

The "Code Noir" (1685)

Source: Le Code Noir ou recueil des reglements rendus jusqu'a present (Paris: Prault, 1767) [1980 reprd. by the Societé, d'Histoire de la Guadeloupe].
Translated by John Garrigus

The Black Code
Edict of the King
Concerning the enforcement of order in the French American islands
from the month of March 1685

Registered at the Sovereign Council of Saint-Domingue, May 6, 1687

Louis, by the grace of God, King of France and Navarre, to all present and to come, greetings. Since we owe equally our attention to all the peoples that Divine Providence has put under our obedience, We have had examined in our presence the memoranda that have been sent to us by our officers in our american islands, by whom having been informed that they need our authority and our justice to maintain the discipline of the Catholic, Apostolic, and Roman church there and to regulate the status and condition of the slaves in our said islands, and desiring to provide for this and to have them know that although they live in regions infinitely removed from our normal residence, we are always present to them, not only by the range of our power, but also by the promptness of our attempts to assist them in their needs. For these reasons, by the advice of our Council, and by our certain knowledge, full power, and royal authority, We have said, ruled, and ordered, we say, rule, and order, wish, and are pleased by that which follows.

First Article We wish and intend that the edict by the late King of glorious memory our very honored lord and father of 23 April 1615 be enforced in our islands, by this we charge all our officers to evict from our Islands all the Jews who have established their residence there, to whom, as to the declared enemies of the Christian name, we order to have left within three months from the day of the publication of these present [edicts], or face confiscation of body and property.

II. All the slaves who will be in our Islands will be baptized and instructed in the Catholic, Apostolic, and Roman religion. We charge the planters who will buy newly arrived negres to inform the Governor and Intendant of the said islands within a week at the latest or face a descretionary fine, these [officials] will give the necessary orders to have them instructed and baptized within an appropriate time.

III. We forbid any public exercise of any religion other than the Catholic, Apostolic, and Roman; we wish that the offenders be punished as rebels and disobedient to our orders. We prohibit all congregations for this end, which we declare "conventicules," illicit and seditious, subject to the same penalty which will be levied even against masters who allow or tolerate them among their slaves.

IV. No overseers will be given charge of negres who do not profess the Catholic, Apostolic, and Roman religion, on pain of confiscation of the said negres from the masters who had given this charge to them and of discretionary punishment of the overseers who accepted the said charge.

V. We forbid our subjects of the so-called reformed religion to disturb or prevent our other subjects, even their slaves, from the free exercise of the Catholic, Apostolic, and Roman religion, on pain of exemplary punishment.

VI. We charge all our subjects, whatever their status and condition, to observe Sundays and holidays that are kept by our subjects of the Catholic, Apostolic, and Roman religion. We forbid them to work or to make their slaves work on these days from the hour of midnight until the other midnight, either in agriculture, the manufacture of sugar or all other works, on pain of fine and discretionary punishment of the masters and confiscation of the sugar, and of the said slaves who will be caught by our officers in their work.

VII. Equally we forbid the holding of negre markets and all other markets the said days on similar pains, including confiscation of the merchandise that will be found then at the market and descretionary fine against the merchants.

VIII. We declare our subjects who are not of the Catholic, Apostolic, and Roman religion incapable in the future of contracting a valid marriage. We declare bastards the children born of such unions which we desire to be held and considered, we hold and we consider to be truly concubinage.

IX. The free men who will have one or several children from their concubinage with their slaves, together with the masters who permitted this, will each be condemned to a fine of two thousand pounds of sugar; and if they are the masters of the slave by whom they have had the said children, we wish that beyond the fine, they be deprived of the slave and the children, and that she and they be confiscated for the profit of the [royal] hospital, without ever being manumitted. Nevertheless we do not intend for the present article to be enforced if the man who was not married to an other person during his concubinage with his slave would marry in the church the said slave who by this means will be manumitted and the children rendered free and legitimate.

X. The said solemnities prescribed by the Ordonnance of Blois, Articles XL, XLI, XLII, and by the declaration of November 1629 for marriages will be observed both for free persons and for slaves, nevertheless without the consent of the father and the mother of the slave being necessary, but that of the master alone.

XI. We forbid priests to officiate at the marriages of slaves unless they can show the consent of their masters. We also forbid masters to use any means to constrain their slaves to marry [them?] against their will.

XII. The children who will be born of marriage between slaves will be slaves and will belong to the master of the women slaves, and not to those of their husband, if the husband and the wife have different masters.

XIII. We wish that if a slave husband has married a free woman, the children, both male and girls, will follow the condition of their mother and be free like her, in spite of the servitude of their father; and that if the father is free and the mother enslaved, the children will be slaves the same.

XIV. Masters are held to put into Holy Ground in cemeteries so designated [as will] their baptized slaves; and those who die without having received baptism will be buried at night in some field near the place where they died.

XV. We forbid slaves to carry any weapon, or large sticks, on pain of whipping and of confiscation of the weapon to the profit of those who seize them; with the sole exception of those who are sent hunting by their master and who carry their ticket or known mark.

XVI. In the same way we forbid slaves belonging to different masters to gather in the day or night whether claiming for wedding or otherwise, whether on their master's property or elsewhere, and still less in the main roads or faraway places, on pain of corporal punishment, which will not be less than the whip and the fleur de lys [branding with the symbol of the kings of France; this was a punishment for deserters and habitual criminals in France] and which in cases of frequent violations and other aggravating circumstances can be punished with death: this we leave to the decision of judges. We charge all our subjects to approach the offenders, to arrest them and take them to prison, even if they are not officers and there is not yet any decree against them.

XVII. Masters who are convicted of having permitted or tolerated such assemblies composed of slaves other than those belonging to them will be condemned in their own and private name to pay for all the damage that will have been done to their neighbors by these said assemblies and a fine of 10 ecus for the first time and double for repeat offenses.

XVIII. We forbid slaves to sell sugar cane for whatever reason or occasion, even with the permission of their master, on pain of whipping for the slaves and 10 livres tournois for their masters who permitted it, and a similar fine against the buyer. [Translator's note: In this period a slave might cost about 1,000 livres and a fine horse, about 400. A day laborer in France might earn 1/2 to 1 livre per day.]

XIX. We forbid them also to expose for sale, at the market or to carry to private houses for sale any kind of commodity, even fruits, vegetables, firewood, herbs for their food and animals of their manufacture without express permission of their masters by a ticket or by known marks, on pain of confiscation of the things thus sold, without restitution of the price by their masters, and of a fine of six livres tournois to their profit for the buyers.

XX. We wish, to this end, that two persons be charged by our officers in each market to examine the commodities and merchandises that will be carried by the slaves, together with the tickets and marks of their masters.

XXI. We permit to all our subjects living in our islands to take all the things slaves are carrying when these slaves are without tickets from their masters, or known marks, to be returned instantly to their masters, if the plantations are neighboring the place where the slaves are surprised in this crime, if not they will be instantly sent to the [royal] hospital to be held there until the masters have been notified.

XXII. Each week masters will have to furnish to their slaves ten years old and older for their nourishment two and a half jars in the measure of the land, of cassava flour or three cassavas weighing at least two-and-a-half pounds each or equivalent things, with two pounds of salted beef or three pounds of fish or other things in proportion, and to children after they are weaned to the age of 10 years half of the above supplies.

XXIII. We forbid them to give to the slaves cane brandy in place of the subsistence mentioned in the previous article.

XXIV. We similarly forbid them to unburden themselves of the food and subsistence of their slaves by permitting them to work a certain day of the week for own ends.

XXV. Each year masters will have to furnish each slave with two outfits of canvas or 4 aulnes [about one square yard or meter] of canvas, at the master's discretion.

XXVI. The slaves who are not fed, clothed and supported by the masters according to what we have ordered by these articles will notify our attorney of this and give him their statements, based on which and even as a matter of course, if the information comes to him from elsewhere, the masters will be prosecuted by him and without cost, which we want to be observed for the cries [crieries] and barbarous and inhumane treatments of masters towards their slaves.

XXX. Slaves will not be allowed to be given offices or commissions with any public function, nor to be named agents by any other than their masters to act or administer any trade or judgement in loss or witnesses, either in civil or criminal matters; and in cases where they will be heard as witnesses, their dispositions will only serve as memorandum to aid the judges in the investigation, without being the source of any presumption, conjecture or proof.

XXXI. Nor can slaves be party, either in judgement nor in civil suits, either as plaintiff or defendant, neither in civil or criminal suites ...

XXXIII. The slave who will have struck his master or the wife of his master, his mistress or their children to bring blood, or in the face, will be punished with death.

...

LV. Masters twenty years old will be able to manumit their slaves by all [legal] deeds or by cause of death, without being required to provide the reason for this manumission, neither will they need the permission of parents, provided that they are minors twenty-five years of age.

LVI. Children made universal beneficiaries by their masters, or named executors of their testaments or tutors of their children, will be held and regarded as manumitted.

LVII. We declare their manumissions enacted in our islands to serve in place of birth in our islands and manumitted slaves will not need our letters of naturalization in order to enjoy the advantages of our natural subjects in our kingdom, lands and countries under our obedience, although they be born in foreign lands.

LVIII. We command manumitted slaves to retain a particular respect for their former masters, their widows and their children; such that the insult that they will have done be punished more severely than if it had been done to another person: we declare them however free and absolved of any other burdens, services and rights that their former masters would like to claim, as much on their persons as on their possessions and estates as patrons.

LIX. We grant to manumitted slaves the same rights, privileges and liberties enjoyed by persons born free; desiring that they merit this acquired liberty and that it produce in them, both for their persons and for their property, the same effects that the good fortune of natural liberty causes in our other subjects.

...

This we give and command to our loved and loyal supporters the persons holding our sovereign council established in Martinique, GadeLoupe [sic], Saint Christophe, that they read, publish and register [signed Louis, Colbert, LeTellier]

<http://www.vancouver.wsu.edu/fac/peabody/codenoir.htm>

<http://www.admi.net/jo/20050224/DEFX0300218L.html>

Article 4

Les programmes de recherche universitaire accordent à l'histoire de la présence française outre-mer, notamment en Afrique du Nord, la place qu'elle mérite. Les programmes scolaires reconnaissent en particulier le rôle positif de la présence française outre-mer, notamment en Afrique du Nord, et accordent à l'histoire et aux sacrifices des combattants de l'armée française issus de ces territoires la place éminente à laquelle ils ont droit. La coopération permettant la mise en relation des sources orales et écrites disponibles en France et à l'étranger est encouragée.

LAICISME

[1789 Declaration of the Rights of Man](#)

The French concept of secularism, or *laïcité*, was born out of the Revolution of 1789. The 1789 Declaration of the Rights of Man states in Article 10 that "No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not interfere with the established Law and Order." Prior to the Revolution, Roman Catholicism was the state religion of France. With the Concordat of 1801, Napoleon reestablished the Church in France, officially recognizing Roman Catholicism as the majority religion of the French people. Napoleon also officially recognized Judaism and the Lutheran and Reformed churches. These groups received official state recognition and support until 1905.

[December 9, 1905 Law Concerning the Separation of Churches and the State](#)

On December 9, 1905, the French government passed a law on the separation of churches and the state. The 1905 law prohibits the state from officially recognizing, funding or endorsing religious groups.

[Vehementer Nos, Encyclical of Pope Pius X on the 1905 French Law of Separation](#)

On February 11, 1906, Pope Pius X delivered the *Vehementer Nos* encyclical denouncing the 1905 French law of separation.

[Preamble to the October 27, 1946 Constitution](#)

France's current constitution, the Constitution of October 4, 1958, makes explicit reference to two texts: the Declaration of the Rights of Man and the Preamble to the October 27, 1946 Constitution. The 1946 Preamble guarantees, among other things, "the provision of free, public and secular education at all levels."

[The Constitution of October 4, 1958](#)

The first article of France's 1958 Constitution sets forth the secular principle: "France shall be an indivisible, secular, democratic and social Republic. It shall insure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs."

[1989 Affaire du Foulard](#) (Analysis by the Conseil d'État in French)

In 1989, the debate over the wearing of religious symbols and attire in French public schools escalated when two Muslim girls were expelled from school for wearing headscarves. The incident became known as the *Affaire du Foulard*, or the "headscarf affair."

[The About-Picard Bill of 2001](#) (Official version in French)

On June 14, 2001, the French government approved a controversial bill aimed at "preventing" and "repressing" cultic movements that undermine human rights and fundamental freedoms. Known as the About-Picard Bill, the law was signed in the wake of public outcry over the 1994 Order of the Solar Temple murder-suicides.

[Unofficial English translation by the Institute on Religion and Public Policy](#)

[French Council of the Muslim Faith \(CFCM\)](#) (Statement by Nicolas Sarkozy at the twentieth annual meeting of the Union of France's Islamic Organizations, April 19, 2003)

The French Council of the Muslim Faith, or *Conseil Français du Culte Musulman* (CFCM), was created in May 2003. The Council was created by Interior Minister Nicolas Sarkozy to give Muslims official representation before the French government.

[The Stasi Commission Report](#) (in French)

Throughout the 1990s the debate concerning the application of *laïcité* continued. In 2003, President Jacques Chirac created the Stasi Commission to consider how the principle of *laïcité* should govern legislation. In its December 2003 report, the Commission recommended barring students from wearing conspicuous religious apparel and symbols in public schools.

[March 15, 2004 Law on Secularity and Conspicuous Religious Behaviors and Symbols in Schools](#) (Official version in French)

On March 15, 2004 the French government adopted a law banning public school students from wearing "conspicuous" religious attire and symbols in school. In practice, this ban applied to Muslim headscarves, Sikh turbans, Jewish skullcaps, and large Christian crosses. The law went into effect in September 2004.

<http://pewforum.org/docs/?DocID=129>

1905 law and debate:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006070169&dateTexte=20090512>

<http://www.assemblee-nationale.fr/histoire/eglise-etat/sommaire.asp>

<http://www.ambafrance-uk.org/Speech-by-M-Jacques-Chirac,4660.html>

Speech by M. Jacques Chirac, President of the Republic, on respecting the principle of secularism in the Republic (excerpts), Paris 17.12.2003

...

We will also do this by keeping alive the principle of secularism, which is a pillar of our Constitution. It expresses our resolve to live together in mutual respect, dialogue and tolerance.

Secularism guarantees freedom of conscience. It protects the freedom to believe or not to believe. It guarantees everyone the possibility of expressing and practising their faith, peacefully and freely, without the threat of the imposition of other convictions or beliefs. It allows men and women from all corners of the globe, from all cultures, to be protected in their beliefs by the Republic and its institutions. Open and generous, the Republic is the place of choice for meetings and exchanges where everyone can give of their best to the national community. It is the neutrality of the public arena which permits the various religions to coexist harmoniously.

Like all freedoms, freedom of expression of religious beliefs can be limited only by the freedom of the Other and observance of the rules of life in society. Religious freedom, which our country respects and protects, cannot be hijacked. It cannot undermine the common rule. It cannot impinge on the freedom of conviction of others. It is this subtle, precious and fragile balance, patiently built up over decades, which respect for the principle of secularism ensures. And this principle is an opportunity for France. This is why it is set down in Article 1 of our Constitution. This is why it is not negotiable!

(...)

However, despite the weight of this republican achievement, and as, *inter alia*, the work of the Commission headed by M. Bernard Stasi has shown, (...) the application of the secular principle in our society is today under debate. Admittedly, it is rarely challenged. Indeed, many identify with it. But its practical implementation is encountering new, growing difficulties in the workplace, in the public services – especially schools and hospitals.

There can be no toleration, under the guise of religious freedom, of people contesting the Republic's laws and principles. Secularity is one of the Republic's great conquests. It is a crucial component of social peace and national cohesion. We cannot allow it to weaken. We must work to consolidate it.

For this, we must concretely ensure the same respect for all the great spiritual families. In this respect, Islam, the religion which has arrived most recently in France, has its full place among the great religions present on our soil. Thanks to the creation of the Conseil français du Culte musulman, relations between the State and the Islam of France can now be organized. Muslims must have in France the possibility of having places of worship allowing them to practise their religion in dignity and tranquillity. Despite the recent progress, we have to recognize that much remains to be done in this sphere. A new milestone will also be reached when French imams can be trained in France, allowing the assertion of the identity of a French-based Islam.

Respect, tolerance, the spirit of dialogue will also be entrenched with the knowledge and understanding of the Other to which each of us must attach the greatest importance. This is why I think it essential to develop the teaching of the concept of religion at school.

We must also, vigilantly and firmly, wage a ruthless battle against xenophobia, racism and particularly against anti-Semitism. Let us not tolerate the trivialization of insults! Let us not play down any gesture, any attitude, any comment! We must not leave anything unpunished! It's a matter of dignity. We must forcefully reaffirm the neutrality and secularism of the public services. That of all public sector employees, serving the whole community and the general interest, who are forbidden to display publicly their own beliefs or opinions. For us, this is a rule of law, since no French citizens must be able to suspect a public official, because of his or her personal beliefs, of either according them special treatment or discriminating against them.

Likewise, on no account must citizens be allowed to challenge a public sector employee on account of their beliefs.

We must also reaffirm secularism at school, because school must be completely protected.

School is first and foremost the place where the values bequeathed to us all are acquired and passed on. The instrument par excellence for entrenching the Republican Idea. The place where tomorrow's citizens are trained in the arts of criticism and dialogue and taught to prize freedom. Where they are given the keys to fulfil their potential and control their destiny. Where everyone broadens their horizons.

School is a republican sanctuary which we must defend to safeguard the equality of the acquisition of values and knowledge, equality between girls and boys, with all lessons, including games, taught to boys and girls together. To protect our children, so that our youngsters are not exposed to divisive ill winds, which drive people apart and set them against one another.

There is no question, of course, of making schools places of uniformity, anonymity with religious affiliation prohibited. The aim is to enable teachers and school heads, today in the front line and confronted with genuine problems, calmly to do their jobs, by laying down a clear rule.

Until recently, in accordance with reasonable and spontaneously observed practices, no one has ever doubted that pupils, naturally free to live their faith, ought not, nevertheless, to come to school in clothes denoting their religious affiliation.

The idea is not to invent new rules or move the boundaries of secularism. It is to set out with respect, but clearly and firmly, a rule we have practised for a very long time.

I have consulted. I have studied the Stasi Commission's report. I have considered the arguments of the National Assembly mission, political parties, religious authorities, and major representatives of the schools of thought.

In all conscience, I consider that the wearing of clothes or signs which conspicuously denote a religious affiliation must be prohibited at school.

Discreet signs, for example a Cross, a Star of David or Hand of Fatima will of course remain allowed. On the other hand, conspicuous signs, i.e. those which stand out and immediately denote religious affiliation, must not be tolerated. These – the Islamic veil, regardless of the name you give it, the Kippa or a Cross of a clearly excessive size, have no place in State schools. State schools will remain secular.

For this an Act is obviously necessary. I wish it to be adopted by Parliament and fully implemented from the beginning of the next school year. Right now, I am asking the government to pursue its dialogue, particularly with the religious authorities, and to embark on a campaign of explanation, mediation and education.

Our objective is to open hearts and minds. It is to make the young people involved understand what is at stake and protect them from influences and passions which, far from liberating them or allowing them to make free choices, constrain or threaten them.

In the application of this Act, dialogue and consultation will systematically have to be sought before any decision is taken.

On the other hand – and the question has been raised – I do not think it necessary to add new national holidays to the school calendar, which already has many. Moreover, that would create severe difficulties for parents who work on those days. Nevertheless, and as is already widespread custom, I want no pupils to have to apologize for absence justified by a major religious festival like Yom Kippur or Aid el Kebir, provided that their schools have been informed beforehand. It also goes without saying that no important tests or examinations must be held on those days. And the Minister of National Education will be giving instructions to this effect to chief education officers.

The elementary rules of living together also need restating. I am thinking of hospitals where there can be no justification for a patient refusing, on principle, treatment by a doctor of the opposite sex. The law must endorse this rule for all patients in public hospitals.

Similarly, the Minister of Labour will have to launch the necessary consultations and, if need be, submit to Parliament measures to allow heads of firms to rule on the wearing of religious signs, for compelling reasons to do with safety – that goes without saying – and dealing with clients.

Generally speaking, I believe it desirable for a "Secularism Code" to bring together all the principles and rules relating to secularism. This code will be distributed inter alia to all civil servants and public employees the day they take up their jobs.

Moreover, the Prime Minister will set up a Secularism Watchdog, attached to his office, tasked with alerting the French and the public authorities to the risks of abuses or infringements of this essential principle.

Finally, our battle for the Republic's values must prompt us to commit ourselves resolutely to promoting the rights of women and their genuine equality with men. (...)

I very solemnly proclaim: the Republic will oppose everything which divides, everything which discourages participation, and everything which excludes! The rule is "everyone together" because this places everyone on an equal footing, because it refuses to distinguish on the grounds of sex, origin, colour or religion.

As far as women's rights are concerned, our society still has a huge amount of progress to make. The new frontier in equality is now gender parity in the workplace. Everyone must realize this and act accordingly. (...)/.

"Myth of the saviour" theory by the Jean Tulard (1977)

Faced with internal or external threats to its interests, the French bourgeoisie has always been able to invent a saviour. Napoleon opened the way for Cavaignac, Louis-Napoleon Bonaparte, Thiers, Petain and de Gaulle. And because the bourgeois's principal virtue is ingratitude and its major defect lack of courage, the separation of the saviour from his inventors has more often than not come about through a national catastrophe. Usually the saviour bears the responsibility for this catastrophe. [...] The saviour appears out of tragic circumstances (a coup, a revolution or a national defeat), he disappears in an apocalyptic atmosphere. Another saviour will take his place and the wheels will start rolling again. In all this can be seen the consequences of the disappearance of the principle of legitimacy on which the old monarchy was based before 1789. [...] The only way in which the Revolution could be brought to a close was through an alliance of the bourgeoisie and the peasantry around one man or one principle. The man was found: Bonaparte. The principle was already known: property. [...] At its deepest level the founding of the Empire signified a dictatorship of public safety in favour of the well-to-do who had profited from the Revolution. For forgetting this and for imagining that he could establish a new dynasty destined to rule Europe, the saviour was condemned to writing his Mémoires. St. Helena heralded Chislehurst, the Ile d'Yeu and Colombey. [...] The first saviour was also the greatest; those that followed were mere parodies.

(Tulard, Jean: *Napoleon. The myth of the saviour*. London 1984)