

The Code Noir (The Black Code)

The *Code noir* initially took shape in Louis XIV's edict of 1685. Although subsequent decrees modified a few of the code's provisions, this first document established the main lines for the policing of slavery right up to 1789. The very first article expels all Jews from the colonies; Jews played a significant but hardly dominant role in the Dutch colonies of the Caribbean region but were not allowed to own property or slaves in the French colonies. The edict also insisted that all slaves be instructed as Catholics and not as Protestants. For the most part, the code concentrated on defining the condition of slavery (passing the condition through the mother not the father) and establishing harsh controls over the conduct of those enslaved. Slaves had virtually no rights, though the code did enjoin masters to take care of the sick and old.

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 Domingue, 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 reputed, 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 *so/s* 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 seignorial 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.

Source: *Édit du Roi, Touchant la Police des Isles de l'Amérique Française* (Paris, 1687), 28-58.

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