
A Mediterranean View on Slavery and French Empire

Chapter 7: Colonies, Companies, Slaves: French *Dominium* in the World, 1627–1804

Gillian Weiss* 

1 Introduction

In the year Gabriel Bonnot de Mably published the second edition of *Le droit public de l'Europe*, King Louis XV's naval minister dissolved the royal galleys. These two events might seem completely unrelated. In fact, they remind us that the legal tradition of French free soil – holding that 'there are no slaves in France' – had long faced challenges from multiple directions. That's because in 1748, as the young *philosophe* floated the notion of extending Black chattel slavery from France's Caribbean colonies to its metropole, the kingdom's last enslaved Turks (*esclaves turcs* or, simply, *Turcs*) lost their principal *raison d'être*.¹

Two generations earlier, upwards of 2000 rowers with origins in lands of Islam helped power – as well as build and decorate – a fleet of 40 oared vessels based in Marseille. These enslaved men had been purchased by royal agents at various Mediterranean markets and along Ottoman-Habsburg battlefronts and transported in the holds of merchant vessels commandeered by the French crown. While enslaved Turks gave the lie to France's 'Freedom Principle' during the reign of Louis XIV (r. 1660–1715), they also played generative roles in several realms, including artistic representation, naval warfare, diplomatic negotiation, colonial expansion – and legal imagination.²

The last instalment in his tripartite exposition on law and global power from the perspective of France, chapter 7 of Martti Koskeniemi's *To the Uttermost Parts of the Earth*, surveys some of the ideas accessed by a cadre of elite Frenchmen between the Old Regime and the Napoleonic era as they stumbled towards legal groundwork and tried to find legal justification for an overseas empire dependent on enslaved

* Professor of History, Case Western Reserve University, Cleveland, OH, United States. Email: glw@case.edu.

¹ G. Bonnot de Mably, *Le droit public de l'Europe fondée sur les traités* (2nd ed., 1748), at 2, 279–280; S. Peabody, 'There Are No Slaves in France': *The Political Culture of Race and Slavery in the Ancien Régime* (1996); Weiss, 'Infidels at the Oar: A Mediterranean Exception to France's Free Soil Principle', 32 *Slavery & Abolition* (2011) 3.

² On the representation of enslaved Turks, see M. Martin and G. Weiss, *The Sun King at Sea: Maritime Art and Galley Slavery in Louis XIV's France* (forthcoming 2022).

West African labour. From a selective summary of Enlightenment texts that grappled with the problem of human bondage; a narration of late 16th- to early 17th-century experiments with proprietary colonization in the Americas; and accounts of ill-fated, crown-sponsored trading companies taking up projects of settlement and enslavement under Colbert and his successors, the chapter follows a roughly circular chronology before speeding towards the Haitian Revolution and, in an epilogue, independent Haiti's assumption of punishing indemnity debts to end its exclusion from the international community.

Erudite, yet somewhat overwhelming, and for a historian perplexing in its reluctance to venture causal analysis, the chapter is also notable for taking an almost exclusively Atlantic view on slavery and 'French *Dominium* in the World 1627–1804'. By leaving the Mediterranean and the Muslim world off the carousel of available material for making legal arguments and 'historical baggage that limits what it is possible to imagine',³ the chapter discounts the ways political, military, cultural and diplomatic encounters with the Ottoman Empire and Morocco – in part via mutual enslavement – were a source for legally conceptualizing and figuring out how to control France's empire, which by the mid-19th century incorporated swaths of these same territories.

Other scholars will be better positioned to trace direct and indirect influences of North African, Ottoman and Muslim legal imaginaries on French ones, complicating Koskenniemi's general account of Europeans adapting domestic idioms to novel circumstances away from home. My observations concern the impossibility of disentangling the Mediterranean and the Atlantic: two maritime spaces that for early modern France were materially and conceptually intertwined. In the first section, I point to a few places in the chapter where the Mediterranean is, in fact, already present but overlooked as a context for thinking about slavery in France's American colonies. In the second, using Koskenniemi's own examples, I show how the Mediterranean served as both training ground and inspiration for trans-Atlantic colonizers and colonial officials. In the third, which ends with a question about periodization, I propose some ways the interception of Mediterranean and Atlantic slaveries – and their abolition – were marshalled in defence of France's empire during the late 18th and early 19th centuries.

2 Thinking about Atlantic Slavery via the Mediterranean

Few French thinkers of the late 17th and 18th centuries Koskenniemi writes, expressed strong scruples about Atlantic slavery.⁴ The Sorbonne's 1698 counsel of conscience was unusual in explicitly asking under what conditions it was permissible to enslave Black Africans. To answer the question, Parisian theologians considered just-war doctrine, and proposed that since many of the captives sold to European traffickers

³ M. Koskenniemi, *To the Uttermost Parts of the Earth: Legal Imagination and International Power, 1300–1870* (2021), at 4.

⁴ *Ibid.*, ch. 7.

had lost their liberty through some combination of trickery and ignorance, 'the title of their servitude is then unjust'. However, another context for judging the morality of buying 'Negroes' without converting them lay closer to home: in the fact that '[o]ur Most Christian King has no qualms about buying Turkish slaves, even though very few embrace Christianity'.⁵

As actual oarsmen who participated in highly publicized battles against North African targets and symbols of Islamic subjugation – appearing on ship sculpture, weapons, medals, paintings and prints during the reign of Louis XIV – *Turcs* involuntarily assisted the Sun King on his quest for Mediterranean mastery. Their visible maritime labour promoted the monarch's crusading image and countered pan-European criticism about France's 'impious' alliance with the Ottoman Empire. Especially during the last third of the 17th century, enslaved Turks forced to work on land and sea became objects of Catholic evangelization and tools in the persecution of Protestants. At the same time, they remained counterparts to French and other Christian victims of state-sponsored corsairs (privateers) operating out of the kingdom of Morocco and the Ottoman provinces of Algiers, Tunis and Tripoli.⁶

Tarred in numerous religious and legal texts, including the Abbé Mably's, as 'Barbaresques' and 'pirate states' precluded from the law of nations, each of these polities in fact maintained bilateral treaties with France.⁷ From the early 17th century, such formal agreements did more than testify to commensurate diplomatic norms and French recognition of the sovereignty of North African states. With clauses promising the reciprocal liberation of slaves (*esclaves*), the accords also acknowledged common participation in a Mediterranean system of bondage. In practice, French galley officials manoeuvred to retain able-bodied Muslims, while North African public and private owners sought to hold onto high-value Christians, employing them in a range of occupations while awaiting the payment of ransoms.

This balance of power started to tip once France developed the naval technology and the political wherewithal to demand freedom for every French subject in North Africa and to insist on the incompatibility of French belonging and so-called 'Barbary captivity'. With the final demise of the galleys of France in 1748, Mediterranean enslavement would come to appear ever more one-sided. From a mutually accepted practice regulated by diplomacy, it was beginning to seem – in the judgment of some observers – like an intractable problem, a sign of lawlessness that might require a co-ordinated, pan-European military response.

⁵ G. Fromageau, 'ESCLAVES', in *Le Dictionnaire des cas de conscience décidés suivant les principes de la morale, les usages de la discipline ecclésiastique, l'autorité des conciles et des canonistes et la jurisprudence du royaume*, 2 vols G. Fromageau and A.-A. de Bussy de Lamet (eds) (1733), 1 at 1443–1444.

⁶ G. Weiss, *Captives and Corsairs: France and Slavery in the Early Modern Mediterranean* (2011).

⁷ Mably, *supra* note 1, vol. 1, at 328–333; E. Rouard de Card, *Traité de la France avec les pays de l'Afrique du Nord: Algérie, Tunisie, Tripolitaine, Maroc* (1906); Calafat, 'Ottoman North Africa and *Ius Publicum Europaeum*: The Case of the Treaties of Peace and Trade (1600–1750)', in A. Alimento (ed.), *War, Trade and Neutrality: Europe and the Mediterranean in the Seventeenth and Eighteenth Centuries* (2011) 171.

By the time Voltaire issued his famous condemnation of plantation slavery in *Candide* via a mutilated sugar worker from Surinam, the number of enslaved Africans in France's American colonies had increased exponentially. But writing in 1759, he put racialized Atlantic bondage and an overlapping religiously inflected Mediterranean version within the same analytic frame, having already related the tale of a princess seized on Italian waters, stripped and sexually violated by an 'abominable negro' corsair captain and landed in Morocco. In Voltaire's telling, the body cavity search she endured at the hands of Muslim captors was no different from the one Catholic Knights of Malta inflicted on Turks of either sex – in accordance with, he wrote mockingly, a 'law of nations that is never derogated'.⁸ Jean-Jacques Rousseau, by contrast, levelled his most incisive critique of real-world slavery in a 1760s sequel to his best-selling novel *Emile*, imagining his protagonist intercepted by pirates during a voyage between Marseille and Naples and then carried off to Algiers. 'Negroes would be only too happy in America', *Emile* declared, 'if the European treated them with the same fairness' as his Muslim master treated him.⁹

Even Denis Diderot, writing anonymously in the fourth edition of the Abbé Raynal's *Histoire des deux Indes* from 1780, framed his denunciation of Atlantic slavery with reference to the Mediterranean. Although Koskenniemi's quotation omits the first part of the passage, it was not just any 'imaginary misfortunes' that elicited sympathetic tears from Europeans hardened to the suffering of enslaved Africans, but the supposed plight of 'neighbors whom the *Barbaresques* weigh down with chains'. Fellow Christians 'obtain our pity and assistance', observed Diderot; 'It is only the fatal destiny of the Negroes that does not concern us'.¹⁰

3 Colonial Experimentation in the Mediterranean and the Atlantic

France's early colonial ventures depended on two chief ministers who worked to orient the kingdom towards the sea. While Koskenniemi focuses on the Atlantic world, both Armand Jean du Plessis, Duc de Richelieu, and Jean-Baptiste Colbert kept one eye on the Mediterranean. During his early service to Louis XIII, Cardinal Richelieu took cues from Isaac de Razilly.¹¹ This admiral and author of a 1626 memorandum advocating French colonization had spent part of his youth trying (and failing) to establish a foothold for France in northern Brazil and his twilight years serving as lieutenant-general

⁸ Compare Voltaire, *Candide* (1759), chs. 11 and 19.

⁹ Collier, 'Rousseau's Turban: Entangled Encounters of Europe and Islam in the Age of Enlightenment', 40 *Historical Reflections/Reflexions Historiques* (2014) 2; Popkin, 'Émile in Chains: A New Perspective on Rousseau, Slavery and Hegel's Phenomenology', in M. Klarer (ed.), *Mediterranean Slavery and World Literature: Captivity Genres from Cervantes to Rousseau* (2020) 294.

¹⁰ Diderot in G.-T. Raynal, *Histoire philosophique et politique des établissements et du commerce des Européens dans les deux Indes* (4th ed. 1780), at 10, bk. 11, ch. 22. On this passage's debt to Pierre-Joseph-André Roubaud, see Thomson, 'Diderot, Roubaud et l'esclavage', 35 *Recherches sur Diderot et sur l'Encyclopédie* (2003) 69.

¹¹ Koskenniemi, *supra* note 3, at 501.

for Acadia. In between these American interludes, however, when he wasn't fighting domestic Protestants, Razilly had applied himself to colonial projects in North Africa, undertaking a reconnaissance mission on Morocco's Atlantic coast and briefly landing settlers at Mogador (Essouria). Like many other naval officers appointed by early modern French kings, Razilly was a Knight of Malta: a member of the crusading Order of Saint John of Jerusalem dedicated to fighting and enslaving Muslims on the Mediterranean Sea and, on behalf of his sovereign, freeing Christians enslaved in 'Barbary'.

Thus framing his proposal in religious as well as commercial terms, Razilly argued for building a fleet of warships and galleys that would enrich the kingdom through global trade while protecting the king's subjects from forced conversion to Islam; establishing overseas colonies and reconciling 'infidels' to the Church, while ensuring that 'all inhabitants of the terrestrial globe render homage to [the] three fleur de lys', emblem of the French crown.¹² Koskenniemi suggests that Richelieu did find some initial success in corralling investment and launching proprietary colonies in Canada and the Caribbean. One question he doesn't seek to address is whether French companies that received royal privileges to trade in particular goods and commissions to settle and rule American territories were inspired by earlier commercial concessions on the coasts of North Africa.¹³

Among his many interventions to establish France as a global superpower under Louis XIV, Colbert pushed for overhauling the navy, taking direct royal control over the colonies and expanding the kingdom's commercial capacities with new joint-stock companies, some devoted to the acquisition of slaves. While, as Koskenniemi notes, the minister offered Atlantic merchants a bounty for each *piece d'Inde* (enslaved African) delivered to the Americas, he offered Mediterranean merchants, diplomats and Knights of Malta various incentives, not all of them monetary, for delivering quotas of *esclaves turcs* to Marseille.¹⁴ Some crossover in practice and personnel is also evident in the 1685 Code Noir, promulgated two years after Colbert's death. Its regulations for the treatment of enslaved Africans in France's American colonies – branding runaways with the fleur-de-lis, for example – find echoes in rules governing convicts and enslaved Turks on France's galleys.

In fact, one of the slave code's progenitors, Michel Bégon, spent years in naval administration on both French coasts before taking up a post as royal intendant to Martinique and Saint Domingue. Then he returned to France and the Mediterranean to oversee the galleys in Marseille and ended his career supervising the construction of a new royal arsenal at the Atlantic port of Rochefort. It was on his watch that 50 Iroquois captives shipped from New France were incorporated into the royal rowing

¹² I. de Razilly, 'Mémoire du chevalier de Razilly', in L. Deschamps (ed.), *Un colonisateur du temps de Richelieu, Isaac de Razilly* (1887) 15, at 16. See also O. Zhiri, 'Les corps, les âmes et le droit Isaac de Razilly et les captifs français du Maroc au XVIIe siècle', in C. Jacquard (ed.), *Les nouveaux mondes juridiques du moyen âge au XVIIe siècle* (2015) 227.

¹³ Koskenniemi, *supra* note 3; P. Masson, *Les compagnies du corail: Étude historique sur le commerce de Marseille au XVIe siècle et les origines de la colonisation française en Algérie-Tunisie* (1908).

¹⁴ Martin and Weiss, *supra* note 2.

force, during a decade that also saw French officials experiment with putting ‘Nègres de Guinée’ at the oar and dispatching old and worn-out *esclaves turcs* to labour on public works projects in the Caribbean.¹⁵

4 Rationalizing Colonialization

Revolution brought the legal integration of France’s colonies and metropole and, temporarily, the abolition of chattel slavery in most of its Atlantic possessions. It also provided a new impetus for imagining colonies without slaves and, in the decades afterwards, new occasions for couching territorial conquest in a rhetoric of liberation. During the Revolutionary Wars, French troops marched on its European neighbours, and under the guise of freeing states from political oppression, turned them into ‘sister republics’ dominated by France.¹⁶ In the late 1790s, with royal exploitation of enslaved Turks during the Old Regime a distant memory, one way the new French nation put its imperial claims on display was by manumitting hundreds of Ottoman and Moroccan galley slaves. It did so in Genoa and the Ionian Islands, and it did so at the outset of the Egyptian campaign, immediately after ousting the Knights of Saint John from Malta.¹⁷

For Napoleon Bonaparte, piratical Algiers was both a metaphorical threat to French Atlantic empire and a possible Mediterranean site for compensatory colonization. ‘The interest of civilization is to destroy the new Algiers’ – meaning Saint Domingue – ‘being organized in the middle of America’, the first consul told his foreign minister just months before issuing a decree reinstating slavery and racial hierarchies in France’s colonies. At the same time, the original Algiers remained a Muslim polity whose corsairs disrupted international trade and, failing to recognize French sovereignty over annexed lands in Europe, persisted in enslaving newly-French citizens. In the wake of Haitian independence in 1804 and the surrender of France’s most lucrative colony, Napoleon I, Emperor of the French, heard calls to assume the mantle of the Knights of Malta and ‘make the *Barbaresques* tremble’, or simply to invade Algiers.¹⁸

By taking over Algiers, having relinquished Saint Domingue, France would be giving up on Black slavery as the foundation of its empire’s prosperity, some proponents suggested, and finding wealth and power through a triple emancipation instead: liberating Europeans from North African servitude, freeing the region’s indigenous peoples from Ottoman tyranny and saving its very soil from environmental abuse. In the broadest strokes, these rationales for intervening in Algiers, or at least launching some sort of secular crusade against what was coming to be known as ‘white slavery’, resonated across Europe, even if the Great Powers disagreed on how and when to go about it, and whether it was worth sacrificing money and blood.

¹⁵ See B. Rushforth, *Bonds of Alliance: Indigenous and Atlantic Slaveries in New France* (2012).

¹⁶ E. J. Kolla, *Sovereignty, International Law, and the French Revolution* (2017).

¹⁷ Weiss, *supra* note 7.

¹⁸ Quoted in *ibid.*, at 127, 130.

In legal terms, justifying such a confrontation – whether collective or individual – depended on eliding the status of North African pirates and slavers: deeming them at once *hostis humani generis*; lawful agents of the Ottoman Empire; and infidel occupiers of lands that belonged rightfully to Christendom. That the French ultimately went it alone may have resulted from political happenstance rather than long-awaited imperial fulfilment, however the Algerian invasion was promoted or retroactively interpreted. The emergence of a legal framework that rationalized overseas conquest as liberation is part of the story Koskenniemi tells in *The Gentle Civilizer of Nations*.

Leaving aside the epilogue, which takes up Haiti's status as a 'legal anomaly', cut off from the rest of the world until it agreed to pay reparations to dispossessed enslavers, this chapter's account of French imperial development leaves off in 1804. In its closing pages, Koskenniemi provides a declension narrative, tracing the contraction of France's Atlantic empire from the loss of New France to Britain and the loss of Saint Domingue to independence. Including the Mediterranean and the Muslim world within his purview would likely not have changed his judgment about the improvised nature of French colonialism. However, ending in 1830 with French troops poised to descend on Algiers would have required accounting for a different, more triumphant imperial trajectory.

