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Mélanie Lamotte

HENRI Roulleaux de la Vente was ordained a priest in France around the year 1688. After joining the Paris Seminary of Foreign Missions, he went on his first overseas mission in 1698 to Isle Bourbon (present-day Réunion Island). For six years, La Vente worked in Saint-Paul, Isle Bourbon, preaching and baptizing the children of the parish and serving his parishioners "beyond duty's call, manifesting unusual interest in their public as well as private affairs."[1] La Vente probably knew everyone in Saint-Paul, a parish that was home to only fifty free adults, many of whom were in mixed marriages. Eleven of the eighteen free couples living there in 1690 were French/Malagasy or French/Luso-Indian. (The presence of Luso-Indian people in India and across the Indian Ocean dated back to the Portuguese occupation from the fifteenth century.)[2] Catholic intermarriages between European men and free Catholic Luso-Indian women or free and unfree Catholic Malagasy women had been common on Isle Bourbon since the beginning of French colonization in 1663. Indeed, the first settlers on this previously uninhabited island came from Madagascar, where there were few European women, and Catholic mixed unions with local female converts had been endorsed by French authorities from the 1640s.[3] La Vente's mission on Isle Bourbon lasted at least until the year 1701.

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[1] Jay Higginbotham, *Old Mobile: Fort Louis de la Louisiane: 1702–1711*, 2d ed. (Tuscaloosa, Ala., 1991), 139.

[2] "Liste des habitans de Lisle Bourbon . . . 1690," Archives Nationales d'Outre-Mer (ANOM), Aix-en-Provence, Fr., G1 477.

[3] On mixed marriages in Madagascar, see Pier M. Larson, "Play and Possession: Sex, Marriage and Household at Fort Dauphin (Madagascar), c.1660s," *Journal of Southern African Studies* 48, no. 4 (2022): 685–707.

In 1704, he was sent on another mission on the other side of the world—in Mobile, French Louisiana—where he was appointed vicar-general of the colony.[4] Soon after his arrival in the Mississippi River valley, La Vente reportedly told missionaries to officiate "many marriages between Frenchmen and *sauvagesses* [that is, Native American women]," which angered Louisiana governor Jean-Baptiste Le Moyne de Bienville in 1706.[5] Then, in 1710, La Vente, who had become one of the most zealous proponents of intermarriage in Louisiana, tried to convince authorities to promote intermarriage between Catholic Native American women and Frenchmen, as a means of turning the locals into "good Christians and good subjects of the king," who could then populate the colony.[6] La Vente's endorsement of intermarriage could be attributed to his status as a religious missionary concerned with the incidence of relationships outside of Catholic wedlock. But it is also likely that he was drawing upon his experience on Isle Bourbon, where Catholic intermarriage had allowed the French to populate the island with Christian settlers.[7] Nearly half of La Vente's free parishioners on Isle Bourbon (52 out of 121 in 1690) had been Catholic mixed-race people born to parents who were married in the Catholic Church.[8]

As a result of the proposition that he had made to promote intermarriage in 1710, La Vente became involved in a policy debate that lasted until 1716. This debate pitted him against two other colonial officials who opposed such unions: *commissaires-ordonnateurs* Jean-Baptiste-Martin d'Artaguiette and Jean-Baptiste Duclos. Like many French officials in North America, those two rejected as a failure the assimilation project that French authorities had formulated in the early seventeenth century, which had aimed to convert, "Frenchify," and naturalize Native Americans before integrating their female converts into French society through intermarriage.[9] In the end, La Vente was not successful in implementing his intermarriage agenda in Louisiana. Instead, in 1716, the Ministry of the Marine chose to follow the advice of

[4] For more about La Vente's story, see Higginbotham, *Old Mobile*, 139–40.

[5] "Extrait des lettres de la Louisianne de l'Année 1706," ANOM, C13 A1, p. 536. All translations are the author's unless otherwise noted.

[6] "Memoire . . . 21 Juin 1710," ANOM, C13 A2, p. 565.

[7] For a study of the evangelization of Isle Bourbon, see Jean Barassin, *Naissance d'une chrétienté: Bourbon, des origines jusqu'en 1714* (Paris, 1953).

[8] "Liste des habitans de Lisle Bourbon . . . 1690," ANOM, G1 477.

[9] D'Artaguiette to Minister, June 20, 1710, ANOM, C13 A2, pp. 544–45; Duclos to Minister, Dec. 25, 1715, ANOM, C13 A3, pp. 819–24; "1716, Projet ou Mémoire du Roy au Srs de l'Espinay," ANOM, C13 A4, pp. 977–78. See also "Extrait des lettres de la Louisianne de l'Année 1706," ANOM, C13 A1, pp. 536–37; M. de Bienville to Minister, Aug. 20, 1709, ANOM, C13 A2, pp. 412–13. For a definition of "assimilation" in this period, see Sara E. Melzer, "L'histoire oubliée de la colonisation française: Universaliser la 'francité,'" *Dalhousie French Studies* 65 (Winter 2003): 36–44, esp. 37. On New France's assimilation program, see Saliha Belmessous, "Assimilation and Racialism in Seventeenth and Eighteenth-Century French Colonial Policy," *American Historical Review* 110, no. 2 (April 2005): 322–49.

d'Artaguiette and Duclos, forbidding Frenchmen in Louisiana to marry Native American women.[10]

La Vente, Bienville, d'Artaguiette, and Duclos were all part of a group of well-traveled Frenchmen who spread (sometimes conflicting) ideas across oceans and took part in a pan-imperial conversation that ultimately shaped the formation of a coherent set of racial policies throughout the empire. Like La Vente, Bienville arrived in Louisiana with prior experience in another French colony, which could have informed his views on intermarriage. Born in Montreal, he had spent most of his life in New France, where authorities had tried to prevent mixed marriages between Native Americans and French people since the late seventeenth century.[11] After spending time in Louisiana, Duclos moved to Saint Domingue, where he became *commissaire-ordonnateur* and *intendant*, and d'Artaguiette went to metropolitan France, where he took up the positions of director (1717–21) and syndic (1723–31) in the French Company of the Indies (Compagnie des Indes).[12] In these roles, d'Artaguiette sat on the company's assembly in Paris, an administrative body that oversaw all territories under the company's influence, including Louisiana, Senegal, Isle Bourbon and Isle de France (together called the Mascarenes), and India.[13] Shortly after he joined the company, the assembly began issuing policies consistent with the plan he had pushed for in Louisiana a few years earlier, that attempted to dissuade Frenchmen across the empire from marrying Indigenous women. Unsurprisingly, given d'Artaguiette's previous experience in the Mississippi Valley, the first of these policies, formulated in 1726, targeted Louisiana. Starting in 1728, the company's assembly attempted to prevent intermarriage between Frenchmen and local women on Isle Bourbon and in French India.

The story of these intermarriage policies illustrates a key fact: beginning in the early eighteenth century, a coherent body of racial policies emerged across the French Atlantic and Indian Oceans, shaped by actors in the colonies and in the Kingdom of France. In addition to very specific local circumstances in the colonies, this coherent body of policies emerged for two reasons. First, authorities such as the company assembly in the 1720s, attempted to standardize policies across the Atlantic and Indian

[10] "1716, Projet ou Mémoire," ANOM, C13 A4, pp. 977–78.

[11] Cornelius J. Jaenen, "Miscegenation in Eighteenth Century New France," in *New Dimensions in Ethnohistory: Papers of the Second Laurier Conference on Ethnohistory and Ethnology*, ed. Barry Gough and Laird Christie (Hull, Que., 1991), 79–115, esp. 97.

[12] Philippe Haudrère, "L'origine du personnel de direction générale de la Compagnie française des Indes, 1719–1794," *Revue française d'histoire d'outre-mer* 67, nos. 248–49 (1980): 339–71, esp. 340; James Pritchard, *In Search of Empire: The French in the Americas, 1670–1730* (Cambridge, 2004), 246.

[13] This same company also held trading monopolies in the South Province of Saint Domingue, Guinea, North Africa, and China, for different amounts of time. For more information about this company, see Philippe Haudrère, *La Compagnie française des Indes au XVIIIe siècle*, 2d ed., 2 vols. (Paris, 2005).

Oceans. Second, official correspondence and people such as La Vente and d'Artaguiette circulated ideas across oceans. Transoceanic standardization and pan-imperial circulation mean that we cannot understand the full landscape of racial discourse and policymaking unless we look at the Atlantic and Indian Oceans together. Considering France's Atlantic and Indian Ocean colonies side by side demonstrates that racial policies in the Indian Ocean were shaped by developments in the Atlantic—and vice versa. To trace the origins of these racial policies, we must therefore pay attention to the global travels and correspondence of French policymakers and explore the transformation of the different cultural, economic, and social landscapes of France's Atlantic and Indian Ocean colonies.

Why focus on the origins of racial policies in particular? Racial policies were important because they formed the basis of a structure of "distinction and hierarchy," which, as Jane Burbank and Frederick Cooper have noted, were key instruments of control in the formation of empires.[14] In this article, the expression "racial policies" is used to describe courses of action (which could take the form of a law or a directive) adopted or proposed by authorities to erect racial boundaries within the socioeconomic order of the colonies, with the purpose of establishing white people's dominance. To do so, racial policies targeted mixed marriages and sexual relations between French people and those of non-European ancestry, as well as the latter's inheritance rights and socioeconomic status. As noted by Julie Hardwick, Sarah M. S. Pearsall, and Karin Wulf, authorities across European empires often attempted to control sexual relations and family formation for two main reasons: first, as a way to "demonstrat[e] the power of colonial authorities," and second, because they considered mixed relationships a threat to empire building due to their key role in shaping culture and transmitting wealth.[15] The issue of inheritance shaped officials' opposition to intermarriage because marriage was the vector for the transmission of wealth and social status (including surnames and honorifics) in France.[16] In trying to prevent intermarriage, authorities thus hoped to avert the devolution of white families' property and titles and to help them establish their social and economic domination.

[14] Jane Burbank and Frederick Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton, N.J., 2010), 8.

[15] Julie Hardwick, Sarah M. S. Pearsall, and Karin Wulf, "Introduction: Centering Families in Atlantic Histories," *William and Mary Quarterly*, 3d ser., 70, no. 2 (April 2013): 205–24 ("power," 214).

[16] Several scholars have already made this link between marriage and inheritance. See for example Michaela Y. Kleber, "Gendered Societies, Sexual Empires: French Colonization among the Illinois" (Ph.D. diss., William & Mary, 2020), 266. Inheritance had already been one of the "central stakes" in an attempt by French officials to redefine legitimate marriage in more restrictive terms in the Kingdom of France beginning in the sixteenth century. See Matthew Gerber, *Bastards: Politics, Family, and Law in Early Modern France* (New York, 2012), 38–41 (quotation, 41). See also Guillaume Aubert, "'The Blood of France': Race and Purity of Blood in the French Atlantic World," *WMQ* 61, no. 3 (July 2004): 439–78, esp. 446–48.

Most intermarriage policies targeted relationships between French men and non-European women. Relationships between French women and non-European men were less common, because, as noted by Nathan Marvin, they posed a challenge to "both racial and gendered hierarchies" in Europeans' patriarchal worldview.[17] Additionally, European women were less likely to make the dangerous trip to the colonies, especially in the first decades of colonization.

START HERE In order to identify each of the foundational policies echoed in the coherent set of pan-imperial racial policies discussed in this article, it is necessary to repeatedly go back in time to the late seventeenth century and the first few years of the eighteenth century. This is when French officials in the colonies and the metropole began to formulate a few isolated racial policies that they then used as models to create coherent sets of racial policies for multiple colonies and outposts, especially beginning in the 1720s. The first of these isolated seventeenth-century racial laws, issued in 1674, prohibited intermarriage on Isle Bourbon and was then echoed in policies formulated for several French Atlantic and Indian Ocean colonies. Then, beginning in 1678, the French implemented a set of laws that threatened free black people in the Caribbean with enslavement if they committed a crime; these laws were then extended to Isle Bourbon, Isle de France, and other Atlantic colonies. Next, a set of local policies issued in the seventeenth century to discourage unions between Indigenous women and Frenchmen in Surat and North America was echoed in measures taken by the French Company of the Indies for Louisiana, Isle Bourbon, and France's outposts in India. Finally, a policy formulated in 1702 in Surat, which targeted the right of inheritance of the Indian widows of deceased Frenchmen, was then echoed in a series of measures taken for Louisiana, Isle Bourbon, Isle de France, the Caribbean, and Guyana.

By the early eighteenth century, French officials justified such decisions to target intermarriage and the inheritance of widows of non-European ancestry by drawing on a racial discourse that contributed to the formation of the coherent body of policies discussed in this article. Here, the expression "racial discourse" is used to label a rhetoric employed by French observers at the time that described the features of populations of non-European ancestry as immutable, biologically inherited, and inferior, and those of French people as superior. As Guillaume Aubert has shown in his work on the French Atlantic, the notion of race had already surfaced in metropolitan France in the sixteenth century, in discussions concerning the nobility. Several political theorists and literary figures described the alleged vices of commoners

[17] Nathan Marvin, "The 'Ambroise Affair': White Women, Black Men and the Limits of *Métissage* in Revolution-Era Réunion," in "French Colonial Histories from Below," ed. Claire Eldridge and Jennifer E. Sessions, special issue, *French History* 32, no. 4 (2018): 493–510 (quotation, 497). Since European household management practices and inheritance customs were patriarchal, relationships between European men and non-European women were considered a lesser threat to the social and economic order of the colonies.

as immutable features passed on through blood (*sang*) from generation to generation, thereby corrupting the "purity of blood" of the allegedly superior old nobility (*noblesse de race*). The same notion of race was then extended to overseas populations. French writers attributed to commoners inferior features that could have a corrupting effect on the purity of French blood.[18] Though the current historiography only documents the way French racial discourse targeted the populations of the Atlantic, the semantic shift toward race is visible in discussions about all populations of non-European ancestry: Native Americans, Africans, Malagasies, and South Asians, as well as their descendants.[19]

The coherent transoceanic body of racial discourse and policies, and the transoceanic circulations and standardizing efforts that contributed to their formation, have not yet been studied because the historiography on race in the French colonies is compartmentalized into smaller geographic units. In particular, little work has been produced on race and racial policies for the French Indian Ocean, and the vast majority of publications on this topic have so far been produced by Atlantic specialists.[20] Using the Atlantic approach, those historians have already identified similarities in the content of racial discourse and policies within the North Atlantic, which they have attributed to the circulation of ideas through correspondence and people's travels in the region.[21] The French Atlantic colonies were no doubt particularly interconnected, which shaped the formation of a coherent set of racial ideas in the region. But just like it did within the Atlantic, the circulation of people and state papers between the Atlantic and the Indian Ocean drove

[18] Aubert, *WMQ* 61: 439–78. The notion of race had also emerged in the Iberian context by the middle of the fifteenth century. See María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico* (Stanford, Calif., 2008).

[19] French observers occasionally used the word *race* (race) or the term *espèce* (species)—the latter word was commonly employed to classify breeds of animals. See *Dictionnaire de l'Académie Françoise* (Paris, 1694), 1: 394–95. They also used related words such as *le naturel* (the nature) and *le sang* (the blood), evoking inalterability and heredity.

[20] There are a few exceptions. In the Anglo-American scholarship, see Mélanie Lamotte, "Colour Prejudice in the Early Modern French Empire, c.1635–1767" (Ph.D. diss., University of Cambridge, 2016); Nathan Elliot Marvin, "Bourbon Island Creoles: Race and Revolution in the French Indian Ocean Colony of Réunion, 1767–1803" (Ph.D. diss., Johns Hopkins University, 2018). In the French scholarship, see Myriam Paris, "La page blanche: Genre, esclavage et métissage dans la construction de la trame coloniale (La Réunion, XVIIIe–XIXe siècle)," *Les Cahiers du Centre d'Enseignement, de Documentation et de Recherches pour les Études Féministes* 14 (2006): 31–51; Sabine Noël, *Amours et familles interdites: Blancs et Noirs à l'île Bourbon (la Réunion) au temps de l'esclavage (1665–1848)* (Paris, 2022).

[21] In particular, see Aubert, *WMQ* 61: 439–78; Guillaume Aubert, "'To Establish One Law and Definite Rules': Race, Religion, and the Transatlantic Origins of the Louisiana Code Noir," in *Louisiana: Crossroads of the Atlantic World*, ed. Cécile Vidal (Philadelphia, 2014), 21–43; Vidal, "Caribbean Louisiana: Church, *Métissage*, and the Language of Race in the Mississippi Colony during the French Period," ibid., 125–46; Vidal, *Caribbean New Orleans: Empire, Race, and the Making of a Slave Society* (Williamsburg, Va., and Chapel Hill, N.C., 2019).

the circulation of racial ideas. A pan-imperial, transoceanic study of racial policymaking in the late seventeenth- and early eighteenth-century French Empire is thus necessary. As part of a groundbreaking trend in U.S. and European historiographies of the French colonies, some scholars have already begun to consider French Atlantic and Indian Ocean colonies in tandem.[22]

The argument that a coherent body of racial policies emerged across the French Atlantic and Indian Ocean colonies nuances recent claims in the field of early modern French colonial legal history that "a unified body of law did not apply" and that "the Bourbon monarchy showed little interest in establishing uniform legislation across its colonial empire."[23] In fact, multiple clusters of identical and semantically similar policies emerged across the Atlantic and Indian Ocean colonies from 1603 to 1758, targeting people

[22] For the U.S. historiography, see Marvin, "Bourbon Island Creoles"; Sophie White, "Les Esclaves et le droit en Louisiane sous le régime français, carrefour entre la Nouvelle-France, les Antilles, et l'océan indien," in *Adapter le droit et rendre la justice aux colonies: Thémis outre-mer (XVIe–XIXe siècles)*, ed. Éric Wenzel and Éric de Mari (Dijon, 2015), 57–66; Danna Agmon, *A Colonial Affair: Commerce, Conversion, and Scandal in French India* (Ithaca, N.Y., 2017); Sue Peabody, *Madeleine's Children: Family, Freedom, Secrets, and Lies in France's Indian Ocean Colonies* (New York, 2017); Laurie M. Wood, *Archipelago of Justice: Law in France's Early Modern Empire* (New Haven, Conn., 2020); Elizabeth Cross, *Company Politics: Commerce, Scandal, and French Visions of Indian Empire in the Revolutionary Era* (New York, 2023). For the European historiography, see François-Joseph Ruggiu, "India and the Reshaping of the French Colonial Policy (1759–1789)," *Itinerario* 35, no. 2 (2011): 25–43; Elisabeth Heijmans, *The Agency of Empire: Connections and Strategies in French Overseas Expansion (1686–1746)* (Leiden, 2020). Another U.S. historiography by Indian Oceanists has shown how European slave traders connected the Atlantic and Indian Oceans through the commercial exchanges of slaves and Indian textiles. See Robert Louis Stein, *The French Slave Trade in the Eighteenth Century: An Old Regime Business* (Madison, Wis., 1979); Richard B. Allen, "The Constant Demand of the French: The Mascarene Slave Trade and the Worlds of the Indian Ocean and Atlantic during the Eighteenth and Nineteenth Centuries," *Journal of African History* 49, no. 1 (2008): 43–72; Allen, *European Slave Trading in the Indian Ocean, 1500–1850* (Athens, Ohio, 2014). Since the early 2000s, several specialists of the English-speaking world have encouraged scholars to look beyond the Atlantic framework, noting political, economic, cultural, demographic, and epidemiological connections between the Atlantic and the rest of the globe. For example, see Peter A. Coclanis, "*Drang Nach Osten*: Bernard Bailyn, the World-Island, and the Idea of Atlantic History," *Journal of World History* 13, no. 1 (Spring 2002): 169–82; "Forum: Beyond the Atlantic," *WMQ* 63, no. 4 (October 2006): 675–776, esp. Coclanis, "Atlantic World or Atlantic/World?," 725–42, esp. 734.

[23] Marie Houllemare, "Procedures, Jurisdictions and Records: Building the French Empire in the Early Eighteenth Century," *Journal of Colonialism and Colonial History* 21, no. 2 (Summer 2020), n.p., https://doi.org/10.1353/cch.2020.0015 ("unified"); Nancy Christie, Michael Gauvreau, and Matthew Gerber, "Introduction: 'The King is Listening'—Toward a Social and Political History of Legal Pluralism in the Early Modern French Empire," in *Voices in the Legal Archives in the French Colonial World: "The King Is Listening,"* ed. Christie, Gauvreau, and Gerber (New York, 2020), 1–60, esp. 4 ("Bourbon monarchy"). Ironically, the example given in Christie, Gauvreau, and Gerber's "Introduction," 7, to illustrate the claim that the Bourbon monarchy was not interested in establishing uniform legislation is Article VI of the 1724 *Code Noir* of Louisiana, which contained identical terms to letters patent issued for Isle Bourbon and Isle de France in 1723.

of non-European ancestry. These clusters of policies are illustrated in the online animation that accompanies this article.[24] In particular, out of the seventeen clusters of policies displayed in the animation, fourteen contain policies formulated in identical or similar terms for France's Atlantic and Indian Ocean colonies. That being said, just because there was a significant degree of coherence in racial policies does not mean that there was no legal pluralism. The coherent bodies of policies identified here coexisted with a constellation of policies that were unique to each colony: standardization and legal pluralism were not mutually exclusive. Though French officials aspired to standardization, they also understood the importance of adapting their legislation to local circumstances.[25] Moreover, the ways these laws were applied in practice could vary widely from one colony to another. Though studying laws in tandem with their impact in practice is beyond the scope of this article, such an analysis, written from a pan-imperial and transoceanic perspective, is a necessary continuation of the work presented here.[26] Ordinary people and officials on the ground modulated the impact of racial policies in each locale, as they often reinterpreted or enforced them selectively.

By the second half of the seventeenth century, it was ordinary people on the ground who most often shaped the content of racial policies by influencing local cultural, social, and economic developments and by bringing their own cases to court. Atlanticists have already shown how Native American people's rejection of the policy of assimilation in New France and European planters' determination to build profitable slave plantation economies in the Atlantic shaped the making of racial policies.[27] However,

[24] "Clusters of French Policies Targeting People of Non-European Ancestry, 1603–1758," animation, research by Mélanie Lamotte, developed by Daniel Ohayon, OI Reader, 2024, https://oireader.wm.edu/open_wmq/beyond-the-atlantic.

[25] On the importance of legal adaptation, see Christie, Gauvreau, and Gerber, "Introduction," 5, 17.

[26] My forthcoming book embraces a pan-imperial approach to the French Atlantic and Indian Ocean colonies, analyzing the legislation alongside its practical impact. It also considers racial policies that were unique to each locale. See Mélanie Lamotte, *Empire Unseen: A Transoceanic Story of Race, Sex, and Labor in the Early French World* (working title) (Cambridge, Mass., forthcoming), chap. 4. For studies considering slavery and highlighting legal pluralism across the French colonies, see Brett Rushforth, *Bonds of Alliance: Indigenous and Atlantic Slaveries in New France* (Williamsburg, Va., and Chapel Hill, N.C., 2012), chap. 2; Christie, Gauvreau, and Gerber, *Voices in the Legal Archives*.

[27] For publications attributing the emergence of race to the expansion of plantation slavery in the Americas, see Gwendolyn Midlo Hall, *Social Control in Slave Plantation Societies: A Comparison of St. Domingue and Cuba* (1971; repr., Baton Rouge, La., 1996), 153; Daniel H. Usner Jr., *Indians, Settlers, and Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley before 1783* (Williamsburg, Va., and Chapel Hill, N.C., 1992), 210; Pierre H. Boulle, *Race et esclavage dans la France de l'Ancien Régime* (Paris, 2007), 26, 71. For publications stressing the role that failed assimilation policies played in New France, see Masarah Van Eyck, "'We Shall Be One People': Early Modern French Perceptions of the Amerindian Body" (Ph.D. diss., McGill University, 2001); Aubert, *WMQ* 61: 442; Belmessous, *American Historical Review* 110: 322–49.

other important developments have been overlooked. From the second half of the seventeenth century, the arrival of hundreds of bonded laborers from Madagascar and India on Isle Bourbon, where they initially cultivated food crops for the residents of the island and people on passing ships, played an important role in the formation of racial laws—at first, the French used the island as a port of call (*escale*) provisioning ships on the sea route to Asia.[28] So did the fact that a considerable number of European men on Isle Bourbon had sex with free and unfree women of Malagasy and Asian ancestry.[29] Many free creoles born to these mixed relationships accumulated wealth through labor and inheritance. Legal action taken by ordinary people over inheritance concerns across the Caribbean, French India, and the Illinois country shaped the formation of further racial policies as well.

The online animation reveals an inflection point in the volume of racial policies issued beginning in the late 1710s and early 1720s, which was brought about by two developments. First, the foundation of the French Company of the Indies in the late 1710s marked a turning point in the development of plantation slavery. The company was intended to support the French monarchy financially through considerable public investment in the slave trade, and its effects persisted even after the Mississippi Bubble burst in 1720.[30] The company expanded plantation slavery not only in Louisiana, as scholars have already noted, but also on Isle Bourbon, which became an important coffee provider for Europe.[31] The proportion of slaves of Malagasy, Indian, and East and West African ancestry on the island thus grew to 80 percent of the population by 1731.[32] In this context, royal officials and the company deemed it necessary to preserve the dichotomy between the alleged races and prevent manumissions, thereby protecting the French Atlantic and Indian Ocean slave plantation systems.

The second key development that took place between the late 1710s and early 1720s was administrative. Policymakers dealing with the colonies from the seventeenth century onward were committed to reducing the fragmentation of legal customs, a practice already followed by the crown across the Kingdom of France since the fifteenth century.[33] French

[28] Before the 1680s, bonded laborers on Isle Bourbon were labeled as "servants" (*domestiques*) and not as "slaves" (*esclaves*) because a 1664 royal ordinance prohibited the slave trade in the Indian Ocean. See François Charpentier, *Relation de l'etablissement de la compagnie Françoise, pour le commerce des indes orientales* (Paris, 1665), 81.

[29] On the topic of sexual coercion, see Lamotte, *Empire Unseen*, chaps. 3 and 5.

[30] Malick W. Ghachem, "The Mississippi Bubble in Saint-Domingue (Haiti)," in *Boom, Bust, and Beyond: New Perspectives on the 1720 Stock Market Bubble*, ed. Stefano Condorelli and Daniel Menning (Berlin, 2019), 95–116, esp. 102–3.

[31] André Scherer, *Histoire de la Réunion* (Paris, 1974), 15–16; Philippe Haudrère, *L'empire des rois, 1500–1789* (Paris, 1997), 165.

[32] "Année 1731, Extrait de la recapitulation du recensement general . . . de L'Isle de Bourbon," ANOM, C3 5, fol. 164.

[33] Alice Bairoch de Sainte-Marie, "Les colonies françaises et le droit: une approche globale, 1600–1750," *Études canadiennes/Canadian Studies* 82 (2017): 87–119, esp. 111–12.

policymakers, both in the kingdom and in the colonies, often took a policy that was already in place in one colony and applied it to another colony's legal corpus. They did so either because they considered it a good fit or in an attempt to comply with the crown's transoceanic standardizing ambitions—in some cases, this latter scenario created a situation in which a transplanted policy was shoehorned into another colony's socioeconomic landscape. Beginning in 1669, the Ministry of the Marine in Versailles ingested jurisprudence sent from the councils of the colonies (*conseils souverains* and *supérieurs*). It then used this jurisprudence to broadcast both specialized and standardized directives across the empire. The process of legal standardization intensified beginning in the 1720s, because the crown, during the regency of Philippe II, duc d'Orléans (1715–23), launched a policy of administrative reform that endeavored to centralize official papers concerning the colonies in the Bureau des Archives de la Marine et des Colonies.[34] This centralization gave metropolitan policymakers a global outlook on the empire's legal landscape, which facilitated comparisons between the colonies, as well as updates and standardization. Along with royal officials, the French Company of the Indies played a key role in policymaking because it possessed regal powers and set its own internal rules.[35] The composition of the leadership of this company was indistinguishable from the crown: the king selected its syndics and directors and was represented in its administrative assembly by a royal commissary who, in the words of Philippe Haudrère, was "the real master of the company."[36] Royal officials and the Company of the Indies thus worked in tandem to fulfill the crown's standardizing aspirations, shaping the emergence of the coherent set of racial policies.

From 1674, French officials issued a prohibition for the Indian Ocean that was then echoed in a coherent body of pan-imperial and transoceanic policies targeting marriage between black and white people. To date, scholars have attributed the proclamation of those intermarriage bans exclusively to Caribbean developments, failing to note that they were initially issued for the Indian Ocean region.[37] The repetition of the initial Indian Ocean

[34] Marie Houllemare, "The Constitution of the Colonial Archives and the Emergence of Imperial Awareness (France, 18th Century)," trans. Anne-Marie Garrioch, *Revue d'histoire moderne et contemporaine* 61, no. 2 (April–June 2014): I–XXV, esp. III–IV, IX. Documents from both the royal colonies and the first trading companies were collected in the archives. See ibid., VI. See also Houllemare, *Journal of Colonialism and Colonial History* 21: n.p.

[35] See Helen Dewar, "Government by Trading Company? The Corporate Legal Status of the Company of New France and Colonial Governance," *Nuevo Mundo, Mundos Nuevos* (June 2018), https://doi.org/10.4000/nuevomundo.72105. As recent historiography makes clear, the role of French chartered companies extended well beyond trading. See also Agmon, *A Colonial Affair*; Heijmans, *The Agency.*

[36] Haudrère, *Revue française d'histoire d'outre-mer* 67: 340.

[37] For example, Cécile Vidal has argued that "the early legal interdiction of interracial marriage and concubinage in the Mississippi colony was not the result of local developments but of the transfer of a Code Noir from the Antilles, which had

intermarriage prohibition in subsequent policies targeting the Mascarenes, Louisiana, and the Caribbean was prompted by developments that originally took place on Isle Bourbon, and by the circulation of correspondence and the process of standardization facilitated by the administrative reform that took place during the regency period.

Although French authorities issued a couple of restrictions before the 1670s, these did not directly prohibit intermarriage between black and white people. The Company of the East Indies (Compagnie des Indes Orientales) formulated a first restriction for Madagascar in 1664, to prevent Frenchmen from "giving themselves away" to those whom they called "women of the country" rather than black people. The company was responding to a very specific local issue, namely protecting Frenchmen from "a venereal disease."[38] Then, in 1667, legal action taken by ordinary people on the ground triggered further discussions concerning intermarriage, this time in Guadeloupe. The council of this island formulated a restriction in the aftermath of a trial in which relatives wanted to exclude the black wife of a Flemish settler named Jacob Michel from family inheritance by nullifying their marriage. This locally created restriction was not ratified by the crown, and it was only intended to limit, not ban, intermarriage. It prohibited clergymen from officiating weddings "between a white man and a black woman or a white woman and a black man" without the approval of the governor or commander of the island.[39] It might have been inspired by a practice in place in the Dutch Empire, where Dutchmen were also asked to request prior consent from their governor before they could marry non-European women.[40] Interestingly, however, to justify the annulment of

been modified in reaction to what had happened in the islands." Vidal, *Caribbean New Orleans*, 509 (quotation). Guillaume Aubert seems to embrace the same argument in Aubert, "'To Establish One Law,'" 41. Moreover, Jessica Marie Johnson claims that authorities "incorporated the latest developments in jurisprudence from the Antilles, including discourses of race and gender" in the *Code Noir* of Louisiana of 1724. See Johnson, *Wicked Flesh: Black Women, Intimacy, and Freedom in the Atlantic World* (Philadelphia, 2020), 131. For work acknowledging the issuance of those intermarriage bans in the Indian Ocean, see Lamotte, "Colour Prejudice in the Early Modern French Empire," 227–28, 322–23; Peabody, *Madeleine's Children*, 55; Marvin, "Bourbon Island Creoles," 44, 131 n. 20.

[38] "Extrait du Règlement de la Compagnie . . . du 27 Octobre 1664," ANOM, C6 A1, p. 19 (quotations). The French Company of the East Indies was founded in 1664. Multiple French trading companies, including this one, were then merged into one single Company of the Indies (the abovementioned Compagnie des Indes) from 1717 through 1719. For more information about the French Company of the East Indies, see Philippe Haudrère, *Les Compagnies des Indes orientales: Trois siècles de rencontre entre Orientaux et Occidentaux* (Paris, 2006).

[39] "Appel comme d'abus mariage jugé, 5 Décembre 1667," ANOM, F3 133, fol. 36 (quotation). On the nonratification of this edict, see Peabody, *Madeleine's Children*, 237 n. 38. The purpose of this restriction was probably to prevent intermarriages involving women of African ancestry of a lower social and economic rank.

[40] Guido van Meersbergen, *Ethnography and Encounter: The Dutch and English in Seventeenth-Century South Asia* (Leiden, 2021), 222.

Michel's marriage to a black woman, the court invoked "the shame [*la honte*] on the family"—a sentiment that had to do with the fact that, as settlers in the Caribbean increasingly relied on African slaves, black people's status became associated with the debased status of slaves.[41] This notion of familial shame was repeatedly brought up across the empire, demonstrating the formation of a coherent pan-imperial racial discourse.

Beginning in 1674, colonial officials issued the first series of bans prohibiting all mixed marriages between white and black people for Isle Bourbon. While visiting the island that year, the viceroy of the East Indies, Jacob Blanquet de La Haye, issued an ordinance whose twentieth article stated: "We forbid Frenchmen from marrying *négresses* . . . and we forbid blacks [*noirs*] from marrying white women [*blanches*]"—French observers extended the labels "*négres*[*ses*]" and "blacks," initially applied to Africans in the Atlantic, to free and unfree people of South Asian and Malagasy ancestry in the Indian Ocean regardless of their actual skin color, which is evidence of the circulation of ideas.[42] Metropolitan authorities thereafter repeated La Haye's 1674 intermarriage prohibition for Isle Bourbon, first under governor Henri Habert de Vauboulon in 1689, then under his successor, Jean-Baptiste de Villers, in 1701, and yet again in 1709.[43] In 1701, the directors of the Company of the East Indies declared: "Sieur de Villers will not allow a white man [*blanc*] to marry a *négresse*."[44] They reiterated this prohibition in 1709, declaring: "We forbid any white man [*blanc*] to marry a *négresse*, and likewise white women [*blanches*] from marrying blacks [*noirs*]."[45] All those bans issued beginning in 1674 prohibited intermarriage on the basis of race (*noirs*/*négresses* vs. *blanche*/*blanc*) rather than status (freemen [*libres*] vs. slaves [*esclave*]).

What prompted French administrators to issue this first series of intermarriage bans for Isle Bourbon? To better understand La Haye's world-view when he issued the original ban of 1674, we must look at his prior travel experiences. While on his way to India in 1671, La Haye visited the French soldiers and colonists at Fort-Dauphin, Madagascar, where he might have heard about the ban prohibiting Frenchmen from "giving themselves away" to "women of the country," issued in 1664. Then, when he finally reached India in 1672, he spent time in Surat and in Portuguese Daman, San-Thomé, and Goa, where there was also growing opposition to intermarriage between Portuguese men and South Asian women.[46] But the

[41] "Appel comme d'abus mariage jugé," ANOM, F3 133, fol. 36.

[42] "Isle de Bourbon Ordonnance de M de La Haye . . . 1er Decembre 1674," ANOM, F3 208, p. 19.

[43] Jean Barassin, *La vie quotidienne des colons au début du XVIIIe siècle* ([Sainte-Clotilde, Réunion], 2005), 155.

[44] "Ordre et Instruction que Messieurs les Directeurs generaux de la Compagnie des Indes Orientales desirent être executez en l'Isle de Bourbon par le sieur de Villers. . . . ," *Bulletin of the New York Public Library* 13, no. 1 (1909): 7–12, esp. 7–10 (quotation, 10).

[45] Ordonnance, Paris, Jan. 19, 1709, quoted in Barassin, *La vie quotidienne*, 155.

[46] On the origins of Portuguese opposition to intermarriage in Goa, see Nandini Chaturvedula, "Preserving Purity: Cultural Exchange and Contamination in Late Seventeenth Century Portuguese India," *Ler História* 58 (2010): 99–112.

series of intermarriage bans issued for Isle Bourbon beginning in the 1670s was above all else a response to local circumstances. Those bans were clearly intended to protect the nascent bonded labor system on the island, since article XX of the La Haye ordinance explicitly stated that mixed marriages would "divert blacks [*noirs*] from [their] duties."[47] By 1674, bonded laborers on Isle Bourbon amounted to 45 percent of the population.[48] The evidence also suggests that, when they issued their intermarriage bans for Isle Bourbon, French authorities intended to help white families protect their reputation, as they now considered "black" status inferior on a pan-imperial scale. To justify the issuance of the intermarriage bans of 1701 and 1709, authorities in France drew on the same rhetoric of shame that had emerged in the Caribbean decades earlier. They instructed Villers to forbid "any white man to marry a *négresse*, because it is indecent and shameful [*ignominieux*]."[49]

For decades, those prohibitions issued for Isle Bourbon from 1674 to 1709 remained, it seems, the only intermarriage bans targeting unions between black and white people within the French Empire. In fact, the metropolitan edict known as the *Code Noir* of 1685, which contained standard rules on slavery for all French Caribbean islands, encouraged freemen who lived in concubinage with their slaves to marry them. Unlike the previous bans issued for Isle Bourbon from 1674, this *Code Noir* of the Caribbean focused on status rather than race ("freemen [*libres*]" versus "slaves [*esclaves*]" instead of "white m[e]n" or "white women" versus "*négresses*" or "blacks"). Article IX condemned any "free men [*les hommes libres*]" who had children with "slaves [*esclaves*]" outside of Catholic wedlock to pay a fine of two thousand pounds of sugar. If the man in question owned the mother of the children, both she and the children were to be confiscated and could not be manumitted. But article IX of the *Code Noir* of the Caribbean also stated: "the present article shall not be enforced if the man . . . were to marry the aforementioned slave in the church." The *Code Noir* of the Caribbean went on to explain that, by marrying the mothers of their mixed children born outside of wedlock, free men would emancipate both the mothers and the children.[50]

The French Crown formulated a more racialized version of this *Code Noir* of the Caribbean for Isle Bourbon and Isle de France in 1723 (known as the Letters Patent of the Mascarenes) and for Louisiana in 1724 (known as the *Code Noir* of Louisiana): these new slave codes likely drew upon the consistent series of intermarriage bans issued for Isle Bourbon beginning in 1674. Scholars have not yet been able to determine how the Letters Patent of the Mascarenes and the *Code Noir* of Louisiana were produced and by whom,

[47] "Isle de Bourbon Ordonnance de M de La Haye," ANOM, F3 208, p. 19.

[48] J.-M. Filliot, *La traite des esclaves vers les Mascareignes au XVIIIe siècle* (Paris, 1974), 31.

[49] Ordre et Instruction, Jan. 8, 1701, quoted in Barassin, *La vie quotidienne*, 155.

[50] "Code Noir, ou Recueil d'Edits, Déclarations et Arrets. . . . ," in *Recueil d'Edits, Declarations et Arrests de sa Majeste, Concernant l'Administration de la Justice & la Police des Colonies Françaises de l'Amérique, & les Engagés. Avec le Code Noir et l'Addition audit Code*, vol. 2 (Paris, 1744[–45]), 85.

perhaps because no historical sources documenting their production have so far been found. Both were issued just a few months after Jean-Frédéric Phélypeaux, comte de Maurepas, took over the position of Secretary of the Marine in August 1723. In that position, Maurepas must have played an important role in the making of these two new slave codes. Jean-Baptiste Colbert, in his own time as Secretary of the Marine, had overseen the creation of the 1685 *Code Noir* of the Caribbean, setting a precedent for his successor to follow.[51] Moreover, there is no doubt that when making his decisions, Maurepas was heavily influenced by preexisting colonial rules for two reasons. First, he was exceptionally well versed in colonial politics, having been trained from a very young age by his father, the former Secretary of the Marine Jérôme Phélypeaux (in office 1699–1715).[52] Second, he had direct access to the body of laws that had been issued for the French Atlantic and Indian Ocean colonies since the 1660s. Indeed, as part of their efforts to centralize official colonial documents during the regency period, metropolitan authorities compiled legal documents that had been used for all colonies from this date onward. It is probably no coincidence that this inventory was completed in 1722, just a few months before the issuance of the Letters Patent of the Mascarenes of 1723 and the *Code Noir* of Louisiana of 1724.[53] The knowledge Maurepas acquired through those colonial documents and inherited from his mentors influenced the racialized directives he gave for several colonies beginning in 1723. In fact, as soon as he took up the position of Secretary of the Marine, Maurepas appears to have made a consistent effort to prevent intermarriage in the Mascarenes and Louisiana through the Letters Patent and the *Code Noir*, as well as in the Caribbean islands through directives he gave to the intendant of the Îles du Vent, Charles-François Blondel.[54]

The *Code Noir* of Louisiana of March 1724 matched, almost word for word, the Letters Patent of the Mascarenes of December 1723, which means one of two things: either the *Code Noir* of Louisiana was a copy of the Letters Patent of the Mascarenes or the two slave codes were formulated together before their respective publications. French officials formulated the

[51] On the role played by Colbert in shaping the *Code Noir* of the Caribbean of 1685, see Vernon Valentine Palmer, "Essai sur les origines et les auteurs du Code Noir," *Revue internationale de droit comparé* 50, no. 1 (January–March 1998): 111–40, esp. 115 n. 8, 120–21.

[52] John C. Rule, "Jean-Frédéric Phélypeaux, comte de Pontchartrain et Maurepas: Reflections on His Life and His Papers," *Journal of the Louisiana Historical Association* 6, no. 4 (Fall 1965): 365–77, esp. 366–67.

[53] When he took over the office of Secretary of the Marine, Maurepas took further steps to complete his archive of all previous legislation issued for the French Atlantic and Indian Ocean colonies. See Houllemare, *Revue d'histoire moderne et contemporaine* 61: III; Houllemare, *Journal of Colonialism and Colonial History* 21: n.p.

[54] Léo Elisabeth, *La société martiniquaise aux XVIIe et XVIIIe siècles, 1664–1789* (Paris, 2003), chap. 7. Maurepas explicitly stated his opposition to intermarriage in the Caribbean multiple times. In 1731, he described mixed unions as "a stain on white people." Quoted in Elisabeth, *La société martiniquaise*, 294.

two documents within an interval of just a few months or at the same time because of the company's simultaneous initiatives, beginning in the late 1710s, to develop slave plantation agriculture on Isle Bourbon and Louisiana.

Thus, just like article V of the Letters Patent of the Mascarenes of 1723, article VI of this *Code Noir* of Louisiana stated: "We forbid our white subjects, of both sexes, to marry blacks under penalty of punishment and arbitrary fine."[55] All the other details of the intermarriage ban of Isle Bourbon and Isle de France also appear in article VI of the *Code Noir* of Louisiana (Figure I). Both articles prohibited white subjects, manumitted slaves, and freeborn black people from living in concubinage with slaves under penalty of a three-hundred-livre fine for both the transgressor and the slave owner, if they were not the same person. In both cases, masters who fathered children with their own slaves would see their concubines and children confiscated with no possibility of manumission. However, both articles contained an identical amendment, which specified that free black people were still allowed to marry their enslaved concubines, and thereby obtain the right to manumit them and their children. Article V of the Letters Patent and article VI of the *Code Noir* of Louisiana both stated: "the present article shall not be enforced if the black man, freed or free, who was not married . . . during his concubinage were to marry the aforementioned slave in the church."[56]

Although few scholars of French Louisiana have noted the connection between article VI of the *Code Noir* of Louisiana of 1724 and article V of the Letters Patent of the Mascarenes of 1723, this connection is the key to understanding why and how article VI of the *Code Noir* of Louisiana came into existence.[57] Banning mixed marriages in Louisiana made little sense in the 1720s because black plantation slavery was still in its infancy in the Mississippi Valley. In 1721, three years before the issuance of the *Code Noir* of Louisiana, there were only 533 slaves across all of France's settlements and outposts in the Mississippi Valley.[58] Moreover, no mixed black and white intermarriages were recorded in the parish registers of New Orleans, Biloxi, Yazoo, or Natchez for the period before 1724.[59] Lawmakers were aware of this

[55] "Lettres Patentes en forme d'Edit concernant les Esclaves Negres des Isle de Bourbon et de france 1723," Archives Départementales de la Réunion (ADR), Saint-Denis, Réunion, C° 940; "Édit du roi, ou Code noir, qui concerne entièrement les esclaves de la Louisiane, Mars 1724," ANOM, A 23, fol. 50.

[56] "Lettres Patentes," ADR, C° 940; "Édit du roi," ANOM, A 23, fols. 50–51.

[57] Only a few scholars, in studies focused on other topics, have noted the parallel between the two slave codes. See Sophie White, *Wild Frenchmen and Frenchified Indians: Material Culture and Race in Colonial Louisiana* (Philadelphia, 2012), 230; White, "Les Esclaves et le droit en Louisiane," 66; Peabody, *Madeleine's Children*, 55–56; Marvin, "Bourbon Island Creoles," 14–15; White, *Voices of the Enslaved: Love, Labor, and Longing in French Louisiana* (Williamsburg, Va., and Chapel Hill, N.C., 2019), 28–30.

[58] Frédéric Régent, *La France et ses esclaves: De la colonisation aux abolitions (1620–1848)* (Paris, 2007), 335.

[59] "St. Louis Cathedral, New Orleans, Marriage Index, 1720–1730," SR/56, Office of Archives and Records, Archdiocese of New Orleans (ANO), New Orleans, La.

"Lettres-Patentes: En forme d'édit, concernant les esclaves nègres des îles de France et de Bourbon," December 1723, in *Code des Îles de France et de Bourbon*, ed. M. Delaleu, 2d ed. (Port-Louis, Mauritius, 1826), 248. Available through Gallica, https://gallica.bnf.fr.	"Edit du roi: Touchant l'Etat & la Discipline des Esclaves Négres de la Loüisiane . . . Mars 1724," in *Recueil d'Edits, Declarations et Arrests de sa Majeste, Concernant l'Administration de la Justice & la Police des Colonies Françaises de l'Amérique, & les Engagés*, vol. 2 (Paris, 1744[–45]), 138–39. Available through Gallica, https://gallica.bnf.fr.
V. **Défendons à nos sujets blancs de l'un et de l'autre sexe de contracter mariage avec les noirs, à peine de punition et d'amende arbitraire, et à tous curés, prêtres ou missionnaires séculiers ou réguliers, et même aux aumôniers des vaisseaux de les marier; défendons aussi à nosdits sujets blancs, même aux noirs affranchis ou nés libres, de vivre en concubinage avec des esclaves; voulons que ceux qui auront eu un ou plusieurs enfans d'une pareille conjonction, ensemble les maîtres qui les auront soufferts, soient condamnés chacun en une amende de trois cents livres; et s'ils sont maîtres de l'esclave de laquelle ils auront eu lesdits enfans, voulons qu'outre l'amende ils soient privés tant de l'esclave que des enfans, et qu'ils soient adjugés à l'hôpital des lieux, sans pouvoir jamais être affranchis; n'entendons toutefois le présent article avoir lieu lorsque l'homme noir affranchi ou libre qui n'était pas marié durant son concubinage avec son esclave, épousera, dans les formes prescrites par l'église, ladite esclave, qui sera affranchie par ce moyen, et les enfans rendus libres et légitimes.**	VI. **Défendons à nos Sujets blancs de l'un & de l'autre sexe, de contracter mariage avec les Noirs, à peine de punition & d'amende arbitraire; & à tous Curés, Prêtres, ou Missionnaires séculiers, ou réguliers, & même aux Aumôniers des Vaisseaux, de les marier. Défendons aussi à nosdits Sujets Blancs, même aux Noirs affranchis, ou nés libres, de vivre en concubinage avec des Esclaves. Voulons que ceux qui auront eu un, ou plusieurs enfans d'une pareille conjonction, ensemble les Maîtres qui les auront soufferts, soient condamnés chacun en une amende de trois cens livres; & s'ils sont Maîtres; de l'Esclave de laquelle ils auront eu lesdits enfans, voulons qu'outre l'amende, ils soient privés tant de l'esclave que des enfans, & qu'ils soient adjugés à l'Hôpital des lieux, sans pouvoir jamais être affranchis. N'entendons toutefois le présent Article avoir lieu, lorsque l'homme Noir, affranchi, ou libre, qui n'étoit point marié durant son concubinage avec son Esclave, épousera dans les formes prescrites par l'Eglise ladite Esclave, qui sera affranchie par ce moyen, & les enfans rendus libres & légitimes.**

FIGURE I

Comparing article V of the Letters Patent of the Mascarenes to article VI of the *Code Noir* of Louisiana. The bold text in this comparison highlights word-for-word repetitions. I have chosen to also represent spelling variations (such as "et" versus the ampersand) in bold because spelling could vary depending on the transcriber.

when they formulated the *Code Noir* of Louisiana. In fact, a note added to the margin of article VI in one copy of that code claimed that "there are no instances of such marriages in the colony."[60] Article VI of the *Code Noir* of

[60] "Édit du roi, ou Code noir," ANOM, A 23, fol. 51.

Louisiana was thus an instance of legal shoehorning, in which a transplanted regulation was forced onto a new regional context as part of the crown's standardizing effort.

Although scholars in the field of Atlantic history have attributed article VI of Louisiana's *Code Noir* to Caribbean influences, there were major discrepancies between the way it dealt with intermarriage and the legislation in effect in the French Caribbean in 1724.[61] Those scholars have correctly noted that several other articles in the *Code Noir* of Louisiana echoed royal and colonial rules that had been issued for the Caribbean since the late seventeenth century. For example, it is true that the *Code Noir* of Louisiana forced masters to obtain an authorization from the colonial council to manumit their slaves, echoing an earlier order given by the governor and intendant of the Îles du Vent of the Caribbean in 1711. It also sentenced manumitted slaves and freeborn black people who were sheltering maroon slaves to be (re)enslaved if they failed to pay a fine; this provision echoed regulations issued for the Caribbean islands in 1678 and 1705.[62] However, as of 1723–24, the most recent regulation addressing the question of intermarriage in the Caribbean was in the *Code Noir* of the Caribbean of 1685, which encouraged intermarriage as an alternative to concubinage, instead of prohibiting it like the *Code Noir* of Louisiana did.[63] As Guillaume Aubert puts it, the provision concerning intermarriage in the Louisiana *Code Noir* of 1724 was thus "a dramatic departure from the Caribbean Code [of 1685]."[64]

So how did the intermarriage ban in the *Code Noir* of Louisiana of 1724 come into existence? Since the *Code Noir* of Louisiana was either a copy of the Letters Patent of the Mascarenes or formulated in tandem with it, the concerns that led to the issuance of both of these regulations originated on Isle Bourbon, where intermarriages were already subject to multiple bans and where Frenchmen continued to marry women of non-European ancestry despite this legislation.[65] Indeed, by 1717, Guy Le Gentil de La Barbinais—

[61] Aubert, "'To Establish One Law,'" 41; Vidal, *Caribbean New Orleans*, 509.

[62] For comparisons between the 1685 *Code Noir* of the Caribbean and the 1724 *Code Noir* of Louisiana, see Aubert, "'To Establish One Law,'" 21–43; White, "Les Esclaves et le droit en Louisiane."

[63] In the past, some scholars have referred to an intermarriage ban that was allegedly issued in Guadeloupe in 1711 (for which no archival reference has ever been given). After a thorough study of the documents deposited at the ANOM, I was unable to verify the existence of this ban. See William B. Cohen, *The French Encounter with Africans: White Response to Blacks, 1530–1880* (1980; repr., Bloomington, Ind., 2003), 50; Oruno D. Lara, *De l'oubli à l'histoire: espace et identité Caraïbes: Guadeloupe, Guyane, Haïti, Martinique* (Paris, 1998), 52. Today, scholars agree that no intermarriage ban was issued in the French Caribbean in the early modern period. See Vincent Cousseau, "La famille invisible. Illégitimité des naissances et construction des liens familiaux en Martinique (XVIIe siècle–début du XIXème siècle)," *Annales de Démographie Historique* 2, no. 122 (2011): 41–67, esp. 47; Vidal, *Caribbean New Orleans*, 509.

[64] Aubert, "'To Establish One Law,'" 41.

[65] The intermarriage ban of the Letters Patent of 1723 did not come from Isle de France either. Isle de France was claimed by the French in 1715, much later than Isle Bourbon. Comparatively few white men on Isle de France ended up marrying women of

another French transoceanic traveler who spent time on Isle Bourbon before joining the council of Saint Domingue—lamented that "among free people [on Bourbon island], there are only six families whose blood is not mixed, because they were cautious not to associate with families of *Mulates* [*sic*] and *Mestices* [mixed French/Malagasy and French/South Asian people]."[66] A few years later, a company agent described the number of mixed marriages between white people and free people of non-European ancestry on the island as "disproportionate."[67] By targeting "blacks" (*noirs*) specifically, and by prohibiting intermarriage for white people of both sexes, article V of the Letters Patent of the Mascarenes and article VI of the Louisiana *Code Noir* echoed the La Haye ordinance of 1674 and the prohibition issued in 1709 by the directors of the Company of the East Indies. Furthermore, by focusing on the marital situation of "white subjects" (*blancs*), it also echoed the intermarriage bans issued by the Company of the East Indies in 1701 and 1709. Whereas the 1685 *Code Noir* of the Caribbean focused on status rather than race by punishing "free men" having children with "slaves," the authors of the Letters Patent of the Mascarenes and the *Code Noir* of Louisiana were preoccupied with race, just as La Haye had been when he issued the Isle Bourbon intermarriage ban of 1674. This is demonstrated by both their use of the labels "blacks" and "white subjects" and by the fact that—despite preventing unions between white people and all black people—they still allowed free black people to marry black slaves (within their own alleged race) in the abovementioned special penalty exemption.

Although French officials did attempt to inhibit intermarriage in the Caribbean, it appears that no explicit intermarriage ban was issued for these islands. How can we explain this Caribbean exception? Intermarriage with women of African ancestry was common practice in Saint Domingue by the early eighteenth century, amounting to over 30 percent of all marriages in the parish of Léogane by the 1720s, for instance, which increased to 40 percent by the 1760s, partly because of the gender imbalance in the free white population of the island.[68] Many of the women of African descent who engaged in

non-European ancestry before the revolutionary era, favoring extramarital relationships with them instead. This is why no intermarriage ban was issued for Isle de France prior to 1723. See Megan Vaughan, *Creating the Creole Island: Slavery in Eighteenth-Century Mauritius* (Durham, N.C., 2005), chap. 6, esp. p. 166; Richard B. Allen, "Marie Rozette and Her World: Class, Ethnicity, Gender, and Race in Late Eighteenth- and Early Nineteenth-Century Mauritius," in "The Indian Ocean," special issue, *Journal of Social History* 45, no. 2 (Winter 2011): 345–65, esp. 354.

[66] [Guy] Le Gentil [de La Barbinais], *Nouveau voyage au tour du monde* (Paris, 1728), 3: 90.

[67] "Des Mariages, de leur convenance, et de la Discipline qui S'y doit observer," ANOM, F3 205, p. 43.

[68] Robert D. Taber, "Family Formation, Race, and Honor in Colonial Haiti's Free Communities, 1670–1789," in *French Connections: Cultural Mobility in North America and the Atlantic World, 1600–1875*, ed. Robert Englebert and Andrew N. Wegmann (Baton Rouge, La., 2020), 146–69, esp. 158, fig. 1.

relationships with white men in Saint Domingue came from the colony's free population and were comfortable financially, making them desirable partners for many colonists.[69] This might explain why French authorities produced no explicit intermarriage ban for that island.[70] With regard to the Lesser Antilles, there was no need to explicitly prohibit intermarriage in the eighteenth century, because the governors and intendants of the French Îles du Vent could already keep a close eye on marriages through a practice that has been almost completely overlooked in the historiography: they were personally allowed to prevent any marriage they disapproved of in Martinique and Guadeloupe beginning in the mid-seventeenth century.[71] When the governor of Martinique, Jacques Dyel du Parquet, initiated this practice in 1645, he did not do so because he was preoccupied with intermarriage. He only wanted to prevent a Frenchman named Sieur Saint-André from marrying a white woman named Marie Bonnard because he intended to marry her himself.[72] However, by the early eighteenth century, this practice was used almost exclusively as a tool to prevent white people from marrying people of African descent. In particular, beginning in 1725, Blondel, intendant of the Îles du Vent, systematized the practice of authorization requests for marriage. In doing so, he was following Maurepas's directive.[73] Maurepas had made this decision because, until the first decade of the eighteenth century, a significant number of Frenchmen in the Lesser Antilles married women of African ancestry.[74] He was also responding to the staggering expansion of black plantation slavery and sugarcane plantation agriculture across the Caribbean from the early eighteenth century. The number of African slaves grew from 45 percent of the population of Guadeloupe in 1699 (4,092 people) to 82 percent by 1753 (41,026).[75] In Martinique, too, from 1670 to 1755, the proportion of black slaves grew from 61 percent of the population (6,183) to 82 percent (64,827).[76]

[69] See Doris Garraway, *The Libertine Colony: Creolization in the Early French Caribbean* (Durham, N.C., 2005), 235.

[70] A metropolitan edict issued in 1731 intended to discourage mixed relationships rather than prohibit them explicitly. See Paul Leroy-Beaulieu, *De la colonisation chez les peuples modernes*, 6th ed. (Paris, 1908), 1: 165; Elisabeth, *La société martiniquaise*, 294; Jennifer M. Spear, *Race, Sex, and Social Order in Early New Orleans* (Baltimore, 2009), 64.

[71] Elisabeth, *La société martiniquaise*, chap. 3.

[72] Ibid., 152; *Annales du Conseil Souverain de la Martinique, ou tableau historique du gouvernement de cette colonie. . . .* (Bergerac, 1786), 1: 8–9.

[73] Elisabeth, *La société martiniquaise*, 170, 281.

[74] On Martinique, see ibid., 228. On Guadeloupe, see Jean-Baptiste Du Tertre, *Histoire générale de Antilles habitées par les françois* (Paris, 1667), 2: 513; Lamotte, *Empire Unseen*, chap. 3.

[75] "Denombrement General de l'isle Guadeloupe et dependances . . . 1699," ANOM, 5 DPPC 22, n.p.; "Recencement Géneral . . . de l'Isle Guadeloupe et Dépendances . . . Année Mil Sept cens cinquante trois," ANOM, G1 497, n.p.

[76] The proportion of African-descended slaves in Saint Domingue grew considerably as well, from 37 percent of the population in 1697 to 90 percent by 1754. See Régent, *La France et ses esclaves*, 335–37.

More than three decades after Blondel systematized the practice of authorization requests, two lawyers based in Guadeloupe tried to impose the intermarriage ban of Isle Bourbon, Isle de France, and Louisiana onto the Caribbean Îles du Vent. Indeed, in 1758, the two lawyers, Marin and Charles François Emmanuel Nadau du Treil (the latter of whom was also Guadeloupe's governor), proposed to allow the governor-general and the intendant to forbid marriages between white and black people on the Îles du Vent, arguing that "article 6 of the Edict [*Code Noir*] of March 1724 prevented the inhabitants of Louisiana of both sexes to marry blacks."[77] Although this Caribbean attempt was unsuccessful, it is noteworthy because it explicitly invoked the legal code of a different colony, which itself was either a copy of, or formulated together with, the Letters Patent of the Mascarenes of 1723, as a legal precedent to standardize colonial legislation. Such explicit influences confirm that representatives of the crown in the colonies, such as Du Treil, were committed to carrying out the crown's standardizing ambition. Since the intermarriage ban in the Louisiana *Code Noir* echoed decades of jurisprudence initiated in 1674 by La Haye on Isle Bourbon, the Marin and Du Treil Caribbean proposal also suggests that ideas regarding racial policies circulated across the French Atlantic and Indian Oceans.

In 1678, four years after Jacob Blanquet de La Haye issued the initial intermarriage ban for Isle Bourbon, French colonial and metropolitan officials began to issue another coherent transoceanic set of racial laws that was also shaped by standardization and by the circulation of ideas across the two oceans. This other set of laws targeted the social status of free black people by threatening them with enslavement if they committed a crime. These particular kinds of policies show that racial policies formulated for the French Indian Ocean could also be shaped by Atlantic ideas and precedents. French officials in the colonies produced the first enslavement laws for the Atlantic, which in turn inspired metropolitan officials to apply similar enslavement laws in the Indian Ocean as part of their standardizing efforts.

The first laws threatening free black people with enslavement originated in the Caribbean. In 1678, the colonial council of Martinique issued an inaugural edict forbidding "both free *nègres* [*nègres libres*] and *sauvages* to give asylum . . . to enslaved *nègres* and *négresses*," stating that "in the event of a second offense they will be deprived of the liberty privileges that they are enjoying."[78] This law exacerbated the racial divide in French colonial law and society by targeting all free people of African descent (*nègres libres*), regardless of their status at birth. Then, the standard rule formulated by the crown in the *Code Noir* of the Caribbean of 1685 was narrower and less draconian, targeting social status rather than race: article XXXIX of the *Code Noir* of

[77] "Isles du Vent 1758, Proposition de Mrs Nadau et Marin," ANOM, F3 90, fol. 88.

[78] "Extrait des arrets et ordonnances Rendus pour la Police des nègres au Conseil Souverain de l'Isle Martinique, 1678," ANOM, F3 248, fol. 101.

the Caribbean of 1685 condemned manumitted people ("*les affranchis*") who sheltered fugitive slaves to pay a fine of three hundred pounds of sugar per day of protection.[79] Twenty years later, however, upon the request of the governor-general of the French American islands, Charles-François de Machault de Belmont, the king amended the provision given in the *Code Noir* of the Caribbean of 1685 to make it more severe, lamenting that article XXXIX did not dissuade free black people from "hosting [maroons], and even from concealing and sharing their stolen goods." In 1705, the king issued an ordinance condemning all "*n[è]gres libres*" (not just manumitted slaves) who offered shelter and support to maroons to immediate enslavement, along with their families.[80]

As much as they were intended to reduce the status of free black people in relation to white colonizers, these enslavement laws were aimed at preventing marronage and dissuading free people of non-European ancestry from fraternizing with slaves. In the first decades of French colonization in the Caribbean, Indigenous communities occasionally offered refuge to maroons in their villages.[81] Meanwhile, free black people were likely to want to assist those of their relatives and friends who remained in captivity. The urge to prevent free black people from associating with slaves became all the more pressing when marronage became common in the Caribbean, along with slave conspiracies. Seventeenth- and eighteenth-century court records, correspondence, and travel accounts from the Caribbean are rife with reports of marronage and slave revolts. Major slave uprisings occurred in Guadeloupe in 1656, in Saint Domingue in 1671, 1691, and 1697, and in Martinique in 1699.[82]

Metropolitan authorities drew on legal precedents from the Caribbean to formulate a standardized body of laws threatening free black people who sheltered maroons with enslavement in the Letters Patent of the Mascarenes of 1723 and the *Code Noir* of Louisiana of 1724. The articles dealing with free black people assisting maroons in those two slave codes matched each other almost word for word (Figure II). Article XXXIII of the Letters Patent of the Mascarenes stated, "Manumitted slaves or free *nègres* [*Les affranchis ou negres libres*] who will give asylum in their houses to fugitive slaves will be sentenced . . . to pay a fine of ten piastres for each day of retention . . . and if said manumitted or free *nègres* fail to pay the fine, they will be reduced to the

[79] "Edit du Roi Concernant la discipline, l'Etat et la qualité des negres esclaves aux Isles de l'amerique Du mois de mars 1685," ANOM, F3 236, p. 672.

[80] "Ordonnance du Roi portant que les negres libres qui retireront chès eux les nègres marrons . . . seront déchus de leur liberté. Du 10 juin 1705," ANOM, F3 236, pp. 166–67.

[81] Henri Bangou, *La Guadeloupe, 1492–1848, ou L'Histoire de la colonisation de l'île liée à l'esclavage noir de ses débuts à sa disparition* (Paris, 1987), 1: 101.

[82] Du Tertre, *Histoire generale des Antilles*, 1: 500–502; "Nègres Révolte. 1 aout 1657," ANOM, F 133, pp. 33–34; Hall, *Social Control*, 62; Cohen, *The French Encounter*, 47.

"Lettres-Patentes: En forme d'édit, concernant les esclaves nègres des îles de France et de Bourbon," December 1723, in *Code des Îles de France et de Bourbon*, ed. M. Delaleu, 2d ed. (Port-Louis, Mauritius, 1826), 250. Available through Gallica, https://gallica.bnf.fr.	"Edit du roi Touchant l'Etat & la Discipline des Esclaves Négres de la Loüisiane . . . Mars 1724," in *Recueil d'Edits, Declarations et Arrests de sa Majeste, Concernant l'Administration de la Justice & la Police des Colonies Françaises de l'Amérique, & les Engagés*, vol. 2 (Paris, 1744[–1745]), 148. Available through Gallica, https://gallica.bnf.fr.
XXXIII. **Les affranchis ou nègres libres qui auront donné retraite dans leurs maisons aux esclaves fugitifs, seront condamnés par corps, envers le maître, en une amende de** dix piastres **par chacun jour de rétention; et les autres personnes libres qui leur auront donné** pareillement **retraite, en** trois piastres **d'amende aussi** pour **chacun jour de rétention; et faute par lesdits nègres, affranchis ou libres, de pouvoir payer l'amende, ils seront réduits à la condition d'esclaves et vendus; et si le prix de la vente passe l'amende, le surplus sera délivré à l'hôpital.**	XXXIV. **Les affranchis, ou Nègres libres, qui auront donné retraite dans leurs maisons aux Esclaves fugitifs, seront condamnés par corps, envers le Maître, en une amende de** trente livres **par chacun jour de retention; & les autres personnes libres qui leur auront donné** pareille **retraite, en** dix livres **d'amende, aussi** par **chacun jour de retention; & faute par lesdits Nègres affranchis ou libres, de pouvoir payer l'amende, ils seront réduits à la condition d'Esclaves & vendus; & si le prix de la vente passe l'amende, le surplus sera délivré à l'Hôpital.**

FIGURE II

Comparing article XXXIII of the Letters Patent of the Mascarenes to article XXXIV of the *Code Noir* of Louisiana. The bold text in this comparison highlights word-for-word repetitions. I have chosen to also represent spelling variations (such as "et" versus the ampersand) in bold because spelling could vary depending on the transcriber.

condition of slave and sold."[83] Article XXXIV of the *Code Noir* of Louisiana also declared that "manumitted slaves or free *nègres* who will give asylum in their houses to fugitive slaves will be sentenced . . . to pay a fine," in this case thirty livres, and that "if said manumitted or free *nègres* fail to pay the fine, they will be reduced to the condition of slave and sold."[84] Those two articles clearly drew on article XXXIX of the *Code Noir* of the Caribbean of 1685, which required manumitted people sheltering slaves to pay a fine. Unlike the *Code Noir* of the Caribbean of 1685, however, the Letters Patent of the Mascarenes of 1723 and the *Code Noir* of Louisiana of 1724 applied to all free black people, whether or not they had been born free. Therefore, they might have also been influenced by the prior regulations issued for the Caribbean islands, which also ordered the enslavement of all "free *nègres*" in the event of a second offense (1678) or immediately (1705). In addition to being shaped

[83] "Lettres Patentes," ADR, C° 940.
[84] "Édit du roi, ou Code noir," ANOM, A 23, fol. 54.

by standardizing efforts, the enslavement provisions of 1723 and 1724 were established as a response to marronage and slaves' rebellions. Marronage was on the rise on Isle Bourbon after a series of droughts, hurricanes, and heavy rains, which resulted in severe food shortages beginning in the 1720s. Authorities complained that the lack of food "turns [the *nègres*] into fugitives, leads them to plot" and to steal.[85] Beginning in the late 1710s, the records of the council of Isle Bourbon are rife with mentions of maroons allegedly stealing things.[86]

Article XXXIV of the *Code Noir* of Louisiana of 1724 in turn inspired metropolitan authorities to again amend their punishment for free black people sheltering maroons in the Caribbean. A 1726 royal declaration for the Caribbean and Guyana revised the conditions of enslavement stated in the Caribbean ordinance of 1705 so that immediate enslavement was no longer the penalty for free black people sheltering maroons. Instead, this declaration stated that "in accordance with the edict of March 1724 which acts as law for slaves in our province of Louisiana, should manumitted *nègres* or freemen who have sheltered fugitive slaves be unable to pay the fine of 300 pounds of sugar due for each day of shelter, they shall be reduced to slavery."[87] The French Crown thus once again recycled a Louisiana ban from the *Code Noir* of 1724 (which itself matched, almost verbatim, the Letters Patent of the Mascarenes of 1723) to draft a law for the Caribbean.

Around 1693, a little more than a decade after the issuance of the Caribbean enslavement regulation of 1678, trading companies and royal officials began formulating another coherent set of pan-imperial policies, which provides further evidence that racial policies promulgated for the Indian Ocean could be shaped by ideas and precedents from the Atlantic. This other set of policies attempted to discourage unions between Indigenous women and Frenchmen. Here, a set of intermarriage policies created by royal officials for New France and Louisiana echoed a measure taken by the Company of the East Indies in India. The metropolitan council of the French Company of the Indies then extended similar intermarriage policies, along with additional measures they had already taken to dissuade intermarriage in

[85] "Motifs des habitans de L'isle de Bourbon dans leur deputation En france," ADR, C° 2430 (quotation); "De la commune des habitants, et des regles Etablies pour ce qui La Regarde," ANOM, F3 205, p. 388.

[86] See for example "Arest[s] du Conseil, 1715–1724," ADR, C° 2516; "Registre des Actes Publics du quartier de St Paul . . . 1718," ADR, C° 2794; "Plainte portée par le Sr Gabriel Dumas," ADR, C° 2517, pp. 103–5; "A Monsieur Dumas gouverneur pour le Roy de L'isle de Bourbon," ADR, C° 1013.

[87] "Déclaration du Roi En interprétation des articles 39, 56, 57 et 59 de l'Edit du mois de mars 1685," ANOM, F3 236, p. 676; "Déclaration du roi interprétant l'édit de mars 1685 sur les esclaves Negres des Isles du Vent . . . 5 février 1726," ANOM, A 25, fol. 59.

Louisiana, to the Indian Ocean milieu. The similarities between most of these policies resulted from standardization, the circulation of correspondence and officials, and the fact that the trading companies and the crown were working together. Though several Americanists have studied the formulation of those intermarriage policies for New France and Louisiana, none have noted their extension to the French outposts in India and to Isle Bourbon.[88]

Around 1693, in response to a local issue, the Company of the East Indies applied a first restriction targeting marriage between French company employees and women of Asian ancestry in India. The directors of the company were especially worried about the economic cost of intermarriage. Of particular concern were the pensions granted by the company to the widows of deceased employees, which were considered a drain on French resources. In a letter dated 1693, the director general of the company in Surat, Louis-Estienne de Pilavoine, recounted a case in which the Indian widow of a French clerk named Coquelu threatened legal action against the company for refusing to pay her pension. Although the company eventually agreed to pay the pension, Pilavoine noted that it could not afford to keep supporting the families of its employees and blamed intermarriage for "always [causing] trouble among employees." He decided around that time to no longer allow marriages in the Surat outpost, declaring: "I will not consent to letting any of your employees commit to marriage unless he agreed to leave your service." Even though he did not mention it explicitly, he was targeting mixed marriages in particular, as these constituted the vast majority of French marriages in India.[89]

Pilavoine's decision was echoed a few years later on the other side of the globe, when French officials in New France, Louisiana, and metropolitan France began to formulate a body of policies targeting marriage between Frenchmen and Native American women. These policies issued for North America were directly connected to one another because the people who made them, along with their correspondence, circulated throughout the North Atlantic. French officials intended to protect France's cultural influence, which they thought was threatened by Native Americans' rejection of the assimilation project and by the alleged *ensauvagement* (wilding) of the French colonists. They also stemmed from French officials' emerging belief that Native American people were by nature incapable of assimilation and that their allegedly inferior qualities were inevitably transmitted to their progeny through blood. In 1696, authorities in New France thus recommended

[88] For examples of Americanists who have studied the formulation of those intermarriage policies for French North America, see Jaenen, "Miscegenation," 97–98; Devrim Karahasan, "Métissage in New France: Frenchification, Mixed Marriages and Métis as Shaped by Social and Political Agents and Institutions, 1508–1886" (Ph.D. diss., European University Institute, 2008), 131.

[89] "Coppie de la lettre Ecrite a la Compagnie des Indes Orientalles par Mr Pilavoine . . . Le 20 Janvier 1693," ANOM, C2 64, fols. 55–56v ("always," 56v, "not consent," 55r). Pilavoine mentioned several company employees "with families in Surat." Ibid., fol. 55r.

sanctions against Frenchmen who married Native American women without prior approval from the governor or the king.[90] Finally, in June 1706, the governor-general of New France, Philippe de Rigaud de Vaudreuil, ordered the commandant of Detroit, Antoine de la Mothe Cadillac, not to permit any "Frenchman whatever, either soldier or otherwise, to marry [a Native American woman] until such time as we have received orders from the Court on this matter."[91]

This shift in intermarriage policy in New France in turn shaped decisions and discourse concerning intermarriage in the Illinois country and the Mississippi Valley. It is no coincidence that, only four months after Vaudreuil told Cadillac to prohibit French–Native American intermarriage in New France, Bienville made the same decision for Louisiana: in addition to having arrived in Louisiana with prior experience in New France, he received regular correspondence from officials there once he left. Just like Vaudreuil in 1706, Bienville proposed to prohibit such unions until metropolitan authorities made a final decision, declaring that "those marriages should be pronounced null if the Prince does not approve of them" and that they "will not be approved until the Court has made known what is to be done."[92] This is when the policymaking debate discussed in this article's introduction, which pitted missionary Henri Roulleaux de La Vente against Bienville and *commissaires-ordonnateurs* Jean-Baptiste-Martin d'Artaguiette and Jean-Baptiste Duclos, began. D'Artaguiette justified his opposition to intermarriage by arguing that Native American women were too libertine to be faithful wives, while Duclos described mixed French–Native American children as "very swarthy [*extremement Bazanées*] [*sic*]" and "naturally lazy, libertine and . . . roguish [*naturellement faineants, libertins, et . . . fripons*]."[93] Back in New France, in 1709, Philippe de Vaudreuil reiterated his opposition to intermarriage in a letter he sent to the Council of the Marine—the metropolitan institution in charge of the colonies during the regency—claiming, "one should never mix bad blood with good blood [*mesler un mauvais Sang avec un bon*]."[94]

When they finally responded to Bienville's question regarding intermarriage in Louisiana in 1716, metropolitan officials merely paraphrased the letters they had received earlier from New France and Louisiana. This is direct evidence that correspondence acted as an important vehicle for

[90] Belmessous, *American Historical Review* 110: 346; Karahasan, "Métissage in New France," 123.

[91] Public Archives of Canada, MG1, Series F3, vol. 9, pt. 1, Vaudreuil to Cadillac, June 20, 1706, 7, quoted in Jaenen, "Miscegenation," 97.

[92] Public Archives of Canada, MG1, Series C13B, vol. 1, Bienville to Pontchartrain, Oct. 10, 1706, quoted in Jaenen, "Miscegenation," 98.

[93] Duclos to Minister, Dec. 25, 1715, ANOM, C13 A 3, p. 823.

[94] Vaudreuil au ministre, Québec, Nov. 14, 1709, quoted in Gilles Havard, "'Les forcer à devenir Cytoyens': État, Sauvages et Citoyenneté en Nouvelle-France (XVIIe–XVIIIe Siècle)," *Annales: Histoire, Sciences Sociales* 64, no. 5 (September–October 2009): 985–1018 (quotation, 1003).

the circulation of racial ideas. Members of the metropolitan Council of the Marine echoed Duclos's words, describing mixed children as "extremely swarthy ["*extrememement basanés*"] and "naturally rough and lazy [*d'un naturel dur et faineant*]." They also repeated d'Artaguiette's claim that Native American women were too libertine and quick to leave their husbands for other men. In 1709, Governor Vaudreuil had opposed intermarriage in New France to avoid what he called the mixture of "bad blood with good blood." In 1716, members of the Council of the Marine parroted Vaudreuil, this time when discussing intermarriage between Frenchmen and Native American women in Louisiana: they wrote that "there is a reason to fear the mixture of good blood with bad blood [*mesler le bon Sang avec le mauvais*]." The Council of the Marine eventually commanded colonial officials in Louisiana "to prevent these sorts of marriages to the full extent of their power."[95] Five years later, in 1721, the same metropolitan Marine Council took measures to prevent these mixed marriages in New France as well, requiring the colony's bishop to get approval from the governor-general before officiating the marriage of any French soldier or officer.[96]

Finally, beginning in the 1720s, the Company of the Indies began to issue a consistent set of intermarriage bans across the Atlantic and Indian Ocean colonies in an effort to follow the crown's standardizing ambitions. As explained earlier, the company's assembly in metropolitan France began to enact a bevy of policies targeting intermarriage between its employees and Indigenous women across multiple territories after the addition to its ranks of d'Artaguiette, an opponent to intermarriage from Louisiana.[97] D'Artaguiette was probably behind the company assembly's first policy articulated for Louisiana in 1726, which threatened the career advancement prospects of company employees who wished to marry Native American women in Louisiana. The company asked the colonial council of Louisiana to provide "clarifications" regarding the marriages of several employees. A Frenchman named Texier was subsequently denied a promotion within the company for having "married the bastard daughter of Sieur de Mandeville, the daughter of a *sauvagesse* slave."[98]

Not long after this, the metropolitan company's assembly began to take measures to stifle the careers of other employees in similar relationships across the Indian Ocean. In 1728, the members of this assembly issued a law for Isle Bourbon that prevented settlers from getting married without the governor's approval. This law echoed Frontenac's decision in New France thirty-two years earlier to apply sanctions against Frenchmen who married Native American women without prior approval from the governor. The 1728 law

[95] "1716, Projet ou Mémoire du Roy," ANOM, C13 A4, p. 977.
[96] Karahasan, "Métissage in New France," 131.
[97] Haudrère, "L'origine du personnel du direction," 340–41.
[98] "1726, Etat des Eclaircissemens que la Compagnie demande," ANOM, 2866, fols. 121 ("clarifications"), 122 ("married").

issued for Isle Bourbon also drew on the same rhetoric of blood mixing that had been articulated by Vaudreuil in 1709 and the Marine Council in 1716 in French North America and metropolitan France, which is further evidence of the circulation of these ideas. It was explicitly intended "to prevent the mixing of French blood [*le Meslange du sang français*], which becomes weaker, corrupted, and degraded after engaging with sluggishness."[99] A few years later, in 1734, the company denied admission to the council of Isle Bourbon to "any employee who should marry a creole woman."[100] The company reiterated the 1734 ban in 1736, 1738, 1740, and 1754, each time threatening members of the council, soldiers, officers, and sailors with removal from their positions if they married a "creole woman" (one document explicitly stated that all these policies targeting "creole women" applied only to people "of mixed-blood [*d'un sang mêlé*]").[101] Eventually, the company began to follow a policy closer to the one it had previously adopted in Louisiana, based on career hindrance rather than direct dismissal. Similar to the Texier case of Louisiana, a letter written by the company indicates that most employees on Isle Bourbon kept their jobs and were instead denied promotions.[102] Additionally, as they had done for Texier in Louisiana, officials on Isle Bourbon launched an investigation to determine if a man named Sieur Deheaulme could be promoted to commandant in the parish of Saint-Paul. They eventually approved his promotion after being "very much assured that Deheaulme's wife was born to a white man and a white woman."[103]

The Company of the Indies also implemented other measures for its South Asian outposts that were consistent with its previous strategies for New France, Louisiana, and Isle Bourbon. In 1743, the company's assembly in metropolitan France declared that no employee or officer in India could marry without authorization from the council.[104] In 1748, company officials

[99] "Des Mariages," ANOM, F3 205, p. 41.

[100] "11 Decembre 1734," ANOM, F3 205, p. 87.

[101] Quotations: "creole women" in"Des Devoirs de L'Employé," ANOM, F3 205, p. 26, and "sang mêlés" in "25 mars 1754," ANOM, F3 205, p. 44 (since this second document is a copy, the language used in the original document may have been different). See also "Des motifs Sur lesquels on peut Exclure du Service . . . L'Employé," ANOM, F3 205, p. 46; "Des Mariages," ANOM, F3 205, p. 42. Specification given in "25 mars 1754," ANOM, F3 205, pp. 44–45; "Des Mariages," ANOM, F3 205, p. 41.

[102] "25 mars 1754," ANOM, F3 205, p. 44.

[103] "2 janvier 1755," ANOM, C7 11, fol. 14v.

[104] Haudrère, *La Compagnie française des Indes au XVIIIe siècle*, 2: 594 n. 352. In 1730, it had already commanded company employees in Bengal "to marry the daughters of Frenchmen" as much as possible. "Correspondance du Conseil de Pondichéry avec le Conseil de Chandernagor," Nov. 9, 1730, ANOM A89, fol. 73, quoted in Adrian Carton, *Mixed-Race and Modernity in Colonial India: Changing Concepts of Hybridity across Empires* (New York, 2012), 70. Joseph Dupleix, at the time governor of Chandernagore, had then prohibited priests to officiate unions between Frenchmen and "bastards, or country women who are not descended from Europeans" in 1732. Leonard Hodges, "Configuring Colonial Families in Chandernagore (1719–1769)" (unpublished essay, King's College London, 2016), n.p., quoting *Correspondance du Conseil Supérieur de*

in the metropole decided to adopt a strategy akin to the one they had applied earlier to address the Texier case in Louisiana. They declared that "every employee [in the East Indies] who should marry a woman of Indian blood [*une fille issüe de sang Indien*] . . . will only be able to reach the rank of under-merchant," one of the company's lowest ranks. According to the company, this directive was intended to "extinguish the Indian *blood* [*éteindre le sang Indien*]" among employees," which was deemed "too prejudicial to [the company's] interests in every way."[105] Here, the company appealed to the rhetoric of blood purity to prevent the transfer of power and resources into Indian hands because it considered the financial support of Indian widows a great burden. There were also fears that Indian women would go back to their community after the death of their French husbands, effectively diverting their bequests away from French control, which brings us to the topic of inheritance.

Beginning in 1702, the chartered companies, colonial officials, and the crown began to formulate two series of policies for the French Indian Ocean and the Atlantic, which restricted the rights of non-Europeans and their descendants to receive inheritance and donations. Though scholars have not yet connected those policies to a larger pattern, Indian Ocean developments shaped at least some of those policies by means of transoceanic standardization and the pan-imperial circulation of ideas. The restrictions imposed by French royal and company officials on inheritance were partly intended to override the Paris Custom (*Coutûme de Paris*) on inheritance, which was supposed to be observed overseas.[106] This custom granted a widow half of the household's assets after her husband's passing, with the remainder being divided among children if they were born in Catholic wedlock. The widow's relatives were entitled to inherit her assets when she died if she was childless, which was also a source of concern for French officials.[107]

As suggested above, a series of cases brought to court over inheritance disputes had already begun to shape officials' opposition to intermarriage from the second half of the seventeenth century. In Guadeloupe in 1667, the council had formulated an unratified marriage restriction after relatives of a deceased white Frenchman (Jacob Michel) demanded to have his black

Pondichéry avec le Conseil de Chandernagor, 1728–1757 (Pondicherry, 1915), 1: 178. I wish to thank Leonard Hodges for sharing this unpublished essay with me.

[105] "1748. Arrangemens," ANOM, C2 34, fol. 172v.

[106] In practice, the Paris Custom was not systematically applied overseas. See Jean-Marie Augustin, "Les Contrats de Mariage à l'Ile Bourbon au Début du XVIIIème Siècle," in *France in the New World: Proceedings of the 22nd Annual Meeting of the French Colonial Historical Society*, ed. David Buisseret (East Lansing, Mich., 1998), 13–30, esp. 14, 23.

[107] Regarding the Paris Custom, see Vaughan B. Baker, "*Cherchez Les Femmes*: Some Glimpses of Women in Early Eighteenth-Century Louisiana," *Louisiana History* 31, no. 1 (Winter 1990): 21–37, esp. 29; Spear, *Race, Sex, and Social Order*, 31; White, *Wild Frenchmen*, 113; Kleber, "Gendered Societies," 331.

widow cut out of his will. Twenty-six years later, in 1693, in Surat, India, the director-general of the Company of the East Indies, Louis-Estienne de Pilavoine, had prohibited all marriages in his outpost around the time when the Indian widow of a man named Coquelu protested the company's refusal to pay her pension. Later, in 1727, again in Guadeloupe, the attorney general, Sieur Dorillac, unsuccessfully supported the prohibition of mixed unions after a Frenchman named Jacques Denis Huard attempted to have his brother-in-law's black wife excluded from the family inheritance by nullifying their marriage.[108]

The first measure to affect the ability of widows of non-European ancestry to enjoy the official French customary right to inheritance was taken in early eighteenth-century Surat by company director-general Pilavoine. In 1702, he refused to apply the Paris Custom on inheritance in order to protect French economic interests. He decried the diversion of French wealth that resulted from inheritance, explicitly expressing concerns about Indian widows who remarried "with God knows whom" (Indian men), and complained that in such cases, "the assets [that widows inherited from their French husbands] were lost." To justify his concerns about inheritance, Pilavoine invoked stereotypes concerning women from India, describing Indian widows as wastrels incapable of managing their own estates.[109]

Twenty-six years after Pilavoine wrote those words, local authorities in Louisiana rejected the Paris inheritance custom as well. This shift in inheritance practices in Louisiana was pushed by Governor Étienne Périer the Elder. It is worth mentioning Périer's backstory here, as it is intertwined with the broader story of global circulation and the making of racial policies. Périer pursued a military career in Senegal, Peru, and Chile from 1714 to 1724, and later in the French outpost of Mahé (south of Surat) in 1724–25.[110] While in India, Périer no doubt met many of the European men stationed there, who had married women of South Asian descent. As a military man well-versed in politics, he might have heard about Pilavoine's 1702 decision in Surat to revoke South Asian widows' inheritance rights after the deaths of their French husbands.

After spending a year in India, Périer became governor of French Louisiana, and in 1728 he imposed a restriction on inheritance that echoed the measure taken more than two decades earlier in Surat. Périer and other members of the Louisiana council declared that all Native American women who had married Frenchmen in Louisiana would be "excluded from the successions of the French." Instead, the company would seize their estates,

[108] "Du Jeudy Sixieme Du mois de mars mil Sept Cent Vingt Sept. . . . ," ANOM, F3 224, pp. 213–38.

[109] "Copie de la Lettre écrite à la compagnie par M. Pilavoine," ANOM, C2 66, pp. 280–81 (quotations, 281).

[110] Michel Vergé-Franceschi, "Les officiers de vaisseaux issus de la Compagnie des Indes: l'exemple des frères Périer," in *Les flottes des Compagnies des Indes, 1600–1857*, ed. Philippe Haudrère (Vincennes, Fr., 1996), 87–98, esp. 87–88, 91–93.

with the exception of real estate holdings, which were to be controlled by guardians. A widow was only entitled to a pension amounting to one-third of the estate's revenue, and only if she stayed among the French. The remaining two-thirds would go to her children if she had any. If a Native American widow died childless, the assets were to be handed over to the company instead of being given to her relatives.[111] When pushing for the drastic solution of restricting the rights of inheritance of all Native American women married to Frenchmen across Louisiana, Périer might have been emboldened by what he had seen and heard in India. Indeed, the Louisiana inheritance restriction of 1728 was formulated after yet another legal dispute, which this time took place in Kaskaskia, Illinois country, where a Jesuit missionary named Jean-Baptiste Antoine Robert Le Boullenger requested that only one Illinois woman, Marie Achipicourata, be disinherited because she had cheated on her French husband. Echoing Pilavoine's earlier argument, authorities sought to justify Périer's decision in Louisiana by claiming that it was "not agreeable that the *sauvages* take the goods of the French among their nations."[112] Authorities eventually enforced the Louisiana inheritance regulation in 1745, when a guardian was chosen for a Native American widow named Françoise to manage the estate of her deceased French husband, Charles Egron, "because of her status as an Indian [Native American] woman." Just like Pilavoine, who had portrayed Indian widows in Surat as irresponsible wastrels, colonial administrators in Louisiana considered Françoise "an imbecile," unable to manage her own estate.[113] Such stereotypes were thus used to justify the dispossession of these women from their inheritance on both sides of the globe.[114]

The second series of inheritance bans came from the French Crown and was issued first in the Letters Patent of the Mascarenes of 1723, then in the *Code Noir* of Louisiana of 1724, and finally in a royal decree for the Caribbean and Guyana. All three documents consistently prevented free black people from receiving any form of donations from white people. Article LI in the Letters Patent of the Mascarenes and article LII of the *Code Noir* of Louisiana, which dealt with donations and inheritance from white people to black people, matched each other word for word (Figure III). Both versions stated: "we forbid . . . manumitted slaves as well as free *nègres* from receiving

[111] "Arrest du Conseil Superieur de la Louisianne [*sic*] du 18 Decembre 1728," ANOM, A 23, fols. 102–103 (quotation, fol. 103); Spear, *Race, Sex, and Social Order*, 32; White, *Wild Frenchmen*, 132; Kleber, "Gendered Societies," 334–35.

[112] Jacques de La Chaise to Company of the Indies, Feb. 15, 1729, in Charles Gayarré, *Histoire de la Louisiane* (New Orleans, 1846), 1: 239, quoted (in translation) in Spear, *Race, Sex, and Social Order*, 32.

[113] [Succession of Charles Egron], Mar. 18, May 7–8, 1745, Records of the Superior Council, Louisiana State Museum, and petition of Thomas Desercy, July 22, 1746, ibid., quoted (in translation) in Spear, *Race, Sex, and Social Order*, 32.

[114] In practice, most Native American wives in the Illinois country were not affected by this legislation. See White, *Wild Frenchmen*, 133–34.

"Lettres-Patentes: En forme d'édit, concernant les esclaves nègres des îles de France et de Bourbon," December 1723, in *Code des Îles de France et de Bourbon*, ed. M. Delaleu, 2d ed. (Port-Louis, Mauritius, 1826), 251. Available through Gallica, https://gallica.bnf.fr.	"Edit du roi Touchant l'Etat & la Discipline des Esclaves Négres de la Loüisiane . . . Mars 1724," in *Recueil d'Edits, Declarations et Arrests de sa Majeste, Concernant l'Administration de la Justice & la Police des Colonies Françaises de l'Amérique, & les Engagés*, vol. 2 (Paris, 1744[–45]), 154. Available through Gallica, https://gallica.bnf.fr.
LI. **Déclarons les affranchissemens faits dans les formes ci-devant prescrites, tenir lieu de naissance dans** nosdites îles**, et les affranchis n'avoir besoin de nos lettres de naturalité pour jouir des avantages de nos sujets naturels dans notre royaume, terres et pays de notre obéissance, encore qu'ils soient nés dans les pays étrangers; déclarons cependant lesdits affranchis, ensemble les nègres libres, incapables de recevoir des blancs aucune donation entre-vifs à cause de mort, ou autrement; voulons qu'en cas qu'il leur en soit fait aucune, elle demeure nulle à leur égard, et soit appliquée au profit de l'hôpital le plus prochain.**	LII. **Déclarons les affranchissemens faits dans les formes ci-devant prescrites, tenir lieu de naissance dans** notredite Province de la Louisiane**, & les affranchis n'avoir besoin de nos Lettres de naturalité, pour jouir des avantages de nos Sujets naturels dans notre Royaume, Terres & Pays de notre obéissance, encore qu'ils soient nés dans les pays étrangers; Déclarons cependant lesdits affranchis, ensemble les Nègres libres, incapables de recevoir des Blancs aucune donation entre-vifs, à cause de mort, ou autrement. Voulons qu'en cas qu'il leur en soit fait aucune, elle demeure nulle à leur égard, & soit appliquée au profit de l'Hôpital le plus prochain.**

FIGURE III

Comparing article LI of the Letters Patent of the Mascarenes to article LII of the *Code Noir* of Louisiana. The bold text in this comparison highlights word-for-word repetitions. I have chosen to also represent spelling variations (such as "et" versus the ampersand) in bold because spelling could vary depending on the transcriber.

any donation from white people, neither *inter vivos*, nor after death or for any other reason."[115]

Here too, being aware of the connection between the *Code Noir* of Louisiana of 1724 and the Letters Patent of Mascarenes of 1723 is indispensable to a full understanding of why and how article LII of the *Code Noir* of Louisiana came to exist. It makes sense that the first rule restricting the inheritance rights of free black people was formulated for Isle Bourbon. By the 1720s, the island was home to a remarkably large group of free people of non-European ancestry born to mixed marriages; and many of these free people of Malagasy and South Asian ancestry had accumulated wealth through inheritance and labor.[116] On the eve of the expansion of plantation slavery,

[115] "Lettres Patentes," ADR, C° 940; "Édit du roi, ou Code noir," ANOM, A 23, fol. 56.

[116] Many examples can be found in Antoine Desforges-Boucher, "Memoire Dobservation Sur Celuy de L'isle de Bourbon, adressé a Monsieur De foucherolle,"

these mixed Isle Bourbon creoles were quite successful professionally and financially, often working as craftsmen, cultivators, and planters. For example, in Saint-Paul, Anne Launay and her white husband, Jacques, owned hundreds of farm animals, nine sugar plantations and food crop fields, and fourteen slaves (rising to twenty-one in 1714) at a time when the average number of slaves per household was less than four.[117] Meanwhile, another woman named Luce Payet received an inheritance from her first husband as well as from her Malagasy mother and French father, who had been prosperous slave owners, with a profitable tobacco plantation, a food crop field, and a hundred farm animals.[118] Free people of Malagasy ancestry did very well in terms of wealth distribution on early eighteenth-century Isle Bourbon.[119] By 1704, there was already an average of nine slaves per white-Malagasy household. Each of the two largest slave-owning households on the island was run by a couple composed of a white man and a woman of Malagasy ancestry—one of these two couples owned eighteen slaves, and the other twenty-three. In comparison, that same year, white couples also owned an average of nine slaves each, and the most prominent white slave owners owned only fourteen.[120] By the 1720s, many of the members of the remarkably large free population with origins in Madagascar and India had become comfortable coffee planters.[121]

There is little doubt that in their decision to prevent black people from inheriting from white people in the Louisiana *Code Noir*, metropolitan authorities responded to concerns on Isle Bourbon, since there were very few free black people in the Mississippi Valley in the 1720s. Although some enjoyed a more informal and unofficial form of freedom as "*libres de fait*" (de facto free slaves) there are only 146 extant petitions for slave manumissions in the Louisiana archives for the entire French period, and only fifty-five slaves were clearly manumitted.[122] Although there is evidence that some did receive inheritance or donations from their white relatives, lovers, or friends, few were doing very well financially.[123] Moreover, it appears that no policy targeting the

ANOM, C3 3; Antoine Boucher, *Mémoire pour servir a la connoissance particulière de chacun des habitans de l'Isle de Bourbon: L'Ile Bourbon et Antoine Boucher (1679–1725) au debut du XVIIIè siècle*, ed. Jean Barassin (Aix-en-Provence, 1978).

[117] "1704 et avril 1705. Resencement General de tous les Habitans chefs de familles," ANOM, G1 477, fols. 19–19v; "Recensement General du Nombre des habitans, qui sont sur L'isle de Bourbon . . . en l'année mil sept Cens huit," ANOM, G1 477, n.p.; "Isle de Bourbon Recensement du quartier de St Paul jusque au mois de Mars 1714," ANOM, G1 477.

[118] "Recensement General du Nombre des habitans . . . en l'année mil sept Cens huit," ANOM, G1 477; "Recensement de L'isle de Bourbon . . . Mars 1709," ANOM, G1 477; "Recensement General a L'isle de Bourbon 1733et 1734," ADR, C° 769, fols. 152–153v.

[119] The number of slaves per household is a reasonable proxy for overall wealth, which is why tax rates in the French colonies were based on this metric.

[120] "1704 et avril 1705, Resencement General," ANOM, G1 477.

[121] See Lamotte, *Empire Unseen*, chap. 6.

[122] For more data, see Spear, *Race, Sex, and Social Order*, 85, 95–96.

[123] Some became domestic servants, craftspeople, and landowners, but few of them owned slaves. See Lamotte, "Colour Prejudice in the Early Modern French Empire,"

rights of free black people to receive inheritance and donations from white people was promulgated in the Caribbean before the crown issued the Letters Patent of the Mascarenes in 1723. The most recent regulation addressing the question of such donations in the Caribbean was in the *Code Noir* of the Caribbean of 1685, which in fact allowed slaves to be made "universal heirs by their masters" and in this way to acquire their freedom.[124]

This 1685 Caribbean inheritance policy changed three years after the issuance of the Letters Patent of the Mascarenes, as a result of the royal declaration issued for the Caribbean and Guyana in 1726. This declaration stated that "in conformity with article LII of our edict of March 1724, all manumitted slaves as well as free *nègres* will be forbidden from receiving any donations from whites in the future, neither *inter vivos*, nor after death or for any other reason."[125] Here again a legal document explicitly referred to the *Code Noir* of Louisiana, which itself was either a copy of or formulated together with the Letters Patent of the Mascarenes of 1723, to standardize legislation. French authorities had some reason to be concerned about the right of inheritance of free black people in the Caribbean. In Saint Domingue, by 1713, people of color amounted to 17 percent of the free population (1,189 people).[126] However, nothing of the scale of what was happening on Isle Bourbon occurred in the Caribbean before the 1720s. Although a few free black people in Saint Domingue became land and slave owners, a majority cultivated food crops and coffee on small estates (with or without slaves) in the mountains, where the land was less fertile than on the sugar plains.[127] In fact, the royal decree of the Caribbean and Guyana of 1726 was in large part the result of the crown's standardizing ambition, and thus of socioeconomic developments that were taking place on Isle Bourbon.

A PAN-IMPERIAL AND TRANSOCEANIC approach to the French colonies is necessary to fully grasp the origins of the emergence of racial policies in the early eighteenth-century French Empire. Because of standardization and the

306–9. For examples of free people of color who received donations from whites in Louisiana, see "Nuncupative Will of Pierre Boyer," Feb. 23, 1745, in Heloise H. Cruzat, ed., "Records of the Superior Council of Louisiana XLVIII," *Louisiana Historical Quarterly* 13, no. 4 (October 1930): 660–82, esp. 677; "Will No. 3: Nuncupative Will of Vignon, So-called La Combe," Aug. 16, 1747, in Henry P. Dart, ed., "Cabildo Archives: French Period, VIII," *Louisiana Historical Quarterly* 3, no. 4 (October 1920): 564–69, esp. 567–69; Spear, *Race, Sex, and Social Order*, 86; "Entre La Nommée Isabelle Negresse Libre demande En Requete," in Executive Session of the Superior Council, Dec. 2, 1752, Judicial Records of the French Superior Council, Louisiana Historical Center, Louisiana Colonial Documents Digitization Project, #1752-12-02-02, https://lacolonialdocs.org/document/8644.

[124] See "Code Noir," article LVI, in *Recueil d'Edits, Declarations et Arrests*, 2: 99.

[125] Quoted from "Déclaration du Roi," ANOM, F3 236, pp. 676–77. See also "Déclaration du roi," ANOM, A 25, fol. 59.

[126] Régent, *La France et ses esclaves*, 237.

[127] John D. Garrigus, *Before Haiti: Race and Citizenship in French Saint-Domingue* (New York, 2006), pp. 17–18, chaps. 2, 6; Régent, *La France et ses esclaves*, 207–8.

circulation of French officials and state papers that allowed metropolitan officials to have a global outlook on the empire's legal and socioeconomic landscape before formulating their policies, the Indian Ocean played an until-now-neglected role in shaping racial policies in the Atlantic. The *Code Noir* of Louisiana of 1724 was the product of this standardizing impulse and global outlook. Since it was a copy of the Letters Patent of the Mascarenes of 1723 (or was formulated together with them), it also reflected concerns that had emerged on Isle Bourbon, although scholars have until now attributed its content solely to Caribbean developments. One of the architects of the *Code Noir* of Louisiana and the Letters Patent of the Mascarenes was most likely Secretary of the Marine Jean-Frédéric Phélypeaux, comte de Maurepas, who found inspiration among his mentors and in colonial documents that had been gathered in metropolitan France.

Indian Ocean developments influenced Atlantic racial policies, and reciprocally Atlantic developments shaped different racial regulations issued for the French Indian Ocean colonies. This is illustrated by the series of bans threatening free black people with enslavement as a punishment for crimes. Additionally, in the 1720s, a set of North American policies intended to prevent intermarriage between Frenchmen and local women was extended to Isle Bourbon and French India by members of the metropolitan assembly of the Company of the Indies because one of their members had spent time in Louisiana, and they, too, were committed to standardization because of their connections with the crown.

These racial policies were merely a fragment of what is likely a much broader story. Many other coherent bodies of policies targeting economic, social, and cultural developments were certainly applied in tandem across the French Atlantic and Indian Ocean colonies. The Company of the Indies' simultaneous efforts to expand plantation slavery across these two oceans in the 1720s is one example of this. The study of policymaking thus offers an opportunity for scholars of the early French colonies to expand their search radius beyond their region of analysis. This article will hopefully pave the way for such studies.