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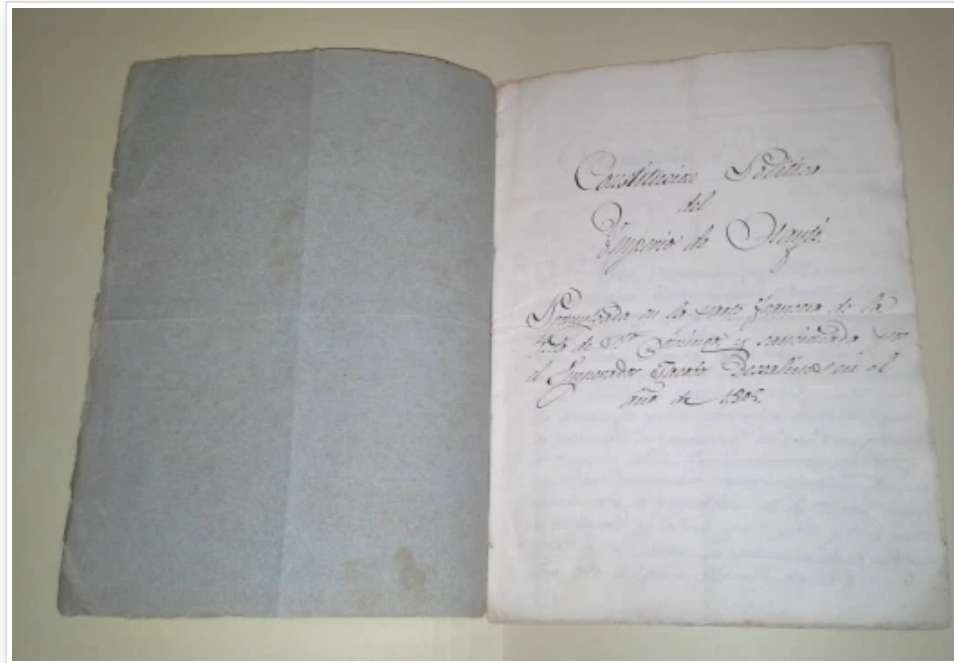
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Race and the Haitian Constitution of 1805

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– *Constitution politico del imperio de Hayti* UPenn Misc Ms. Box 22, Folder 1.

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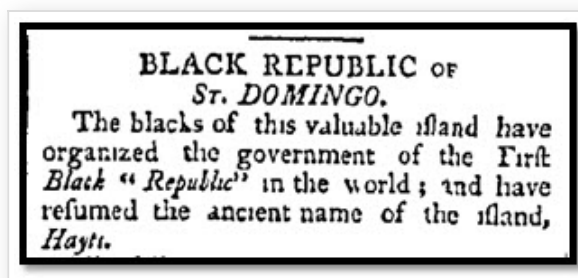
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[Ed. Note: Today's post is by Julia Gaffield, a professor of history at Georgia State University and expert on early independent Haiti. Her new book on the subject **Haitian Connections in the Atlantic World** was published in October by UNC Press.]

At the heart of the Age of Revolutions were complex debates about individual and collective identity. While the American and French experiences focused on the meaning of concepts like liberty and fraternity within dominant cultures, Haiti's Declaration of Independence on January 1, 1804 set the stage for intense and enduring controversy about racialized definitions of civic membership. Prior to the world's only slave revolution, the French colony had been the most profitable in the world because about 465,000 enslaved men and women labored on sugar, coffee, and indigo plantations and in the houses of their masters as well as in Saint-Domingue's port cities. The free population of the colony (about half white and have free people of color) was only about 60,000. Few white people remained in the colony after the Declaration of Independence. Because of this and because of the fact that the country's leadership was either black or mixed race, Haiti was often referred to as "the black republic" (even when it was not a republic) [1].

The Haitian Declaration of Independence proclaimed the "state of Hayti," rather than a republic, and Jean-Jacques Dessalines declared himself emperor (Jacques 1er d'Hayti) of the Empire of Hayti in October 1804. The 1805 constitution is therefore an imperial constitution. After Dessalines's death in 1806, the country divided in civil war with a republic in the South and "the state of Hayti," in the North. Henry Christophe, the president of the northern part of Haiti, soon proclaimed the Kingdom of Haiti and took the title King Henry of Haiti. The country was reunited in 1820 under the republican constitution of the south.

Haitians themselves, as well as outsiders, connected race and country in defining their new national identity. The Haitian government published its first national



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constitution on May 20, 1805. Newspapers across the Atlantic printed portions portions of this

path-breaking constitution

while various copies and transcriptions circulated widely. Although few copies are known to still exist, either printed or in manuscript, the version **recently purchased by the University of Pennsylvania Libraries** is a contemporary Spanish manuscript translation of the document that likely circulated on the eastern side of the island of Hispaniola.[2] Formerly a Spanish colony, the eastern side had transferred to the French Empire during the Peace of Basel negotiations in 1795.

When French forces evacuated the western side of the island in 1803, a small contingent established itself in the city of Santo Domingo and claimed to be the legitimate authority for the entire island. The Haitian government, however, claimed that the entire island was within the geographic boundaries of their country.

The particular copy of the 1805 constitution now at Penn differs from the official Haitian printing of the Constitution at Aux Cayes in its organization and numbering, including the fact that it skips a few sections. The translation, however, does include Article 14, which has in recent years become such a focus of scholarly attention that this constitution might be the most cited document in Haitian history. In Article 14, Jean-Jacques Dessalines, Emperor of Haiti at the time of its publication, articulated an explicitly ideological conception of race.

“Article 14: All meaning of color among the children of one and the same family, of whom the chief magistrate is the father, being necessarily to cease, the Haytians shall henceforth be known by the generic appellation of blacks.”

— “Black Republic of St. Domingo,” *Farmer’s Cabinet*, Amherst, New Hampshire, 10 April 1804, page 3.

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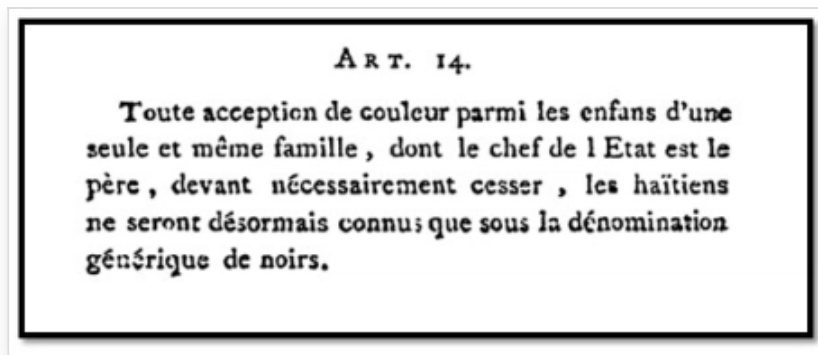
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– *Constitution d'Haïti (Aux Cayes, 1805)*. Article 14. Courtesy of the American Philosophical Society, Philadelphia. Images available at www.modern-constitutions.de

The fact that the preceding article in the constitution explicitly acknowledged that some “white women,” Germans, and Poles had been naturalized as Haitian citizens highlights the radical reconceptualization of race that underpinned Haiti’s entry on the world stage.

In her analysis of the profound meaning of this document, Anne Gulick argues that, “the 1805 Constitution contains what in today’s lexicon would be called a set of radical postcolonial aspirations, a community imagined, through a legal narrative, as capable of doing something none of its models had done before: identifying both blackness and humanity as the basic signifiers of citizenship.”^[3] In other words, the constitution was a celebration of Haiti’s identity as a “black” country.

“Disrupting any biologicistic or racist expectations,” Sibylle Fischer argues in *Modernity Disavowed*, “they make ‘black’ a mere implication of being Haitian and thus a political rather than a biological category.”^[4] Not only did the label erase previous racial distinctions between “black” and “white” residents, it attempted to undermine the importance of national, linguistic, and color differences within the non-white population. “This new ‘black,’” Jean Casimir argues, “encompassed the various ethnic groups that had been involved in the struggle against the Western vision of mankind. Victory in adversity gave birth to this new character, which was a synthesis not only of Ibos, Aradas, and Hausas but also of French, Germans, and Poles.”^[5]

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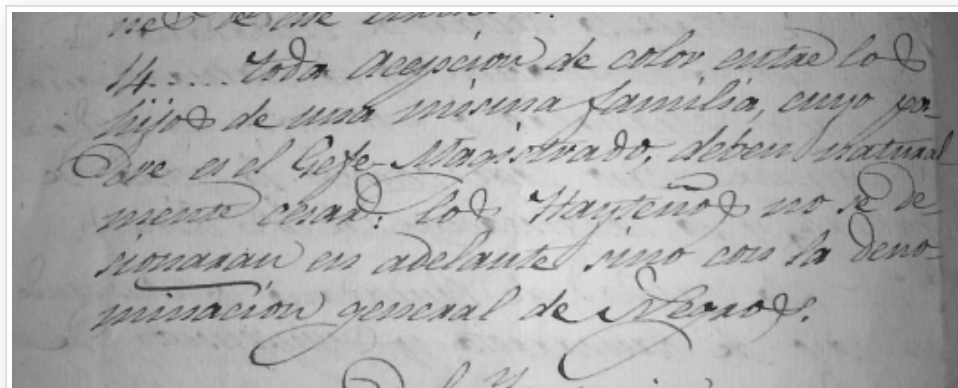
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The elimination of difference was important because, as Colin Dayan notes, “the most problematic division in the new Haiti was that between *anciens libres* (the former freedmen, who were mostly *gens de couleurs*, mulattoes and their offspring) and *nouveaux libres* (the newly free, who were mostly black), Dessalines attempted by linguistic means and by law to defuse the color issue.”[6]

Doris Garraway highlights Dessalines’s use of what she calls “negative universalism” in the constitution—an emphasis on what Haitians were *not*: “it is the excluded term—whiteness—that conditions the political definition of the collectivity, seen as its opposite, the ‘black’ other that was previously reprovved by white power and that now symbolizes not a biological essence but an absolute resistance to white racial supremacy.”[7]



– Article 14, *Constitución Política del Imperio de Hayti*. [UPenn Misc. Mss. Box 22, Folder 1](#).

The Spanish translation now held by the University of Pennsylvania Libraries promises to fuel the continuing scholarly attention to the 1805 constitution. For example, the document capitalizes “*Negro*” whereas the official printed copy issued by the Haitian government keeps “*noirs*” in lowercase. The Haitian Kreyòl word “*nèg*” refers to a person, regardless of skin color where as the word “*blan*” (derived from the French “*blanc*” or “white”) generally means “foreigner.” Given that Jean-Jacques Dessalines did not speak French fluently, did the 1805 constitution intend to label all Haitian citizens as “black” or as “people”? Or, did

the 1805 constitution encourage the evolution of the term “*noir*” or “*nèg*” to signify the universality of all citizens?

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[1] The Haitian Declaration of Independence proclaimed the “state of Hayti,” rather than a republic, and Jean-Jacques Dessalines declared himself emperor (Jacques 1er d’Hayti) of the Empire of Hayti in October 1804. The 1805 constitution is therefore an imperial constitution. After Dessalines’s death in 1806, the country divided in civil war with a republic in the South and “the state of Hayti,” in the North. Henry Christophe, the president of the northern part of Haiti, soon proclaimed the Kingdom of Haiti and took the title King Henry of Haiti. The country was reunited in 1820 under the republican constitution of the south.

[2] Duke University’s David M. Rubenstein Rare Book and Manuscript Library [recently acquired a transcription of the Haitian Declaration of Independence](#) that highlights the significance of the circulation of transcribed copies of important Haitian documents in the Atlantic World.

[3] Anne Gulick, “We Are Not the People: The 1805 Haitian Constitution’s Challenge to Political Legibility in the Age of Revolution,” *American Literature* 78, no. 4 (2006): 802.

[4] Sibylle Fischer, *Modernity Disavowed*, 233.

[5] Jean Casimir, “Prologue,” *The World of the Haitian Revolution*, edited by David Patrick Geggus and Norman Fiering, (Indiana University Press, 2009), Xv.

[6] Joan [Colin] Dayan, *Haiti, History, and the Gods*, (University of California Press, 1998), 24-25.

[7] Doris Lorraine Garraway, “*Légitime Défense*”: Universalism and Nationalism in the Discourse of the Haitian Revolution,” in *Tree of Liberty*, edited by Doris Lorraine Garraway, (University of Virginia Press, 2008), 80-82.

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