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Discussion Questions & Source Packet for the OI's Early American Readings (EARS)

**March 20, 2018: Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History***

Attached:

1. ***Le Code Noir (1685)***

2. **Thomas Jefferson to the Marquis de Lafayette** Philadelphia, Pennsylvania, 16 June 1792.

<https://founders.archives.gov/documents/Jefferson/01-24-02-0079>

3. **The Haitian Declaration of Independence**, from the Appendix to Julia Gaffield's edited volume *The Haitian Declaration of Independence: Creation, Context, and Legacy* (2016), pp 239-247.

Questions for discussion:

1. How can history "silence" some events and people, and amplify others?
2. Why does Trouillot contend that the Haitian Revolution was "unthinkable?"
3. In what ways have institutions as well as individuals contributed to making some histories, and silencing others?
4. Why is Sans Souci such an important source of evidence and interpretation?
5. What does Trouillot reveal about revolutionary leadership?

For more images of Sans Souci Palace:

[http://www.slate.com/blogs/atlas\\_obscura/2013/10/22/sans\\_souci\\_the\\_ruined\\_haitian\\_palace\\_of\\_a\\_slave\\_turned\\_brutal\\_kleptocrat.html](http://www.slate.com/blogs/atlas_obscura/2013/10/22/sans_souci_the_ruined_haitian_palace_of_a_slave_turned_brutal_kleptocrat.html)

For more on the Haitian Revolution, and more primary documents, especially about Dessalines, see Professor Julia Gaffield's website: <https://haitidoi.com>. This includes video, including a trailer for Gaffield's book on what happened after the revolution, and a set of sources, some collected from other scholars: <https://haitidoi.com/teaching/articles-and-document-packages/>

You can read the *New York Times* story of Gaffield's re-discovery of the original Haitian Declaration of Independence, lost for centuries, here:

<http://www.nytimes.com/2010/04/01/world/americas/01document.html>

And an abstract of her article in the *William and Mary Quarterly* here:

<http://oieahc.wm.edu/wmq/July12/abstracts.html#Gaffield>

1.

**Edict of the King:****On the subject of the Policy regarding the Islands of French America****March 1685****Recorded at the sovereign Council of [Saint Dominique](#), 6 May 1687.**

Louis, by the grace of God, King of France and Navarre: to all those here present and to those to come, GREETINGS. In that we must also care for all people that Divine Providence has put under our tutelage, we have agreed to have the reports of the officers we have sent to our American islands studied in our presence. These reports inform us of their need for our authority and our justice in order to maintain the discipline of the Roman, Catholic, and Apostolic Faith in the islands. Our authority is also required to settle issues dealing with the condition and quality of the slaves in said islands. We desire to settle these issues and inform them that, even though they reside infinitely far from our normal abode, we are always present for them, not only through the reach of our power but also by the promptness of our help toward their needs. For these reasons, and on the advice of our council and of our certain knowledge, absolute power and royal authority, we have declared, ruled, and ordered, and declare, rule, and order, that the following pleases us:

**Article I.** We desire and we expect that the Edict of 23 April 1615 of the late King, our most honored lord and father who remains glorious in our memory, be executed in our islands. This accomplished, we enjoin all of our officers to chase from our islands all the Jews who have established residence there. As with all declared enemies of Christianity, we command them to be gone within three months of the day of issuance of the present [order], at the risk of confiscation of their persons and their goods.

**Article II.** All slaves that shall be in our islands shall be baptized and instructed in the Roman, Catholic, and Apostolic Faith. We enjoin the inhabitants who shall purchase newly-arrived Negroes to inform the Governor and Intendant of said islands of this fact within no more than eight days, or risk being fined an arbitrary amount. They shall give the necessary orders to have them instructed and baptized within a suitable amount of time.

**Article III.** We forbid any religion other than the Roman, Catholic, and Apostolic Faith from being practiced in public. We desire that offenders be punished as rebels disobedient of our orders. We forbid any gathering to that end, which we declare to be conventicle, illegal, and seditious, and subject to the same punishment as would be applicable to the masters who permit it or accept it from their [slaves](#).

**Article IV.** No persons assigned to positions of authority over Negroes shall be other than a member of the Roman, Catholic, and Apostolic Faith, and the master who assigned these persons shall risk having said Negroes confiscated, and arbitrary punishment levied against the persons who accepted said position of authority.

**Article V.** We forbid our subjects who belong to the so-called "reformed" religion from causing any trouble or unforeseen difficulties for our other subjects or even for their own slaves in the free exercise of the Roman, Catholic, and Apostolic Faith, at the risk of exemplary punishment.

**Article VI.** We enjoin all our subjects, of whatever religion and social status they may be, to observe Sundays and the holidays that are observed by our subjects of the Roman, Catholic, and Apostolic Faith. We forbid them to work, nor make their slaves work, on said days, from midnight until the following midnight. They shall neither cultivate the earth, manufacture sugar, nor perform any other work, at the risk of a fine and an arbitrary punishment against the masters, and of confiscation by our officers of as much sugar worked by said slaves before being caught.

**Article VII.** We forbid them also to hold slave markets or any other market on said days at the risk of similar punishments and of confiscation of the merchandise that shall be discovered at the market, and an arbitrary fine against the sellers.

**Article VIII.** We declare that our subjects who are not of the Roman, Catholic, and Apostolic Faith, are incapable of contracting a valid marriage in the future. We declare any child born from such unions to be bastards, and we desire that said marriages be held and reputed, and to hold and repute, as actual concubinage.

**Article IX.** Free men who shall have one or more children during concubinage with their slaves, together with their masters who accepted it, shall each be fined two thousand pounds of sugar. If they are the masters of the slave who produced said children, we desire, in addition to the fine, that the slave and the children be removed and that she and they be sent to work at the hospital, never to gain their freedom. We do not expect however for the present article to be applied when the man was not married to another person during his concubinage with this slave, who he should then marry according to the accepted rites of the Church. In this way she shall then be freed, the children becoming free and legitimate. . . .

**Article XI.** We forbid priests from conducting weddings between [slaves](#) if it appears that they do not have their masters' permission. We also forbid masters from using any constraints on their slaves to marry them without their wishes.

**Article XII.** Children born from marriages between slaves shall be slaves, and if the husband and wife have different masters, they shall belong to the masters of the female slave, not to the master of her husband.

**Article XIII.** We desire that if a male slave has married a free woman, their children, either male or female, shall be free as is their mother, regardless of their father's condition of slavery. And if the father is free and the mother a slave, the children shall also be slaves. . . .

**Article XV.** We forbid slaves from carrying any offensive weapons or large sticks, at the risk of being whipped and having the weapons confiscated. The weapons shall then belong to he who confiscated them. The sole exception shall be made for those who have been sent by their masters to hunt and who are carrying either a letter from their masters or his known mark.

**Article XVI.** We also forbid slaves who belong to different masters from gathering, either during the day or at night, under the pretext of a wedding or other excuse, either at one of the master's houses or elsewhere, and especially not in major roads or isolated locations. They shall risk corporal punishment that shall not be less than the whip and the fleur de lys, and for frequent recidivists and in other aggravating circumstances, they may be punished with death, a decision we leave to their judge. We enjoin all our subjects, even if they are not officers, to rush to the offenders, arrest them, and take them to prison, and that there be no decree against them. . . .

**Article XVIII.** We forbid slaves from selling sugar cane, for whatever reason or occasion, even with the permission of their master, at the risk of a whipping for the slaves and a fine of ten pounds for the masters who gave them permission, and an equal fine for the buyer.

**Article XIX.** We also forbid slaves from selling any type of commodities, even fruit, vegetables, firewood, herbs for cooking and animals either at the market, or at individual houses, without a letter or a known mark from their masters granting express permission. Slaves shall risk the confiscation of goods sold in this way, without their masters receiving restitution for the loss, and a fine of six pounds shall be levied against the buyers. . . .

**Article XXVII.** Slaves who are infirm due to age, sickness or other reason, whether the sickness is curable or not, shall be nourished and cared for by their masters. In the case that they be abandoned, said slaves shall be awarded to the hospital, to which their master shall be required to pay six sols per day for the care and feeding of each slave. . . .

**Article XXXI.** Slaves shall not be a party, either in court or in a civil matter, either as a litigant or as a defendant, or as a civil party in a criminal matter. And compensation shall be pursued in criminal matters for insults and excesses that have been committed against slaves. . . .

**Article XXXIII.** The slave who has struck his master in the face or has drawn blood, or has similarly struck the wife of his master, his mistress, or their children, shall be punished by death. . . .

**Article XXXVIII.** The fugitive slave who has been on the run for one month from the day his master reported him to the police, shall have his ears cut off and shall be branded with a fleur de lys on one shoulder. If he commits the same infraction for another month, again counting from the day he is reported, he shall have his hamstring cut and be branded with a fleur de lys on the other shoulder. The third time, he shall be put to death.

**Article XXXIX.** The masters of freed slaves who have given refuge to fugitive slaves in their homes shall be punished by a fine of three hundred pounds of sugar for each day of refuge.

**Article XL.** The slave who has been punished with death based on denunciation by his master, and who is not a party to the crime for which he was condemned, shall be assessed prior to his execution by two of the principal citizens of the island named by a judge. The assessment price shall be paid by the master, and in order to satisfy this requirement, the Intendant shall impose said sum on the head of each Negro. The amount levied in the estimation shall be paid for each of the said Negroes and levied by the [Tax] Farmer of the Royal Western lands to avoid costs. . . .

**Article XLII.** The masters may also, when they believe that their slaves so deserve, chain them and have them beaten with rods or straps. They shall be forbidden however from torturing them or mutilating any limb, at the risk of having the slaves confiscated and having extraordinary charges brought against them.

**Article XLIII.** We enjoin our officers to criminally prosecute the masters, or their foremen, who have killed a slave under their auspices or control, and to punish the master according to the circumstances of the atrocity. In the case where there is absolution, we allow our officers to return the absolved master or foreman, without them needing our pardon.

**Article XLIV.** We declare slaves to be charges, and as such enter into community property. They are not to be mortgaged, and shall be shared equally between the co-inheritors without benefit to the wife or one particular inheritor, nor subject to the right of primogeniture, the usual customs duties, feudal or lineage charges, or feudal or seigneurial taxes. They shall not be affected by the details of decrees, nor from the imposition of the four-fifths, in case of disposal by death or bequeathing. . . .

**Article XLVII.** Husband, wife and prepubescent children, if they are all under the same master, may not be taken and sold separately. We declare the seizing and sales that shall be done as such to be void. For slaves who have been separated, we desire that the seller shall risk their loss, and that the slaves he kept shall be awarded to the buyer, without him having to pay any supplement. . . .

**Article LV.** Masters twenty years of age may free their slaves by any act toward the living or due to death, without their having to give just cause for their actions, nor do they require parental advice as long as they are minors of 25 years of age.

**Article LVI.** The children who are declared to be sole legatees by their masters, or named as executors of their wills, or tutors of their children, shall be held and considered as freed slaves. . . .

**Article LVIII.** We declare their freedom is granted in our islands if their place of birth was in our islands. We declare also that freed slaves shall not require our letters of naturalization to enjoy the advantages of our natural subjects in our kingdom, lands or country of obedience, even when they are born in foreign countries.

**Article LIX.** We grant to freed slaves the same rights, privileges and immunities that are enjoyed by freeborn persons. We desire that they are deserving of this acquired freedom, and that this freedom gives them, as much for their person as for their property, the same happiness that natural liberty has on our other subjects.

Versailles, March 1685, the forty second year of our reign.

Signed LOUIS,

and below the King.

Colbert, visa, Le Tellier.

Read, posted and recorded at the sovereign council of the coast of [Saint Domingue](#), kept at Petit Goave, 6 May 1687, Signed Moriceau.



## 2.

Philadelphia June 16. 1792.

Behold you then, my dear friend, at the head of a great army, establishing the liberties of your country against a foreign enemy. May heaven favor your cause, and make you the channel thro' which it may pour it's favors. While you are exterminating the monster aristocracy, and pulling out the teeth and fangs of it's associate monarchy, a contrary tendency is discovered in some here. A sect has shewn itself among us, who declare they espoused our new constitution, not as a good and sufficient thing itself, but only as a step to an English constitution, the only thing good and sufficient in itself, in their eye. It is happy for us that these are preachers without followers, and that our people are firm and constant in their republican purity. You will wonder to be told that it is from the Eastward chiefly that these champions for a king, lords and commons come. They get some important associates from New York, and are puffed off by a tribe of Agioteurs which have been hatched in a bed of corruption made up after the model of their beloved England. Too many of these stock jobbers and King-jobbers have come into our legislature, or rather too many of our legislature have become stock jobbers and king-jobbers. However the voice of the people is beginning to make itself heard, and will probably cleanse their seats at the ensuing election.—The machinations of our old enemies are such as to keep us still at bay with our Indian neighbors.—What are you doing for your colonies? They will be lost if not more effectually succoured. Indeed no future efforts you can make will ever be able to reduce the blacks. All that can be done in my opinion will be to [compound](#) with them as has been done formerly in Jamaica. We have been less zealous in aiding them, lest your government should feel any jealousy on our account. But in truth we as sincerely wish their restoration, and their connection with you, as you do yourselves. We are satisfied that neither your justice nor their distresses will ever again permit their being forced to seek at dear and distant markets those first necessaries of life which they may have at cheaper markets placed by nature at their door, and formed by her for their support:—What is become of Mde. de Tussy and Mde. de Tott? I have not heard of them since they went to Switzerland. I think they would have done better to have come and reposed under the Poplars of Virginia. Pour into their bosoms the warmest effusions of my friendship and tell them they will be warm and constant unto death. Accept of them also for Mde. de la Fayette and your dear children—but I am forgetting that you are in the feilds of war and they I hope in those of peace. Adieu my dear friend! God bless you all. Your's affectionately

Th: Jefferson

3.

LIBERTY OR DEATH.  
INDIGENOUS ARMY.

TODAY, January first, eighteen hundred and four, the General in Chief of the Indigenous army, accompanied by the Generals, Chiefs of the army, who were summoned in order to take the measures that will ensure the welfare of the country.

After having made known to the assembled Generals, his true intentions, which are to assure forever a stable Government for the Indigenous of Hayti, his primary objective; which he did in a speech that has been made known to Foreign Powers, his resolution to make the country independent, and to enjoy a liberty consecrated by the blood of the inhabitants of this Island; and after having taken their advice, has asked that each of the assembled Generals take an oath to renounce France forever, to die rather than live under its dominion, and to fight for independence until their last breath.

The Generals, deeply moved by these sacred principles, after having given with a unanimous voice their adherence to the clearly stated project of independence, have all sworn to posterity, to the whole universe, to renounce France forever, and to die rather than live under its dominion.

Done at Gonaives, this 1st. of January 1804 and the 1st. day of the independence of Hayti

Signed, DESSALINES, General in chief; Christophe, Pétion, Clervaux, Geffrard, Vernet, Gabart, Division Generals; P. Romain, E. G[é]rin, F. Capaix, Daut, Jean-Louis-Francois, F[é]rou, Cangé, L. Bazelais, Magloire Ambroise, J. Jques. Herne, Toussaint Brave, Yayou, Brigadier Generals; Bonnet, F. Papalier, Morelly, Chevalier, Marion, Adjutant Generals; Magny, Roux, Chiefs of Brigade, Char[é]ron, B. Loret, Quené, Makajoux, Dupuy, Carbonne, Diaquoi aîné, Raphaël, Malet, Derenoncourt, Officers of the army, and Boisrond Tonnerre, Secretary

THE GENERAL IN CHIEF, TO THE PEOPLE OF HAYTI  
CITIZENS,

IT is not enough to have expelled from your country the barbarians who have bloodied it for two centuries; it is not enough to have put an end to those resurgent factions that one after another mocked the phantom of liberty which France exposed to our eyes; it is necessary by a last act of national authority, to forever ensure the empire of liberty in the country that gave us birth; we must seize from the inhuman government that has for a long time kept us in the most humiliating torpor, all hope of re-enslaving us; we must then live independent or die.

Independence, or death..... let these sacred words unite us, and let them be the signal of battle, and of our reunion.

Citizens, my Countrymen, I have assembled on this solemn day those courageous soldiers, who, as liberty lay dying, have spilled their blood to save her; these Generals who have guided your efforts against tyranny, have not yet done enough for your happiness... the French name still haunts our country.

Everything there recalls the memory of the cruelties of those barbarous people; our laws, our manners, our towns, everything still carries the imprint of the French; what do I say, there are Frenchmen in our Island, and yet you think you are free and independent of that Republic which fought every other nation, it is true; but which has never vanquished those who are determined to be free.

What! victims for fourteen years of our credulity and indulgence; vanquished, not by French armies, but by the misleading eloquence of their agents' proclamations; when will we be tired of breathing the same air as they do? What do we have in common with these executioners? Their cruelty compared to our patient moderation; their color with ours, the vast expense of the seas that separate us, our avenging

climate, all tell us that they are not our brothers, that they will never be, and that if they find asylum among us, they will again be the instigators of our troubles and our divisions.

Native Citizens, men, women, girls and children, cast your gaze on every part of this Island, look for your wives, your husbands, your brothers, and your sisters; what do I say, look for your children, your suckling babies? What has become of them..... I shudder to say it..... the prey of these vultures. Instead of these precious victims, your saddened eye only sees their assassins; these tigers still covered with their blood, and whose atrocious presence reproaches your insensitivity and your culpable slowness in avenging them. What are you waiting for before appeasing their spirits; remember that you want your remains to rest near those of your fathers, when you have driven tyranny out; will you descend into their tombs without having avenged them? No, their bones would repulse yours.

And you precious men, intrepid Generals who, without concern for your own misfortunes, have resuscitated liberty by giving her all your blood; know that you have accomplished nothing, unless you give to the nations a terrible, but just, example of the vengeance that must be wrought by a nation proud of having recovered its liberty, and jealous of maintaining it; let us frighten all those who would dare to try to take it from us again: let us begin with the french..... Let them shudder when they approach our coasts, if not from the memory of the cruelties they perpetrated there, then by the terrible resolution that we shall enter into of putting to death, anyone who is born French, and who would soil with their sacrilegious foot the territory of liberty.

We have dared to be free, let us dare to be so by ourselves and for ourselves; let us imitate the growing child: his own weight breaks the bassinet that has become useless to him and that shackles him in his march. What people fought for us? What nation would reap the fruits of our labors? And what dishonorable absurdity it would be having vanquished to become slaves. Slaves!... let us leave that epithet to the French; they have won, only to lose their freedom.

Let us walk in other footsteps, let us imitate those nations who, carrying their solicitude all the way to the future and not willing to leave an example of cowardice for posterity, have preferred to be exterminated rather than to lose their place on the list of free nations.

Let us ensure however that a proselytizing spirit does not destroy our work; let our neighbors breathe in peace, let them live quietly under the aegis of the laws that they have made for themselves, and let us not go, as revolutionary firebrands proclaiming ourselves legislators of the Antilles, seek glory by disturbing the tranquility of the neighboring Islands; they have not, like the one that we inhabit, been drenched with the innocent blood of their inhabitants; they have no vengeance to claim from the authority that protects them.

Fortunate to have never known the scourges that have destroyed us; they can only wish for our welfare. Peace to our neighbors, but anathema to the French name, eternal hatred to France: that is our cry.

Natives of Hayti! My happy destiny was to be one day the sentinel who is to guard the idol to which you sacrifice: I have watched, fought, sometimes alone; and if I have been so fortunate to deliver to you the sacred charge you entrusted to my care, remember that it is now your turn to preserve it. In fighting for your liberty, I have labored for my own happiness. Before consolidating it by laws that ensure your individual liberty, your Chiefs, whom I am assembling here, and I, owe you the last proof of our devotion. Generals, and you Chiefs, gathered here with me for the happiness of our country, the day has arrived, this day will eternalize our glory, our independence.

Should a cool heart be amongst you, let him draw back, and tremble at the thought of pronouncing the oath that is to unite us.

Let us swear before the whole universe, to posterity, to ourselves to renounce France forever, and to die rather than live under its dominion.

To fight until our last breath for the independence of our country.

And you, people that has too long been unfortunate, witness the oath that we are taking, remember that I have counted on your fidelity and courage when I entered the pursuit of liberty to fight the despotism and the tyranny against which you had struggled for fourteen years; remember that I have sacrificed every thing to fly to your defense, parents, children, fortune, and now I am rich only in your liberty; that my name has become a horror to all those who want slavery, and that despots and tyrants never utter it unless

to curse the day that I was born; and if you ever refused or muttered while receiving the laws that the spirit that watches over your destiny dictates to me for your happiness, you would deserve the fate of ungrateful peoples.

But I reject this shocking idea; you will be the support of the liberty you cherish, the support of the chief who commands you.

Take then before him the oath of living free and independent, and to prefer death to anything that will try to place you back under the yoke. Swear at last, to pursue forever the traitors and the enemies of your independence.

DONE at the Headquarters at Gonaives, the first January, eighteen hundred and four, the first year of independence,

Signed, J. J. DESSALINES.

#### IN THE NAME OF THE PEOPLE OF HAYTI

WE the Generals in Chief of the Armies of the Island of Hayti, penetrated with gratitude toward the benefits we have experienced by the General in Chief, Jean Jacques Dessalines, the protector of the liberty which the nation enjoys.

In the name of liberty, in the name of independence, in the name of the people he has made happy, we proclaim him Governor-General, for life, of Hayti; we swear to blindly obey the Laws issued by his authority, the only one we acknowledge: we give him power to make peace, war, and to name his successor.

Done at the headquarters of Gonaives, this 1st. of January 1804, and the 1st. day of independence

Signed, Gabart, P. Romain, J. Herne, Capaix, Christophe, Geffrard, E. G[é]rin, Vernet, Pétion, Clervaux, Jean-Louis-Francois, Cangé, F[é]rou, Yayou, Touissant Brave, Magloire Ambroise, Louis Bazelais.

AT PORT-AU-PRINCE, FROM THE GOVERNMENT PRINTING PRESS.

LIBERTÉ, OU LA MORT.