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From Source to Resource? Trials of Enslavers and Their Uses and Interpretations Today

We left Marie Galante on a boat for Pointe-à-Pitre.

They said we had to testify at the master's trial.

We spent 6 days in the witness room.

They gave us food and drink.

We slept on stone benches.

They came to get us one after the other to talk.¹

Thus begins the prize-winning documentary *Paroles de nègres* (2020) by Sylvaine Dampierre. Quite movingly, she succeeds in bridging the past and the present: Workers at an old sugar factory on the small island of Marie-Galante, off the shores of Guadeloupe in the Caribbean Sea, lend their voices to several enslaved people who in the nineteenth century, testified at the trial of their enslaver, Louis-Joseph Vallentin. In 1842 Vallentin appeared before the Assize Court of Pointe-à-Pitre charged with pre-meditated murder after imprisoning one of his slaves, Sébastien. Vallentin was convinced that Sébastien had deliberately killed his cattle by poison. To "put an end to these wicked deeds"² he confined Sébastien to a so-called *cachot*, a tiny cell only 1.83 m long and 1.17 m wide, providing him with neither food nor medication. After enduring three weeks of torment, Sébastien succumbed to his ordeal. The discovery of his remains in 1842 served as the impetus to launch an investigation against the enslaver and instigated a trial which lasted from January 28 to February 2, 1842.³ Prior to his confinement, Sébastien "proclaimed his innocence vehemently, but he was not heeded."⁴

Sylvaine Dampierre's documentary lends him a voice, so that the silence surrounding his protestations can be lifted. Moreover, it sheds light on an aspect of colo-

¹ Sylvaine Dampierre's documentary *Paroles de nègres* won the International Film Critics' Award at DOK Leipzig in 2021. This quote is the English translation of the French Creole voice-over in the opening scene. Sylvaine Dampierre and Gilda Gonfier collaborated for creating the storyline of the documentary. I would like to thank Sylvaine Dampierre for generously sharing her documentary and the insights she gained throughout the filmmaking process, as well as Gilda Gonfier for her hospitality, the enriching discussions, and our ongoing collaboration. I revised this text while employed through an ERC Consolidator Grant (FEVER 101086081). Views and opinions expressed are mine and do not necessarily reflect those of the EU or the ERC. Neither the EU nor the granting authority can be held responsible for them.

² All translations of the extracts from the *Affaire Vallentin* are mine, unless otherwise noted. For the report see ADG (Archives Départementales de la Guadeloupe) 33k34, *Gazette officielle de la Guadeloupe*.

³ The charge of murder was based on Article 3, section 6 of the Ordinance of December 25, 1783, and articles 293, 296, and 302 of the *Code pénal des colonies* introduced to the colonies in 1828.

⁴ ADG 33K34, *Gazette officielle de la Guadeloupe* 8 (28.01.1842): 1.

nial reality still rarely addressed in the historiography of dependency and slavery studies: Trials in which enslavers faced criminal charges for neglecting, mistreating, or killing enslaved individuals. In a society where even in the final years of slavery the whip was designated as its “soul,”⁵ it seems paradoxical that an enslaver would be brought to court for mistreating those he enslaved. Yet, there was an increase in such trials, especially after the turn of the nineteenth century.⁶ While several historians have thoroughly examined specific trials involving enslavers in the former French colonies,⁷ it is unclear how common such trials were and what exactly motivated these inquiries. They increased in frequency from the 1830s onwards, aligning with a political development during the July Monarchy which sought to improve the condition of the enslaved through legal intervention, rather than calling for immediate abolition.⁸

5 Victor Schoelcher, *Esclavage et colonisation* (Paris: PUF, 1948): 49.

6 There are several provisions imposing specific constraints on the authority of enslavers by delineating various obligations already in the Edict of March (1685), more commonly known as the *Code Noir*. They included responsibility to guarantee an ample supply of food, clothing, and medical treatment. In theory, transgressions could lead to criminal charges against enslavers, and they might face criminal prosecution if held accountable for the death or torture of an enslaved person in their possession. However, convictions based on these articles were rare, as most enslavers who appeared in court were ultimately acquitted. This illustrates that a positive interpretation of the *Code Noir* would be short-sighted. Most articles emphasize significant constraints imposed on the enslaved individuals' agency (Art. 44), allowing, for example, cruel methods of punishment (Art. 36, 38, 42). For an overview of the legal situation in the French colonies and the status of enslaved people see Frédéric Charlin, “La condition juridique de l'esclave sous la monarchie de Juillet,” *Droits* 52 (2010): 45–73, and Caroline Oudin-Bastide, “Sévices contre les esclaves et impunité des maîtres (Guadeloupe et Martinique, XVIIe–XIXe siècles),” in *Caleidoscopios coloniales: Transferencias culturales en el Caribe del siglo XIX. Kaléidoscopes coloniaux: transferts culturels dans les Caraïbes au XXe siècle*, ed. Ottmar Ette and Géline Müller (Madrid/Frankfurt am Main: Iberoamericana/Vervuert, 2010): 193–212, 194.

7 See for example Gilles Delâtre, “Quand on me battait debout, je saignais en pile. Témoignages d'esclaves dans les affaires Vaultier de Moyencourt et Vallentin (1841–1842),” *Études caribéennes* 10 (2023), <https://journals.openedition.org/etudescaribeennes/28269> [accessed 28.10.2023]; Elyssa Gage, “The Madman and the Monster: Individuel and Collective Absolution in Early Nineteenth-Century Guadeloupe,” *Atlantic Studies* 19 (2022): 313–33; Malick W. Ghachem, “Prosecuting Torture: The Strategic Ethics of Slavery in Pre-Revolutionary Saint-Domingue,” *Law and History Review* 29 (2011): 985–1029; Caroline Oudin-Bastide, *Des nègres et des juges: La scandaleuse affaire Spoutourne (1831–1834)* (Paris: Éd. Complexe, 2018); Caroline Oudin-Bastide, *Maitres accusés, esclaves accusateurs: Les procès Gosset et Vivié, Martinique, 1848* (Mont-Saint-Aignan: PUR, 2015), and Ulrike Schmieder, “Les sévices commis par la famille Desgrottes, histoire de maltraitance d'esclaves et de leur résistance à la Martinique,” *Millars: Espai i Història* 42, no. 1 (2017): 193–217. Frédéric Régent, Gilda Gonfier and Bruno Maillard approach these trials in their collective work in an exceptional manner by reprinting entire extracts of testimonies and putting them into their contexts. See Frédéric Régent, Gilda Gonfier and Bruno Maillard, *Libres et sans fers. Paroles d'esclaves* (Paris: Fayard, 2015).

8 Charlin, “La condition juridique”: 47. Gilles Gérard documents 74 cases for the four French colonies between July 1845 and early 1847, see Gilles Gérard and Martine Grimaud, *Des esclaves sous le fouet: Le process Morette à l'île Bourbon* (Paris: L'Harmattan, 2016): 139. He derives this number from Victor

Malick Ghachem's examination of the Lejeune court case of 1788 in Saint-Domingue – in which an enslaver, Nicholas Lejeune, was tried for having tortured and murdered six of his slaves, but was subsequently acquitted – demonstrates, for example, that both the supporters and accusers of Lejeune were, to some extent, motivated by concerns around the possibility of slave uprisings. While Lejeune and his proponents believed that they should have 'absolute' power over the lives of their slaves, the Governor and the Intendant of Saint-Domingue, on the other hand, were certain that "deprived of access to the legal system, the slaves would turn to a private system of retribution."⁹ In contrast, Elyssa Gage's analysis of the intricate case of another enslaver, François Rivière Sommabert in Guadeloupe (1827), reveals that fear did not always play a primary role. In this case the trial was seemingly a method "to protect local control of the courts against metropolitan interferences."¹⁰ By portraying the accused as a 'monster,' the prosecution and defence were able to exonerate the slave system and the Creole plantocracy of any wrongdoing, arguing that their treatment of the enslaved was vastly different from Sommabert's.¹¹ These examples highlight that trials involving enslavers were far from being a homogenous phenomenon: On the contrary, they were contingent upon the political, social, and geographical context in which they unfolded. Such cases are to be found beyond the former French colonies; they occurred in other colonial contexts, notably Spanish and British ones.¹² Abolitionists like Victor Schoelcher or Jean-Baptiste Rouvellat de Cussac made use of these cases to denounce the horrors of slavery in its most appalling manifestations.

The primary purpose of this article is not to analyze these trials, referred to as *affaires de sévices* in the historical records, from a legal historical perspective, but to shift the focus to their 'second lives.' Over the last decades there has been a growing

Schoelcher, *Histoire de l'esclavage pendant les deux dernières années, Deuxième partie* (Paris: Pagnerre, 1847): 162.

⁹ Malick W. Ghachem, "Prosecuting Torture: The Strategic Ethics of Slavery in Pre-Revolutionary Saint-Domingue," *Law and History Review* 29 (2011): 985–1029, 992.

¹⁰ Elyssa Gage, "The Madman and the Monster: Individual and Collective Absolution in Early Nineteenth-Century Guadeloupe," *Atlantic Studies* 19 (2022): 313–33, 315.

¹¹ Gage, "The Madman and the Monster": 314–15.

¹² See for example the studies of Manuel Barcia, "Fighting with the Enemy's Weapon: The Usage of the Colonial Legal Framework by Nineteenth-Century Cuban Slaves," *Atlantic Studies* 3 (2006): 159–81; Bianca Premo, *The Enlightenment on Trial: Ordinary Litigants and Colonialism in the Spanish Empire* (New York: Oxford University Press, 2017), or Christian G. de Vito, "Paternalist Punishment: Slaves, Masters and the State in the Audiencia de Quito and Ecuador, 1730s–1851," *Journal of Global Slavery* 7 (2022): 48–72. For the British colonies see Laura Benton, "This Melancholy Labyrinth: The Trial of Arthur Hodge and the Boundaries of Imperial Law," *Alabama Law Review* 64 (2012): 91–122. Arthur Hodge was the only British enslaver known to have been executed for his actions. Trevor Burnard conducted significant research on the fiscal practices in Berbice (later British Guiana) and collected testimonies from enslaved individuals as part of the magistrate's duties. See for example Trevor Burnard, "A Voice for Slaves. The Office of the Fiscal in Berbice and the Beginning of Protection in the British Empire, 1819–1834," *Pacific Historical Review* 87, no. 1 (2018): 30–53.

interest in exploring how contemporary culture portrays and remembers slavery and the slave trade.¹³ Court records especially have been mobilized by writers¹⁴, historians¹⁵, artists¹⁶ and filmmakers¹⁷ to re-envision the experiences and hardships of enslaved people in former French colonies. While some aim at establishing a closer connection between the past and the present by linking these records to contemporary issues, others use them to illuminate a specific moment in the history of slavery and the experiences of the enslaved. What they have in common is their effort to fill the gaps in the archive(s), where often only fragments of the voices of the enslaved are to be found. However, the purpose of artistic interpretations of enslavers' trials is not primarily to "construct a coherent historical account,"¹⁸ as required by historians, but rather to employ them as a means of addressing the enduring legacies of slavery. In doing so, one may describe them as forms of *neo-slave narratives*,¹⁹ as they are grounded in an in-depth exploration of the archive with the intention of overcoming its limitations through fiction, by telling stories "impossible for enslaved, fugitive, and freed Black people to tell themselves."²⁰ I am aware that, especially from a historian's perspective, this can be highly problematic, as it carries not only the risk of projecting contemporary assumptions onto historical subjects but also of oversimplifying the historical context.²¹ The highly debated question of whether fiction surpasses historiog-

¹³ See Marlene D. Allen and Seretha D. Williams, *Afterimages of Slavery: Essays on Appearances in Recent American Films, Literature, Television and Other Media* (Jefferson: McFarland, 2012); Elisa Bord-ing and Anna Scacchi, *Transatlantic Memories of Slavery: Remembering the Past. Changing the Future* (New York: Cambria Press, 2015).

¹⁴ Gilda Gonfier, *Le cachot* (Pointe-à-Pitre: Textes en Paroles, 2014), or Mohammed Aïssaoui, *L'affaire de l'esclave Furcy* (Paris: Gallimard, 2010).

¹⁵ Regent, *Libres et sans fers*; Dominique Rogers ed., *Voix d'esclaves. Antilles, Guyane et Louisiane Françaises, XVIII^e–XIX^e siècles* (Paris: Karthala, 2015), as well as Sophie White, *Voices of the Enslaved: Love, Labour, and Longing in French Louisiana* (Chapel Hill: University of North Carolina Press, 2019).

¹⁶ In 2014, Reunion Island singer Kaf Malbar released a song called #LorDeFurcy about the case of Furcy, an enslaved man who fought for his freedom for more than twenty years.

¹⁷ Sylvaine Dampierre, *Paroles de nègres* (2020) and the documentary on the *Affaire Spoutourne*, in which an enslaver was taken to court because of the complaints of some enslaved people. Philippe Labrune and Caroline Oudin-Bastide, *Espoir, vertu d'esclave* (2008). A film based on the story of the enslaved Furcy, who fought for his freedom in several courts of law, will also be released in 2025.

¹⁸ Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: Pennsylvania Press, 2016): 1.

¹⁹ For more information on this literary genre see Raquel Kennon, "Neo Slave Narratives," Oxford Bibliographies, <https://www.oxfordbibliographies.com/display/document/obo-9780190221911/obo-9780190221911-0017.xml> [accessed 12.10.2023].

²⁰ Lisa Ze Winters, "Fiction and Slavery's Archive: Memory, Agency, and Finding Home," *Reviews in American History* 46, no. 2 (2018): 338–44, 339.

²¹ This debate is not a recent one and has given rise to numerous theoretical considerations regarding the utility of fiction in filling gaps in (colonial) archives. See for example: Fuentes, *Dispossessed Lives*; Saidiya Hartman, "Venus in Two Acts," *Small Axe* 26, no. 12 (2008): 1–14; Sue Peabody, "Micro-history, Biography, Fiction: The Politics of Narrating the Lives of People Under Slavery," *Transatlantic*

raphy will not be discussed at this point. Instead, I shall focus on demonstrating the various possibilities, beyond traditional historiography, for working with these sources and mobilizing them to enrich the remembrance of slavery.

The first section of this article aims at reviewing the extant historical documents of trials of enslavers, with the intention of exploring whether and how information about the experiences of enslaved people can be gleaned from colonial archives through a historical analysis. The subsequent part focuses on three artistic interpretations of these records, including Sylvaine Dampierre's documentary, *Paroles de Nègres*, and the play *Le cachot*, written by Gilda Gonfier, both of which are based on the trial of the enslaver Louis-Joseph Vallentin.²² Additionally, I examine the study by Gilles Gérard and Martine Grimaud, which focuses on the legal case of Henry Morette, a plantation overseer who was tried two years prior to the final abolition of slavery in the French colonies in 1848. My aim is to illustrate how novelists, filmmakers, and historians utilize trial records to recalibrate them from being mere 'sources' to becoming 'resources.' The question arises of whether artistic interpretations of these trials can be regarded as an *alternative archive*, one in which the "martyrs [do] testify."²³

1 'Back' to the Sources: Voices of the Enslaved in Trials of Enslavers

"Many types of documents from the era when slavery was legal [...] can tell us great deal about [...] the master-slave relationship, and the slave condition. But only slave narratives allow us to read and understand what the enslaved themselves experienced."²⁴ Claire Bourhis-Mariotti, in the introduction to her article on postbellum slave narratives, asserts the importance of narratives of the enslaved. So-called *slave narratives* or *freedom narratives*²⁵ are certainly invaluable sources for comprehend-

tica 2 (2012); Stephanie E. Smallwood, "The Politics of the Archive and History's Accountability to the Enslaved," *History of the Present* 6, no. 2 (2016): 117–32.

22 Gilda Gonfier also co-authored, with Frédéric Régent and Bruno Maillard, the study *Libres et sans fers*, demonstrating that historical research and fiction writing need not be mutually exclusive, but can be viewed as distinct genres with differing objectives.

23 This is a reference to Aimé Césaire, *Cahier d'un retour au pays natal* (Paris: Présence Africaine, 1983): 8.

24 Claire Bourhis-Mariotti, "Postbellum Slave Narratives as Historical Sources: Memories of Bondage and Realities of Freedom in Life of Isaac Mason as a Slave," in *Traces and Memories of Slavery in the Atlantic World*, ed. Lawrence Aje and Nicolas Gachon (London: Routledge, 2020): 30.

25 Since liberation is a central theme in most of these narratives, Paul Lovejoy has suggested replacing the term *slave narrative* with *freedom narrative*. See further: Paul E. Lovejoy, "Freedom Narratives of Transatlantic Slavery," *Slavery & Abolition* 32, no. 1 (2011): 91–107.

ing the firsthand experiences of the enslaved. But what should be done when such accounts either do not exist or are extremely rare?

This is the case in the former French colonies of Guadeloupe, Martinique, French Guyana in the Americas, and Reunion Island in the Indian Ocean, where the French established, for more than two hundred years, an economy relying predominantly on enslaved labor. To date, no autobiographical writings by the enslaved themselves have surfaced. Ties between abolitionist circles and former enslaved persons were less extensive in the French colonies than in the British ones. Moreover, most people in slavery were illiterate, as they had actively been banned from learning to read and write.²⁶ There are some texts that were dictated by the enslaved, but only from the nineteenth century, when they were allowed to take legal steps through intermediaries against their enslaver or to strive for manumission.²⁷

Nicole A. Aljoe points out that slave narratives in the Caribbean often appear in more complex manifestations, “embedded in other texts such as travel narratives, diaries, and journals or appear in records kept by legal, medical, and religious institutions.”²⁸ In her view, extending the strategy of *creative reading* and *critical fabulation* employed by Saidiya Hartman allows us to gain access to the ‘hidden’ voices of the enslaved.²⁹ Aljoe’s conceptualization of *embedded narratives* proves highly valuable for the analysis of judicial testimonies of enslaved individuals, as they contain significant information that extends beyond the scope of the immediate court case. Since the 1970s, practitioners of microhistory such as Carlo Ginzburg or Natalie Zemon Davis pursued an approach of “interrogat[ing] the archives of interrogators”³⁰ by shifting their focus from extensive datasets and statistical methods to life histories of individuals on the fringes of society in the Early Modern period. In this context, legal documents are promising source material, because they often contain (albeit mediated) extensive transcriptions of testimonies of people who rarely left written traces. These methodologies prove highly useful for historians of slavery, who also aim to “tell history from the bottom up.”³¹

Yet, as Stefanie Smallwood, among others, reminds us, it is important to understand the archive itself as part of the process of colonial governance and therefore as

²⁶ These reasons are further elaborated by Frédéric Regent, “Figures d’esclaves à travers des procédures judiciaires en Guadeloupe de 1789 à 1848,” in *Figures d’esclaves: Présence, paroles, représentations*, ed. Éric Saunier (Mont-Saint-Aignan: PUR, 2012): 111–27, and White, *Voices of the Enslaved*: 6.

²⁷ Dominique Rogers, “Slave Judiciary Testimonies in the French Caribbean. What to Do with them?” in *Hearing Enslaved Voices. African and Indian Slave Testimony in British and French America, 1700–1848*, ed. Sophie White and Trevor Burnard (Routledge: New York, 2020): 58–78, 61.

²⁸ Nicole A. Aljoe, *Creole Testimonies: Slave Narratives from the British West Indies, 1709–1838* (New York: Palgrave, 2012): 13.

²⁹ Aljoe, *Creole Testimonies*: 21.

³⁰ Paul Basu and Ferdinand de Jong, “Utopian Archives, Decolonial Affordances: Introduction to Special Issue,” *Social Anthropology/Anthropologie Sociale* 24, no. 1 (2016): 5–19, 7.

³¹ Peabody, “Microhistory”: 2.

a site of “knowledge production” rather than of “knowledge retrieval.”³² In this sense, the colonial archive can be characterized by the paradox of the absent presence of individuals subjected to slavery. This means that, although numerous records and documents from and of the colonies exist, the voices of these individuals are often marginalized and their experiences not adequately represented, making them both present in the historical records and absent in terms of their narratives and perspectives. Their traces can be found in a wide range of sources, from estate inventories, baptismal registers, notarial records, sales and ‘fugitive’ ads to planter’s guides and diaries, and in official correspondences and administrative records; however, such records do not provide direct representations of their voices. The nature of these sources highlights a fundamental aspect inherent to the system of slavery: the process of objectification of the enslaved. Their humanity was dismissed, and they themselves reduced to mere commodities. That is why Saidiya Hartman aptly characterizes the colonial archive as “a death sentence, a tomb, a display of the violated body, an inventory of property,” where the lives of those who were unable to leave any written accounts are represented only as an “asterisk in the grand narrative of history.”³³ As a result, it is necessary to approach extant documents with caution and reading them *with* and *against* the grain, given that they are typically limited to one perspective – that of the enslavers or colonizers, not of the enslaved.³⁴ This means that it is up to us to “reveal the omissions, distortions and invisible violence inherent” in those power relations.³⁵

Documents produced prior to and in the aftermath of trials of enslavers are not exempt from this. A vast amount of our knowledge stems from publications in periodicals such as the *Gazette des Tribunaux*, dedicating their columns almost exclusively to reports on court cases.³⁶ In the colonies, similar reports of trials involving enslavers circulated, such as those published in the *Gazette Officielle de la Guadeloupe*.³⁷ The

32 Smallwood, “The Politics of the Archive”: 124.

33 Hartman, “Venus in Two Acts”: 2.

34 See Ann Laura Stoler, *Along the Archival Garin: Epistemic Anxieties and Colonial Common Sense* (Princeton: PUC 2009).

35 Peabody, “Microhistories”: 12.

36 For further information on this newspaper see Pierre-Nicolas Barenot, “Entre littérature et droit, la *Gazette des Tribunaux* vue par les juristes du XIXe siècle,” *Cahiers Jean Moulin* 5 (2019), <http://journals.openedition.org/cjm/780> [accessed 10.10.2023], and Régent, *Libres et sans fers*: 9.

37 The issues of this weekly gazette printed on behalf of the French government can be characterized as “véhicules des idées coloniales,” since each one consisted of reports detailing various topics concerning life in the colonies, up to six pages long. See Jérémie Richard, “Le statut juridique de l’esclave aux Antilles sous l’empire du Code civil (1805–1848). D’un effort de ‘civilisation’ à la réticence du parti colon,” *Bulletin de la Société d’Histoire de la Guadeloupe* 146–47 (2007): 57–91, 64.

court case of the enslaver Louis-Joseph Vallentin in 1842 proves that such trials could make the headlines for several months, given the furore generated by such “scandals.”³⁸ In the first issue reporting on the trial of Vallentin, for example, it was reported that

[t]he courtroom was filled with a large crowd, made up of people from all social classes. All the notable figures of Pointe-à-Pitre and Marie-Galante were crowded into the reserved area. Several members of the colonial council and some magistrates were also present.³⁹

Especially the outcome seems to have been of particular interest for the slaveholders, as it was regarded as an indicator for what the future of the system of slavery in the French Caribbean might be. During a similar trial of another enslaver, Texier-Lavalade, six years later, the defence lawyer asked rhetorically whether the indictment against his client targeted a person or the institution of slavery itself.⁴⁰

Concerning the voices of the enslaved, these reports are highly significant as they frequently include verbatim accounts of the witnesses in court. In the report of the *Affaire Vallentin*, fifteen enslaved individuals testified, nine of them openly disclosing the cruelties they endured and testifying *against* their enslaver.⁴¹ In 1828, a reorganization of the judicial system⁴² slightly improved the status of the enslaved and forced French authorities “to investigate cases of brutality,”⁴³ leading to a rising number of trials of enslavers. From then on, Article 322 of the *Code d'instruction criminelle* authorized judges to use testimonies of the enslaved in criminal cases, but only if the accused, the prosecutor, and the civil party (the joint plaintiff) consented. The court could disregard the defendant’s opinion and authorize the enslaved to testify against their enslaver but could use their statements only for “informal purposes and without taking an oath.”⁴⁴ It is important to note that the same article enabled the court to

³⁸ This reference is to James Epstein’s book, *Scandal of Colonial Rule: Power and Subversion in the British Atlantic During the Age of Revolution* (Cambridge: Cambridge University Press 2012), which tells the story of Thomas Picton, governor of Trinidad, who was brought to trial for the torture of Louisa Calderon, a free woman of color.

³⁹ ADG 33k34, *Gazette officielle de la Guadeloupe* 8 (28.01.1842): 1.

⁴⁰ For further details see Regent, “Figures d’esclaves”: 118.

⁴¹ Delâtre, “Quand on me battait debout”: s.p.

⁴² The *Code d'instruction criminelle* and the *Code penal* were introduced to the French colonies in 1828. Both can be found in: Ministère de la Marine et des Colonies, *Antilles: Organisation judiciaire, codes, textes complémentaires et modificatifs*, Paris 1862, <https://issuu.com/scduag/docs/sch13256> [accessed 20.11.2023].

⁴³ Bernard Moitt, *Women and Slavery in the French Antilles 1635–1848* (Bloomington: Indiana University Press, 2001): 101.

⁴⁴ Art. 322, *Ordonnance du Roi concernant l’organisation de l’ordre judiciaire et l’administration de la justice à l’île de la Martinique et à l’île de la Guadeloupe et ses dépendances*, Paris 1828, <https://issuu.com/scduag/docs/adg18154-1/281> [accessed 30.04.2021], p. 72. For a deeper analysis of the enslaved and their relation to colonial law see Laurent Benoiton, “Le droit de l’esclave d’ester en justice contre son maître. Réflexions sur une disposition du Code noir protectrice de l’esclave,” in *Esclavage et Droit. Du*

communicate to the governor the necessity of taking enslaved individuals away from their enslaver if their testimonies placed them in danger. However, the effectiveness of this “protective framework”⁴⁵ remains in question. Sophie White highlights the fact that “the enslaved often saw the occasion to testify, not as an antagonistic ordeal, but as an opportunity for expression.”⁴⁶ For instance, in the *Affaire Vallentin*, the twelve-year-old son of the victim openly denounced the severe mistreatment he had endured when questioned by the judge about whether he had been beaten by the plantation overseer: “Yes, by Louis, the overseer, two or three times at the behest of Mr. Vallentin, because I had allowed the cattle to graze in the plantations. He lashed me while I was standing; I could only crawl on all fours to get to my mother’s hut.”⁴⁷

Several historians have documented how enslaved persons were able to use courts to their advantage.⁴⁸ Mindie Lazarus-Black, for example, notes that “courts, cases, and legal consciousness” were not only essential to the “internal politics” of enslaved communities, but also crucial to the “politics of resistance” in the context of the British Leeward Islands.⁴⁹ Providing testimony against enslavers can be regarded as a significant element of this dynamic, as some enslaved individuals viewed the courts as a means to seek redress for their suffering and mistreatment. I further argue that if we consider these testimonies as “autobiographical narratives,” as suggested by Sophie White and Trevor Bernard, they can provide just as much information as ‘classical’ slave narratives.⁵⁰

Code noir à nos jours, ed. Tanguay Le Marc’hadour and Manuel Carius (Arras: Artois Presse Universitaire 2010): 43–52.

⁴⁵ The term is used by Christian G. de Vito. For a comparative perspective see De Vito, “Paternalist Punishment”: 52.

⁴⁶ White, *Voices of the Enslaved*: 14.

⁴⁷ ADG 33k34, *Gazette officielle de la Guadeloupe* 11 (23.02.1842): 2.

⁴⁸ See for example the edited volumes by Sophie White and Trevor Burnard, eds., *Hearing Enslaved Voices: African and Indian Slave Testimony in British and French America, 1700–1848* (Routledge: New York, 2020), and Nancy Christie, Michael Gauvreau and Matthew Gerber, eds., *Voices in the Legal Archives in the French Colonial World: “The King is Listening”* (Routledge: New York, 2021).

⁴⁹ Mindie Lazarus-Black, “Slaves, Masters, and Magistrates: Law and the Politics of Resistance in the British-Caribbean, 1736–1834,” in *Contested States: Law, Hegemony and Resistance*, ed. Mindie Lazarus-Black and Susann F. Hirsch (Routledge: New York 1994): 253.

⁵⁰ Sophie White and Trevor Burnard, “Introduction,” in *Hearing Enslaved Voices: African and Indian Slave Testimony in British and French America, 1700–1848*, ed. Sophie White and Trevor Burnard (Routledge: New York, 2020): 1–14, 1.

2 Art from the Archive(s)

While many historians acknowledge that historical archives can only provide an incomplete view of the past, especially given that they frequently exclude the experiences of marginalized individuals, scholars have become progressively innovative in utilizing archival materials and unconventional sources. Natalie Zemon Davis⁵¹ or Bernhard C. Schär,⁵² to name just two, chose to engage in a dialogue with the individuals they are writing about. In doing so, they sought to fill the gaps in the archive and recreate the agency, thoughts, and emotions of their subjects. They indicate these interpretive speculations with qualifiers like “perhaps” and “maybe,” vividly depicting individual lives while always maintaining an element of uncertainty and thus the authenticity of the original sources. While these historians nevertheless aspire to create a narrative that “defies coherence and representability,”⁵³ the artistic interpretations under examination in the following section have a different objective.

2.1 The Trial of Louis-Joseph Vallentin (1842): Present-Day Interpretations

Reading judicial chronicles of trials of enslavers creates a sensation akin to reading a screenplay. The reader is introduced to the setting and the persons who were present in court, obtaining valuable information about their appearances and behaviors. The accused enslaver Vallentin appears, for example, as very self-confident, even smiling at some attendees – which could indicate some pre-trial collusion.⁵⁴ Moreover, the descriptions of the enslaved witnesses are of special interest as they represent one of the rare moments where we can gain insights not just into their appearance, but also their emotional states. For example, the report on the court case of the Jaham brothers explicitly indicates that the enslaved witness Rosette testified amidst tears and sobs.⁵⁵ And during Texier Lavalade’s trial, the enslaved Richard “cries and trem-

⁵¹ In the prologue Natalie Zemon Davis imagines a dialogue with the three women she focuses on in her writing. Natalie Zemon Davis, *Women on the Margins. Three Seventeenth-Century Lives* (Cambridge, MA: Harvard University Press 1995).

⁵² Bernhard C. Schär chose to write a letter to Silla Borneo, an indigenous woman from Borneo whose history was deliberately erased from the records. Bernhard C. Schär, “Löchrige Quellen und lückenhafte Erzählungen: Wie Ibu Silla aus Borneo die Gründung des Bundesstaates trotzdem mitprägte,” in *Ausgeschlossen einflussreich: Handlungsspielräume an den Rändern etablierter Machtstrukturen*, ed. Lisia Bürgi and Eva Keller (Basel: Schwabe, 2020): 121–43.

⁵³ Fuentes, *Dispossessed Lives*: 1.

⁵⁴ ADG 33K34, *Gazette officielle de la Guadeloupe* 8 (28.01.1842): 1.

⁵⁵ “Affaire Jaham,” *Gazette des Tribunaux* 21, no. 5751 (04.02.1846), http://data.decalog.net/enap1/Liens/Gazette/ENAP_GAZETTE_TRIBUNAUX_18460204.pdf [accessed 20.08.2023]: 330. Frédéric Régent

bles.”⁵⁶ While there is much to be learned from examining the testimonies closely, these remarks underscore the value of taking the performative aspect of these trials into consideration.

Sylvaine Dampierre and Gilda Gonfier emphasized the performative nature of court trials by adapting and transforming the report of the Vallentin trial into a documentary, *Paroles de Nègres* (2020), and a (radio) play, *Le Cachot* (2010). At this point, I will not dwell on whether such approaches can produce accurate portrayals of the past. My intention is to illustrate how historical sources can be transformed to serve as catalysts for raising other important questions, such as those related to identity formation or the commemoration of the past. Unlike in a historical investigation, these interpretations of enslavers’ trials bring different aspects to the fore. Through the artistic interpretations of Sylvaine Dampierre and Gilda Gonfier, the statements of the enslaved are restored to a ‘quasi-original’ state, where the witness accounts are once again spoken and heard, rather than solely transmitted through written mediation.

2.1.1 A Trial for the Movies

In her fourth full-length documentary, *Paroles de nègres*, Sylvaine Dampierre portrays a self-managed sugar factory in the island of Marie-Galante. Her desire was “to bring back to life these fragments of memory, to sound echoes of these voices in Guadeloupe’s reality today.”⁵⁷ Originally, she proposed to the workers that they recite some extracts of Vallentin’s trial as part of an amateur theatre. They soon identified with their roles and spontaneously translated their experiences into their own language, Creole. In court, the enslaved spoke in Creole, sometimes even in African languages, and it was the court clerk who transcribed their voices into French.⁵⁸ Through the retranslation of the workers, the voices of the enslaved are rendered as authentically as possible for the first time, capturing the nuances that were lost in the translation process in the past.

It is worth noting that in the original report in the *Gazette Officielle de la Guadeloupe*, French translations were sometimes inserted within brackets, and certain Cre-

emphasizes that especially judicial chroniclers provide insights into the emotional state of the witness. Régent, *Libres et sans fers*: 23.

⁵⁶ Régent, *Libres et sans fers*: 16.

⁵⁷ See the description of her project in the press kit which can be downloaded on her webpage. Sylvaine Dampierre, “Paroles de Nègres,” press kit, <https://sylvainedampierre.com/mes-films-3/paroles-de-negres-le-nouveau-film-de-sylvaine-dampierre/> [accessed 01.11.23].

⁵⁸ For a further analysis of the role of the Creole language in these testimonies see Delâtre, “Quand on me battait”: s.p. Rogers notes that according to Cécile Vidal the enslaved in French Louisiana spoke French and not Creole. Rogers, “JUDICIARY TESTIMONIES”: 75. See also Régent, *Libres et sans fers*: 27–36.

ole expressions were italicized or described as *misplaced*.⁵⁹ Frédéric Régent, Gilda Gonfier, and Bruno Maillard showed that numerous instances of the use of Creole can be found in testimonies of the enslaved.⁶⁰ Delving deeper into these comments can provide valuable insights into how language and communication shaped these societies. In Sylvaine Dampierre's documentary, one of the workers states that "Creole brings us closer together," and for him, this language forms a direct connection to his ancestors. This example demonstrates that an engagement with these testimonies could create a deeper connection to the past, an element that is frequently cited as missing in these societies.⁶¹ This becomes evident, for instance, in the work of the Martinican author Édouard Glissant, who portrays Caribbean society as existing in a state of *non-history*. He describes the past of the islands as "a succession of ruptures, contradictions, shocks, painful negations, and explosive factors,"⁶² rendering the creation of a collective Caribbean memory impossible.

Catherine Reinhardt conducted a compelling study on the perception and recollection of slavery in Guadeloupe, which aligns seamlessly with Glissant's insights. One of the questions was whether the *lieux de mémoire* of slavery on the island – such as the statues of Solitude, Ignace or Delgrès – are meaningful to her interlocutors. She concluded that the statues of their heroes fail to bring Guadeloupians closer to their history. One of her interviewees criticized that "they symbolize the revolution of 1802 against the restoration of slavery but are at a remove from people's sensibilities."⁶³ A reason for this seems to be a missing personal link to the past. Court testimonies of the enslaved could establish this connection, as they give voice to ordinary people.⁶⁴ In a sense, using their testimonies in an artistic way allows for the reversal of the process of objectification, as notably asserted by Frédéric Régent; in their testimonies the enslaved reveal themselves "in all their humanity."⁶⁵ By reciting such testimonies, the

⁵⁹ A very striking example is the following statement of Vallentin's defence lawyer. He stated: "In the language of the slaves, the meaning of French words is often distorted. For example, the slaves refer to a sorcerer as someone who, in the true translation of their thoughts, is a poisoner." ADG 33k34, *Gazette officielle de la Guadeloupe* 12 (28.02.1842): 3.

⁶⁰ They devote one chapter to this important topic. Régent, *Libres et sans fers*: 27–36.

⁶¹ See for example: Silyane Larcher, "Commémorer le passé ou décoloniser l'oubli? Antilles françaises, 1848–2021," in *Les mondes de l'esclavage: Une histoire comparée*, ed. Paulin Ismaïd, Benedetta Rossi and Cécile Vidal (Paris: Seuil 2021): 395–405; Myriam Cottias, "Les vingts ans de la loi Taubira: Expériences, politiques et citoyenneté: Un bilan," *Cahiers d'Histoire: Revue d'histoire critique* 151 (2021): 167–78.

⁶² Quoted in Christine Chivallon, "Between History and its Trace: Slavery and the Caribbean Archive," *Social Anthropology* 24 (2016): 67–81, 74.

⁶³ She interviewed twenty-three Guadeloupians from different age groups. Cathrine Reinhardt, "Telling Stories of Slavery: Cultural Re-Appropriations of Slave Memory in the French Caribbean Today," in *At the Limits of Memory: Legacies of Slavery in the Francophone World*, ed. Nicola Firth and Kate Hodgson (Liverpool: Liverpool University Press, 2015): 49–67, 61–62.

⁶⁴ Rogers, "Judiciary Testimony": 71.

⁶⁵ Régent, *Libres et sans fers*: 16.

workers of the old sugar factory “reconnect themselves to their collective identity and speak of themselves.”⁶⁶ In the most powerful moment of the documentary, one of the workers says, “We were those slaves.” Using court testimonies allows people who live on the islands today to remember slavery without it being tied to a specific location, monument, or historical event.⁶⁷ National monuments such as the Memorial ACTe in Guadeloupe could make more use of statements in which enslaved persons testified against their enslavers, in order to transform from being an “empty shell”⁶⁸ into a museum where the experiences and voices of the enslaved are more fully honored and preserved. In this way, the historical sources as well as artistic interpretations of them could enable individuals to “find a link to the past – a past that is personally relevant for them.”⁶⁹

2.1.2 Initiating a Process of Mourning

Gilda Gonfier also uses the press report of the *Affaire Vallentin*, whose structure makes it ideally suited for adaptation as a play. She selected specific excerpts and reproduced them as individual scenes in her play without making any changes. This approach has the present and the past frequently alternating, with moments when the boundaries between the two become fluid. As the play’s title suggests, *Le cachot*, the small dungeon where Sébastien died, plays a significant role. In addition to the whip, it was a method of punishment frequently employed in the colonies.⁷⁰ Thus, the title of Gilda Gonfier’s play can be interpreted as a powerful metaphor. In contrast to Sylvaine Dampierre, Gilda Gonfier not only seeks to connect the past and the present but takes it a step further. In her opinion, “[o]ur past as slaves, sealed by a silent memory, is a prison from which one can only break free through the process of mourning.”⁷¹

⁶⁶ Sylvaine Dampierre, “Paroles de Nègres,” press kit, <https://sylvainedampierre.com/mes-films-3/paroles-de-negres-le-nouveau-film-de-sylvaine-dampierre/> [accessed 01.11.23].

⁶⁷ Ulrike Schmieder refers to several challenges connected to practical purposes of commemoration in the former French colonies, see Ulrike Schmieder, “Memories of Slavery in France, and its French Afro-Antillean Diaspora: Overview of Sites of Memory and the Entanglements with British and U.S.-American Images of Slavery and Debates on Reparations,” in *Cherishing the Past. Envisioning the Future: Entangled Practices of Heritage and Utopia in the Americas*, ed. Olaf Kaltmeier et al. (New Orleans: UNO 2021): 31–49, 33.

⁶⁸ “Coque vide,” an expression used by one of the interlocutors of Catherine Reinhardt to describe the Memorial ACTe in Guadeloupe, see Reinhardt, “Telling Stories of Slavery”: 61.

⁶⁹ Reinhardt, “Telling Stories”: 64.

⁷⁰ Contemporaries regularly referred to these dungeons as tombs. See for example Victor Schoelcher, *Des colonies françaises: Abolition immédiate de l'esclavage* (Paris: Pagnerre, 1842): 39.

⁷¹ Gilda Gonfier runs a blog where she regularly publishes numerous articles on topics related to the legacies of slavery as well as contemporary issues. See <https://lepetitlexiquecolonial.wordpress.com/> [accessed 10.10.2023].

She perceives the colonial past as a trauma that still influences the present. Through her play, Gilda Gonfier urges her audience⁷² to reflect on the enduring presence of slavery's legacies, emphasizing that its psychological impact should not be underestimated.⁷³

In the opening scene of *Le cachot*, set in Guadeloupe's archive reading room, Henry, the archivist, eagerly introduces Rémi, the main protagonist, to a microfilm of Vallentin's trial records and enthusiastically suggests that Rémi turn it into a play.⁷⁴ The protagonist follows this advice and invites several of his friends to reenact the trial. Gilda Gonfier appears to have made a thoughtful selection of individuals to act in the play, aiming to represent Guadeloupean society as accurately as possible. For instance, there is Charles, a *béké*, the descendant of former enslavers. In Rémi's play he takes on the role of the accused enslaver Vallentin. Charles vehemently opposes this classification and underscores his distancing from the colonial past, expressing his belief that "they are poisoning [their] lives with these stories of slavery."⁷⁵ Unhappy with the role assigned to him, he asks whether his text could be amended. Through this call for a 'revision' of history, he indicates that he does not perceive any obligation to accept responsibility for the crimes committed by his ancestors. This is one of many examples where Gilda Gonfier's play refers to ongoing debates, representing the various perspectives within Guadeloupe's multifaceted society.

The process of mourning is central to the play, symbolized by the different ways in which the characters allude to the historical source, the press report of Vallentin's trial. While Henry, the archivist, *cites* it without engaging in a deeper dialogue, Rémi, the protagonist, *reproduces* the testimonies of the enslaved. Gilda Gonfier employs these examples to highlight that a more profound engagement with the past and its surviving records is essential to enhance understanding and to initiate a process of healing. Throughout the play, it is the character of Madeleine who accomplishes this task. This character holds the distinction of being the only one who shares the name of the historical figure she is meant to represent in Rémi's play. The original report of the *Affaire Vallentin* identifies Madeleine as the victim's sister, who was suspected of supplying the poison which killed Vallentin's cattle. Apart from this imputation, the original text reveals no further information about her. Gilda Gonfier exploits this gap in the records to craft a present-day character who grapples most with the colonial past. Madeleine's engagement with the original records enables her to accept the past

⁷² *Le cachot* was originally performed as a radio play, later published as a book, and is now being adapted for stage.

⁷³ Studies have shown that these legacies can encompass a sense of "humiliation [...] racial self-hatred, self-doubt, rage, and acrimony toward one another." See Aimé Charles-Nicolas and Benjamin P. Bowser, *The Psychological Legacy of Slavery: Essays on Trauma, Healing, and the Living Past* (Jefferson: McFarland 2021): 20.

⁷⁴ Gonfier, *Le cachot*: chapter 1, s.p.

⁷⁵ Gonfier, *Le cachot*: chapter 8, s.p.

and, importantly, to liberate herself from its hold. She confidently states at the end of the play that she “revolt[s] against [her] own enslavement.”⁷⁶ This statement resonates strongly with that of the Antillean intellectual Frantz Fanon, who wrote in a similar way: “I am not a slave to the slavery that dehumanized my ancestors.”⁷⁷ In contrast to the other characters in the play, Madeleine profoundly interacts with the original material, leading to a sense of (self-)liberation.

Dominique Rogers pointed out that court testimonies “seem to play a quasi-therapeutic role for those for whom the legacy of slavery is still a trauma.”⁷⁸ The historian highlights that in French West Indian societies “slavery is flesh and bones,” because its legacy “still permeates social relations, marked by subtle processes of racialization.”⁷⁹ In her eyes, legal archives “are major tools in helping the reconstruction of those Caribbean societies.”⁸⁰ Gilda Gonfier’s play is such a ‘tool,’ because it is an attempt to address contemporary issues and demonstrate that there are ways to transcend the past in order to heal, reconcile, and forge a better future.

2.2 The Trial of Henry Morette (1846): Critical Fabulation

When it comes to trials of enslavers and their reinterpretations in the present, the concept of ‘critical fabulation’ as proposed by Saidiya Hartman is of great significance and is widely employed. In her essay *Venus in two Acts*, she delineates this approach in the following manner:

The intention here isn’t anything as miraculous as recovering the lives of the enslaved or redeeming the dead, but rather laboring to paint as full a picture of the lives of the captives as possible. This double gesture can be described as straining against the limits of the archive to write a cultural history of the captive, and, at the same time, enacting the impossibility of representing the lives of the captives precisely through the process of narration.⁸¹

In this sense critical fabulation is a combination of archival research, critical theory, and fictional narrative to address the gaps in the historical records. In 2016, historian and anthropologist Gilles Gérard and the novelist Martine Grimaud employed this method in their collaborative work *Des Esclaves sous le Fouet. Le procès Morette à l’île Bourbon*. Their collaboration literally embodies the concept of critical fabulation: Gilles Gérard, who has devoted his life to elucidating Reunionese society by examining Creole families from cultural and historical standpoints, provides the historical

⁷⁶ Gonfier, *Le cachot*: 15, s.p.

⁷⁷ “Je ne suis pas esclave de l’esclavage, qui déshumanisa mes pères” Frantz Fanon, *Peau noire, masques blancs* (Paris: Seuil 1952): 186.

⁷⁸ Rogers, “Judiciary Testimonies”: 73.

⁷⁹ Rogers, “Judiciary Testimonies”: 73.

⁸⁰ Rogers, “Judiciary Testimonies”: 73.

⁸¹ Hartman, “Venus in two acts”: 11.

and ‘critical’ dimensions of the narrative. The novelist Martine Grimaud employs ‘fabulation’ to reconstruct by means of creative writing the lived experiences of enslaved persons who were killed. Although these segments are fictional, the authors emphasize in the preface of their book that they are based on “facts confirmed by the investigation.”⁸² Their approach shows that, in certain instances, the crossing of disciplinary boundaries can be a fruitful way to explore “new methods of accounting of and for the lives and conditions of the enslaved.”⁸³

Following a microhistorical approach, Gilles Gérard and Martine Grimaud reconstruct in detail the trial of the overseer Henry Morette, which took place in 1846 at the Assize Court in Saint-Denis on Bourbon Island – modern-day Réunion – in the Indian Ocean. Morette was accused of murdering four enslaved persons: Vincent, Jean Marie, André, and Germaine as a result of severe battering, as well as several other offences against the enslaved under his control.⁸⁴ The trial can be reconstructed from the original court records: More than fifty witnesses were interrogated, including thirty enslaved individuals.⁸⁵ It is important to note that some chapters of their book consist of the original records, for example the interrogation of the accused, while fictional elements are only employed where the enslaved had no opportunity to testify due to their victimization by the overseer. The book begins, for instance, with a poem that reimagines the life story of Phémie, an enslaved woman who escapes at night to secretly reunite with her lover. Besides her name, the official court records are silent about her. She only becomes visible through violence, “and this is the state in which [she] remain[s] in history.”⁸⁶ The following extract demonstrates that poetic imagination could be a powerful tool to tell her story.

Phémie s'en va toujours
 Elle ne veut pas de la corde
 Elle ne veut pas de la pioche
 Elle s'en va pour l'amour
 [. . .]
 Phémie court
 Mais elle est rattrapée

82 Gérard, *Des Esclaves Sous le Fouet*: 9.

83 Raquel Kennon offers an overview of these methodologies and examines the impact of the cultural turn on the study of enslavement. See Raquel Kennon, “Slavery and the Cultural Turn,” in *Writing the History of Slavery* ed. David Stefan Doddington and Enrico Dal Lago (London: Bloomsbury 2021): 400–416, 402.

84 Surprisingly, this trial did not end with an acquittal. Morette was sentenced to one year in prison and a fine. Nevertheless, the charge of negligent homicide, which had been initially proposed by the public prosecutor, was not upheld. Instead, a charge of unpremeditated mistreatment was chosen. Benoiton, “Le droit de”: 9–10, referring to Notes du Procureur général dans l’affaire “Ministère public contre Henri Morette,” 1846, ADR (Archives Départementales de la Réunion), Inv. 2111-63-I/447.

85 More than 700 sheets can be consulted in the ADR, see Gérard, *Sous le fouet*: 7.

86 Fuentes, *Dispossessed Lives*: 126.

Son dos sur la roche
 Est strié
 Ses cris d'amour sont étouffés
 [. . .]

This poem is a means to imagine Phémie's act of resistance through her escape. In this context, Martine Grimaud not only aims to restore Phémie's voice, but also enables her stories and experiences to be heard. When combined with Gilles Gérard's thoughtful and precise analysis of the historical context, their work provides a comprehensive understanding of the past and offers a glimpse into aspects that might otherwise have been forgotten. Their work illustrates that these two aspects are not inherently in competition. Such creations can ensure that the perspectives of the marginalized are acknowledged as major contributors to the historical narrative and, consequently, to the collective memory.

3 Conclusion: Trials of Enslavers as a Resource

“The archive, we might say, affords access to the past in the present and in doing so shapes the future.”⁸⁷ This statement succinctly encapsulates the significance of the examples mentioned in this chapter. The initial section emphasized that testimonies of enslaved individuals provide a rare, albeit mediated, opportunity to understand “what it meant to be a slave, not according to what the law described, or the master said, but according to the enslaved themselves.”⁸⁸ In contrast to most slave narratives, often recorded years after emancipation, these testimonies were documented in close temporal proximity to the legal proceedings. In this way, they offer a much clearer insight into the reality of lives in bondage.

Trials of enslavers represent a pivotal moment of confrontation within colonial society, which allows for an exploration of power dynamics through the perspectives of the enslaved. The fact that some of the enslaved dared to denounce their enslavers while others chose to defend the accused represents the heterogeneity of this system. Their testimonies provide valuable information about aspects of their lives that are often not addressed in other documents. These aspects encompass their inherited African culture, family relationships, and how they spent their time during periods when they were not compelled to work in the fields.⁸⁹ While never disregarding the horrors of slavery, Dominique Rogers, along with other historians, underlines that these testimonies, and in my opinion especially those given *against* enslavers, “offer

⁸⁷ Basu, “Utopian Archives”: 10.

⁸⁸ Rogers, “Judiciary Testimonies”: 66.

⁸⁹ Rogers, “Judiciary Testimonies”: 63.

alternative images of the enslaved, foregrounding them as subjects of their own life and not simply as objects of it.”⁹⁰ Their agency becomes visible, and they resist with words rather than violence. A significant challenge in analyzing these records is the lack of information about what happened before or after the trials. This is why Gilles Gerard and Marine Grimaud chose to enrich the historical analysis of the *Affaire Morlette* through *critical fabulation*. In contrast, for Gilda Gonfier and Sylvaine Dampierre the records of the *Affaire Vallentin* serve as a starting point to address contemporary challenges in Caribbean society, marked by social inequalities and enduring racism. In doing so, the trial records are transformed from ‘sources’ into ‘resources’ that invite further discussions and, most importantly, for remembering slavery.

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90 Rogers, “Judiciary Testimonies”: 72.

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