Haitian state’s territorial claims and marginalization of its rural population, whose non-compliance, resistance, and autonomy represented not only a territorial counter-claim but also a real threat to the stability of the state

²³ Wolfe, 10.

²⁴ Wolfe, 14.

²⁵ Wolfe, 16.

itself. Reading the Haitian state for the physical and discursive ways it brought rural Haitians into a national social discourse, on the one hand, and reading it through the “graphic artifacts” generated through the interactions and transactions facilitated by the law in rural areas, on the other, can historicize a more complex story of how its agenda was mapped onto the Haitian landscape.

The state and bureaucracy created by Boyer in Haiti’s early unified corps of laws transposed certain colonial relationships onto the Haitian landscape, even as it transformed and moved away from others. The state’s borrowing of colonial relationships with land ownership and agricultural labor is in dialogue with practices of racialized property ownership and labor in slave societies elsewhere in the Caribbean. Haitian law itself, alongside the rural contexts it sought to define and control, was a site of tension surrounding colonial legacies of ownership and enslavement. President Boyer’s bureaucratic practice—which preceded and shaped Haitian law in addition to being supported by that law—also shaped conflicting relationships with land claims and land ownership in Haiti into the present day.

The Haitian Civil and Rural Codes: Citizenship, Rights, Property and Labor

In keeping with Boyer’s proclamation of a new *legal existence* for the country, the Civil Code begins by jointly establishing the legal authority of the code itself over all Haitian territory and by establishing who was considered to be—and the rights held by—Haitian citizens. Additionally, it empowers communal representatives and judges to execute the law and “deliver justice.” The second law explains that all Haitians possess both civil and political rights, which are exercised distinct from one another, and which together make up the “qualité” of a citizen. All individuals, the code reads, born in Haiti or in a foreign country to a Haitian parent, are Haitian. To become a Haitian citizen, a foreigner must declare their intention to stay in the

country upon their arrival, they must live under the oversight of the justice of the peace in their commune of residence for a period of one year, after which they must present legal certificates from each stage of their stay to the president of the country for his signature with a formal renouncement of affiliation to any country other than Haiti. The first section of the Civil Code does not detail any *positive* rights of Haitian citizenship, and the following section of the code also only discusses citizenship through the ways that Haitians could lose either their civil or political rights, or both. These laws, framed as negative rights, show the state's focus on maintaining exclusive criteria for claiming civil and political rights.

The second chapter of the Civil Code outlines different ways to lose Haitian citizenship, and the repercussions of losing it. This portion of the law represented the primary mechanism that the Haitian state could use to recuperate national territory. Haitian citizenship could be lost by criminal judgement (as further outlined by the Penal Code), by abandoning the country in a moment of danger, by naturalizing as the citizen of another country, or by accepting any official function under another state and by living in another country without any intention of returning. The loss of citizenship results firstly in losing “. . . the proprietorship of all the *biens* he possesses: his *succession* is opened to legal actions of inheritance by his heirs, the same as if he were deceased.” Second, the person who has lost their citizenship may not receive any inheritance or dispose of his property in any way, whether through legally transferring it another person, or through willing it to their inheritors via testament. Third, they could not be named as a legal guardian of a minor or be involved in any transactions related to guardianship. Fourth, they could not be a witness to any legal act or transaction, nor could they serve as a witness in any court proceedings. Fifth, they could not appear before a court, either as a defendant or as a plaintiff (*demandant*) except if represented by a temporary legal guardian (*curateur sp cial*)

appointed by a local tribunal. Sixth, they were incapable of contracting a marriage that produced any legal effect, and they may not legally recognize any children. Seventh, any marriage from before the loss of citizenship would be treated as if the no-longer-citizen had passed away, in that their estate (*succession*) would be open to legal proceedings. Opening up a “succession” meant that the state could have a chance to intervene in the authority of the laws surrounding inheritance of property through disrupting the line of inheritance and reverting property back to the state as part of the national territory (*biens fonciers*).

Haitians could also lose their citizenship by residing in a foreign country without the permission of the president. The law also states this circumstance for losing citizenship explicitly through the loss of property rights. The Haitian citizen who lost his citizenship through “abandoning the country in a moment of danger, naturalization, holding a public function in and establishing residency in a foreign country) lost the right to ownership of all of his property. The law states. “His succession will be opened, and he will, in the future, be considered as a foreigner (*étranger*).”²⁶ Those, however, who lost their citizenship through naturalization, public service and “establishment in a foreign country without the *esprit de retour*” could redeem their citizenship through the formal process outlined in the Code.

The opening article of the Civil Code covered Haitian citizenship, itself a bundle of civil and political rights, upon all Haitians and those born to a Haitian parent overseas. However, the code also emphasized that the state held its citizens to specific requirements in order to maintain access to property (as a civil right) and access to political rights (associated with public function, duty in the military). Both civil rights and political rights are framed in the negative, with the conditions of bankruptcy (*débiteur failli*), being the immediate inheritor to a bankrupt estate

²⁶ Haiti Code Civil, 10.

(succession d'un failli), being a paid domestic servant (par l'état de domestique à gages), or being the subject of a criminal accusation as the conditions under which a person's political rights could be suspended. In addition, a person's political rights could also be forfeited if their civil rights had already been suspended due to a legal condemnation as defined through the Penal Code, passed the same year.²⁷

That both civil and political rights are framed as negative rights paints a picture of a punitive state, interested in stringently enforcing a set of rights conferred through their relationship to nationhood and national sovereignty, and not by nature. The first chapter of the Code, which describes how citizenship—which is made up of “the joining of political and civil rights”—is conferred, makes no positive legal provision for what Haitian citizens could expect from their citizenship. After the Code describes further conditions for the loss of civil rights through criminal proceedings, it describes the procedure for the *Etat Civil*, or civil registry. Detailing how the records themselves should be written out, the registers presented, witnesses gathered and the records duplicated and given to the *Grande Juge*, who would in turn submit them to the National Archives, describes a process *through which* to establish a legal identity, which would be necessary in claiming most significantly the civil rights that the Code mentions only indirectly, through their ability to be lost.²⁸

From its framing of the loss of property rights *as* civil rights to its prescription for the loss of political rights through failing to enlist in the national guard, the Code constructs Haitian citizenship and the possibilities and penalties thereof as contingent on both property and military

²⁷ Code Civil, 11. This section conflates employment with a person's “*etat*” or natural state of being, which in practice could be used to deny political rights are to women.

²⁸ Code Civil, 14. As demonstrated by *Etat Civil* registers from Gonaïves, while some conditions of the *Etat Civil* were routinely not met, others, like the form of records and registers, appears to have continued consistently.

service. The seemingly inclusive language of citizenship is undermined by the specificity of duties required to maintain citizenship, and by the need to establish a legal identity and conduct one's business in front of and in accordance with the law. Being outside the law, whether through non-military service, or through debt (bankruptcy), could easily render someone incapable of claiming citizenship or citizenship rights, even if through not being able to offer written proof of their existence. The archival processes that facilitated entry into citizenship, and the kinds of gendered authority they rested on, effectively prevented women from holding any political rights whatsoever, if not civil rights.

Whereas the rights associated with Haitian citizenship appear tenuous and exclusive, the Civil Code shows how the state sought to normalized its existence through law and in relation to its most precious resource: land. With civil and political rights framed through the Civil Code, Haitian citizenship can be understood as the cornerstone of a legal existence used to own and inherit land. Whether taking over lands that had been abandoned (*vacants*), or bankrupt properties (*failli*), or whether barring the landed generals and gentry of Christophe's court from citizenship and therefore from land, the state positioned its bureaucracy so it could feasibly reclaim land.²⁹ Land was not only a precious resource but it was also the primary terrain onto which the state mapped its own sovereignty and projected social relationships.³⁰ Whereas the Civil Code frames citizenship through reference to property ownership, Boyer's Rural Code shows how rural personhood was construed as the labor that both constituted rural properties as productive and which in turn constructed the viability of the nation.

²⁹ Land could be reclaimed by the state if its owner went into exile, which was a regular occurrence during the political upheavals during the entire century in Haiti. See Matthew J. Smith *Liberty, Fraternity, Exile: Haiti and Jamaica after Emancipation* (Durham, University of North Carolina Press, 2014).

³⁰ See Katherine Verdery, *The Vanishing Hectare: Property and Value in Postsocialist Transylvania* (Ithaca, NY: Cornell University Press, 2003).

Haiti's Rural Code, which was passed by the Chamber of Representatives of the Communes in July 1826, is a set of six laws regulating agricultural production as the primary focus of the new state's administration. These laws relative to "Agriculture," "General Administration of Agricultural Establishments," "Contracts Between Proprietors, Farmers, and the Agriculturists, Cultivators or Laborers and Their Reciprocal Obligations," "On Cattle Pens," "The Care and Keeping of Animals," and the "Rural Police" (the last of which "encompasses everything which concerns the administration and prosperity of rural properties"³¹) shows how the state structured itself and Haitian society around agriculture, buttressed by rigorous requirements of bureaucratic documentation. This code draws the owners of land into a legal social relationship both with the state and with the overwhelming majority of the Haitian population, whose labor, time and mobility was framed entirely in the terms of their service to agriculture, to property and to the state.

The first law establishes agriculture as the basis of the nation. It reads, "Agriculture being the principal source of the state's prosperity, shall be specially protected and encouraged by the Civil and Military authorities." The law divides the cultivation of different crops into classes. The first class of cultivation "consists in plantations which yield produce for exportation, every kind of grain, and the provisions necessary for the subsistence of the people."³² The taxes required by the state for this first class of cultivation were "the territorial and land taxes upon the gross amount only of the produce they raise fit for exportation." The second class of cultivation was kitchen gardens, flower gardens, fruit trees, provisions and forage, "when they are raised on estates not destined to raise produce of the first class." This class of cultivation was required to

³¹ Rural Code, 59.

³² Rural Code, 15.

pay tax on the “estimated value of the weekly produce they raise.”³³ The careful cultivation of export crops (*denrées*), provisions (*vivres*) or grains was the responsibility of the owner of the land, the head farmer, or the overseer. Gardens for the personal use of those laborers who would receive one quarter of the property’s produce, which they were meant to “cultivate during their hours and days of rest, while the next article details that the farmer or overseer must make sufficient ground available for the laborer’ gardens.”³⁴ These distinctions between classes of cultivation defined not only the properties where different crops and export commodities like timber (particularly mahogany), but they also defined the terms of labor on agricultural properties.

The third law of the code describes the kinds of contracts which were supposed to define the relationships between landowners, farmers who rented property, and agricultural laborers, defined through the code as those “whose business it is to cultivate the soil,” meaning all those not employed by the state as soldiers and workmen. For the “security of their common interests” the code states, laborers were required to enter into a contract, the parameters of which were defined by the *class* of cultivation. Contracts could be made either individually or collectively, and they were supposed to be drawn up before a notary, who would preserve the legal *minute* of

³³ Code Rural, 17. As part of this second class of cultivation, the Rural Code states that “The proprietor of every plantation shall be compelled to cultivate provisions, corn, fruit trees, such as bread-fruit, etc.: in sufficient quantity to provide for the people employed there.” This clause was of considerable interest to the code’s English translator, who compared it to Section 6 of the 1816 “Consolidated Slave Law of Jamaica.” The comparison is favorable to the Consolidated Slave Code, he writes, because Section 6 requires slave “masters, owners and possessors” to provide monetary support for each slave in the case of drought or if slave provision grounds became “unproductive.” The translator notes in a footnote to his translation that “There is no such humane and excellent provision as this in the whole Rural Code.” 18.

³⁴ Rural Code, 19.

the transaction on behalf of the state.³⁵ Article 46 of this law states that contracted labor for the second class of cultivation could be no shorter than two and no longer than nine years in duration. For all other kinds of cultivation contracts were not to be made for a period of less than three years or more than nine years. For felling timber for export, contracts could not be made for less than six months or more than one year. Landowners, farmers and overseers would be fined 10 gourdes for every person found to be employed without a contract, and on a repeat offense the fine would be doubled and the landowner would lose the ability to take any legal action against his laborers. If a person classified as a laborer was discovered to have entered into a contract before the previous one was expired, not only would the contract be voided but the laborer would be “driven” (reconduit) to the plantation and would be subject to a fine of 10 gourdes. As the last law of the code elaborates, persons working without a contract could also be imprisoned until a contract was created.

The third law of the Rural Code also made a provision for how crops were to be divided, based on the “class” of cultivation. On estates producing sugar which were being worked “de moitié,” (by half), the proprietor was required to remove a fifth of the gross produce from the top for the expenses and repairs of the estate. Laborers receiving one fourth of the revenues of an estate would take their quarter from the gross product. Laborers were to “enjoy the whole of the fruits raised in their individual gardens.”³⁶ On sugar estates, the division was to take place after working each patch of cane, whereas in the cultivation of corn, provisions, charcoal, cabinet-making, woods fallen for firewood, the division was to be made every six months. For other

³⁵ The “minute” refers to the record of legal transaction created by the Notary. Notarial records remain the private property of those who conducted the transaction and are house in perpetuity with the notary who generated the record. Rural Code, 23.

³⁶ Rural Code, 27.

crops such as coffee, cotton, cocoa and indigo, the division would take place at the end of the harvest. Drivers and others designated as “les chefs des sociétés” were entitled to three shares each. Sugar boilers, carters, and others categorized as “maistrance,” were entitled to two shares each. “Good working men and women of the first class” would receive a share and a half each. Laborers of the second class of cultivation would receive one share, and those of the third three quarters of a share each. “Children from twelve to sixteen years of age, and elderly people, half a share each.” Any remaining produce would be divided “among those who have shown the most steadiness (exactitude) and perseverance in their work.”³⁷ During intensive seasons for sugar, coffee, cotton and indigo, “the different parties upon the same plantation, who work for half a share of produce, shall assist each other in their labours, affording to each other an equal number of days’ assistance; these mutual aids shall be regulated by the manager of the estate.”³⁸

The significance of these sections of the Rural Code is that they defined created categories of “legal” and “illegal” behavior based on whether or not agricultural laborers signed contracts that bound them to the estates where they labored. These sections also assigned value to social groups based on the kind of agricultural labor they were engaged in. This created the terms through which the state viewed its rural populations—as if purely through the lens of property and productivity—and it defined behavior that was not in service of this agenda as illegal.

“Sur La Police Rurale”: Agricultural Order, Rural Surveillance and Recordkeeping

Assiduous recordkeeping by each level of military authority and administrative institution or individual was the backbone of overseeing Agricultural Order. While the Rural Code in its entirety references “La Police Rurale,” both in reference to Rural Order in general, and in

³⁷ Rural Code, 31.

³⁸ Rural Code, 27.

reference specifically to the standing army and the agricultural police force, the sixth law of the Rural Code, “Sur La Police Rurale,” presents an overview of the structure of institutions and individuals tasked with enforcing the state’s laws around cultivation. “Rural Order” was to be overseen by the military commandants of districts and communes, by the officers commanding the Rural Police stationed in each section of each commune, by military guards, the gendarmerie, and “in cases of necessity, by detachments of troops of the line.”³⁹ The commandants of each section were to be held personally responsible for the successes and failures of agricultural production in his administrative section (described in the code with the French administrative designation of *arrondissement*). Additionally, Justices of the Peace, regional Councils of Notables and the Council of Agriculture were to assist in helping these authorities in securing the “perfect surveillance of the Agricultural Order.” The Council of Agriculture was to be selected every year on May 1st, the Festival of Agriculture, by the Commandant of the commune alongside the Justice of the Peace and the Council of Notables. They were supposed to choose three of the most “respected citizens” from the proprietors, farmers and overseers of the region.⁴⁰ The sixth law outlines this oversight of agricultural production through requiring records be kept of almost every aspect of the entire Rural Code, and this “oversight” of Rural Order was also to be carried out through the physical enforcement of labor by rural police forces.

Bureaucratic process was supposed to be carried out by all levels of the government’s rural administration. The commandants of administrative sections were required each year to submit a detailed report on “the due execution of the laws, and of the progress and state of

³⁹ Rural Code, 59–60.

⁴⁰ Article 165, 81.

labour.”⁴¹ The yearly report must “state the number of plantations kept up in each section, the nature of their produce, an account of their improvement or falling off, and lastly, the state of the public and private roads.”⁴² Within this article we find provisions for dividing up the countryside into agricultural “sections” of approximately four leagues each. The next article, Article 132, stipulates that as soon as the sections are drawn up the commandant of the section alongside the Council of Notables and a private surveyor of the region “shall draw up, upon schedules drawn up by the Justice of the Peace, triple rolls of all plantations situated in each section, with the names of proprietors, the extent of each property, and the kind of cultivation on each property.”

In addition to this ongoing documentation of property ownership and cultivation on each property, section commandants were responsible for keeping a record of all land sales, land transfers and changes in cultivation on all properties in his section. These changes would then be marked in the registers described above, and they would be duplicated within the registers of the hands of the Justices of the Peace, the Councils of Notables, all the way up to the register belonging to the office of the President.⁴³ A similar process of recordkeeping was intended to keep track of rural populations living on agricultural estates (as indeed all rural populations were supposed to be). This law, Article 136, frames the country’s first census through property and the control over rural order. A blank register was to be distributed by “administration des finances” of each commune to the officers commanding the Rural Police in that commune, which were required to be filled out with the population of each property each year between receiving the registers (between February 1st and 15th) and March 20th. By April 5th, the officer commanding

⁴¹ Rural Code, 62.

⁴² Rural Code, 62–63.

⁴³ Rural Code, 68.

the rural police was required to forward the completed registers to the Council of Notables (Art. 138) and on May 1st the Council of Notables was required to forward the registers to the government (Art. 139).

The officers of the Rural Police were charged with maintaining written records detailing cultivation, labor, and populations on rural properties, and they were charged with keeping records of the subdivision of crops. Accounts were to be kept of produce manufactured, crops gathered, current prices, and certificates of sale and of purchase for each estate. Lists of everyone entitled to a share of produce were required to be drawn up.⁴⁴ On these lists, each person entitled to a share of produce “will be marked on the list in one of the three classes, according to his strength and activity, and the time that they worked.”⁴⁵ Each day’s labor was also required to be documented. Tickets certifying the days worked would be given to all day laborers, and these tickets would be exchanged for weekly tickets at the end of the week. These weekly tickets were to play an important role, this article reveals, when it came time to divide up crops. “Account shall be taken of these weekly tickets at the time of the divisions of produce, or crop.”⁴⁶ The role of the Rural Police in maintaining a very detailed accounting of all aspects of agricultural production shows that the creation and maintenance of “Rural Order” relied on recordkeeping, physical force and agricultural productivity. In addition to surveillance over agricultural laborers through the necessity to document production and shares given, “Rural Order” was also to be maintained through the enforcement of labor by the Rural Police.

⁴⁴ Rural Code, Law 3 Art. 55, 30.

⁴⁵ Rural Code, 30.

⁴⁶ Rural Code, 31.

The third section of the sixth law describes the duty of the Rural Police in four points: repressing idleness, enforcing labor and assiduity in the field, disciplining laborers (individually and collectively), making repairs and keeping in good repair public and private roads.⁴⁷ As the Rural Code described earlier, officers of the rural police were required to visit each plantation in his district once every week.⁴⁸ Each officer, the code states, was required to “hold himself in readiness to attend to the requisitions of proprietors, managers, or overseers, by day or by night, and to send guards to them to enforce obedience to the law, and to maintain order”⁴⁹ This section of the sixth law of the Rural Code defines as “idle” as everyone not “proprietors or renting [farmers] on the land on which they are residing, or who have not made a contract to work with some proprietor or renter...” Considered vagabonds, they “...shall be arrested by the rural police. . . and carried before the Justice of the Peace of the commune.” After reading the offending person the law on contracts, they were then to be imprisoned until “he shall have bound himself by a contract” with a landowner or farmer.⁵⁰ Article 180 further stipulated that everyone who is “attached to the countryside as a cultivator” who is found not working during the hours of labor or “lounging on the public roads” shall be considered idle, and arrested, taken before the justice of the peace and imprisoned for twenty-four hours. For the second offense they were to be sent to the public works.

Although this is not a comprehensive reading of the Rural Code, clearly Boyer’s state structured both itself and its laws through expectations of agricultural production and rural labor.

⁴⁷ The law differentiates between articles that apply “Sur la Police Rurale” and “De la Police Rurale,” Article 173, 84.

⁴⁸ Additionally, one of the guards under the commander of the rural police for the section was required in Article 147 to repeat the visit to each plantation, so that each was inspected twice per week.

⁴⁹ Rural Code, 73.

⁵⁰ Articles 174 and 175, 84–85.

In the code, Agricultural Order, and its maintenance and oversight is all-encompassing. It defines the creation of institutions and the interactions of those institutions with a rural population that is written into this law as non-mobile, entitled to nothing other than participating in agricultural production for export. Agricultural Order, through the use of force to ensure that the spatial and social requirements of national independence were met, formed what scholars refer to as “caporalism agraire,” or militarized agriculture. Through tying land ownership, spatial organization and labor to the project of (paying for) national sovereignty, the rural code demonstrates how Boyer’s state imagined the realities of its sovereignty playing out at a local level. What this law also shows us is how the state itself was structured through its dictates on rural space and society.

The Rural Code was translated into English and published in Britain the same year as its ratification. Its translator makes a point of comparing the code to the Consolidated Slave Code of Jamaica, which was promulgated in 1816. The translator focuses in particular on the regulation of contracts and on the days of rest and work hours of agricultural laborers. He writes, “In what do these persons, thus bound to their employers, differ from slaves, but in the name? The substance of slavery is here; the name is not far off...”⁵¹ The author sought to prove that labor conditions in Haiti, rumored to be a departure from the ways chattel slavery was regulated elsewhere in the Caribbean, was in reality no better than chattel slavery in a slave society.

The translator’s comments mostly serve to discredit the Haitian state of any pretense of an increased “freedom” for rural Haitians. However, he praises the Rural Code for its exactitude. He writes that “The principles, as to the connection between labour, and the profitable employment of fixed capital, here exhibited, are very important.” He continues, “The Code

⁵¹ Rural Code, 23.

wisely extends the period for which contracts for labour are to be in force, in proportion as a greater portion of fixed capital is dependent on labour for its profitable employment. In felling timber, little fixed capital is employed, and, in that case, the legal period for engagement with the labourers is the *shortest*.⁵² That the translator at once admired the innovation of the Haitian state in forming contract periods around times of cultivation and exportation, and was also critical of the code's provisions for the care of agricultural laborers (which he deemed inferior to the Consolidated Slave Laws), was used to reinforce an argument that the slave societies under English control were more benevolent to their slaves than the Haitian state was to its citizens. The Rural Code did not reproduce colonial slave codes, but rather it translated practices of coerced labor and oversight into a national framework based on rights and citizenship as defined through property and the cultivation of export commodities.

While the translator, as a supporter of slavery and seemingly of capital, had every reason to praise the extrapolation of immobile enslaved populations into immobile free laborers, he did not account for the ramifications of construing both personhood, rights and the state through the lens of property. While the code represents what was designed to be a robust state, in practice its bureaucracy could not hold water in enforcing the order and productivity Boyer aspired to. Both codes were created in the context of a much more enduring property discourses, which formed the physical and legal context for the state's law itself.

Durable Law and Inalienable Rights to Property

In *History of Haitian Law*, written just before the end of the U.S. Occupation of Haiti in 1934, Haitian legal historian Jean-Jacques Thalès provides his readers with an annotation of the fourteenth law on property in the Haitian Civil Code. He writes:

⁵² Rural Code, 24.

When property is concentrated in the hands of a single person, who can exercise all of its resources to his taste, we say that this property is “perfect.” But when it is parceled up (*démembrée*) at the profit of a third party, who has a right to any part of the same property, it is called “imperfect.” We give to this dividing up of property the name “servitude,” in remembrance of the past enslavement of people.

In effect, this property is in a kind of subjugation vis-à-vis another, when it suffers the action of another other than the proprietor... Thus, we are the owners of the fruits of our land by virtue of our *perfect right*, and not through the right of servitude.

Thalès’ annotation of Haiti’s Civil Code questioned the relationship of personhood to property post-slavery, and his reading of so-called “perfect” property revealed what developed as one of the Haitian state’s key mechanisms for defining both itself and its citizenry—the effort to reconsolidate large properties owned privately by either the state or another owner. Thalès terms the era in Haiti in which President Boyer instituted a property discourse reliant on the ideal of inalienable single ownership, from 1825 to 1843, as the “era of codification.” As President Boyer sought to define what was legal, profitable and civilized through law, he tried both to buttress the state’s grip on its citizenry and to establish state sovereignty.⁵³ Haitian law, and President Boyer himself, adhered to Thalès’ description of “perfect property,” drawing from a long history of substantive property law in the civil law tradition, which projects that “for every piece of land. . . there is an owner” and where ownership does not change even through the accordance of real rights to the usage of property.⁵⁴

Although Haiti’s Civil Code outlines at length how property could in fact be lost by a Haitian citizen, President Boyer’s practice of upholding colonial property rights and asserting the reconsolidation of colonial plantations in national-era law through land concessions located

⁵³ Winter Rae Schneider, “Racial Property, Radical Memory.”

⁵⁴ John Henry Merryman, David S. Clark, and John Q Haley, eds. *The Civil Law Tradition: Europe, Latin America, and East Asia* (The Michie Company, 1994), 1192–1193.

ownership simultaneously within and above the law. This contradictory approach to the law is demonstrated through a claim that he made to property in Haiti as his “inalienable right,” even though by his own law he lost Haitian citizenship upon being exiled.⁵⁵ In his ambiguous adherence to property law and an ideology of the *expectation* of property, President Boyer perhaps unwittingly set up a conflict between land as a form of property the right to which could be separated from an individual, and land as the physical expression of an inalienable right to property.

On February 22, 1845, then ex-President Boyer had a public letter to the Haitian people published in Port-au-Prince from his exile in Kingston, Jamaica. “My compatriots,” he wrote. “Although buried for so long in the most cowardly and atrocious slander, I had resolved not to respond to it, trusting in the providence through which justice works, sooner or later, against the wicked. I am determined,” He asserted, “to explain myself definitively because it is my duty to not let the world believe that, by my silence, I am resigned to the dispossession of my properties and the stripping of my most sacred rights.”⁵⁶ He continued, “Accordingly, I solemnly protest, by the present [letter], before God and in the presence of men against the odious decree of March 9, 1843 which, by the most execrable abuses of power, violated my inalienable rights and ordered the dispossession of my properties.”⁵⁷

⁵⁵ Clearly, President Boyer viewed his exile as unjustified and illegal. However, that he was willing to pit his own “inalienable rights” even from within exile against Haitian law itself exemplifies the conflict between the two.

⁵⁶Turnier, *Quand la nation*, 86. According to Turnier, the sequestration of Boyer’s properties was lifted under the administration of President Riché in November 1846, “avec provision d’indemnité pour ceux dont l’état avait pu disposer.” *Le Moniteur*, 26 fevrier et 25 mars, 1876.

⁵⁷ Alain Tournier, *Quand la nation demande des comptes*, 86.

President Boyer wrote that letter to protest a decree by President Rivière Hérard of March 9, 1843, that had stripped him and his secretary of state, Joseph Balthazar Inginac, of their Haitian citizenship, their property, and the property of their families and close associates. Having gained the presidency through a coup d'état against President Boyer, Hérard was himself ousted from power just under a year later. Accused of violating the freedom and rights of the Haitian people, embezzlement and stealing gold from the Citadelle La Ferrière, President Boyer and Inginac were “forever stripped of their quality as Haitian citizens and their rank, banished in perpetuity from the territory, and stripped of their movable and immovable property, which would become part of the national territory.”⁵⁸ By the time Boyer’s letter was published, Philippe Guerrier had become the president, and the cabinet had been filled once again with men loyal to Boyer. After another year, under President Riché, the sequestration of Boyer’s properties was lifted on November 28, 1846, with the provision that the former president would receive indemnification for those properties that the state had already disposed of.⁵⁹ President Boyer would die in France on July 9, 1850, having been indemnified for his property by the Haitian state. His family inherited his estate, valued at 16,000 silver gourdes.⁶⁰

In his public letter, President Boyer construed his Haitian citizenship alongside his right to hold property, as his “droits inaliénables” or inalienable rights, throwing into question the state’s right to strip him of both, even though he was in exile.⁶¹ His public plea to the Haitian

⁵⁸ Alain Tournier, *Quand la nation demande des comptes*, 82.

⁵⁹ Tournier, 88. Tournier cites *le Moniteur*, 26 February and March 25, 1846.

⁶⁰ Tournier, 89.

⁶¹ It is unclear whether Boyer’s protest was based on the nature of his exile, which was possibly unfounded by the laws established for losing Haitian citizenship in the *Civil Code*. His assertion that the decree that banished him was an “abuse of power” suggests this, or at least it suggests that he believed any claims and actions against him to be unfounded.

people protesting the stripping of these “inalienable rights” and the dispossession of his properties suggests that civil rights and property rights were fundamentally linked, but that the connection between the two was understood differently between popular and legal discourses. The indemnification of President Boyer’s property relied on the recognition by President Riché of the former president’s right to property. It is unclear whether Riché restored Boyer’s citizenship or not, though it is known that the ex-president lived out the rest of his life in exile. According to the Civil Code, Boyer’s citizenship would have had to be intact for his family to inherit his property in Haiti, though what is unclear is whether Riché’s recognition of Boyer’s claim also means that his citizenship was considered immutable as well. Whatever the conditions of the indemnification of Boyer’s properties, it appears that it was supported by both a legal and ideological linkage between Boyer’s elite Haitian identity and land ownership, a connection that went beyond the rights of citizenship.

This belief in itself was at once extra-legal in that it eclipsed legal arguments Boyer could have made in his own defense, having been ousted by a different regime through a coup d’état that in theory did not need to engage in a legal process to take Boyer’s citizenship away. This belief was also rooted in Haiti’s laws that Boyer himself created, laws which framed Haitian citizenship, civil rights and personhood not only through property ownership and land ownership, but which were meant to thread expectations of rural labor together with Boyer’s state through an administrative and bureaucratic structure itself reflective of large-scale land ownership. In order to receive an indemnity for his properties, “unjustly” taken from him, Boyer relied on a legal and ideological regime encompassing a mutually-constituted understandings of

property and personhood, that his government had both inherited and shaped twenty-five years earlier.⁶²

President Boyer's published plea from 1845 demonstrates a discourse which considered land ownership as a fundamental part of the "inalienable rights" of Haitian citizenship, which is not supported within the Haitian Civil Code. Boyer's choice to use the word "inalienable," could have been informed either by a sincere belief on his part, or it could represent a calculation of what his "compatriots" would want to hear. Land concessions from the 1820s most strongly exemplify Haiti's legal regime under Boyer and, alongside Boyer's Civil, Rural and Penal codes, can be considered the founding documents of the Haitian Republic through their continuous use and reference in Haitian law and popular discourse. The standardized forms used to make concessions show that grantees were required, on "the pain of law" to have their land surveyed and notarized, to produce only crops "suitable for exportation," to tolerate no "idleness," and to conform to all current and future laws and orders of the republic.⁶³ These documents, and the physical realities they were intended to engender, prescribe legitimacy, through property, to a small percentage of Haiti's population. Their wording also belies the authority of Haitian law, as the wording of these concessions dates from the beginning of Boyer's presidency in 1818, nearly ten years before the promulgation of both Civil and Rural Codes.

In the Artibonite Valley, Boyer made concessions, largely to military figures, often for entire plantations dating from Saint Domingue, and in some cases dividing plantations between two or three individuals.⁶⁴ For example, an 1821 land concession to a member of the military's

⁶² That Boyer's land grants precede property law as such makes the case for the legal context being derived from the physical context, or the aspirational context of property ownership.

⁶³ 1821 *Don National* No. 1687, "Bertrand Saint-Ouin." Vieux family papers, Port-au-Prince, Haiti.

⁶⁴ Unlike the first regions to be developed by French colonizers, Cap Français and Léogâne, the Artibonite was developed relatively late in the mid-eighteenth century. Landowners were almost

6th regiment states that the concession is for “the plantation known previously under the name ‘Bonneau,’ in the rural commune and district of Marmelade.” In 1820 in the plain outside of Gonaïves, in the upper Artibonite, Boyer granted five *carreaux* of land (approximately 16 acres) of the “Danache” plantation to one member of the military, Charles Danache, and another of approximately sixty-four acres, “in perpetuity” to a lieutenant. Yet another land concession on the same property to Philippe Jeune, “who was an owner of twenty *carreaux* of land on this plantation from a land concession made by Jean-Pierre Boyer on the seventeenth of May, 1822, the nineteenth year of independence.”⁶⁵ The Desbarriers plantation outside of Gonaïves was also conceded in the early 1820s.⁶⁶ In the lower Artibonite, by the river’s mouth near the city of Saint-Marc, Boyer conceded the cotton plantation of “Bertrand Saint Ouen,” later evaluated at 2,657 *carreaux* (8,470 acres) to the “commander of the fleet of the Republic.”⁶⁷ Boyer’s land concessions suggested that while property framed the state, it emerged from a practice that replicated much more personal attachments to property.⁶⁸

The legal persistence of property was the cornerstone for newer processes of social control in a national context. Additionally, the *properties* that formed the basis for Boyer’s legal regime were also the physical sites in which gradations of state control, popular resistance, collusion and appropriation took place. In this sense, racialization through property law and

exclusively French aristocratic families who had received large land grants from the French crown. This resulted in the relatively large size of colonial properties in the Artibonite.

⁶⁵ “Solages Jean-Baptiste arpentage,” Marc Desir Pinchinat, March 15 1880. Archives of M.S. Laurent Lavaud, Gonaïves, Haiti.

⁶⁶ Jérôme Dubois, Letter to Louis Borno.

⁶⁷ “Don National, No. 1687” from the papers of the Vieux family, Port-au-Prince, Haiti. Concessions on the Danache Plantation come from transactions in the notarial minutes of Jérôme Dubois, in 1922, housed in the office of Notaire M. S. Laurent Lavaud in Gonaïves, Haiti.

⁶⁸ Merryman describes ownership in civil law as a matter of identity. See Merryman et al. 1192–1193.

practice, Patrick Wolfe renders race and place inextricable.⁶⁹ The laws of Boyer's Republic, speak, in particular, to the Haitian government's quest to maintain "population specific" modes of domination through time, and to a racialization of property ownership itself as an internal process nonetheless driven by the demands of repaying the debt.⁷⁰ Boyer resurrected colonial forms of property ownership and labor in the form of Saint Domingue's plantation, recasting them through the post-colonial state's desire to maintain control in the republic.

The "formality of law" that France's recognition gave to Haitians' independence served as the conceptual cornerstone of the era of codification, which saw the creation of laws that prioritized repaying Haiti's debt imposed by the French indemnity and tied the legitimacy of the nation to agricultural export to repay that debt.⁷¹ Boyer's administration consolidated the previous twenty-plus years of juridical practice in the country under one set of legal codes in an attempt to both ensure the repayment of the "debt of independence," and as a way to civilize the country.⁷² Implicated in the racialization, disenfranchisement and general marginalization of the majority of the Haitian population, the state *records* generated by Boyer's drive to codify are also an important body of archival material through which more complex and unromanticized stories about the lives of Haiti's first generations can be addressed, and through which historical narratives linked to binaries of power and resistance, or legal and extra-legal, can be destabilized.

⁶⁹ Patrick Wolfe, *Traces of History: Elementary Structures of Race* (Brooklyn, NY: Verso, 2016), 16.

⁷⁰ *Ibid.*, 10. Patrick Wolfe links "race in action," or racialization to the population specific domination of colonial regimes.

⁷¹ Blunt, *The American Annual Register*, 148.

⁷² Historian Kate Ramsey locates Haiti's Penal Code within class politics of the period, where Haitian law is both an "index and force of civilization . . . as a sign of a condition already achieved among the republic's governing class, and as a process of reform to which its peasantry would be subjected." Kate Ramsey, *The Spirits and the Law: Vodou and Power in Haiti* (Chicago: University of Chicago Press, 2011), 55.

The so-called “perfect” ownership of property that Thalès writes about was unattainable, probably purposely so, for the majority of Haiti’s new population, but to conflate the state’s legal prescription with the lived realities of Haitians in and around the state and its laws would be a mistake indeed. Rather, the state’s records and laws belonging to President Boyer’s property discourse are a starting point for reading the post-revolutionary projects of rural Haitians.

CHAPTER THREE—“UNE HABITATION DE CINQ CARREAUX”: STATE LAW AND FAMILY LAND IN GONAÏVES’ NOTARIAL ARCHIVES

In 1849, Charles Lagarde wrote out a simple receipt that acknowledged that he had received, in 1848, the sum of two-hundred *gourdes* from one Captain Pierre Laguerre, for “une habitation de cinq *carreau*,” (for a *habitation* of five *carreaux*).¹ The receipt, written out on a slip of paper, was incorporated into the *minutes* of Notary Jérôme Dubois, who in addition to being a notary was also a landowner and farmer in the agricultural plain outside of the city of Gonaïves, where he practiced law during the first half of the twentieth century. The receipt from Lagarde to Laguerre represents a rural genre of property transaction from a nineteenth-century, documented within Dubois’ notarial records from the early twentieth, and preserved today by a notary in Gonaïves as part of the archive associated with her practice. The usage of the term “une habitation de cinq *carreau*” raises questions about the relationship between different forms of property ownership in the rural areas outside of Gonaïves in the nineteenth century. Through its appropriation of the term “habitation” to refer to a piece of land much smaller than the typical plantations and properties which formed the ideal type of property ownership under President Jean-Pierre Boyer, and which also formed the basis for his era of legal codification, this sale receipt also signals that the terms of property ownership themselves were changing over time. Lastly, the long-term legal and archival context to which this receipt belongs suggests reveals the centrality of notarial documents within twin movements of placemaking and state-making in rural Haiti.

This chapter examines the relationship of family land to the state’s law through Gonaïves’ notarial records, and it argues that notarial records were and are the site through which

¹ “1848 Reçu de Captain Laguerre Pierre,” Archives of M.S. Laurent Lavaud, Gonaïves, Haiti. “Carreau” is a unit of French land measurement from the eighteenth century. 1 *carreau* is the equivalent of 1.29 hectares or 3.18 acres of land.

both private land and state land are mutually constituted through their shared adherence to a concept of provenance rooted in Boyer's early land concessions and supported by Haitian law ever since. This chapter examines notarial documents, preserved today by notaries in contemporary Gonaïves. These documents are drawn from land sale and inheritance transactions over the nineteenth century in Gonaïves and elsewhere in the Artibonite Valley. Though the stories they tell are fragmented, the *form* of these documents themselves, alongside their preservation, offers different perspectives on how to historicize relationships of rural Haitians to the state through the critical lens of land ownership and land inheritance. At stake are the questions of who was able to own land, how was land transmitted, and what was the role of the state's early records in the rural terrain of land ownership. Through its focus on the archives of notary publics, this chapter also engages the question of to what degree were customary rights affected prescribed legal procedure around property ownership, and it argues that these two genres not only overlapped were also mutually constituted in rural places.²

Families claimed authority over their land through the meticulous recounting of inheritance, activating the state's laws through their own rural practices surrounding land ownership. They made continual use of the land concessions made by President Boyer to members of the Haitian armed forces and elite during the 1820s and 30s in particular. These land concessions were continually used within notarial transactions as proof of an individual's claim to ownership through family inheritance—and they are used in present day land disputes in the Artibonite—suggesting that they were of fundamental importance to both how families claimed authority over their land, and how the state's laws became activated within rural practices

² Personal correspondence with Rémus Régis, a notary in contemporary Gonaïves, suggests that these two distinct areas of law overlap in notarial practice today. See also Rémus Régis, *Les droits et devoirs du notaire dans une commune*. Tome I, 2015.

surrounding land ownership.³ The bureaucratic records and processes that were so central to Boyer's legal regime and vision of "Rural Order" examined in the previous chapter function in this chapter as records that remain socially relevant through their consistent usage within notarial practice and transaction. Notaries in Haiti, and under Civil Law in general, are trained as lawyers and represent an arm of the state's sovereignty. This chapter offers a way to think about notaries and the records of their transactions in Haiti's nineteenth century. Against the backdrop of the Haitian state as "failed," weak, and ineffective, this chapter offers a new archive that locates the state's authority in family land sale and inheritance transactions.

Placing Notarial Records in Histories of Colonialism and Slavery

Nineteenth-century notarial documentation, because of its continued classification as private documentation, has not been used or addressed in Haitian history. Therefore, this chapter draws from discussion of how to read notarial documentation from other colonial and post-slavery context in the Americas. Historians using notarial records to track land ownership after slavery have demonstrated that as records they reveal the agendas of rural freed populations and the terms under which those populations were able to measure and claim their freedom. While this chapter does not address debates over the relationship of property rights to political, or citizenship, rights, it does explore notarial transactions for the multiple, conflicting, and ultimately material expression of rural society where freed populations have been construed as legally marginalized and historically voiceless. In particular, Rebecca J. Scott and Michael Zeuske, using notarial records from post-emancipation and post-independence Cuba, demonstrate how customary property in pigs and other livestock enabled enslaved and formerly

³ Rebecca J. Scott and Michael Zeuske, "Property in Writing, Property on the Ground: Pigs, Horses, Land, and Citizenship in the Aftermath of Slavery, Cuba, 1880–1909," *Comparative Studies in Society and History: An International Quarterly* (2002): 675.

enslaved people to claim both political rights and long-term possession to land over generations through inheritance and demonstrating proof of possession over time.⁴

Notarial records are seen as embodying tensions between institutions of power on the one hand, and the desires of either colonized or marginalized subjects on the other. In her examination of the records of notary publics in colonial Peru, Kathryn Burns presents the notary as an intermediary figure, translating the laws of the Spanish colonial authority into specific regional customary and linguistic contexts. Through the incorporation of rural, or socially or linguistically marginal groups into the formula of their record-keeping, notarial records can be seen as giving voice to—and explicitly advocating for—the different groups their records. Notary publics in colonial Peru stood as the primary figure for translating property rights into specific contexts. In a legal context where “ownership” was perceived as a complete, perfect, concept, the written ownership record, drawn up by the notary, was seen as integral to the property itself.⁵ Especially in rural contexts where there was not much competition between notaries, Burns argues that notaries were part of what she terms “power groups,” because of their exclusive access to privileged information. Similarly, Juliette Levy’s examination of the financial roles of notaries in nineteenth-century Mérida in the Yucatán region of Mexico argues that “. . . notaries were not just historical record-keepers, but were also, most critically, crucial

⁴ Scott and Zeuske, “Property in Writing, Property on the Ground.” Adriana Chira also writes on how enslaved people in Cuba were able to impact laws of slavery and manumission through monetizing the labor they performed for their owners. See Adriana Chira, “Affective Debts: Manumission by Grace and the Making of Gradual Emancipation Laws in Cuba, 1817–68,” *Law and History Review* 36, no. 1 (February 2018).

⁵ Kathryn Burns, *Into the Archive*. Andrew Walker also demonstrates the ability of notarial documents to speak to the history of Haiti’s annexation of Santo Domingo by Jean-Pierre Boyer. See also Merryman et al.

intermediaries in developing economies.”⁶ From the records analyzed in this chapter, it appears that notaries operated in similar ways in Haiti after independence. Furthermore, in Haiti notaries are the most consistent presence of the Haitian state’s laws in rural contexts, and their records represent a continuous structure through which rural non-elite and elite Haitians framed their own practices of land ownership.

As notaries throughout both Europe and the Americas, in colonial and post-colonial contexts, possessed confidential information about individuals, families, and governmental powers, their presence can assist in diagnosing relationships between any given population and the state or imperial authority. What, for example, were the barriers to entry to a notary’s office? In contemporary Haiti, many notaries maintain an ethos of extreme linguistic exclusivity. As lawyers trained in the law school of the Université d’Etat d’Haïti, they often appear secretive, cloaked by French legal terminology and formal, legalistic, office procedures. Today, rumors among non-elite Haitians hold that notaries played a prominent role in forging the documents and land claims among the elite of François Duvalier in the lower Artibonite in particular. Their near legal impunity also makes them target of rumor about legal infractions. And yet, notaries are integral to rural non-elite Haitians’ land transactions, and their standards for accepting evidence of a family’s land claims—which bridge written and customary law—should also be central to considering the historical role, contemporary reputation and popular imaginations surrounding Haiti’s notaries. To hear Haitians tell it, in rural Haiti the notary exuded an almost

⁶ Juliette Levy, “Notaries and Credit Markets in Nineteenth-Century Mexico,” *The Business History Review* 84, no. 3 (Autumn 2010): 459–478, 460. See also, Juliette Levy, *The Making of a Market: Credit, Henequen, and Notaries in Yucatán, 1850–1900* (University Park: The Pennsylvania State University Press, 2012).

mystical aura, “when he walked down the street, not even the rain would touch him.”⁷ Popularly, the authority of notarial transactions rests on the perceived authenticity of the notary’s training and standards for legal proof and evidence that they choose to admit into their registers of transactions. In Haiti, as I will examine in particular detail below, a notary’s authority also rests on his or her ability to preserve the family records—either in their original form or transcribed into notarial “minutes.”

While drawing their authority from a long history of legal expertise and intensive training, buttressed by their exclusive aura, contemporary notaries in Gonaïves also characterize their practices as that of an intermediary between “customary” and “legal” forms of property recognition.⁸ For example, Gonaïvian notary Rémus Régis described how traditional recognition of property relied on the testimony of the neighbors of those buying a piece of land, whose testimony would affirm that the property line was correct, especially in the process of conducting a land survey. This practice, documented in the “procès verbal” of surveyors in the nineteenth century, is still integral to the process of land sale transactions in Gonaïves today. Similarly, a person’s family can also gather before the notary to substantiate their identity. Legal documents suggest that this process was legally recognized as far back as the 1830s, and the legal acts from birth and death registers of the *Etat Civil*, analyzed in the next chapter, also locate primary importance of the attestations of family members in the creation of legal documents.⁹ And yet, it remains difficult to speak to the nature of the notary’s historical role in Gonaïves, primarily

⁷ Dany Laferrière, Frédéric Normandin, and Antoine Lyonel Trouillot. *Mwen damou pou Vava*. [Longueuil, Québec: Éditions de la Bagnole, 2007].

⁸ Personal correspondence with Rémus Régis, Marc-Henry Moïse and Marie Scherrly Laurent Lavaud, Gonaïves, Haiti, February 2016.

⁹ “Fanie Lachaise, Act de Notorieté,” Archives of Marc-Henry Moïse, Gonaïves, Haiti.

because other documentation of historical context, whether of state power or rural autonomy, is itself fragmented.

Though his focus does not focus on notarial records specifically, Matthew Hull takes up the question of how to frame resistance and oppression to and by the state in his study of postcolonial Pakistan. Hull frames his reading of the postcolonial state through continuities and ruptures that bridge bureaucratic structures between the colony and nation. Often regarded as mechanisms of state control, Hull argues that bureaucratic documentation also represents much more ambiguous political and social functions.¹⁰ Approaching state records not simply as signs of state power, but also as the locus of social association and meaning, help skew unproductive binaries of power and resistance. Rather than representing linear transactions between an imperial power and its subjects, or by a postcolonial state and its citizens, the record itself—through its material substance and its circulation—represents the site of historical associations between the people and offices that wrote, used, preserved, haggled over, interpreted, forged or destroyed them. Some of these associations between people can be enduring, while some are fleeting. While bureaucratic documents represent genres of discourse, they also index those genres socially and politically.¹¹ Looking at the “enactment” of bureaucratic documents in this way supports Hull’s overall argument that graphic artifacts are not reflections of society and social divisions, but are in fact “constitutive of forms of sociability.”¹² Historicizing bureaucracy in turn lends to contextualizing documentary history by reframing it through association and

¹⁰ Hull, *Government of Paper*, 5.

¹¹ Hull, 17.

¹² Hull, 19.

circulation, rather than as signs categories such as “state,” “family” or “citizen” that we perceive and project as relatively stable today.

In Haiti, the depth of usage of legal documentation after the revolution can similarly reframe rural Haiti as a space of discourse “organized by nothing other than the discourse itself.”¹³ The documents themselves are artifacts, and they are treated as such through the flexible oral, material and spiritual discourses in which they are embedded. In particular, early land concessions made by Jean-Pierre Boyer in the 1820s and 30s, and which defined Haitian space through reference to colonial plantations (thereby drawing on the weight of historical experience in those places) would “gather around themselves different people and things” through their circulation and preservation.¹⁴ Through their preservation, their destruction, through rumors of their presence in unknown archives or being held by the descendants of colonists overseas, even through their *absence*, bureaucratic and notarial documents occupy prominent places in rural imaginaries as historical artifacts, as useful tools for both unlocking the past and securing the future.¹⁵ In this way, notarial documentation, alongside practices associated with preserving and enacting the authority of such documents over nearly two centuries, offers another way to reconstruct historical context itself. How, or the different ways in which they can speak to context and the twin construction of Haiti’s “state” and Haiti’s “nation,” is the work of this chapter.¹⁶

¹³ Michael Warner, *Letters of the Republic*, 2002, 50.

¹⁴ Hull, 20.

¹⁵ Achille Mbembe “The Power of the Archive and its Limits” in Carolyn Hamilton, ed. *Refiguring the Archive* (Dordrecht and Boston: Kluwer Academic, 2002) 19.

¹⁶ Michel-Rolph Trouillot, *Haiti: State Against Nation*.

Jérôme Dubois, a Notary in Gonaïves

On February 24, 1927, Jérôme Dubois, a notary in the city of Gonaïves, wrote a letter to Haitian President Louis Borno, legitimizing his claim to land on the former Habitation Desbarrières in the Plaine des Gonaïves. Dubois introduces himself through his varied roles in the Haitian government—in the customs house in Cap Haïtien, as director of “receipts and expenditures” in the same city under the presidency of Nord Alexis, as the former delegate of finances to Cap Haïtien, as “currently a notary in Gonaïves, acting in the capacity of spouse and lawyer for *la dame* Zéïla Apillon, the great granddaughter of the late General of the Brigade Louis-Etienne-Bottex.” Dubois’ letter to the President letter then traces an exhaustive succession of land ownership, leading to his wife’s and his inheritance on Desbarrières.

The final letter from Dubois to Borno is not preserved in the notary’s papers that have been passed down since his death. Rather, this portion of my chapter is drawn from a draft of the letter, with notes and changes marked in the margins. The draft shows Dubois’ thought process and how he constructed his argument through listing notarial transactions back to the early nineteenth-century. Additionally, Dubois’ letter to Borno shows how he used notarial law to counter the state’s authority to repossess or reintegrate land into the national territory. The origin of Dubois’ claim to land inheritance is an 1830 notarial transaction from Port-au-Prince. Each paragraph in which Dubois meticulously constructs his argument is numbered. He begins by demonstrating the origin of his claim,

1. By a sales contract that took place before *Maître* Eugène-Séguy-Villevaleon, notary residing in Port-au-Prince, on the 11th of September 1830, 27th year of Independence, a large portion of land considered the remainder of the Habitation Desbarrières in the Plain of Gonaïves (numbering forty *carreaux* of land given as a Don National to Captains Jean-Paul Sylvain and Mathurin Bernard by President Jean-Pierre Boyer) was sold by the state,

without exceptions or reservations, to the citizens Florent Dominique, Désir Jacques and Jean-Charles Pierre.¹⁷

2. As seen in a document by *Maître* Marcary, notary in residence in Gonaïves, on the 15th of October 1832, one month and three days after the preceding *acte*, the three buyers admitted that the citizen Louis-Etienne Bottex, General of the Brigade, shared with them the rights and usage of the remainder of Desbarrières, in other words Bottex should be considered as a fourth buyer like them. The receipt of this legal act was deposited in the inventory of urban and rural property titles related to the succession of Louis-Etienne-Bottex;

Dubois then writes that the land itself—particularly the portion belonging to Bottex—stood near the intersection of a crossroads that connected Port-de-Paix in the Northwest, Cap Haitien in the North, Gonaïves to the West, and Port-au-Prince to the Southwest. He notes that it was north of the portion of land that was given to Mathurin Bernard by President Boyer, and that the land of the other three buyers stood to the north and east. Finally, Dubois writes that the land was marked by a stone marker engraved with the letters BTX, and that to the east stood another plantation known as “Danache,” “which had been sold,” Dubois writes, “by the state to the late Guerrier Jeanniton.”¹⁸ Dubois then lists all of the legal transactions that together made up the succession of Bottex’ property, inherited by his family. He moves through a land sale in 1852 made by Bottex’ son, to the survey of that land in 1856, to the division of Bottex’ properties among those belonging to his spouse, which was being divided up by her children in 1870. His letter references each legal transaction related to Bottex’s property. He writes,

¹⁷ Desbarrières is the same area where Lakou Souvenance, bordered by Lakou Soukri Danache, is located today. Lakou Souvenance traces its origins to a purchase of property by Papa Bois in 1815. Personal correspondence with Pierre Corvil and Roger Bien-Aimé, and Pascal Bien-Aimé, 2015–2016.

¹⁸ That the portion left to Louis-Etienne-Bottex looked on to the roads leading to Port-de-Paix, Cap Haitien, Gonaïves, and Port-au-Prince, and was neighbored, more or less, to the north by the concession of twenty *carreaux* made to Mathurin Bernard, and to the west and south by the portions of the three of other buyers and marked by a stone marker engraved with the capital letters BTX; and to the east by a neighboring plantation known by the name “Danache,” sold as well by the state to the late Guerrier Jeanniton.

3. That, on the 2nd of July 1852, 49th year of Independence, a son of the late General of the Brigade Louis-Etienne Bottex, the *baron* de Bottex, sold five carreaux of land to the citizen Ambroise Bernard . . . by a privately signed legal act of the same date.
4. That, the surveyor, Louis-Joseph-Bossé measured the said five carreaux of land, seen in his record from the 23rd of June, 1856, 53rd year of Independence; (these two documents are in the possession of Henry Rey, natural son of Catherine Ambroise-Bernard, the wife of Thomas Jean-Baptiste . . .)
5. That, in an official division of property between the grandsons and granddaughters of the spouse of Louis-Etienne-Bottex, documented by *Maître* Louis-Joseph Rouancy on the 15th of January 1870, 67th year of independence, the property of Louis-Etienne-Bottex is listed as number . . . in the mass of 34 immovable urban and rural properties belonging to the said inheritors of the said spouse of Louis-Etienne-Bottex.

He then writes that the land belonging to Bottex on what was left of Desbarrières was bequeathed in that 1870 transaction to the grandchildren of General Bottex's wife Reine Edvain, Adelia and Lachaise Papin, by her daughter Fanie Lachaise. Then, in 1899, Adelia Papin created testament which named Zéila Papin, her grandniece, as her sole inheritor. This transaction, Dubois writes, was facilitated by notaries in Cap Haitien.

6. That, in the third item of the said succession and shared inheritance, the part or portion belonging to Louis-Etienne-Bottex on the remainder of Desbarrières was bequeathed to the *demoiselle* Adelia Papin and to the citizen Lachaise Papin, both representing their mother Fanie Lachaise, Papin's widow, the natural daughter of Reine Edvain, wife of Louis Etienne Bottex;
7. That, in a notarized testament, created by *Maître* Théodore St [illegible] and his colleague *Maître* Montezuma Montreuil, notaries in Cap Haïtien in the presence of witnesses Joseph Sévère, judge in the civil court of Cap Haïtien and Théligny Byas, speculator in export crops in the same town on June 9th, 1899, 96th year of independence, the *demoiselle* Adelia Papin named *la dame* Zéila Apillon and the grandniece of the *testatrice*, wife of Jérôme Dubois, as her universal legatee.

Dubois then goes on to cite investigations into the property ownership on Desbarrières, which took place in 1905 by administrators in Gonaïves' local government. Dubois cites their decision that a certain Lancrede Honorat, who was occupying three carreaux of land on the property, had no legitimate claim to occupancy. He then references a legal summons of a bailiff in Gonaïves to assist in retaking possession of the three carreaux of land that were given by the state, "in error," to Lancrede Honorat.

8. That, through the investigation of Monsieur Cadelon Rigaud, administrator of finances in Gonaïves, in charge of overseeing properties, on August 5th, 1905, 101th year of Independence, in report No. 121 communicated the decision of the secretary of state of the department of the Interior, contained in his own investigation of the 1st of August of the same year, finding *monsieur* Lancrede Honorat, who occupied three *carreaux* of land on the portion of Desbarrièrs belonging to Bottex' inheritors, received the order . . . [rest illegible] not recognized on Desbarrièrs.
9. That by summons of the bailiff Cicéron Latortue of the Tribunal of Peace of Gonaïves, on the date of [illegible] of January 1907, 104th year of Independence, *monsieur* Joseph-Aristide-Sergile, financial administrator of Gonaïves responsible for the Service des Domaines, cited as representative of the state, who was himself represented by his chief of staff, *maître* François Coligny St. Armand, currently notary in Gonaïves, in officially assisting in the retaking of possession of the three *carreaux* of land were given, in error, by the state to Lancrede Honorat.

Finally, Dubois cites a 1907 land survey of forty-three and a two thirds *carreaux* of land, surveyed by Calutte Bruno, confirming that the land held by Bottex' inheritors was well irrigated, cultivated, and occupied. He finishes his letters by calling into question three land surveys that described portions of Bottex' property as state lands.

10. I give over to who has the right and in the interest of the truth, all of the documents that I have listed in this memorandum. Over the years 1850, 1860 and 1870, the surveyors François Casenave, Louis Bossé and Corvoisie while working within the limits of the land belonging to the inheritors of Louis-Etienne-Bottex, wrote that it was “neighbored by the state” in the written documents and maps they gave to their clients. This error has no aspect of authenticity . . .

This error, Dubois writes, led to a man named Henry Rey who had been a tenant of Dubois' before the notary had him legally evicted, to obtaining a farm of five *carreaux* of land from the Department of the Interior. While based on the papers from the 1852 sale of 5 *carreaux* to Rey's grandfather, Amboise Bernard, which he inherited from his mother, Dubois apparently argued that that land should be considered part of Bottex's estate, essential to the later transactions he cites.¹⁹ This land, Dubois writes, was not land that the state had the authority to give, and it made up an “integral portion” of his property—the property belonging to Bottex' inheritors.²⁰

¹⁹ The draft of Dubois' letter is in fragments, and so it is possible that a critical part of his argument, which demonstrates how that 5 *carreaux* became reunited with Bottex's estate, is missing.

Only a transcript of Dubois' letter to Borno exists in the notary's notes, and so it is not possible to see how the final letter was worded. From his notes, however, it appears that Dubois wrote another letter, this time to the *Maître* Paul Morice, a lawyer and chief of staff for the Department of Public Works, to let him know that he had sent a letter to Borno. While his letter to the President had presented his legitimate claim to his property in a legalistic recounting of the different kinds of documentation surrounding his claim (complete with numbered paragraphs), his letter to Morice includes a more animated narration of the attempted surveying of his land by Henry Rey. He wrote that in the moment when Rey and the surveyor arrived on his property, his papers—court orders—that he carried with him for “the execution and operation [of the property]” saved him from Rey's attempted seizure of his land. He then wrote to Morice that rather than engaging in a legal dispute over ownership with the state, he had suggested to Borno the possibility of naming an investigative commission to study his land papers in order to “show the truth of the matter.” In the margins of the draft of his letter to Morice—marked for insertion into the text of the letter itself by an asterix—Dubois wrote, “Can the state become, again, the owner of a piece of property that it voluntarily dispossessed itself of ninety-seven years ago? I will leave it to your wisdom and your caring spirit to find the answer.”²¹ Here Dubois questions the state's authority to possess, sell and repossess land in the face of his legal documentation.

Dubois' letters to Borno and Morice track a history of legal transactions surrounding a former plantation that was divided, under Boyer, into ostensibly several concessions.²² Dubois'

²⁰ Jérôme Dubois, “Letter of February 24th, 1927” Archives of Notary Laurent Lavaud, Gonaïves, Haiti.

²¹ “Jérôme Dubois, Letter to Louis Borno,” Archives of Notary M.S. Laurent Lauvaud, Gonaïves, Haiti.

²² This is suggested by the use of the “remainder” or “what is left” of Habitation Desbarrières. For a discussion of colonial plantations as national patrimony see Jerry Michel, “Les enjeux de la

charts a family history of land ownership not entirely distinct from yet in tandem with the state's role and authority in buying and selling land. Dubois' correspondence also demonstrates his faith in the law and in the authority of legal documents during a moment when the state itself was organizing its land claims, investing in making land ownership transparent to the state for the purpose taxation.²³ He raises a question about the state's own inconsistency as regards the legal ownership of Desbarrières, which he raises explicitly to Morice, and implicitly through his suggestion to Borno that a simple investigation would clear up the entire affair. As a notary of Gonaïves with ties to the regional governments of Cap Haïtien and to the centralized bureaucracy in Port-au-Prince, Dubois had faith in the authority of legal documentary surrounding land ownership that spanned nearly a century, even in the height of a U.S. Occupation of Haiti (1915-1934) that would seek to remap the Haitian countryside, re-consolidate large estates in order to promote wage labor in the production of sugar and other crops, and re-write the Haitian constitution's prohibitions against foreigners' owning of property in the country.²⁴ Indeed, Dubois' letter shows that he held faith in his land papers as capable of contesting the state's

patrimonialisation du parc historique de la canne-à-sucre en Haïti," *Journal of Urban Research Special Issue 5* (2014).

²³ Louis Borno, under order from the U.S. government, founded the Administration des Contributions, which became the Direction Générale des Impôts in 1985, in order to regulate Haiti's revenues collected from both internal and external sources. See François Sérant, "Autour de l'histoire et des missions de la DGI" *le Nouvelliste*. Accessed December 10, 2018. <https://lenouvelliste.com/article/30349/autour-de-lhistoire-et-des-missions-de-la-dgi>. What became Haiti's Direction *Générale des Impôts* had been created three years earlier by Louis Borno's U.S. occupied government in 1924. The DGI's archives, which were intended to be an authoritative record of property ownership for taxation purposes, and which was intended to be able to represent the Haitian government in land disputes with private citizens, have been routinely vandalized and destroyed. Gonaïves DGI archive was destroyed on when Jean-Claude Duvalier fled the country in 1986, it is speculated in order to cover up Duvalierist's abuse of power in expropriating land in particular.

²⁴ Karen Richman on the transformation of agricultural labor in the early twentieth century, *Migration and Vodou*. U.S. See also Inter-American Development Commission, and Pierre Chauvet, eds. *A Statement of the Laws of Haiti in Matters Affecting Business*, 1947.

mismanagement of its own institutional memory. This need for greater state authority (and the need for more effective U.S. imperial control) was also reflected in Louis Borno's interest, under a military occupation by the United States, in centralizing the state's records surrounding land ownership (for the purpose of taxation) through creating "Administration Générale des Contributions" under the supervision of U.S. diplomat J.C Cradock.²⁵ Dubois' insistence on both the quality of his documentation and on the authority of his personal archive functions as a counterpoint to state authority in a moment when the state itself was seen as disorganized, and in which the state had also acknowledged inefficacy of its own ways of recognizing and taxing property (Administration des Domaines). Dubois' letter, coming at the beginning of a new direction in national administrative policy, offers insights into the nineteenth-century context. Arguably, notaries, as "arms" of state sovereignty were themselves the *central* locus on the state's documentary authority through their preservation and legal interpretation and usage of private property documents, notably land concessions made by Jean-Pierre Boyer during the 1820s and 30s. An examination on the inter-generational use of President Boyer's land concessions from that era also support this claim.

Jérôme Dubois' careful archiving of his own papers—both his personal documentation as a land owner and his professional documentation as a notary in Gonaïves—has been preserved by a succession of Haitian notaries until today. Currently, his papers sit in the downtown Gonaïves offices of Notary Laurent Lavaud, who inherited them from her father, who had in turn inherited them from his uncle. Such records, which date back to the nineteenth century, are considered inviolate because, when preserved, they offer archival proof of family land claims over successive generations, in a context where records are difficult to preserve. In addition to the humidity and heat that characterizes most of the region, Gonaïves also experienced a series of

²⁵ François Sérant, "Autour de l'histoire et des missions de la DGI."

hurricanes in 2005 and 2008, which submerged swaths of the city in water and mud. Gonaïves' notarial records also survive within a relative vacuum of state documentation of land ownership. In the late 80s, on the eve of Jean Claude Duvalier's ouster, DGI's archives were burned, which effectively destroyed the records kept on property ownership for taxation purposes. The archivist of that repository at the time concluded that this act of arson aimed to erase records of the state's corruption in that era.²⁶ The documentary context for Gonaïves, its surrounding agricultural plains, and the Artibonite Valley for which it is the administrative capital is therefore tenuous. In the midst of a changing landscape shaped by subsequent presidential administrations, land reforms and disputes, the coming and going of major corporations, land papers are still jealously guarded when they exist, and when they are absent they take on almost a mythic quality. The private archives of notaries and land surveyors represent a more stable framework for accessing the history of a particular family's land and property ownership, although the notaries themselves, as lawyers trained in the state university's Faculté de Droit, also in Gonaïves, maintain an aura of elite unapproachability.

For contemporary notaries in Gonaïves, the possession of archives gives authority to their practice. Families can visit the notary to consult records relating to their own history of land ownership and legal identity. Jérôme Dubois' personal papers continue to be used and preserved alongside other land transactions that he himself conducted, noted, and preserved for families in Gonaïves and in the areas surrounding his own land on Desbarrières. These were the archives that I was able to access, although they are still legally categorized as the private property of both the notary and of those who originally commissioned the transactions. The records that follow—drawn from Dubois' papers preserved in contemporary notarial practices in Gonaïves—alongside

²⁶ Personal correspondence.

and their collection and preservation, signal the entanglement of differing and entwined authority, both of states and of rural families.

Legal Ritual in Rural Spaces

Dubois' archive of land concessions around his wife's inheritance on Desbarriers, particularly in the neighboring area of Danache, help situate himself in legal transactions within rural space. How did families in nineteenth century use notaries like Dubois to facilitate their land sales and successions? What was the role, in particular, of Boyer's concessions on those properties in later land transactions? Were these transactions only open to "elite" families, or was the terrain of legal participation more broadly accessible?²⁷ The land next to Desbarrières, called "Danache," was the site of three land concessions made by Boyer that I can document, with a fourth added by Dubois in his reference to the neighboring property. These concessions on Habitation Dananche will be discussed in detail in the following chapter. Possibly a fifth land concession on Danache provides the basis for another, quite lengthy, legal transaction towards the end of the nineteenth century. Through this transaction, we can situate notarial legal ritual *within* the rural spaces that they described.

On October 1, 1885, Gonaïvian notaries Jean-Baptiste and Henry Cadet presided over an auction selling off a portion of land from the inheritance of Chouloute Saint-Louis, at the request of his widow, Aimaze Joseph, and to the benefit of their children together, Hogsden and Cicéron Chouloute Saint-Louis. The land, six *carreaux* from a larger portion belonging to Saint-Louis, was located in an area known as Habitation Chevalier Danache, in the 2rd rural section

²⁷ In particular, in a context where every Haitian claims a right to certain pieces of land, how can we construe "elite" and "non-elite" within questions of land ownership? Was there a landless class that urbanized? They were forbidden to do so. Was land ownership not indicative of "elite" status? This is too philosophical.

dependent on the regional capital city of Gonaïves.²⁸ The beginning of the auction was announced by the sound of drums outside of Jean-Baptiste and Cadet's notarial offices in Gonaïves. Having established the opening offer at 500 *piastres*, they lit a candle, “. . . prepared in such a way as to last only one minute or thereabouts, and it went out without an offer.”²⁹ They lit another candle, and this time Monsieur Manassé Limage Philippe, a *négotiant* from Gonaïves, agreed to pay the 500 *piastres* price. After lighting a third one-minute candle and having received no more offers during that time, the notaries, with the consent of Aimaze Joseph and those present, agreed to the sale. The transaction was concluded by the promise by Manassé to pay, and by the promise by Aimaze Joseph to give over to him the titles of the land, which the notaries described as “un acte de notoriété” made by the justice of the peace in Gonaïves on July 18, 1845, and a verbal attestation of a property survey by Marc-Désir Pinchinat on August 19, 1885.

This act from 1885, selling off the land of a deceased Haitian man for the benefit of his legally recognized minor children, both historicizes the complex and contested fabric of land ownership surrounding Gonaïves and opens up questions into *how* to historicize rural Haitian history in general through such transactions. At the heart of this transaction is rural land, inherited through three generations of a family local to Gonaïves. The document does not share more information about those involved in the transaction beyond a few essential details: Aimaze Joseph was remarried at the time of the sale, and Monsieur Manassé, who bought the property, had commercial interests in Gonaïves. This auction process opens up questions into spatial

²⁸ Make reference to the name *maybe* being colonial, maybe being not. The confusion contributes to questions about historicity to bring up later.

²⁹ “Nous avons fait allumer une bougie préparée de manière à durer une minute environ, elle s'est éteinte sans enchère.” “1885 Vente aux enchères, Succession Chouloute Jean-Baptiste,” Archives Marc-Henry Moïse, Gonaïves, Haïti.

context of legal transactions; it shows the use of drums in order to announce the auction, offers a glimpse of how the process was conducted in this instance, and demonstrates rural ritual elements (drums, candles, and land) were embedded into Haitian law sixty years prior.³⁰ In making a legal claim in 1885, this document reaches back further into the Haitian past to fix its legal legitimacy on earlier moments for its authority. The notarial act attesting to this auction, incorporated transcriptions of documents establishing the legal personhood of Aimaze Joseph as the legal protector of her minor children Hogsden and Cicéron. Alongside further transcriptions of documents from the Justice of the Peace from forty years earlier, all of these records surrounding the auction were preserved in the notarial minutes of Henry Cadet, and they were then preserved by his descendent, the notary Marc-Henry Moïse in contemporary Gonaïves. The sale itself references and draws its authority from the titles associated with Chouloute Saint-Louis' property.

Other transactions facilitated by Jérôme Dubois show the importance of land concessions in that rural non-elite families were able to buy, sell and reconstruct their histories of property ownership many years later. For example, Elieus, Ermicilie and Richelieu Célidon-Hélie the son, daughter and grandson of Célidon Hélie, all three of whom were living on the land known as Habitation Danache in the 3rd rural section of Gonaïves, declared they borrowed the money from their neighbor Charles Jacques, called Petit-Charles, in order to pay for the funeral costs of their mother and grandmother, Marguerite Jourdain. In repayment for the two-hundred *gourdes* loaned to them by Petit-Charles, a farmer from and living on Habitation Danache, the three took it upon themselves to give him one *carreau* of land on that same plantation “Danache,” from land that “Célidon Hélie had acquired from Roséide Barthélemy, inheritor of Charles Danache, who had

³⁰ In contemporary Haitian law, a *vente aux enchères* still uses candles to time the bids. Personal correspondence with Marc-Henry Moïse.

himself received a Don National of five *carreaux* from President Jean-Pierre Boyer in February of 1821, the 18th year of independence.”³¹ The 1822 land survey, the document continues, was later certified in 1872 by another surveyor by the name of C. Denis, and it includes the owners of surrounding properties Cervalin Monfiston, Rastapchin [unclear spelling] Saint-Fleur, Petit-François Déjoie and Charles Jacques (*dit* Petit-Charles), who would loan Célidon Hélié’s inheritors money for their mother’s funeral fifty-two years later.

At the conclusion of the document, the following events have been presented to the notaries: the land concession made by President Boyer, the *expédition* and map made by the surveyor Grellier, and the attestation of the *refreshment* of the property lines around the 5 *carreaux* concession made by another surveyor, Ethéart Ducasse-Norgaisse. After their close inspection, though, the notaries returned these to their owners [les ayants droit]. The citizen Charles Jacques, it continues, “will have this property rights to one *carreau* of land, mentioned above, from this day forward,” and concludes with the following:

It is expressly agreed upon between the parties that this present act will take the place of a definitive sale as the said citizen, Charles Jacques, will need a surveyor to refresh the property limits of the *carreau* of land which had previously been surveyed by C. Denis, deceased, as both this map and the surveyor’s attestation/report, which were given to the late Célidon Hélié, have been lost as a consequence of the numerous events which have arisen in the country.³²

A later document traces what happened to a portion of Petit-Charles’ land shortly after his death in 1928. Before Jérôme Dubois and his colleagues, Madame Ormise Charles and her daughter, Bertina Charles, landowners living on Habitation Danache collectively sold, in their capacities as *particular legatees* by the testament of their late father and grandfather, Charles

³¹Archives M. S. Lavaud, Gonaïves, Haiti.

³² Archives M. S. Laurent Lavaud, Gonaïves, Haiti.

Jacques, named Petit-Charles Danache, a half *carreau* of land to Osirus Hectune, a farmer also living on Habitation Danache in the area known as “Bois-Saint-Martin.”³³

The late citizen Petit-Charles, Dubois continues, “came into the property through a larger acquisition from [Dommés] Yléna Clément Pierre, the *dame* of Nicolas Bien-Aimé, assisted and authorized by her husband [and also Nicolas Bien-Aimé—unclear], by privately signed acts. July 1897 and the 12th of July 1910,” a transcript of which was stored in Dubois’ archives. Each of these papers mentioned were presented, examined and returned to their owners by Dubois. On receipt of 250 gourdes in payment, Ormise and Bertina Charles agreed that they would guarantee, against all troubles and other prohibitions, no matter what they were, to hand over the property to Hectune.³⁴ While the physical documents associated with a piece of property had to be examined in order for a sale to be authorized, the next step in finalizing the sale would be the survey, or *arpentage*, of the land in question. Jérôme Dubois’ papers also archive such surveys in properties throughout the *plaine des Gonaïves*, and help situate, even further, legal documentation as a process contingent on family presence and spatial context.

Land Surveys

On March 15, 1880, Marc Désir Pinchinat, a public surveyor and resident of Gonaïves, wrote in his report of a land survey that at the request of Solages Jean-Baptiste he was taken to Habitation Danache with the mission of surveying, placing limits on and drawing up a map of a *carreau* of land that she had acquired from *Monsieur* Pierrette Philippe and the *demoiselle* Spalie Philippe, receiving a half *carreau* from each. “They are proprietors,” Pinchinat writes, “within this plantation by the inheritance of their late father Philippe Jeune, who was an owner of twenty

³³ Charles Jacques’ testament was also drawn up by Dubois in October 1928, though the actual testament is not in evidence.

³⁴ Archives Marie Scherrly Laurent Lavaud, Gonaïves, Haiti.

carreaux of land on this plantation from a Don National land concession made by Jean-Pierre Boyer on the seventeenth of May, 1822, the 19th year of independence. They promised me that they would conduct a formal sale [vente authentique] after my operation.”

To proceed with said request, Pinchinat was accompanied by those selling the property, assisted by their co-inheritors Limage and Leroy Philippe; Louis Charles Saint Fleur, officer of the district representing the commander of the said [administrative] section; and Clergé Amédée, a neighbor, and the *réquérant*, representing his father as a neighbor bordering the property. The report by Pinchinat report lists his movement as he walks along the lettered points that delimit the property, marked A, B, C, D, and E, noting the number of steps between each, and the degree and direction he walked. He describes that between point A and point B he found “an old limit marker of wood.” He found similar markers, all old, at points C and E, before turning back to point A and finishing his “operation.” “The *carreau* that I have surveyed,” he adds, “is bordered to the south and west by the general Jean-Baptiste Nicolas, to the north by *le sieur* Domson, and to the east by Clergé Amédée.” The document finishes with his signature and the signatures of Pierrette and Spalie Philippe, with a note made in the margin that in 1907, Pinchinat took off 1250 *millières* of the land in the favor of “Mr. Adolphe Baille” and 1256 *millières* for the *citoyenne* Paulinette Adolphe.³⁵

These and other land surveys document the importance of attention to physical space in the creation of legal documentation. Each sale was accompanied by tracing physical boundaries and the noting of trees and stones that marked the limits of neighboring properties. In some cases, those markers were described as colonial in origin, in others they are listed as “very old.” Land surveys, performed for the purposes of and facilitated by the same kind of “procès verbal” were also required for the standardized form of Boyer’s land concessions made out of Saint

³⁵ Archives M. S. Laurent Lavaud, Gonaïves, Haiti.

Domingue's plantations and properties. In this way, notarial records located the state within the rural landscape through the measured footsteps of family and neighbors. The presence of legal documentation in rural areas was not limited, however, to these kinds transactions. Other, less formal though legally recognized, receipts of land sales written on the land itself were also incorporated into Jérôme Dubois' notarial registers and preserved for the families who relied on them as the legal basis for future transactions.

Land Sale Receipts

Another genre of legal documentation descriptive of the associations between people on rural land are receipts of payment for the sale of land from one person to another. These receipts represent another "discourse genre," to reference Matthew Hull's work again. They were not conducted in front of a notary, but represented an understanding reached clandestinely between two parties, which was later incorporated into notarial registers. As a genre, these receipts stood in for the lengthy and expensive process that formalizing a sale with a notary represented. In some cases, when families presumably did not have the means to procure the services of a notary, the legality of the sale would depend for generations on the receipt, despite the expectation that it would be included in the notarial register eventually. Unrecorded sales supported by a receipt remain a practice in Gonaïves today, especially when sales are between family members and when the ownership of the land, and therefore the right to sell, is not suspect.

Receipts of sale from Habitation Danache, documented among and preserved alongside Jérôme Dubois' papers, come from the years 1846, 1848, 1853, 1881, 1889, 1892, 1894, 1898, 1912, 1913, 1920, 1922, and 1940. They follow an abbreviated form of the longer formula used in a formal land sale document. They reference the name of the person from whom the writer of

the receipt received payment, the amount of land sold, and the statement that it was situated on Habitation Danache. Receipts referenced the administrative section in which Danache can be found (3ème). Sometimes, other information is included in the short text of the sale, like when property titles had been exchanged in the sale, or the reason for the sale, or the relationship of the person selling the land to the owner of the land. These annotations further buttress the authority of land claims by demonstrating how property was transmitted.

One receipt mentions the seller's authority as being drawn from the consent of his siblings, as the oldest inheritor of the land:

I, undersigned, have sold to Mr. Vertu
Camprone, one *carreau* of land . . .
On the main road, bordered
by Vertu Camfrome, for the sum
of forty-four *piastres*.
Paid in full. In which I
have the consent of my
brother and my sister, Ciciron Novembre
Cia Novembre, who give
the liberty to sell and give the receipt to
Mr. Vertu Comfrome.
Signed,
heritier majeur
Limise Novembre
Petit Rivière des Bayonné, the 15th of October, 1898

A second makes explicit reference to the buyer being in possession of the documents.

Received from Monsieur Charles Gène, the
sum of eighty-five gourdes
for one *carreau* of land that I sold him
on the Habitation Danache, 3rd
rural section of this commune.
I gave him the titles of the property
eu son garantie,
The 12th of May, 1913
J. Chéry

Other examples give more detailed information as to the location of the sale.

I, the undersigned, Montauciel Michel, recognize
by this present receipt having sold to Monsieur Ambroise
Noël, for the price of one hundred and twenty gourdes, paid in full,
two carreaux of land on *my property*
on Habitation Danache, Petit Place, in the place
called Savane Mouton. I have promised to
register this sale with a notary public, upon completion of the arpentage.
Habitation Danache, Petit Place, the 12th of September 1853.
Signed, Montauciel Michel.

In this sale, Montauciel Michel specifies the exact place name of the land he sold to Ambroise
Noël and stipulates that Noël must have the land surveyed before he will have the official sale
registered with a notary.

Another sale appears to have been witnessed by the Commander of the Rural Police for
that section. This transaction, taking place in 1881, is written out in what appears to be half
creole, based on the choice of letters.

Reci de gen merisier Gabriel
La somme de deux [unclear] gourdes
. . . 15 mars 1881
Le . . .
Nom si devant . . . en presente
Le commandant chef de la police rurale
Si dite section ferdinand valeaur
En presente deux . . . Hemaircita gen batis
Jacque e citoyen jean jacques joseph
. . . habitatn domicilei di section
Ne savez pas li re ni relu faite entre nous
Sivant laloi en borne fai . . . le
14 fevrier 1881

Received from Jean Merisier Gabriel
The sum of two [unclear] gourdes
. . . 15th of March, 1881
The . . .
Named previously . . . in the presence of
The commander, head of the rural pulic
of the said section Ferdinand Valeaur
And in the presence of two . . . Hemaircita Jean-Baptiste
Jaques, and the citizen Jean Jacques Joseph
Living and residing in the said section.

Not knowing how to read . . . between us
Following the law and marked by . . .
14th of February, 1881.

While other sales reference the word “piastres” instead of “gourdes” for currency exchanged, this sale writes out the words “reci” “gen batis” and “rirale” as if they were pronounced in Haitian Creole. By attesting that the seller could not read or write, this sale signals another consistent dimension of land sales: that they were often written down at the request of those buying and selling land by a third party. This particular sale receipt is also unique because it cites multiple witnesses, an element usually reserved for formal notarial transactions. The notable fact that the witnesses were drawn from Rural Police may indicate that the sale related to a larger context that goes unstated in the record.

Further examples of receipts demonstrate how the creation of legal records relied on the contexts of transcription and on family inheritance. One receipt was drawn up “at the wishes” of co-inheritors Yvreuse, Philomain and Exante Garçon by a third party who could read and write. Still others, like that from 1920 between *madame* Louissaint and one “Guerrier,” detail that the half *carreau* of land (for which Louissaint paid one hundred and sixty gourdes) came from a “concession of five *carreaux*” (presumably made by Boyer), which the seller inherited from his or her late mother, Marine Guerrier, who co-inherited the land with her sister Gladine. This receipts frames the right to sell as within the “droit d’heritage” or “right of inheritance” of the seller, explicitly drawing from a history of sanctioned legal documents in order to frame the sale.³⁶ An earlier sale from 1889, also signed by one “guerrier” who in this case seems to have been the neighbor of the property in question, notes that Saint Pierre Joseph had, after buying back three *carreaux* of land he had sold for thirty *piast*, resold it again to Jule Deus. Land

³⁶ “Récu de Madame Loui-saint.” Archives of M.S. Laurent Lavaud, Gonaïves, Haiti.

receipts collected with Jérôme Dubois' papers also document populations who claimed African and Creole surnames. One receipt from Emmanuel Barzil attested that he had received two hundred gourdes for quarter *carreau* of land in 1920 on the Dubedoux plantation in the area known as “labondance,” from one “Petit Bois Guya.” Emil’homme and Yayasse Déris served as witnesses to the writing of the receipt.³⁷

The written receipts collected alongside Jérôme Dubois notarial *minutes* also suggest the transformation of the term “habitation” over the nineteenth century. The colonial term “habitation” translates as plantation, and this understanding of the term was also applied to Jean-Pierre Boyer’s land concessions for entire “habitations” or specified parts, or remainders of plantations. While land concessions were made to men in higher military rank for large amounts of land, the most common unit for a concession was five *carreaux*, the amount that was awarded to soldiers of lower rank. As in the receipt between Lagarde and Laguerre cited at the beginning of this chapter, it appears that the word *habitation* legally began to be applied to smaller amounts of land. Based on President Boyer’s original concessions of all or part of colonial properties or *habitations*, the practice of claiming rights of inheritance also transformed the scale and understanding of those properties. In Haiti today, while Boyer’s concessions form a foundational part of a popular imagination around land ownership, “habitation” has become a vernacular expression for the kind of belonging reserved, in Haitian Creole, for “bitasyon m,” or “my habitation,” the land to which all Haitian families trace their ancestral origins. The family attachment to land, coming out of an association with the state’s rendering of land through law, shows that Haitian law may have created the legal and archival context through which Haitian families based their own practices of ownership and inheritance. Additionally, the multiple social associations generated through transactions of sale, inheritance and survey—associations

³⁷ “Emmanuel Barzil.” Archives of M.S. Laurent Lavaud, Gonaïves, Haiti.

between family members, between rural Haitians and state—introduce new evidence of the pervasiveness of Haitian law within a period that historians have characterized through an “unwritten” or undocumented rural consciousness and agenda of self-determination through land ownership after the Haitian Revolution.

Conclusion

Je soussigné Orélus Jn Baptiste
Habitant et propriétaire domicilié sur
L’habitation Chanflot en la 4eme section
De la commune, Je reconnais avoir
Recu de Mr. Verus Cambrone la
Somme des trente piastres sur un
Valuer de soixent piastres pour un demie
Carreau de terre que je lui ai vendu ma
Propriété legitime situe sur l’habitation Danache
En cette section, Borne au général
Limage Philippe et Léanne St.
Deux voisine limitrophe, sur le grand che
Min bassin des tribution 3eme section
Rural petite riviere de bayonne le...
Novembre 1894.
Faisant pour le sieur Orélus Jn. Baptiste
Par prière.
Fr. Brutus

In this chapter I have laid out some of the possibilities of tracing family owned lands in Gonaïves and the rural Artibonite Valley during Haiti’s nineteenth century through notarial documentation. This documentation has included land sales, surveys and exchanges between branches of families who inherited land from the recipients of Boyer’s original concessions. Through the letter that notary Jérôme Dubois sent to President Louis Borno a century after Boyer’s presidency, I have been able to locate a legacy of notarial legal and archival continuity and authority, that shows how Boyer’s early state records “enacted into practice.”³⁸ This is especially useful for thinking about how to read Boyer’s early bureaucracy and legal regime for

³⁸ Matthew Hull, 5.

the possibilities surrounding how that regime was both enforced, and the possibilities for understanding how the state's records can also be seen as becoming incorporated into rural practices surrounding land ownership. In doing so, this chapter argues that notarial records successfully confront perceived binaries between the state's power and rural institutions. Given literature that focuses on family land as a dynamic institution that used imperial and national laws to protect forms of belonging within kinship groups, the case of Haitian notarial documents shows that in Haiti, too, rural spaces did not exist outside of the state's laws but rather were constructed through them, albeit to possibly different ends.

Collections of notarial documents exist in relationship to the state, but their authority functions in two ways. This is revealed through Jérôme Dubois' usage of notarial records to counter state authority, and it is also revealed through the appropriation of the term "habitation" refer to smaller and smaller portions of land over time. Notaries themselves drew their authority from the state's sovereignty and the state's agenda of carefully accounting for property both through ownership and through controlling and surveilling the lives and labor of rural non-elite Haitians as laborers on those properties. However, in practice notaries' offices and notarial transactions themselves bridged oral and written cultures and standards of evidence. Their offices—and the rural spaces in which transactions were also conducted—represented sites where the testimony of family and neighbors transformed into legal documents and transactions, and where law was shaped by customary associations between people in order to substantiate legal claims. Through locating legal transactions and state records in rural space, and in their usage in family land transactions, notarial documents in Haiti demonstrate that bureaucratic records should be read for the way they confront the "unproductive dichotomy between the constructed and the real." The following chapter will look more closely at the Haitian *Etat Civil*,

or civil registry, from the same era that President Boyer constructed citizenship rights through property rights, in an effort to locate rural women's testimonies in particular as both integral to laws surrounding legal personhood, and as representative of a more elusive rural agenda of belonging.

CHAPTER FOUR—“THE COUNTRY HAS CHANGED, NOT US”: WOMEN’S
TESTIMONY IN THE ETAT CIVIL OF THE ARTIBONITE, 1816 AND 1825

*Peyi a ki vire se pa nou ki vire,
Di papa loko sa!
Peyi a ki vire se pa nou ki vire,
Papa loko te di sa kretyen vivan yo move.*

*The country is changing, not us.
Tell Papa Loko that!
The country is changing, not us.
Papa Loko said that living men are cruel.¹*

This chapter asks how to address the lives of the first generations of rural non-elite Haitians who lived through and after the experience of colonialism, enslavement, and the Haitian Revolution within an archive created by regimes that oppressed them. How did rural Haitian society interact with the law? How did they “measure liberty?” How can their lives be recovered despite relatively scarce documentation from the period? Within an archive created both by President Boyer’s “era of codification” that subjected rural non-elite Haitians to the requirements of property by casting them as immobile agricultural laborers, and given the previous chapter’s look at notarial transactions as situating Boyer’s bureaucracy within rural practices of family land ownership, this chapter attempts to read this archive more closely from within the singular mechanism for establishing not only citizenship but legal personhood in Haiti. According to Boyer’s Civil Code that associated certain forms of labor that were masculinized with being able to hold political rights (military service and government service, for example), the records used in this chapter show that women’s testimonies formed the documentary foundation for obtaining legal personhood in the first place. This chapter explores *Etat Civil* records through a reading practice that privileges women’s contexts, experiences and motives. Women’s experience of the law and of Haitian society in general was informed by the ways they were both racialized by the

¹ A traditional *chan vodou* from Lakou Souvenance, Gonaïves, Haiti.

state and the ways they experienced gendered forms of labor, violence, and political marginalization. My focus on women's testimonies came out of a close reading of the documents themselves; however, locating women in particular within legal records can also help to stage a more complex understanding of rural nineteenth-century Haiti in general. Historicizing rural Haitian space means, to a large degree, differentiating historical reality from the highly romanticized ideas of an idealistic and cooperative rural Haitian society, on the one hand, and a removed, elite and repressive state, on the other hand, which are largely accepted in the historiography of Haitian history. Such stories continue to prevent thinking about ongoing state repression and neglect, even as they do little to historicize how rural Haitians mediated their own aspirations within the overlapping military, administrative and legal institutions that made up the state. I use *Etat Civil* records from the upper and lower Artibonite Valley to look at the occasions when rural agricultural laborers, a group that included women, and elites came before the law in order to establish themselves within the legal cornerstone of the state's documentary regime. These records do not lend themselves easily to narration, and yet when read for the gendered and spatial experiences and choices they reflect, they can reveal a past beyond, but not isolated from, the state's agenda.

This chapter examines birth and death records to situate the lives of Haiti's earliest generations within the contexts both of the historical landscapes in which they were produced, and of the different gendered interactions rural Haitians had with law and legal subjectivity. The *Etat Civil* records that I have chosen to present in this chapter are drawn from, and I believe are representative of, many others housed in the historical section of the National Archive in Port-au-Prince. The collection in the National Archives for Gonaïves, which in turn represents a collection of registers from the entire Artibonite Valley of which Gonaïves is the regional

capital, is made up of birth, death, marriage and divorce records beginning, to my knowledge, in 1816. Some places, like Petite Rivière de l'Artibonite in the lower Artibonite Valley, contain the older records, while Gonaïves has a more complete set for the mid-nineteenth century. Records from the city of Saint Marc reflect a coastal, predominantly elite population, while early records for Dessalines are missing or were destroyed. The absences and mundane presences transcribed in *Etat Civil* records represent an opportunity for engaging a more complex history of rural Haitians' experiences and agendas, even as they document the nearly ubiquitous legal presence of state structures of control such as the military, the police, and the legal system itself.²

Through a close reading of documents within a broader social context, I argue that reading the *Etat Civil* for women's actions, voices and legal strategies can shift how all of Haiti's early archival materials can be assessed, from a descriptive reading of the forms of power enacted upon rural populations, to a reconstructive reading of choices they made as they lived, strategically shaped within their interaction with legal form and the authorities of President Boyer's "Agricultural Order." I locate my own work in a historiography of the lived experiences of enslaved people and rural populations after emancipation through documentation belonging to regimes that racialized and marginalized them. In this chapter, I locate my work more specifically within a historiography that addresses how to contextualize rural Haitians' lives within the contours of a landscape shaped through their labor, desires and agendas as much as it

² Aisha K. Finch's idea of taking notice of "insignificant utterances" and "constructed visibility" when reading women's testimonies around the *La Escalera* rebellion, "suggests a critically important way to revise existing narratives about organized slave resistance in Cuba and elsewhere," *Rethinking Slave Rebellion in Cuba*, 153.

was shaped by the “spatial impulse” of colonial control and its attendant forms of physical and psychological torture and abuse.³

The legal testimonies presented in the *Etat Civil*, the civil registry legalized through President Boyer’s Civil Code, as I will show below, contribute not only to thinking about women’s actions and experiences during the first decades of Haitian independence, but also to considering the politics of gender and archival visibility. Recent studies on the organization, rebellion and resistance of enslaved people in Cuba and freedpeople in Antigua during the early and mid-nineteenth century engage gender and visibility to rethink these histories critically. In *Rethinking Slave Rebellion in Cuba*, Aisha K. Finch uses a reading practice focused on noticing “utterances meant to the small and insignificant” among women’s testimonies after the *La Escalera* rebellion and rural insurgencies between 1841 and 1844 to revise existing narratives of the rebellion. Narratives typically focus on male rebels, whose actions are construed as “important” and “legitimate” acts of rebellion—a gendered form of archival visibility which was reproduced through subsequent historical narratives of the rebellion. Women’s testimony in this case evinces more oblique, but structurally critical gendered uses of space, mobility and the circulation of information towards organizing and rebellion long before *La Escalera*. Their testimonies, Finch shows, were constructed to efface their organizational networks and to protect themselves, their families, and other enslaved people from reprisal in the form of torture and execution.⁴ Marisa Fuentes and Natasha Lightfoot argue similarly for the necessity of approaching violent and antagonistic archival records for what they both uncover and “refuse to

³ Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004).

⁴ Finch, 153.

reveal” about women’s racial, gendered and sexual experiences.⁵ Without reexamining flawed documents, Lightfoot writes, “they remain permanently silenced.”⁶ Women’s testimony is subjected to gendered differences in archival visibility, both in the way the documents themselves are drawn up, and in the possibilities that presenting themselves before and being recorded by state might have afforded. In short, *Etat Civil* records can speak how rural Haitian women presented themselves before the state as part of gaining legal personhood—and a path to property ownership—for themselves and their families even though the limitations of these records foreclose historicizing their lives and experiences in greater depth.

Visibility and Strategic Personhood: The *Etat Civil* in the Plaine des Gonaïves

Naissance de Mars, No. 54

April 30, 1825

Today, the thirtieth of April, eighteen twenty-five,
Twenty-second year of the independence of Haiti,
Before me, Antoine Hilaire Gardère,
Officer of the *Etat Civil* of the commune of Gonaïves
undersigned, appeared the citizen Marinette,
native and resident of *de la brande*, cultivator, accompanied by the citizen
Mars Bernard, native of Africa, resident of *la
brande*, cultivator, and by the citizen Marie Jeane
Marguerite, native of Africa and resident of *la
brande*, as the necessary witnesses. The said citizen Marinette
declared to me in the presence of the aforementioned witnesses that she
gave birth naturally at *la brande*, in the month of April of last year, to
an infant who was presented to me and who I affirm to be of the masculine sex, named
Mars, the father who was not presented to me,
remains unknown. The present parties, when called upon to sign their names,
all declared not to know how. This act was prepared in
my office the day, month and year as above, and
I have signed, officer of the civil registry.

A. H. Gardère⁷

⁵ Marisa J. Fuentes, *Dispossessed Lives*, 3.

⁶ Natasha Lightfoot, *Troubling Freedom*, 13.

⁷ Naissance de Mars, No. 54.” in “Naissances, Mariages, Décès,” Gonaïves 1825, *Archives Nationales d’Haïti*. Port-au-Prince.

Naissance de Angelique, No. 86

April 30, 1825

Today, the thirtieth of April, eighteen twenty-five,
Twenty-second year of the independence of Haiti,
Before me, Antoine Hilaire Gardère,
Officer of the *Etat Civil* of the commune of Gonaïves
undersigned, appeared the citizen Sainte, native of the Petite Rivière des Gonaïves,
cultivator, accompanied by the citizen Alexandre Jean, native of Africa,
living in Bayonné, cultivator,
and by the citizen Angelique, native of Africa and residing in the Petite Rivière des
Gonaïves, as witnesses. The said citizen Sainte,
declared to me in the presence of the aforementioned witnesses that she gave birth in the
Petite Rivière des Gonaïves four months ago to an infant who was presented to me and
who I recognized is of the feminine sex, named Angelique,
born illegitimately of the citizen Baptiste Paul, native of the Petite Rivière des Gonaïves,
soldier in the *gendarmerie* of Gonaïves, who is here present, and who recognizes and
declares himself to be the Father of the said infant, this recognition and declaration were
confirmed by the mother's confession. The present parties, when called upon to sign, all
declared not to know how.⁸

The above records are samples from the registers of “births, deaths and marriages” from the town of Gonaïves and its surrounding agricultural plains in 1825. Information on the day of the year in relation to Haitian political independence (dated to 1804), the names, occupations and residency of those who attested to the birth of the child all appear in the rote format that President Boyer's Civil Code stipulated for birth such records. This information, however, communicates that rural women agricultural laborers, assisted by witnesses drawn from military and police regiments, who were “natives” of either that region or sometimes listed as “natives of Africa” came before the law in order to give their children legal personhood. These records show, most basically, that the law was also used by those who were described by the Rural Code only through the ways that they should perform as laborers. What follows is an analysis of similar documents from the same register.

⁸ Naissance de Angelique, No. 86. “Naissances, Mariages, Décès,” Gonaïves 1825, *Archives Nationales d'Haïti*. Port-au-Prince.

On February 20, 1825, the presiding official of the civil registry in Gonaïves, Antoine Hilaire Gardère opened his office to receive the families of infants born in and around Gonaïves, and to have their births recorded in a legal Act of Birth, preserved in Gardère's register, later submitted to the National Archives in Port-au-Prince. On that day, Marie Madeleine's birth from the previous December was declared by her mother Elizabeth, herself a resident of Habitation André. Two witnesses, Louis Lindor, corporal in the Haitian military's 13th Regiment, and by Marie-Madeleine, also a resident of Habitation André, attested to the truth of Elizabeth's story. Gardère's record states that Marie Madeleine was the illegitimate daughter of a Jean Pierre, a soldier in the 13th Regiment, who was also present Gardère's office and who declared that he recognized his daughter. The end of the Act of Birth asserts that when called to sign their names, the mother, father and witnesses "all declared that they do not know how." The Act of Birth was signed by Gardère himself.

On the same day, Gardère also created an Act of Birth for a boy named Désir, born to Eulalie, an agricultural laborer on Habitation Debédon. Eulalie declared the birth of her son in front of Gardère and Joseph Dessin, *sous-lieutenant* in the 24th regiment, and Lorine, an agricultural laborer or "cultivatrice" on Habitation Debédon.⁹ The Act makes no mention of Désir's father. On that day Gardère also created a record for Marguerite, whose mother Marie Bruneau declared that she gave birth on January 4, 1824 in the home of the Rose family in the Artibonite Valley. While the father was noted "absent" in the Act, two witnesses, Joseph Bruneau and Marie Marthe Orpheu, "fournier" in the gendarmerie outside of Petite Rivière, attested to the birth. Two entries after Marguerite's, Marie Claire, a farmer in the Artibonite Valley, attested to the birth of her son Charles from the previous July before witnesses Charles

⁹ Make the point about how "cultivateur" and "cultivatrice" were used in this context here instead of later.

Alexis from the Artibonite and Marie Elizabeth, an agricultural laborer from Habitation Pongaudin (outside of Gonaïves). The document states that Charles' father "was not presented, and remains unknown by consequence."¹⁰ On the same day, Marie Louise attested to the birth of a son, Jean, from October 1820 before a witness Jean François from the 24th regiment, and Sophie Marie Françoise, "a native of this commune."¹¹

The language of these records, like most legal state records, is formulaic. With small exceptions, they reproduce largely the same phrasing, and the ceremony of creating an Act of Birth appears rigid in its form. Almost universally, a mother attests to the birth of her child in the presence of two or more witnesses. The child's father is noted either through his presence or through his absence. In Acts of Birth from 1825, all the women declared that they could not read or write, while all men but those in high military or administrative positions either in the Haitian government in Port-au-Prince or Gonaïves declared their illiteracy. The records document a range of occupations and social categories. With rare exceptions women are listed as "cultivators," occasionally as farmers, while the men who appear as witnesses and as the fathers of children are drawn from the military, administration and police in addition to being "cultivators" and sometimes "proprietors."¹² Lastly, the children themselves were present, as Gardère attests to recognizing each as either male or female in turn.

Later acts from March through August of the same year record the attestations of women from properties outside of Gonaïves, like Bizoton, Doland, Cocherelle and Deronville, and from

¹⁰ Naissance de Charles, No. 19. Naissances, Gonaïves 1885," *Archives Nationales d'Haïti*. Port-au-Prince.

¹¹ "Naissance de Marguerite" "Naissance de Charles," "Naissance de Jean." *Archives Nationales d'Haïti*. Port-au-Prince.

¹² In chapter two I addressed the way that agricultural labor was constructed as a social category rather than as a profession.

further outside the town in the areas of La Brande and Petite Rivière de Bayonné and Petite Rivière des Gonaïves. Their witnesses, who each appeared in Gardère's office in Gonaïves proper, range from agricultural laborers on the same properties and plantations, to military men from the 13th regiment (and others), to clerks of the judiciary, administrators. In some cases, the witnesses were from different regions of the country, like the town of Petite Goâve in the Western department, or Cap Haitian in the North. In Act of the Births of Mars and Angelique April 30th and May 15th, the witnesses attesting to their births, Mars Bernard, Marie Jeane Marguerite, Alexandre Jean and Angelique, all residing in the areas further away from Gonaïves in La Brande and Petite Rivière des Gonaïves are declared as agricultural laborers and "natives of Africa."¹³ In all except for one entry, the time between birth and the creation of the Act of Birth ranges from a few months to several years. This instance, described below, represents both an exception from the routine phrasing of other records, and it also offers the possibility of reading more deeply across records for how birth records relied on women's testimony for their authority. It can also suggest that women may have been motivated to register the births of their children by the country's changing legal terrain as it represented a way to inherit property through Haitian citizenship.

On June 14, 1825, Anne Marie Jeanne, called "Manon," Ibar, appeared before Gardère in his offices, where she had come to attest to the birth of a baby girl eighteen years earlier. She recounted that on the sixth of January 1807, at four in the morning, Josephine Lafond, known by the name of Sanité, gave birth to a daughter in Ibar's home in the town of Saint Marc. Sanité Lafond called her daughter Augustine Eléonore, with the surname of Daumétine. Manon Ibar, together with both mother and child, traveled to Gonaïves where Daumétine was baptized by the

¹³ "Naissance de Mars, No. 54, "Naissance de Angelique, No. 86." Mars' mother was named Marinette, which is an old and storied name within the Vodou tradition of especially the agricultural plains outside of Gonaïves.

Reverend Father Côles at the age of one month. Since that time, Ibar attested, Daumétine had been in the care and constant company of Ibar herself.

Daumétine's godparents, Ibar recounted, were the late Saint Georges, the Aide-de-Camp of Henri Christophe, and *la Dame Cernet*, then a resident of Cap Haitian. The baptismal record itself was lost "in the events which followed one after the other in this country."¹⁴ Ibar continued that Daumétine's mother Sanité was the daughter of Marie Anne Guédon from Port-de-Paix, who was herself killed amidst civic strife, "troubles civiles," in Saint Marc in 1812. Ibar's story was confirmed by the witnesses Louis Paul, a colonel "attaché à l'Etat Major Général," formerly the "commandant de la place" of Saint Marc, and by Bonne Coquilleau, a merchant, who had nursed Daumétine during the first days after her birth. From Saint Marc, both witnesses and Ibar herself were residents of Gonaïves by the time the Act of Birth was drawn up.

Paul and Coquilleau both affirmed their first-hand experiences of the story. They knew Santié Lafond very well, and they were fully cognizant of when she gave birth to Daumétine at Ibar's home. They also affirmed that since that time, until the present day, both Daumétine and Ibar were in their presence, "sous leurs yeux." "This is why," the official recorded, "after comparing the testimonies, I attest and affirm the present story in order to declare the birth of aforementioned Augustine Eléanore, dite Daumétine, as the . . . natural daughter of Sanité Lafond. Said Act, has been prepared in my office, the day, month and year noted above. When called to sign, *citizens* Manon Ibar and Bonne Coquilleau declared that they do not know how. The Colonel Louis Paul signed his name along with myself, Officier de l'Etat Civil."¹⁵

¹⁴ "Naissance de Daumétine, No. 108." "Naissances, mariages décès, Gonaïves 1825," *Archives Nationales d'Haïti*, Port-au-Prince.

¹⁵ "Naissance de Daumétine, No. 108." *Archives Nationales d'Haïti*, Port-au-Prince.

The narrative enclosed in Daumétine's Act of Birth is in many ways exceptional, both in the information it presents and in the way it deviates from standardized legal procedure of attestations evident in the phrasing of the record itself. Gardère received no declaration from Sanité Lafond, Daumétine's mother. No reference is made at all to Daumétine's father, and Lafond's parentage is cited, which is also a deviation from other records in the register. Daumétine herself is absent, who by standard procedure should have been presented before Gardère, so that he could attest to her sex. Daumétine's godparents, relics of Christophe's court, removed through death or distance are also absent, as is the only other proof contemporary with her birth, a baptismal record. Manon Ibar's testimony alone, with the support of her two witnesses, who were both in positions of commercial and governmental authority in Gonaïves, successfully provides legal proof of the birth, generating both a record in the National Archives and an *extrait*, a proof of birth from the civil registry for the family to keep. Her testimony establishes the story, but why, eighteen years after Daumétine's birth, did she choose that moment to tell it?

Ibar contextualizes Daumétine's birth eighteen and half years earlier within an elite regional experience of a national history that predated Haiti's diplomatic recognition and Boyer's construction of a unified corpus of laws in response to the country's new national sovereignty. Her testimony couches the circumstances of Daumétine's birth in the tragic history of a family who, it seems, was caught up in Henri Christophe and Alexandre Pétion's struggle for political dominance in the Artibonite after Dessalines' assassination in 1806. And yet, although this history is evoked it is also sanitized, as none of the people or relics (baptismal record) of past affiliations so problematic to the rival administration of Jean Pierre Boyer are present. Presumably associated with Christophe's court and army, Louis Paul, was presumably also loyal

to and held an important military position under Boyer. The ways that absence is staged in Daumétine's birth record suggests the possibility for elites in the Artibonite to strategically reinvent themselves across regimes, their privileges and titles under Henri Christophe, for example, transformed into enough authority to generate a legal record of birth even in the complete absence of everyone whose life events they sought to get the state to record. Attesting to Daumétine's birth, in absentia, in the year that Haiti gained legal recognition by France and in the year that President Boyer supported property claims rooted in colonial ownership by elite people of color may also have been the national framework in which Manon Ibar and her witnesses, and perhaps Daumétine herself, felt they could make a play for property that they may have been barred from reclaiming until that year. Boyer's laws surrounding reclaiming lost property titles from before the revolution were changing, but in order to prove ownership legal proof of citizenship was required. Additionally, the new legal context of Boyer's Civil Code may also have represented an opportunity to reclaim property for those who had been loyal to Henry Christophe.

Manon Ibar and her witnesses stitched together a narrative as proof of Daumétine's birth. The authority of Ibar's testimony rests on the plausibility of a close connection between women over time. Similarly, Bonne Coquilleau backs up Ibar's story by asserting that not only had she known both Ibar and Daumétine, but that she herself nursed Daumétine as an infant. These testimonies carry enough weight to stand in for the mother and daughter themselves. It is possible that Daumétine, or Sanité needed a *extrait d'archive*, or archival receipt from the birth record, to prove her identity in order to appear before a court, or in order to conduct a notarial

transaction like inheriting, buying or selling property, either in Haiti or anywhere else¹⁶ that, by 1825, would accept a state record from Haiti as being from a diplomatically recognized sovereign nation. Additionally, while the Haitian Civil Code barred women from political rights based on their livelihoods, civil rights and property ownership was in theory open to women as a right associated Haitian citizenship. That Manon stepped into Sanité's role as declarant and organized with her witnesses to create a record at an opportune moment more than eighteen years after Daumétine's birth suggests that either events in the mother and daughter's lives, or events on the national level, prompted a need for legal recognition. While this record is exceptional in ways that I have outlined, it also demonstrates the possibilities for women's strategic self-presentation before the law as they claimed civil status—citizenship—for their children and their friends' children.

The ostensible format of *Etat Civil* records privileged forms of authority, mobility and education that were largely the exclusive territory of men, and this societal prominence and resulting archival visibility can be tied to societal status, political enfranchisement and historical visibility. Instead of limiting my reading to this information, however, it is possible to read the inclusion of men in the military, for example, as both evidence of their presence in agricultural regions and as the suggestion that rural women, agricultural laborers, strategically connected themselves and their children to powerful and elite men and women. This strategy would certainly have been an effective way to secure a child's material well-being as they grew up. Most records presented above list the godparents of children born in 1825 are exclusively drawn from the military. Seeking, and obtaining, a military person as a godparent may also have been

¹⁶ It is not outside of the realm of possibility that Daumétine needed legal proof of identity so that either her or her family could claim land in Haiti from France, or that this proof was needed for a transaction in France itself. As a new sovereign nation, Haiti's legal documents would be recognized by French law.

an important strategy to appear physically before officers of the *Etat Civil* to claim legal personhood for themselves and their children.

Rural women faced a number of potential barriers in order to claim civil status for themselves and their children. While I do not know what fee was associated with producing an Act of Birth and an *extrait d'archive*, it is likely that a fee, at least for the paper used, was required.¹⁷ Perhaps elite godparents could have helped with the fee. Additionally, distance and permission to travel into town would have represented at least a consideration, if not a danger or otherwise formidable obstacle.¹⁸ Most of the areas and properties represented in the nearly 430 entries from Gardère's 1825 register are located well outside of the town of Gonaïves, and for rural laborers traveling this distance would have represented a significant amount of time away from labor. In the height of what scholars describe as rural life dictated by “caporalisme agraire,” or “militarized agriculture,” such time would have needed to fit into the regimes of growing and harvesting. A godfather in the military or rural police might certainly have alleviated the obstacles of leaving a property or plantation for long enough to make the trip into town. Quite possibly, those who undertook to travel for this purpose timed their journey to accommodate other demands on their time. Today, February and March mark the end of the growing season for beans for subsistence in the areas around Gonaïves. If the same were true in 1825, this period just before or after the bean harvest and before planting summer staples of corn, pearl millet and eggplant might have represented either a time of relative leisure—when it was easier to be absent—or a time of plenty, when the cost of registering a birth might be afforded. Women's

¹⁷ Notarial transactions from this period also required a fee, both for the notary's services and for the paper used.

¹⁸ While the Rural Code requires permits to travel off of properties where agricultural laborers were supposed to be bound, it is unclear how effectively or uniformly this was enforced.

testimonies, required by law in Acts of Birth, in records from Jean Pierre Boyer’s regime reflect strategic contact and interaction between rural women and the state. The question remains of “to what ends?” Rural Haitian society has been described by Michel-Rolph Trouillot as the “nation,” which maintains a critique and suspicion of law and state power, and historical memory in rural spaces also attests to a rural discourse that was critical of the state and its laws. It is important to recognize that *Etat Civil* records were created within the context of labor on colonial properties, colonial property names and the experiences of rural populations living and laboring within Haiti’s historical landscapes which were structured over time through both colonial control and through Boyer’s own legal regime that was meant to keep rural labor on the properties that made up the country’s national territory.¹⁹ In this way, *Etat Civil* records, the testimonies they include and the strategic alliances they represent, also represent also a play for self-determination and belonging by Haitian non-elites as part of a rural praxis of freedom?²⁰

Another Country: 1816 Death Records in Petite Rivière de l’Artibonite

Jean Baptiste

April 12, 1816, thirteenth year of independence
 The Act of death of Sir Jean Baptiste, deceased on
 the plantation known by the name of danache of this parish
 this day at two o’clock in the morning, roughly eighty
 years of age, born in this parish, residing on
 the said plantation, son of the late *demoiselle* marie
 following the declaration made before us,
 pierre polidor lieutenant of the judge in charge of the *Etat Civil*
 assisted by our clerk
 [] batiste aged
 roughly thirty years, armorer and soldier, son of
 the deceased and by the *demoiselle* françoise around
 fifty years of age, friend of the deceased and attested to by the Sir
 Gerome Bernard around fifty years, *gerant*
 of the said plantation and by the Sir Alexandre aged

¹⁹ While

²⁰ Scholars have demonstrated the importance of land ownership as a the way that rural Haitian populations measured freedom in the first years after independence. Trouillot, Gonzalez, *elatriye*.

around sixty years *conducteur* of the same plantation
The *declarants* and *attestants* told us that they do not
know how to read or write.

Jean Baptiste's death record shows the lives of rural Haitians as they lived through, and outlived, colonial and national-era forms of control and recordkeeping. Jean Baptiste was born in roughly 1736 in the Saint Jérôme parish in the Artibonite Valley in the French colony of Saint Domingue, now Haiti. In his lifetime, he would have experienced the transformation of colonial society in the Artibonite, evidenced perhaps through the growing presence of French landowners and property managers, through the consolidation of the colonial militias, through the sectioning off of land into plantations for cultivation, through the flux and changing silt and flooding of the Artibonite River and through the changing work regimes' physical demands of growing indigo and cotton. He would also likely have experienced the sale or separation and death of members of his family, perhaps attending to their burial in the grounds associated with the Artibonite's large, rich and deadly properties. The beginning of the Haitian Revolution would have found Jean Baptiste in his fifties, although his experience of the political tensions between France and its colony, between the powerful military free men of color and white planters in the region, or his experience of rumors and insurgent planning between the enslaved themselves is unknown.²¹

What was Jean Baptiste's role in Haitian self-liberation during the revolution? When Jean Baptiste died on the plantation called "Danache," in 1816, he survived the white French owner of

²¹ 16 April, 1792. Les commissaires conciliateurs des citoyens Blancs au quartier de l'artibonite, île et côte de St. Domingue, "A monsieur le Président de l'assemblée Nationale," *Archives Nationales de France* D/XXV/110, Comité Colonial. In April 1792, white colonists of the Artibonite wrote to the President of the National Assembly in order to argue that maintaining control over the Artibonite, with its large and concentrated enslaved populations and militant free men of color, was essential to maintaining control over the entire colony. The Artibonite Valley maintains a reputation for violent armed insurrection against exploitation and oppression. Because of its large and concentrated population of enslaved people, it was considered by white colonists at the time of the Haitian Revolution to be the lynchpin of either maintaining colonial order or of losing the entire colony. Haitian revolutionary generals Toussaint Louverture and Jean-Jacques Dessalines built their personal and military lives in the upper and lower Artibonite, respectively.

that plantation, the Marquis d'Hanache, by 14 years. If he was enslaved on that plantation or any other in the area in 1793, he would have experienced the announcement at that time of the emancipation of slavery, when French colonial authorities visited the property and recorded the supposed desire of the enslaved to "keep working."²² While the place he lived was still called Danache in 1816, the plantation had likely been destroyed by years of insurgent fighting. While the property continued to exist in name, it is possible, even likely, that the plantation itself was gone.²³ Three years after Jean-Baptiste's death, perhaps he would have also witnessed the revival of that plantation by the government of Jean-Pierre Boyer, who began to encroach upon Henry Christophe's northern Kingdom of Hayti by giving land concessions in the Artibonite and Gonaïves well before Christophe's death in 1820. Jean-Baptiste's death was attested to by his son, a soldier, and his friend, a woman of fifty years, alongside the *gerant*, and *conducteur*, the manager and driver, on Danache. Whether those titles were conferred under Saint Domingue's regime of chattel slavery, or whether they reflected a newly-resurrected system of property in Christophe's Hayti, how Jean Baptiste related to them is not known.

Caroline

Today, the twenty-seventh of the month of June, 1816, the thirteenth year of independence, at five o'clock in the evening.

The act of death of the *demoiselle* Caroline, widow of Jacques, who died on the Mousseau *habitation* in this parish on the twenty-first of this month at nine in the morning.

Roughly fifty years of age, born in Africa, living on the property.

After this declaration made by us,

Pierre Polidor, lieutenant of the judge, in charge of the Etat Civil, assisted by the clerk and by *les demoiselles*

²² Barthelemi Rivière, "Procès verbal de visite sur les habitations de la paroisse de St. Marc, Habitation D'anache," 26 September 1793, ANF DXXV/30.

²³ For the Haitian peasantry's ongoing "creative destruction" of Haiti's resurrected plantation system, see JohnHenry Gonzalez, "The War on Sugar." Gonzalez argues that the Haitian peasantry's process of destroying the property interests of Haiti's elites was an ongoing throughout the nineteenth century.

Ancelle Jacques, roughly thirty years of age & by
Julienne, roughly thirty-six years, both
the daughters of the deceased. And attested
by *la Joi*, around fifty years of age, cultivator
of the *habitation* previously known as Fiefe and by the sir
Thomas, around fifty-three years of age, cultivator
on the same plantation.

The entry for Caroline's death in 1816, included several pages away from Jean Baptiste's within the same register, notes that she died on a neighboring property called Mousseau near the town of Petite Rivière de l' Artibonite. The entry also notes that she was born "in Africa," a general term applied by the officer of the state. The creation of the legal record of her death was witnessed by her daughters Ancelle and Julienne and by two agricultural workers on that property, La Joi and Thomas.²⁴ Like Jean Baptiste's, Caroline's death record is formulaic, but the formula itself differs from later state records in the 1820s in its inclusion of the honorific titles of "sir" and "miss," and in the note before property names of "cidevant," or the property previously called Mousseau. The use of these terms perhaps reflects President Boyer's predecessor, Henry Christophe's, Northern aristocratic state project, and they also suggest a continued destabilization of colonial ways of knowing property even in a format that mirrored colonial records.²⁵ Caroline's experiences, too, are not represented here. The record instead shows the small group of those who gathered to witness her death. In witnessing her death they also reflexively legitimized her life, creating perhaps the first record of her name and solidifying her

²⁴ The term "cultivators" used in the *Etat Civil* has been used throughout the history of colonial Saint Domingue and early Haiti as a euphemism for enslaved agricultural workers and after Haitian independence, for agricultural workers in binding and often coercive sharecropping arrangements with property owners. See François Blancpain, *La Condition Des Paysans Haïtiens: Du Code Noir Aux Codes Ruraux* (Paris: Éditions KARTHALA, 2003), 99.

²⁵ Haiti's early *Etat Civil* records follow a formula that is very similar to the colonial *Etat Civil* used to record the births, deaths and marriages of colonists. This format, as seen in the death notices above, is also similar to the records of colonial Cuban civil registers at the time. Aisha Finch, personal correspondence/conversation.

legal personhood before the state. Peripheral to rural rituals of death and mourning, this legal ritual establishing personhood could have been seen as opening up possibilities of legal inheritance to her daughters, who could own property according to the universal language (though exclusive intent) of Haitian citizenship within the Civil Code.

Guithonne

Eighteen-sixteen year thirteen of independence at two o'clock in the afternoon
The Act of Death of the *demoiselle* Guithonne deceased
on the plantation known under the name of Danache of this
parish today at ten o'clock in the morning roughly
Thirty-six years of age born in this parish residing
on the said plantation daughter of the late sir Bernard
and the late *demoiselle* Jeannet.

After the declaration made before us
Pierre Polidor lieutenant of the judge in charge of the *Etat Civil*
assisted by our clerk and by []-gerom Bernard aged
roughly sixty years *gerant* of the said plantation []
of the deceased and by the sir Alexandre aged around fifty
years overseer of the said plantation and attested to by the sir
Adonisse aged around sixty years cultivator of the
same plantation.

All present attest that they can neither read nor write.²⁶

Plantation names are ubiquitous in rural state records documenting birth, death, marriage, divorce and land transactions. The persistence of these names, like Danache, Rossignol and Mousseau, André, Cocherel in the records at the beginning of this chapter, represents a discrepancy between the ways that plantations were lived and how they were documented through the end of the 1970s. While colonial toponyms were, and are, used to refer to specific areas, the properties themselves were divided among family through legal and extralegal forms

²⁶ “Jean Baptiste,” “Caroline,” “Cesar,” and “Guithonne” in Naissances, Mariages, Décès, Petite Rivière de l’Artibonite, 1816. Archives Nationales d’Haïti, Port-au-Prince. Proper nouns and capitalization have been maintained from the original record.

of inheritance both during and continuing after the revolution.²⁷ This persistence of names also marks a continuity of form between the colonial era and independence-era state record keeping, and the participation of rural families in creating property records.²⁸ Associations with place and associations between people in the acts created by the state render the lives of the deceased and their descendants knowable over time, creating a claim to ownership and to belonging that predates the Haitian state. The plantation, the primary physical and analytical vehicle for perpetuating anti-Black violence in Saint Domingue and through contemporary Haiti, was the very tool with which Haitians assert both visibility and belonging as they attended to their dead.²⁹ Additionally, properties from the colonial era as a spatial unit continue to form the spatial framework for a spiritual imaginary of self-determination and belonging through land claims against recurring forms of violence experienced within those properties. Through legal and spiritual connections surrounding rural properties these ancestors remain persistently, inalienably, alive.³⁰

The Haitian government promulgated laws that marginalized rural populations socially, and which also came to separate rural areas and populations from access to increasingly

²⁷ In Gonaïves, notarial documents through the 1970s locate individual properties within the boundaries of former plantations. Haitian writer and statesman Frederic Marcelin wrote of plantation names at the end of the nineteenth century that in the countryside, he was reminded of French domination at every step. Frédéric Marcelin, *Au gré du souvenir* (Paris: Augustin Challamel, 1913).

²⁸ Stephen M. Best, *The Fugitive's Properties: Law and the Poetics of Possession*. (Chicago: The University of Chicago Press, 2010).

²⁹ Katherine McKittrick alludes to the plantation as framing both anti-black violence and the imagination that can think beyond anti-black violence because it has suffered it, and it knows it intimately. Katherine McKittrick, "Plantation Futures," *Small Axe: A Caribbean Journal of Criticism* 17, no. 3 (November 20, 2013): 3.

³⁰ The Haitian family land institution called the "lakou," which locates family belonging in inalienable land, often based on plots of land cultivated by Haitians after the revolution is also considered the primary form of continuity with the past. Serge Larose, "The Meaning of Africa in Haitian Vodou," *Symbols and Sentiments: Cross-Cultural Studies in Symbolism*, 1977, 85–116.

centralized state institutions. By the twenty-first century even the *Etat Civil* does not have a record for nearly one third of Haiti's population.³¹ That the legal forms that executed this marginalization, created in Boyer's era, were nearly identical to their contemporary French legal forms begs the question of what was being kept alive in the transition between colonial to national-era law?³² As the second chapter of this dissertation demonstrated, Haitian jurisprudence reflected the self-conscious change of French law in some instances, and yet it maintained structural forms of violence through prioritizing the production of export commodities on former colonial properties.³³ The continuity of legal forms enables thinking about the relationship between the colony and the post-colony, slavery and post-slavery, as it sheds light onto a context where a revolution may even go so far as to dispense with slavery, but may also promise "to remain largely inefficacious at the level of the semiotic."³⁴ This means that while the Haitian Revolution, and President Boyer's Republic of Haiti, abolished slavery, it invested in a form of law, via property ownership, that still largely dehumanized rural Haitians. Haitian law may not have been a direct copy of colonial property relations, yet nonetheless it supported a relationship between Haitians and the properties with which they and their enslaved ancestors had been so closely associated for centuries.

³¹ Currently nearly three million Haitians do not have their births recorded by the *Etat Civil*. Private communication with Marie-Alice Belisaire, President of the Association of Haitian Notaries, Port-au-Prince, Haiti.

³² Best, *The Fugitive's Properties*, 13.

³³ Thalès associates certain forms of "imperfect" property ownership with servitude, and with the previous condition of those Haitians who were enslaved in Saint Domingue, whose labor was not their own.

³⁴ Best, *The Fugitive's Properties*, 13, 25. Best writes on the "agency of form": "My hope is that out of patience—yours for me, and mine for my texts—I will persuade you of precisely why, in a culture whose history has often followed the fugacious wanderings of fickle racial imperative, our forms should and do matter."

This persistence of the legal forms surrounding property figures in stark contrast to the rural non-elite Haitians' centuries-long war against plantations and the kinds of coercive and exploitative labor they needed to function.³⁵ While elite and state practices of an idealized, legal form of property ownership in the form of large land concessions in the Artibonite do not acknowledge it, the first generations of Haitians enacted their own attachment to land, through cultivation, through burying their dead and through establishing legal papers that could be used, generations later, to claim or contextualize property ownership.³⁶ The transformation of the landscape of property ownership after the revolution was nonetheless begrudgingly attended to by the predatory state's desire to record and control its population.

Conclusion

This chapter has examined Haitian *Etat Civil* records of births and deaths from 1816 and 1825 in two ways. First, it identified the kinds of information available in these records, and located women's testimonies as foundational to creating legal acts of birth and death. Second, it approached these records within the spatial context of colonial properties as a way of locating the lives of Haitian ancestors against changing legal regimes. Continuing the work of the preceding chapter, it argues that rural associations between people and place shaped the context for the creation of legal records. The information contained in *Etat Civil* records can denaturalize gendered and racial forms of visibility perpetuated in romanticized nationalist narratives that are not based on archival research in rural areas, even as these records expose rural land ownership, sovereignty, self-determination and belonging in nineteenth-century Haiti to a set of more complex, and often more painful, narratives.

³⁵ Gonzalez, "The War on Sugar," 4.

³⁶ Notarial documents in Gonaïves today preserve a range of nineteenth-century papers that were and are used to establish the personhood and proprietorship of contemporary Haitians' ancestors.

CHAPTER FIVE—“AU SUCRE DANACHE”: MEMORY AND DISPOSSESSION IN
LAKOU SOUKRI

Rele Pyè, Pyè Masiko nou la ye
Rele Pyè rele Pyè,
Rele Pyè, Pyè Masiko nou la ye
Kay la boule o, gildiv la la, papa n a konsole.¹

Call Pierre, Pierre Masicot, let him know we're still here
Call Pierre, call Pierre,
Call Pierre, Pierre Masicot, let him know we're still here
The mill has burned but the cane press survived so we're okay.

The emergence and preservation of blackness, as the ontological totality, the revolutionary consciousness that black people hold and pass, is possible only by way of the renunciation of actual being and the ongoing conferral of historical being – the gift of historicity as claimed, performed dispossession. Blackness, which is to say, black radicalism, is not the property of black people. All that we have (and are) is what we hold in our outstretched hands.²

Off the road northwest from Gonaïves to Cap Haitian, tucked close to the spine of hills that leads to Petite Rivière de Bayonnais in the *plaine des Gonaïves* sits Lakou Soukri. This is a site of local, national, and international Vodou pilgrimage. Celebrated every August, the *kongo* gods, rhythms and dances that make up the *gran lakou* Soukri's annual celebrations are considered part Haiti's national patrimony.³ According to the anthropologist Odette Mennesson-Rigaud, who conducted fieldwork in the mid twentieth-century in Gonaïves' *gran lakou* of Souvenance, Badjo and Soukri, the origin of this site of Vodou pilgrimage, ritual and memory, comes from collusion between a white planter and an enslaved medicine man, or *bòkò*, before the Haitian Revolution. Mennesson-Rigaud reports that one evening as she sat in the *lakou* in August, the story of the *lakou*'s origin was recounted by the god, or *lwa*, Jatibwa in her presence.

¹ A traditional *chan vodou* sung in Lakou Souvenance La Belle Étoile. This song associates stability with the sugar mill and contrasts it with the instability of domestic life (the house is burning, but the mill is still here, we will be consoled). Check *gildiv* for accuracy of translation.

² Fred Moten, “the Subprime and the Beautiful”: 238.

³ I ask *what are the mechanisms* that made Soukri part of national patrimony. Tie in later to Erin Zavitz and Jerry Michel's work on *patrimoine nationale*.

In the story, a French colonist, named Danache, out of his wits over the prolonged illness of a favorite daughter, consents to leave an old, enslaved, *bòkò* named Figaro alone with her. Figaro's secret prayers and remedies cure the girl of her fever, and in recompense Danache gives Figaro his freedom and a gift of land on his property. Figaro establishes himself and his family there in what was the old sugar mill, where Figaro's land and spiritual legacy, the *kongo* "table," were inherited by his two sons, and then by all of his children.⁴ This story traces a clear line of ownership from a French planter to an enslaved man, attaching power and value to Figaro's spiritual potency and to his claim to the land. In doing so, this narrative validates the territorial and spiritual claims of not only those who count themselves among his children, but of those who claim a connection to spiritual legacies bound up in early Haitian nationalism.⁵

Examining whether this story is "true" or not is not my intent. Rather, in this chapter I explore the possibilities of historicizing the space of Lakou Soukri as a historical landscape, produced both through colonial and nationalist regimes and their associated archival regimes. I also approach Lakou Soukri as a space produced by the experiences and memories of those who were enslaved there and in the surrounding regions, ancestors whose descendants worked to claim the land for their families in legal and spiritual terms. At its heart Lakou Soukri is a site of different forms of reclamation over time. These recuperations are both empowering and disenfranchising to the people who have lived on and around it since enslavement. Locating experiences of enslavement at the center of the lakou as a historical landscape, I will demonstrate

⁴ Odette Mennesson-Rigaud, "Le rôle du Vaudou dans l'indépendance d'Haïti": 49–50.

⁵ As Soukri is a "national *lakou*," this group is quite large and spread out across the country and the diaspora.

how this perspective in turn throws light onto the different corps of historical documentation that at once circumscribe, illuminate, and occlude Lakou Soukri's history.⁶

Like previous chapters, what follows will consider how to read continuity and change between Haiti's colonial and national eras, with a specific emphasis on how legacies of enslavement and mastery were translated, co-opted, preserved and honored within the rural order projected by Jean-Pierre Boyer's military, state bureaucracy, and legal regime. The lakou represents a site of composite experience and memory, which might appear to be at odds with the fact that this site can also be understood and incorporated into a legal understanding of property ownership, as was the case under Boyer? What was the lakou's relationship to a broader rural landscape that was structured to accommodate the debt of Haiti's national independence by the state? Conversely, how do concealment and subterfuge—acknowledged modes that both enslaved people and their descendants used to negotiate their persecution and marginalization by structures like the state and the Catholic Church—also operate in the same space? The research represented in this chapter does not paint a definitive history of the lakou, but rather its difficult, inconclusive and contradictory suggestions points to new scholarly possibilities for thinking about the relationship of this place to the landscapes around it, and how those relationships changed over time. I ask what the relationship of the lakou was to enslavement, and what it was to the dynamics of the national era. I contend that even as the lakou represents a site of historical reclamation through spatialized and composite memories of enslavement, the complex legacies of subjugation and mastery in the lakou nonetheless was not separate from or outside of state authority after the Haitian Revolution. Rather, the lakou represents a space that was preserved within and integral to Haitian state authority, bureaucracy, and law.

⁶ In her important work, *Demonic Grounds*, Katherine McKittrick writes that a “perspective of struggle” can destabilize naturalized geographic constructions of space and place. *Demonic Grounds*, xi.

In order to think about Lakou Soukri and its history, this chapter addresses scholarship on Haiti's "lakou system" as a broader phenomenon. "Lakou" translates as a yard, specifically a yard between houses in a family compound. It is both a system of land ownership and of agricultural production, and it represents the spiritual attachment of generations of rural Haitian families to certain plots of land. The concept of "inalienable" land is the heart of Haiti's lakou system, which as a system of inherited family land is tied to ritual communication with family gods and ancestors, and which is also a form of extended family organization for agricultural production.⁷ The inheritance of inalienable land, or *demanbre*, within a larger lakou, renders the land itself and the cognatic descent group of the founding ancestor indivisible.⁸ For this reason, scholars consider the land of the lakou as the primary form of "continuity with the past" in rural Haitian space. Social memory drawn from rural experiences within the Haitian landscape maintains a collective critical position on past and current developmentalist discourses. Through the concept of inalienable land and the cultivation of foodstuffs on family land as opposed to crops for export), Haiti's rural agriculturalists have maintained radical memories that sustain a spatialized "counter-plantation system."⁹

The system of family land represented in Haiti's lakou mirrors the importance of family land in other Caribbean post-emancipation societies. The retention of family land, with or

⁷Serge Larose, "The Haitian Lakou, Land, Family and Ritual," in *Family and Kinship in Middle America and the Caribbean*, ed. A. F. Marks and R. A. Römer (1975), 485. See also Serge Larose, "The Meaning of Africa in Haitian Vodou," in *Symbols and Sentiments: Cross-Cultural Studies in Symbolism* (1977), 85–116.

⁸ Karen Richman, "Eritaj" in Paul Christopher Johnson, *Spirited Things: The Work of "Possession" in Afro-Atlantic Religions* (Chicago: University of Chicago Press, 2014), 222–223.

⁹ Jean Besson and Janet Momsen, eds., *Land and Development in the Caribbean*, Warwick University Caribbean Studies (Macmillan Caribbean, n.d.), 3. Family land is also of central historiographical importance in alienating developmentalist discourses from post-emancipation history. For Haiti's "counter-plantation system" see Jean Casimir, *The Caribbean: One and Divisible* (United Nations: Economic Commission for Latin America and the Caribbean, 1992), 128.

without spiritual attachment, is central to how rural communities imagined their own society in a national context in which they were marginalized. Family land in Haiti is both the foundation of rural social structure and the primary way in which families maintain social rights if not societal privileges.¹⁰ Anthropologists Serge Larose and Karen Richman explain the lakou as a model of social organization “explicated in an elaborate religious system that provides the main elements of continuity with the past...”¹¹ Often the sacred portion of a historically much larger property, the *demanbre* of a lakou is inalienable, meaning that it cannot be sold. Instead, it is inherited by all descendants of its original owner, which often results in the dividing of larger properties around a central, spiritually sanctified, portion of land. In Gonaïves, even when an inalienable portion of land is sold, the soil remains a potent source of power and identity for its spiritual inheritors. The Kreyòl word *eritaj*, or heritage, Richman writes, “...means and makes indivisible the cognatic descent group and the land left by the founding ancestor for all of his or her heirs...”¹² Richman writes that ceremonies within the lakou, the landscape of which is also personified by the distinctive histories of its heritage, resuscitate the names and memories of ancestors “in whose bodies they [the family *lwa*] celebrated in the past.” By speaking and dancing through the bodies of their descendants, “spirits connect the living in a deeply embodied and intimate way to their ancestors, their lineal history, and their family land.”¹³ The lakou, the *demanbre* and in Gonaïves the *lakou demanbre* “. . . stands as a powerful symbol of the

¹⁰ Larose, “The Haitian Lakou,” 492.

¹¹ Serge Larose, “The Haitian Lakou, Land, Family and Ritual”; AF Marks and RA Römer (comps.), *Family and Kinship in Middle America and the Caribbean* (1975), 485. See also Serge Larose, “The Meaning of Africa in Haitian Vodou,” *Symbols and Sentiments: Cross-Cultural Studies in Symbolism* (1977), 85–116.

¹² Karen Richman, “. . .” in Paul Christopher Johnson, *Spirited Things: The Work of “Possession” in Afro-Atlantic Religions* (Chicago: University of Chicago Press, 2014), 222–223.

¹³ Richman, “. . .,” 223.

continuity of the family group and of the domain over which, as a group, it maintains a framework for belonging.”¹⁴

The lakou as yard space, or as home space, also urges comparison between sites throughout the African Atlantic. The yard is, as Whitney Battle-Baptiste argues, “...more than the place that holds the answers that connect the study of slavery and archaeological theory; it is the beginning of a journey to understanding how landscapes and people come together to tell a story of community and survival.”¹⁵ When viewed as part of a historical landscape, the lakou is an institution that can at once locate and historicize the home places of Saint Domingue’s enslaved, and it can speak to the institutionalization, during the nineteenth century, of a property regime based on the resurrection of colonial plantations. Above all, as a place where Haitian families “know from,” the lakou represents both a complex historical landscape and a persistent historical and contemporary space for generating decolonial imagination and insurgent visions of freedom.¹⁶

In addition to work that can help understand the lakou as a space, place and mode of understanding history and historical transmission in rural spaces, to frame this chapter I also draw from the literature and the documentation of previous chapters, in the hopes of focusing their insights on a set of interconnected histories and dynamics of historicization represented in the lakou. The documentary traces that accompany different histories represented in the lakou are at once impossibly diffuse and suggestive of new possibilities of reading into this space. In

¹⁴ Larose, “The Haitian Lakou,” 492.

¹⁵ Akinwumi Ogundiran and Toyin Falola, eds., *Archaeology of Atlantic Africa and the African Diaspora* (Bloomington: Indiana University Press, 2007).

¹⁶ Katherine McKittrick, “Plantation Futures,” *Small Axe: A Caribbean Journal of Criticism* 17, no. 3 (November 20, 2013): 1–15.

particular, introducing documentation of enslaved people on these properties calls into question how we expect to be able to relate such documentation to the lived experiences of rural Haitians today, but it also painfully illuminates that the lakou has been conceived of as a space that is largely resistant to historicization. Whether insistence on a lack of documentation is to maintain a romanticized idea of the lakou as separate from the state or not, introducing documentation surrounding the history of Lakou Soukri tells a different story. This chapter will draw heavily from colonial documentation associated with the French family of Alexandre d’Hanache, whose engagement with the 1825 indemnity has been addressed in the first chapter. While the 1825 indemnity calculated the value of properties based on a minute accounting of the lives of enslaved people on particular properties or owned by particular colonists, the indemnity as an archival process also prioritized the preservation of colonial documentation. Whatever its political purpose, the archival mechanism of the indemnity made accessible information on the spaces and properties surrounding Lakou Soukri.

This chapter will also locate Lakou Soukri within the system of Boyer’s land concessions in the 1820s. I will examine the discourse around and actual circulation of papers associated with the lakou. In particular I will turn to the work of Matthew Hull, again, in order to think about graphic artifacts as both embedded within and generative of social associations—as representative of and generative of a discourse genre in and of themselves. The ways that rural individuals, families and communities mobilized around, against and in anticipation of bureaucratic documentation suggests that not only was legal practice thoroughly embedded in rural society, but it also points to the vernacular usage of legal forms.

“Bitasyon m,” “my plantation”: Locating Legal and Lived Legacies of Habitation Danache

Versions of Soukri's history published by Mennesson-Rigaud are repeated in the lakou today. In interviews that I conducted between 2014 and 2016, the name "Soukri" had transformed from the "Creole deformation of the French word 'sucrerie,'" as Mennesson-Rigaud claims, and has become instead the name of the colonist himself.¹⁷ "Pogaudin," which Mennesson-Rigaud wrote as the name of the land that Danache gave to Figaro, is on the other side of Gonaïves where the national highway now comes into town from Saint Marc and the lower Artibonite. Pierre Corvil, former magistrate of Gonaïves and resident of the third administrative section, sketched an alternative version of the story. In this story, two French colonists were plotting to kill the child of Pongaudin. Figaro saved the child, and in order to evade the angry colonists, he escaped to the place where soukri stands now, which Pongaudin later bought from d'Hanache and gave to Figaro.¹⁸ The main elements of the story, in which Figaro leaves Pongaudin and comes into the agricultural plain northwest of Gonaïves after curing the sick child, remain the same. Figaro remains fundamentally linked to the *lwa* Bazou Mennen, guardian of Soukri to whom a whole cycle of *kongo* songs are dedicated at each year's

¹⁷ Personal correspondence with "Ti Coq" in Lakou Soukri Danach. Group interview with, Omême Dorival and Fortuné Dorival, Lakou Soukri Danach, September 2015. [ADD definition of "tab kongo"]. This narrative is just far enough away to be comfortable. The unknowable history of a land transfer between a colonist and a slave more comfortable than the complex legal and militaristic frameworks surrounding land ownership after Haitian Independence. To be clear, Soukri roots its story in colonial legacies, which are themselves unknowable to a certain degree, instead of in "finite" or knowable histories of land ownership in the nineteenth century. This could be politically expedient, a way of rooting the power of the lakou at a distance from yet always enmeshed in Haitian nationalism. It could also suggest a more complex layering of inheritances within the same landscape. All of the surrounding properties are also part of what seems to have once made up a larger Habitation Danache, and the spiritual limits of the lakou are associated with the larger plantation, not with the five carreaux of earth given to Figaro.

¹⁸ Interviews with Pierre Corvil, April 2015, April 2016. Magistrate Corvil has been conducting independent research in Gonaïves' lakou for his entire life. Say something more meaningful than that.

celebrations.¹⁹ Figaro's legacy and the origin story of the lakou resonates with several nationally recognized narratives. One of these establishes a mythic "Figaro" as a caretaker of a abstract and beloved "other," while another traces the movements of spiritual forces across the country and associate Gonaïves especially with the revolutionary puissance of the family *lwa*. The narrative arc of this origin story resonates with that of Lakou Badjo nearby, which is claimed to have been established under conditions of *marronage*, or "sou tras koulèv" prior to the Haitian Revolution.²⁰ However, *manbo* Marie-Cam, Soukri's priestess and spiritual leader, in reference to Lakou Souvenance's celebration of their two-hundred year anniversary, said, when asked, that Soukri's history cannot be known so definitively, essentially that the lakou does not date from a specific year.²¹

Historical references to Danache link the property to the history of the aristocratic French family Alexandre d'Hanache. The name d'Hanache was brought to Saint Domingue by Jérôme-Marie-Hugues, who was given a large concession of land in 1724 in the ridges that border the agricultural plains of Gonaïves and the Artibonite to the north and east. Knight of Saint Louis Alexandre d'Hanache is mentioned as having been accustomed to escorting traveling planters through those hills on their road to Cap Français. Alexandre d'Hanache and his wife had thirteen children in Gonaïves, seven of whom survived their infancy. Two of his sons, Hugues-Bartelemi

¹⁹ Just as Figaro came from Pongaudin to establish himself in Soukri, so too is Bazou Mennen reputed to have moved from the caves and mountains where Amerindians and early enslaved Africans in Saint Domingue rooted their spiritual practices. All of the *lwa* who are not tied to local histories in and around Gonaïves are reputed to have made this journey from the north to Gonaïves. Private communication with Emmanuel Brignac.

²⁰ Interview with Sevité Ti Lili. "Sou tras koulèv" translates as "snake tracks" and implies that the lakou was founded in conditions of secrecy and was essentially hidden.

²¹ Interview with Omême Dorival and Fortuné Dorival, September 2015, Gonaïves. Lakous Badjo and Souvenance each have origin stories tying them to Haiti's revolutionary history, and to post-independence land concessions, respectively. They are larger, nationally-recognized versions of the *lakou demanbre* that surround them and make up the rest of Gonaïves' and the Artibonite Valley's spiritual landscape.

Alexandre, *marquis* d’Hanache and Louis-Maximilien Alexandre, *comte* d’Hanache, owned land and slaves, produced coffee indigo and cotton in the Artibonite valley, and remained in the region until nearly the end of the Haitian Revolution.²² The *marquis* d’Hanache was evacuated to Jamaica from Môle Saint Nicholas in 1802, where his son sought passage for himself and five slaves to America. Another son of the *marquis* d’Hanache sought entry into Jamaica’s black military corps.²³ Papers that document these two brothers’ property and transactions document the older brother, the Marquis d’Hanache’s concerns over his property in the lower Artibonite, where caterpillars were ruining his cotton crop.²⁴

Only one document from those I consulted in France’s overseas archives referenced a property that could possibly be “Habitation d’Hanache” outside of Gonaïves. Whether this property, sold off by *les frères d’Hanache*, was their father’s concession from the French crown is inconclusive. The workshop for producing indigo, in ruins, suggest that it may have been. The Artibonite in general, and the plains outside Gonaïves in particular, developed during the second half of the eighteenth century through the production of cotton and indigo. Still it remains a possibility that d’Hanache tried to produce sugar earlier in the century. While Lakou Soukri’s origin story as reported by Mennesson-Rigaud claims that “soukri” is a Haitian Creole

²² Hugues-Barthelemy died in Jamaica in 1802. Viton de Saint-Allais, Nicolas, and avec le concours de MM. de Courcelles, l’abbé de l’Espines, de Saint-Pons, [et al.]. *Nobilaire Universel de France, Ou Recueil Général Des Généalogies Historiques Des Maisons Nobles de Ce Royaume*. Vol. 8 (Paris: Imprimerie de E. Cornillac, 1872), 20–22.

²³ Philip Wright and Gabriel Debien, *Les colons de Saint-Domingue passés à la Jamaïque 1792–1835* (Basse-Terre: Bulletin de la Société d’histoire de la Guadeloupe, 1975), no. 26. The name Danache exists in Jamaica to this day.

²⁴ Thésée, Françoise. *Négotiants Bordelais et Colons de Saint-Domingue: Liasons d’habitations: la maison Henry Romberg, Bapst et Cie 1783-1793* (Paris: Geuthner, 1972).

“deformation” of the word “sucrerie,” the region was not good for sugar cultivation, and both d’Hanache and his sons’ estates produced coffee, cotton and indigo instead.²⁵

Documents preserved about d’Hanache are reflections of their legal lives, with a few regular exceptions they are related to property transactions that the family wished to document before colonial authorities and the crown. Their access to and use of documentation reflected their authority through law and secured their social standing in the colonial context. Later, these documents would demonstrate the worth of the colonist’s property after it was lost to them. As evidenced in the inventory taken after the *comte* d’Hanache’s death, documentation of his property transactions was important to him and his family as it established the cornerstone of their claims to both indemnification and the social category that disenfranchised colonists occupied in Restoration France. In this way, the documentation that clings to this family’s history in Saint Domingue is made up entirely of registers of the cotton and indigo they sold and enslaved people they owned. One such document, submitted by the *comte* d’Hanache as part of his claim to indemnification, delineates the creation of a *société*, or joint business, between d’Hanache and DeFontaine. According to its terms, both would pool their resources and share the profit.

In 1785 the notary Jean Saunois Xavier Frigola attested in the “minute” of a transaction that he was brought to the habitation of Louis Maximilien Alexandre d’Hanache, at the requisition of two other planters, Bernard Louis Dausigné and Jean Jacques le Page DeFontaine. The transaction Frigola came to officiate was the creation of a commercial “société” between d’Hanache and DeFontaine, which was to begin on the first of May of that year (after the harvest

²⁵ The ruined buildings described in “vente d’une habitation” belong to indigo production. It is not possible to rule out, however, that d’Hanache tried to produce sugar after his arrival in Saint Domingue. Whether “soukri” refers to an actual workshop for producing sugar or to what is believed to have been a sugar mill is unclear.

on d'Hanache's estate) and last for nine years. Neither the reason for the creation of the "société" nor the reason why Dausigné was, along with DeFontaine, responsible for the transaction is described in the document. The understanding between d'Hanache and DeFontaine was that each would dispose their resources to this collaborative enterprise. What followed was a detailed listing of enslaved people, work animals and tools belonging to both planters, all of which things and people would be formally included in the commercial cooperation.

Frigola's notarial minute contains a detailed register of enslaved people who lived on the properties of d'Hanache and DeFontaine. The enslaved people on d'Hanache's estate are listed first, noting their names, origin, particular skills, short notes on physical description, and estimated price. The list numbers fifty people in total. Of the enslaved men, Joseph, Petit Julien, Benjamin, Victor, Hyppolite and Petit Charles are listed as "Creole." Michel, St. Marc, Philippeau, Colin, Flambeau, Masse, Gillo, and Baptiste are listed as being "Congo." Jaques is listed as being "de nation Mina," while Mabiliaume is listed as "Mondingo." Phaeton is listed as "Arada." The men's estimated ages range from fifteen to fifty-three, and their estimated value from nothing to 3,500 *livres*. How and where they were branded is also detailed in the record. Joseph was branded with the word "d'Hanache" on both breasts. Phaeton, valued by the colonists at 300 *livres*, was branded "d'Hanache," which brand was noted to be "the same as Joseph." Michel, twenty-eight years old, was branded "d'Hanache" on his left breast only, and St. Marc was branded on the right. Colin, Masse, Baptiste and Hyppolite bore "d'Hanache" on their breasts and thighs. Petit Julien bore the brand "Magnan," on his right breast, and Victor bore "GBD" on his left. Jacques, Philippeau, Flambeau, Mabiliaume, Gillo and Benjamin are noted as being "etampé illisiblement," or branded illegibly. Petit Charles, the youngest recorded enslaved man belonging to d'Hanache, is noted as "without a brand."

A number of enslaved women belonging to d'Hanache who appear in Frigola's minute of the transaction between d'Hanache and DeFontaine. Four women—Louise, Anne Rose, Brigitte, and Claudine—are listed as “Creole,” while another eleven—Marthe, Lucrue, Agathe, Reine, Suzanne, Marie Claire, Zerbinne, Henriette, Princesse, Guingé and another whose name is illegible—are listed as “Congo.” Magdelou is listed as “moundouge,” Bethy as “Nago,” and Victoire as “Mina.” These women's estimated ages range from sixteen to fifty-five years, and their estimated market value ranged from nothing to 3,300 *livres*. Agathe, Bethy, Madelou, Reine, Suzanne, Victoire, Guingé and the woman whose name is illegible were branded with the name “d'Hanache” on their right breasts, while Marie Claire was branded with the same name on her left. Louise, a creole woman of fifty-five years, was branded with the initials “AD” on her right breast. Rose, Lucrue, Anne Rose, Zerbinne, Brigitte and Claudine, are listed as unbranded. Marthe, Therese, Henriette and Princesse are listed as being branded illegibly. “Marthe,” who the document describes as “Congo,” was “covered in innumerable markings.”²⁶

Eleven children are listed among the d'Hanache's slaves. Victoire's children, Jean Pierre, Philippe, Framoise and Louise, were four, seven, thirteen, and thirteen, respectively, and were valued at 600, 1500, 1800, and 825 *livres* respectively as well. Marie Claire's children Louis, Zabeth, and Felicie were four, five, and eight months, and were valued at 600, 600 and 300 *livres* respectively. Jeannette, Marthe's daughter, was seven years old and was valued at 1200 *livres*. Jacques, Magdelou's son, thirteen years old, was valued at 2400 *livres*, and Jean Baptiste, Therese's son, was valued at 2000. Joseph, the son of Henriette, was six years old and valued at 825 francs, while Marie Rose, the nine-year-old daughter of Suzanne, was valued at 1500 *livres*. Frigola recorded no marks on any of the children.

²⁶ “Procès verbal de Description & Estimation des... mobilières de la société entre Sieur Alexandre d'Hanache et le Suer le Page de Fontaine. SUPSDOM, 655. *Archives Nationales d'Outre Mer*, Aix-en-Provence, France.

The list of enslaved people in this document brings, through its description of origin and market value, their lives into the world of d'Hanache's ownership. Descriptively "belonging" to his property, this list marks them as racialized objects of property, as it describes the literal markings on their bodies that serve to reproduce, epistemologically, painfully, corporeally, *how* they should be known by and for the colonists in whose transactions they appear.²⁷ The ways they are described refuse deeper meaning even as their descriptions hint at histories, relationships and daily lives. In this way, d'Hanache's slaves in this document are an "absented presence," signaling both the marshalling and creating of information for d'Hanache's purposes and the simultaneous dissociation in the record of their lives from any claims to self-ownership, belonging or agency.²⁸ And yet, while the lives of d'Hanache's slaves are expropriated for the records of d'Hanache's property, the name d'Hanache is simultaneously locatable in time and in place through how their bodies carried it through regions of space and experience.²⁹ This paper formed part of d'Hanache's indemnity dossier. It existed, and exists, as part of France's colonial archive's ordering of power and history, and a copy of it presumably rested in d'Hanache's home in Paris, and was inherited by his children after his death. In Haiti the name takes on quite another meaning as surnames and toponyms. It is refracted through the myriad experiences and associations of the people who encountered it, and who continue to encounter its traces, corporeally, geographically and metaphysically, through marks on the body, markers in the

²⁷ Cheryl I. Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (June 1993): 1712. Here Cheryl Harris references the term "object of property," drawing from the work of Patricia J. Williams in "On Being an Object of Property."

²⁸ Katherine McKittrick, *Demonic Grounds: Black Women and the Cartographies of Struggle* (Minneapolis: University of Minnesota Press, 2006).

²⁹ On the question of agency in the archives of slavery see Marisa J. Fuentes *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: University of Pennsylvania Press, 2016).

landscape, and through the stories told by Vodou *lwa* through the bodies of those who dance them.

The list of enslaved people in the contract of *société* between Louis Maximilien d’Hanache and Desfontaines was seen, processed and discussed by multiple colonial officials and by the liquidation committee, the Archives de Saint Domingue, and by the colonists themselves and their children. That the document, like many others of similar genres, shares painful and intimate information helps contrast the substance of this history with the ways it was used strategically to maintain power and privilege. In fact, Saint Domingue’s ex-colonists spent a lot of time describing the lives of people they enslaved. Their lives, from a documentary perspective, are subsumed by the violent projects that their documentation both represented and facilitated.

What does this documentation that describes this limited amount of information about the lives and experiences of the people enslaved by d’Hanache and DeFontaine suggest? Is it possible to say more than that the majority of them were described as being of “Congo” origin, to note that Lakou Soukri claims *kongo* spiritual and ancestral legacies, and to draw a tenuous but seductive connection between the landscapes they lived in in 1785 and today’s Kongo spaces of embodied memory? Scholars have examined the Kongo origins of enslaved people brought to Saint Domingue and have traced their royalistic, militaristic and spiritual practices in the shifting insurgent landscape of the Haitian Revolution.³⁰ How might enslaved people reportedly of “Kongo” origin have affected the physical landscape? Another origin story of all three of Gonaïves national lakou is that after the revolution people of different African origins grouped themselves into different communities based on their “nation.” While Soukri is *kongo*, Lakou

³⁰ Thornton, “I am a subject of the King of Kongo,” *Journal of World History*, Vol. 4, No. 2 (1993): 181-214.

Souvenance represents itself as *dawomèy* and Lakou Badjo as *nago*, though Badjo's annual ceremony encompasses the rhythms and *lwa* of *kongo*, *nago* and *dawomèy*.³¹ The usefulness of this story for residents of Lakou Soukri lies in reclaiming and reconstituting different African identities and asserting a kind of pure retention of spiritual, military, rhythmic origins. Nineteenth-century documentation complicates this story by both confirming acknowledged Kongo sites in the landscape of what was Habitation d'Hanache, but whether these sites were rooted in enslaved experience before the revolution is inconclusive. The placement of Lakou Soukri nearby the old Danache cemetery (what I believe to be the cemetery for enslaved people on the colonial d'Hanache property), its physical proximity to and spiritual association with crops like *pitimi* or pearl millet, and its possible ties to enslaved home spaces suggest the possibility that today's Lakou Soukri, its spiritual, environmental and physical legacies find their origin in both particular and composite experience of and usage by those enslaved on the property and nearby properties.³²

While colonial documentation of Habitation d'Hanache is both scant and suggestive, Haitian nineteenth-century state records and notarial documentation add more complexity to Lakou Soukri as a space constituted through different social relationships over time. That references that associate the land with Kongo spirituality and with Figaro even exist in this documentation. Such documentation represents a critical aspect of Haiti's legal regime and bureaucracy, the identity of which was bound to practice of constituting and reconstituting

³¹ This may have something to do with the lakou's legacy as a stronghold for revolutionary general Jean-Jacques Dessalines' spiritual and military needs in Gonaïves. The revolution in this case can be seen as a context that necessarily draws together different strands of identity and origin, reproducing them as national legacies of spiritual and military power.

³² Whitney Battle-Baptiste, "In This Here Place: Interpreting Enslaved Homeplaces," in *Archaeology of Atlantic Africa and the African Diaspora*, eds. Akinwumi Ogundiran and Toyin Falola (Bloomington: Indiana University Press, 2007).

colonial properties. This necessity to return to the colonial past makes it difficult to associate the lakou's origin as entirely *marronage*, or as entirely distinct from the state and legal land ownership. As I now turn to examining nineteenth-century references both to Habitation d'Hanache/Danache and Lakou Soukri, I would like to explore how these records are useful both in the historical information they impart, and in reframing an understanding of rural legacies of enslavement that shaped and were shaped by documentation centered around law and property.

Nineteenth-century Legacies of Lakou Soukri

The name d'Hanache can also be located in the early *Etat Civil* registers in the Artibonite Valley. Boyer made at least three, possibly far more, land concessions out of Habitation Danache in the 1820s.³³ One, to Philippe Jeune, was for twenty carreaux of land. Another, made to Charles Danache, was for five carreaux.³⁴ Concessions were also made to General Jacques Gabriel François in 1821, and possibly to Amedée François.³⁵ Given the amount of land indicated by each of these concessions, Philippe Jeune was likely a general, and Charles Danache was likely a soldier of lower rank.³⁶ That a concession of five carreaux of land was made to a man named Danache on Habitation Danache raises the intriguing possibility that the Danache referenced by Lakou Soukri was not the colonist, but rather the recipient of Boyer's concession. The ambiguity of which "Danache" is referenced in "Soukri Danache" becomes especially apparent when considering the importance of the concept of the lakou's "don," which is the word

³³ The spelling of the name in records shifts definitely from "d'Hanache" to "Danache" between French and Haitian documentation, though the ambiguity also exists in some early colonial French records.

³⁴ "Rosanna Desimar" Archives of M.S. Laurent Lavaud, Gonaïves, Haiti.

³⁵ Rose Destin "Reçu de vente," Archives of M. S. Laurent Lavaud, Gonaïves, Haiti.

³⁶ Armand Thoby, *La question agraire en Haïti* (Port-au-Prince, 1888), 10, in Robert K. Lacerte, "The Evolution of Land and Labor in the Haitian Revolution, 1791–1820," *The Americas* 34, no. 4 (April 1, 1978): 457–458.

for concession that appears at the head of Boyer's land concession documents, or "Don Nationale." By comparison, land grants from the French crown to early colonists were more often referenced as "concessions" than as "don."³⁷ If Lakou Soukri is associated with one of these Don National, then it is possible that either Charles Danache's "Don" became Figaro's lakou, or Figaro himself was a soldier and received five carreaux, whether from Boyer, from Christophe, or from Dessalines. The word "don" can also be read as gift, which supports the narrative structure of the gift of land from the colonist to Figaro. A look at more nineteenth-century and early twentieth-century documentation from Gonaïves further illustrates that what became Lakou Soukri, what became Figaro's legacy, existed alongside neighboring properties and was recognized within legal transactions surrounding those properties.

On June 24, 1843, three months after President Boyer was stripped of his citizenship and of his immovable properties by Rivière Hérard, Prophète Auguste and Adélaïde Samson attested to the birth of their son, Alexis Prophète. The birth record marks the change of regime in its first lines, "The year 1843, fortieth year of Haitian independence and the first year of our rebirth [rénégration]."³⁸ In other ways the record of Alexis Prophète's birth follows the formula of Gonaïves earlier *Etat Civil* records. One notable detail of the record is that both Adélaïde and Prophète lived on "Habitation Ganga" in Gonaïves' third administrative section. The inclusion of the "Ganga" is interesting alongside the term "habitation" and because of the way it is paired with a term that alludes to an African past and experience. Today, the Haitian Creole word "bitasyon," while derived from "habitation," means a place of one's origin, where one is

³⁷ When walking the perimeters of Lakou Soukri with Fortuné Dorival in February 2016, there were multiple times when he referenced still being on the "don," even in areas at a greater distance from the lakou. Interview with Fortuné Dorival, February, 2016. "Vente d'une habitation" ANOM SUPSDOM 655.

³⁸ Gonaïves, *Archives Nationales d'Haïti à Port-au-Prince* (1843).

originally from. The appearance of “Habitation Ganga” in a legal document suggests the existence of, and the legal recognition of, spaces where different legacies merge in 1843. More than this, the suggestion of “Habitation Ganga” is that the landscape and its names are drawn from the ways that enslaved people—people of Kongo origin—experienced the landscape. Ganga is one vodou lwa, or god, one of the most prominent Kongo gods that make up the ritual pantheon that Lakou Soukri addresses, each year, in the communities’ ceremonies and dances. “Mòn Ganga” is a prominent feature of Lakou Soukri’s landscape. It is a small hill immediately east of the main *kay lwa* where the *tab kongo* is housed. The *lwa* Ganga lives in a tree on this hill, and this is where the ceremony and dances to him are performed each year.

Habitation Danache also figures in land sales held in notarial archives in Gonaïves over the span of the nineteenth century. In land surveys associated with sales, surveyors document walking around the limits of properties sold within Habitation Danache. On March 15, 1880, Solages Jean-Baptiste brought a surveyor from Terre Neuve, Marc Désir Pinchinat, to draw up a map of one *carreau* of land that she had acquired from Pierrette Philippe and his sister Spalie Philippe. The land that Pinchinat surveyed came, he wrote, from land that the brother and sister had inherited from their late father, Philippe Jeune, who came into possession of the land through a concession made to him of twenty *carreaux* of the *Danache* plantation, on the tenth of May 1822 (nineteenth year of independence). Pinchinat, Pierrette and Spalie were accompanied by their co-inheritors Limage and Leroy Philippe, an officer of the district representing the commandant of the third administrative section of Gonaïves, in which Habitation Danache sits, and the neighboring landowner, Clergé Amédée. Pinchinat’s, like other surveyors, recounts how he moved around the border of the half *carreau*, accompanied by the entire company in order to ensure the accuracy of his work. Along his way, he came across two old matching property

markers [rephrase], which he used to direct his survey. Notarial land sales and surveys on Habitation Danache reflect the “Don National” made by Boyer, but in their sale and resale between families and family members of the same families illustrate a tight web of property ownership surrounding Lakou Soukri, recognized by law, and based on Boyer’s policy of *remembrement*.

Another survey, this time from March 31, 1896, makes explicit reference to Figaro and his son, and it makes reference to their land as being known as “au sucré Danache,” an easy step to “soukri Danach” in Kreyòl. In 1916, Rose Destin commissioned a survey of land she had bought from Dessalion Guillaumette in 1896.

The Republic of Haiti

I the undersigned, Dessalion Guillaumette, residing and a landowner on Habitation Danache, third section of Petite Rivière, commune of Gonaïves, and I have as witnesses my son, Jean Dessalion, and *le sieur* Louissaint Figareau (called Zinzin) in the presence of my witnesses, I recognize having received from the citizen Rose Destin, also residing and a landowner on the said plantation, I [received] the sum of seventy *piastres* [gourdes] comptant for a half carreau of land that I sold her on the said plantation on the property of the late General Jacques Gabriel. This land is *bornée* [marked by, limited by] to the North by the property of the late *père* Figarau (called *au sucré Danache*) and to the East by the [word missing] citizen Félicienne and to the South by Petit-Nombre Eugène, and Rastochin St. Fleur, and to the West by the seller.³⁹

The record ends by stating that it was written at the request of Dessalion Guillaumette and according to his wishes, and a note in the margin states that the sale was re-validated on March 17, 1916 in the favor of Rose Destin.⁴⁰

This record shows, in parentheses, information that directly substantiates the stories of Soukri’s origin told in the lakou today. Louissaint Figareau, called Zinzin, inherited land from his father, a space referred to as “au sucré Danache.” The document does not record Zinzin’s

³⁹ Rose Destin “Reçu de vente,” Archives of M. S. Laurent Lavaud, Gonaïves, Haiti.

⁴⁰ Rose Destin “Reçu de vente,” Archives of M. S. Laurent Lavaud, Gonaïves, Haiti.

age, but it is possible that his father was born early after independence or possibly even during or before the revolution anywhere up to the mid-nineteenth century. As Zinzin is a witness to someone else's sale, and not selling land himself, how *le père* Figareau acquired their land is not mentioned. Today the land of the lakou, even that which encompasses land beyond the "five carreaux and the rest" which I surmise belonged to the larger plantation of "Habitation Danache" is referred to as the *don*, the gift, the land concession.⁴¹ If the land was a concession or a Don National from Boyer or from any of Haiti's states before or after Boyer, then was it to Figaro? Was it to Charles Danache? Does "don" refer to the original colonial concession, or is it meant as to refer to the "gift" that Danache made to Figaro?

Self-Possession and Belonging as Critique of Racial Property

Tracing the historicity of the land around Lakou Soukri through colonial documentation is a process full of frustrations. In order to think about how the origin story of Soukri was related to historical narratives based on documentation, I followed the records of the family Alexandre d'Hanache through France's national and departmental archives in La Rochelle, Bordeaux, Aix-en-Provence and Paris. My hope was that their records describing land that they owned, people they enslaved and crops they produced would give me a concrete way to historicize those lives, traced through the places and spaces in which they lived and crops they labored to grow. My early questions were designed to examine the connection between now and then, written and oral accounts. Was Lakou Soukri, also known as Lakou Soukri Danach, actually part of a plantation owned by the family d'Hanache? If so, what portion of the property does it represent? Is there any record or even any suggestion of a land concession to Figaro? In essence, I was trying to see

⁴¹ "Dorival, Fortuné, Dorival, Omême," interview by Winter Schneider, Lakou Soukri, Gonaïves, Haiti, August 2016.

any part of the origin story's narrative reflected in colonial documentation. Trying to trace, reconstruct and understand these connections was my *fil conducteur* through broader histories of noble French families in the Artibonite, like d'Hanache, how they claimed their properties through the 1825 indemnity, and the records they used to do so.

The documentary traces surrounding Lakou Soukri and "Habitation Danache" do not match up either to the origin story recounted in the lakou or to each other. What then can be made of this constellation of references to "Danache" and narratives of land transmitted from colonists to an enslaved man? While *les frères* d'Hanache and their father, in addition to their siblings and children (recognized and unrecognized) carried the name and introduced it in colonial legal registers and place names, references to "Habitation Danache" as such do not predate the land concession Boyer made to Charles Danache in the eighteen-twenties. In fact, there are no colonial references to "Habitation d'Hanache" that I can find at the time of writing.⁴² Documentation and bureaucracy, so integral to both processes of indemnification and social control, render this history illegible even as its repercussions are lived by rural Haitians to this day. Both sets of documentation, no matter the realities of reclamation and appropriation of land and colonial signifiers, still retain the authority

Louis Maximilien Alexandre, comte d'Hanache wrote repeatedly to the director of the *Archives de Saint Domingue* to request that the archive search, again for [name specific document]. Another document central to d'Hanache's claim and to the claims of his inheritors (his son and daughter in addition to at least one niece and nephew) was a 1785 notarial document attesting to a *société* formed between the comte d'Hanache and le sieur DeFontaine. I have no record of how d'Hanache's claims to indemnification were discussed by the Liquidation

⁴² One document that I was not able to access was likely the succession of their father, which his inheritors disputed in court. These records were not available for consultation at the *Archives Nationales d'Outre Mer* at the time and they are still in the process of being digitized.

Committee, though based on the discussions over the claims of other colonists who owned land and slaves—and who argued for different calculations of value based on a diverse array of colonial-era documentation—it is possible to imagine that this document produced a clear record of value, though value not associated with land ownership but rather with production or the so-called “use value.”

Land is Never Lost: Haitian Freedom from a Perspective of Struggle

Did “Habitation Ganga” become “Lakou Soukri?” The naming of Gonaïves’ *gran lakou*, and the constellation of documentary, physical and embodied references to both legacies of colonial and national-era control via the plantation, and to the existence of Kongo legacies within the same landscape, suggests this bridging of legacies. That these legacies of control, self-possession and belonging co-exist in the lakou fits uncomfortably with romanticized views of the lakou that hold it as a refuge from the state’s laws and insistence on uplifting colonial forms of property ownership. And yet, from what is barely said within colonial and nineteenth-century documentation and through the historical and embodied memories in Lakou Soukri today shows the lakou a site that grounds a “perspective of struggle” necessary to sustain Haitian resistance, and Haitian freedom, emerges.⁴³ Located in the once home spaces of enslaved people, the lakou as an example of what Stephanie Camp terms “rival geographies,” continues to house a spiritually and territorially potent property discourse and territorial counterclaim to those made by the Haitian state and predatory foreign and national businesses and elites. As a historical site of captivity, the lakou can be seen as a space through which “some were able to manipulate and recast the meanings of slavery’s geographic terrain.”⁴⁴ As a site of where ongoing violence in the

⁴³ McKittrick, xvii.

⁴⁴ Ibid.

form of economic marginalization, soil degradation and no reliable recourse to health or social services is experienced, the lakou, with its insistence on kinship, belonging and its retention of land despite what the papers say centers the possibility of a decolonial future.

The traces of Lakou Soukri's history represent both a continuity of colonial forms of knowing, of property, and of identity, and they also represent distortions and appropriations of those forms in rural spaces and through marginalized experiences. What comes of all of this is that although archivally fragmented, the accumulated geographic stories, the uses of space, the growing of crops, experiences of subjugation, children and generations born, constitute another narrative. It is refracted through myriad associations marking racial categories of property ownership and the daily lived experiences of resistance and subjugation to those ways of knowing. Insisting that the past and current space of the lakou be held at the center of the story forces a re-evaluation of the kinds of archival illegibility that inform so much of how Haitian history is approached and understood, both within and outside of Haiti. Holding the lakou and rural space at the center of the story highlights just as much of what is unsayable and unknowable, and the colonial and national mechanisms that construe it as unknowable, just as much as it highlights what is spoken, known and experienced there.

While the spatialized and historical experiences of those enslaved by the French colonists named d'Hanache are rendered dehistoricized and fragmented by the only records that describe them, the landscape and the ways it was shaped by those who were enslaved ultimately defines the possibilities for how the lessons of Haitian freedom can be unpacked and understood. Considering the lakou as created out of the physical sites of enslaved home spaces, as part of a broader struggle for definition of that landscape within a broader fight for self-possession asks us to consider again what freedom meant and how it was experienced in this nineteenth-century

context. Not outside of ongoing colonial and national state structures of control, and indeed potentially part and parcel of those mechanisms of control, the lakou represents not so much a separation from the state but rather a way to navigate it, co-opting a language of property and rooting a critique of the underpinnings of global capital in an ongoing alienation from places they also call home.

Historicity in Haiti is often painful as it demands considering spaces of enslavement, resistance and liberation in the same breath. Historicizing the home places that created a political culture that in turn fomented the revolution displaces narratives that normalize local, national and international structures of anti-Black violence, capital, patriarchy and global white supremacy. These spaces, exemplified by both the physical site and idea of the lakou, are precisely the spaces that can produce imaginaries of freedom as they straddle time and documentary regimes. Generative space of revolutionary imagination, the home spaces of the enslaved in Saint Domingue continue to represent the possibility of being free. Tracing history in the lakou uncovers complex legacies that encompass colonial spatial understandings and the appropriative uses of colonial space both by Haitians' enslaved and free ancestors, and by Haitian families after independence. The lakou as a space is constituted through these complex, divergent and diverse uses and experiences of space. As a space produced through the memories of its ancestors, and through the traces of colonial violence and nationalist administrative order, the lakou is a center that draws together all these traces and interprets them for the present. Holding this center, living it, remembering it, walking it and doing the work required to understand its many influences is in turn the persistent heart of a Haitian rural praxis of freedom.

Conclusions: Haitian Land as Future Archive

Colonial histories in the plain outside of Gonaïves collect within the structures of state building and through the period of indemnification and liquidation of the 1825 indemnity. While these records can tell us certain things about how colonists sought to define and control space and those they enslaved within those spaces, this documentation perpetuates epistemological forms of violence against them as it conscripts Haiti's past into narratives that continue to both affirm French colonial identity and property.⁴⁵ The records that were culled by colonists and administrators as part of the process of establishing their rights to claim indemnification and as used in the process of calculating the value of their claims bring into view a particular perspective on pre-revolutionary Saint Domingue in the Artibonite. As colonists accounted for the past, they bring the lives of those they enslaved into view even as this process re-assigned a capital value to their lives which in turn indebted them for their freedom.

That nineteenth-century Haitian state records corroborate parts of Lakou Soukri's story and show that features of the landscape that may mark the ways that enslaved people in Saint Domingue related to d'Hanache's geography of control introduces a complication to the perceived historical usage of the law by rural women and men. As they track how Boyer's concessions on "Habitation d'Hanache" were inherited, bought, sold, and surveyed by the descendants of those who received the original concessions, they demonstrate that rural land ownership in these spaces was not only brought, at least partially, under the purview of the law, but that legal documentation was used by rural families as a stabilizing mechanism against perceived "troubles in the country." As in the case of earlier *Etat Civil* records, the records of

⁴⁵ One very clear example of this are the several instances in which contemporary French people and families have sought to reclaim properties based on colonial documentation. Both times they were ultimately denied by the Haitian state, but initially their claims were accepted at the local level. Personal correspondence with Blackside Suprême, February 2016.

spaces surrounding Figaro's inheritance—even in the mention of Habitation Ganga—represent a strategic visibility before the law and before the state.

Lastly, while the spatialized and historical experiences of those enslaved by the brothers d'Hanache are dehistoricized and fragmented by the only records that describe them—records that were used subsequent to their production as proof of property and value for d'Hanache and his family's claims to indemnification—the landscape and the ways it was shaped by those who were enslaved ultimately defines the possibilities for how these fragmented stories can be read together. In essence, Haiti's rural landscape is the archive of the indemnity, offering a counter-memory to the indemnity as the defining moment of Haitian freedom, and denaturalizing state-driven agendas of social control in the process. Historicizing the home places that created a political culture that in turn fomented the revolution displaces narratives that normalize local, national and international structures of anti-Black violence, capital, patriarchy and global white supremacy. The lakou as a space is constituted through these complex, divergent and diverse uses and experiences of space. As a space produced through the memories of its ancestors, and through the traces of colonial violence and nationalist administrative order, the lakou is a center that draws together these traces and interprets them for the presents. Holding this center, living it, remembering it, walking it and doing the work required to understand its many influences is in turn the persistent idea that, to quote Frédéric Marcelin's speech in Gonaïves on the centenary of Haitian independence, “has allowed us to remain a small, free and independent nation.”

CONCLUSION

On the idea of Haitian culture, they moderated hagiographic memories in a carefully restricted reading of events. On the politics of a practice, they assumed the vigor of foundational sagas in an attentive approach to the singularity of a history. On the symbolics of the Haitian recent disaster, they deconstructed polarizing preconceptions in balanced positions, and in an unconditional solidarity with Haiti's future.¹

This dissertation has described the period surrounding Haiti's diplomatic recognition by France in 1825 through an approach to property, to legal personhood and to the archival conditions that render this moment accessible historically. First, it argued that the 1825 legal agreement to indemnify French colonists for their lost property made Haiti's independence conditional on French property rights. Ideologically, Haitian freedom was also construed as conditional on French satisfaction of the loyalty of the new state. This is demonstrated through the liquidation of the indemnity as it reinterpreted Saint Domingue colonists' racial authority through the ability to own property, just as it reinscribed a racialized subjection to property for those who had been enslaved, making Haitian state independence inseparable from colonial property forms and ideologies.

Next, it argued that within the era of state-building through the institution of legal codes, not only were property and citizenship inextricably linked, but President Boyer espoused a personal and authoritative belief in land ownership as an inalienable right—or rather, that once owned a piece of land could not be estranged. While Boyer's legal codes marginalized and racialized Haiti's rural agricultural laborers through inscribing their relationship to Saint Domingue's properties through labor (again, a subjection to property), he also built a state that rooted itself legally and ideologically in rural property ownership. This is demonstrated through

¹ V. Y. Mudimbe, "Within Silence: a Mediation," paper presented at "Beyond Silence: Meaning and Memory in the Noise of Haiti's Present," Bard College, March 12, 2010.

his vision of “Rural Order” as an all-encompassing legal, military, and bureaucratic surveillance over agricultural space and production. That land ownership could be seen as inalienable by a president who also insisted on the pervasiveness and authority of Haitian law turned rural space—and by extension the documentation of that space—into a site where the idea of inalienability inflected both legal and popular claims to property. It traced the legal sales of land both between family and to outsiders on sites that maintained the overall colonial toponym, based on land concessions President Boyer had made in the 1820s. The transformation of the word “habitation” to refer to smaller portions of land within an original concession of an actual habitation, or plantation, merges legal and popular attachments to land. It argues that family inheritance was the vehicle for this transformation. Lastly, this dissertation took up the claim that the land of Lakou Soukri could “never be lost,” even if sold, which demonstrates the continuance of a logic of inalienability, but inalienability as framed through a spiritual attachment to land based on the embodied memories of Haitian ancestors in those spaces.

The near universality of a language of “inalienable” rights or attachment to land both in the context of Haitian law and the rural inheritance of spiritual land and embodied memory, complicates how to contextualize the one in relation to the other. Was President Boyer’s property discourse of inalienability derived from similar colonial claims to identity through property ownership? After all, Saint Domingue’s colonists cast themselves as “irrevocable owners” of their already-lost properties in land and people. Was rural Haitians’ property discourse of inalienability drawn from the institution of law by President Boyer, and by the pervasiveness and continued importance of his land concessions as foundational documents in rural inheritance and state authority? Or, was the logic of inalienability drawn from a rural property discourse that predated the state? While this dissertation has introduced novel documentation that helps in

thinking about the question of who came up with the concept of inalienable land in Haiti first, its purpose is to direct readers' attention to the era around 1825 as a historical context in which state-driven and rural property discourses were themselves inextricable, as they were shaped through and enacted upon complex rural historical landscapes.

Throughout, this dissertation has approached the debates and discourses surrounding Haitian national sovereignty through the question of how that sovereignty was archived. And within the historical framework of independence, it has asked how to read the lives and agendas of a rural population determined to refuse the state's definitional authority, yet still seeking to claim personhood and land ownership within the state's legal framework. While the usage of colonial records by former colonists implicates France's archives in Haiti's lasting debt and diplomatic marginalization, nineteenth-century Haitian state records that describe the contested terrain of property ownership in rural spaces both restrict and open up possibilities for thinking about a more complex historical context in this period. Reading the *Etat Civil* records, this dissertation argued that women's testimonies gave records of births their legal authority, and the appearance of women before the officer of the *Etat Civil* can be read as a strategic visibility before the law. These appearances were strategic inasmuch as they signal Haitian women's actions in giving themselves and their children legal personhood, which established them and their descendants within legal frameworks of property ownership. The names, testimonies, and the limited details communicated about the first generations of rural Haitians after independence also create, through the archive, a historical subjectivity that rivals the archive's capacity to understand and categorize the past. Beyond state sovereignty as constructed through processes of attending independence, Haitian freedom as a historical reality is only locatable within the

fragmented documentation of the lives of these ancestors in the registers of Haiti's national archives.

Haitian history can be located within the archive, but it would be a mistake to confuse how Haitians' freedom was legible archivally with how it was understood by the first generations of Haitians themselves. Again, this dissertation, while it does draw from and reaffirm scholarship that locates rural projects of freedom and self-determination in the creation of a dynamic system of family land in the *lakou*, does not claim to represent that freedom historically. By distinguishing the processes and structures that attended to Haitian independence in contrast to Haitian freedom, this dissertation asserts that in Haiti, as in other post-emancipation contexts throughout the Caribbean and the Atlantic world, the concept of "freedom" itself can and needs to be both contextualized and denaturalized.

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