

The Constitution of Toussaint: Another Origin of African American Literature

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In the summer of 1801, Toussaint L'Ouverture, the rebel leader of the slave revolt on the French colony of Saint-Domingue, promulgated a constitution that signaled the quasi-independence of the island. By January of 1804, Haiti would become the second independent republic in the Western hemisphere, the culmination of the first anti-colonial insurgency carried out by former slaves. The 1801 Constitution has generally been overshadowed in the history books – in the rare cases that the Haitian Revolution garners any attention in histories of the early US – by the story of Toussaint's ascendancy, his arrest and deportation to France, and the rise of his successor, Jean-Jacques Dessalines. But as a document of the age of revolutions, the 1801 Constitution, known as Toussaint's Constitution, deserves to stand alongside The Declaration of Independence, The Declaration of the Rights of Man and the Citizen, and the US Constitution as a signal text. Our interest here, however, is to make a perhaps more modest claim, but one that could have significant repercussions for the study of early African American literature. Our claim will be that, following its dissemination throughout the US in the fall of 1801, Toussaint's Constitution became the most widely read piece of literature authored by an African American and may have remained so until the publication of *Narrative of the Life of Frederick Douglass* in 1845.¹

Several caveats might be immediately raised to such a suggestion. Most obviously, the text was neither written in, nor published in, nor even ostensibly about the United States. What's more, not only was Toussaint not from, in, or of the United States, he was not the author of "his" constitution in any traditional sense. How, then, does a work prepared in the West Indies by a committee of mostly white planters warrant consideration as an important African American text? We would note that similar analogous objections have been raised, together or in isolation, about any number of African American writings. Phillis Wheatley's first book of poetry had to be published in London because neither sufficient subscribers nor willing printers could be found for a North American edition. Despite the popularity and impressively wide

dissemination of her elegy on the death of George Whitefield (1771), Wheatley's book would not be published in the United States until after her death.² Olaudah Equiano's *Interesting Narrative* is now considered a crucial text of an Atlantic, not to mention US, literary canon, not because he visited Pennsylvania or Georgia, nor even because he may have been born in the Carolinas. As Vincent Carretta argues, Equiano wrote of himself, and appealed to those of African descent, as "citizens of the world" at a moment when "trans- or supra-national identities" partly indicated that "national identities were denied them" (Carretta 2008: 99). Likewise, simpler models of authorship have been problematized by African American studies, such that few would dismiss the narratives of Venture Smith and Sojourner Truth, for example, due to the major roles of their amanuenses, Elisha Niles and Olive Gilbert. As we will see, Toussaint's Constitution should also be viewed as a text dictated to amanuenses, in this case the assembly committee strictly directed by the General. All of these examples demonstrate the necessary reconceptualization of textual and authorial classification demanded by African American writing. Texts written or published outside of the United States are often so precisely because of institutional or cultural hostility, and these difficult conditions in turn necessitate broader understandings of authorship and spatial identity or self-affiliation.³

Each of these critiques informs our view that Toussaint's Constitution joins, if not inaugurates, a tradition in African American letters of holding white social and political morality to account for its more abstract and universalizing strands. The appearance of the 1801 Constitution represents a strategic inversion of foundational documents and principles of the West. From Equiano, who leveraged the golden rule to castigate "nominal Christians," to Jones and Allen's appeal for civic recognition, and to the redirection of the US Constitution and the Declaration of Independence in David Walker's *Appeal* and Douglass's Fourth of July oration, Toussaint's Constitution ought to take a place as a most powerful example. It offers students of African American literature both a powerful articulation of Black agency in letters as well as an unprecedented archive of responses from white audiences in the US. One might reasonably consider the committee that drafted the constitution as Toussaint's collective amanuensis, albeit under very different conditions than one normally encounters with, say, a fugitive slave narrative. Certainly, too, the 1801 Constitution exemplifies one possible and important manifestation of paranational identity germane to the US context, articulating as it did a Revolutionary state determined to protect those of African descent from chattel slave status.

It is difficult to assess the impact of Toussaint's Constitution among the some 900,000 black residents of the United States in 1801. It is certainly plausible that both slaves and free people of color may have identified more with the emergent black republic of Haiti than with the US republic, which held them in bondage. Gabriel Prosser's slave rebellion in Virginia in 1800 suggests a possible earlier awareness of events in Saint-Domingue, as do the nineteenth century's numerous plans for relocation to and colonization of Haiti. If African American poetry can trace its roots to Wheatley, the protest tradition in African American letters ought to extend back from

James Forten, David Walker, Henry Highland Garnet, Martin Delany, and others to the actions and words of Toussaint. Certainly William Wells Brown suggested as much in the first, 1863 edition of *The Black Man, His Antecedents, His Genius*, which included extensive profiles of six Haitians (Toussaint, Dessalines, Henri Christophe, Andre Rigaud, Alexandre Petion, and Jean Pierre Boyer).

What is notable about the 1801 Constitution, however, is that it profoundly intervened in the political self-awareness of the white citizenry and elite as well. Indeed, it arguably challenged the US understanding of revolution and race more than any work prior to (or even including) Douglass's "What to a Slave is the Fourth of July?" or William Wells Brown's *Clotel*. We get some sense of the text's remarkable impact from its migration through US newspapers, Federalist and Republican alike. The first reports about the Constitution appeared as early as August 3, 1801, in *The Baltimore American*. About a week later, it appeared in the national Democratic Republican standard-bearer, *The National Intelligencer*, as well as the chief Federalist organ, the *Gazette of the United States*. Within months, it had appeared in at least 24 newspapers from Virginia, Maryland, and the District of Columbia, Northward to Philadelphia, New Jersey, New York, Connecticut, Massachusetts, and even into New Hampshire, Vermont, and the territory of Maine. Such a proliferation dwarfs, for instance, the readership of Equiano's narrative, the first American edition of which ran but 336 copies, with no second edition until 1829.

Before we return to the circulation and reception of the Constitution, let us turn to a description of what we consider to be the text at issue. We do not isolate just the text of the 1801 Constitution itself as the critical text, as it typically appeared as one component within a textual cluster. In this larger grouping, four texts seem particularly important. The first of these reports on events of April 6, 1801 – the 17th Germinal in the French Revolutionary calendar – when Toussaint ordered the preparation of a new form of government. In this text, of just under 800 words, Toussaint appoints a committee of eight deputies – two each from the four departments – and orders it to prepare “a constitution suited to [the] climate, soil, culture, trade, and to the manners” of the inhabitants of the “Island of St. Domingo.” The second text, running just under 4,000 words, is a full translation of the Constitution itself. There appears to have been only one translation, appearing first in the *National Intelligencer* before its extensive circulation. No indication is given of its translator. The third text, of just over 3,500 words and sometimes appearing in two installments, describes the formal acceptance and promulgation of the Constitution on July 7, 1801 (19th Messidor). This textual sequence begins with Toussaint's arrival at Cape-François and his formal reception; a speech (just over 1,100 words) by the president of the central assembly, Citizen Borgella; an answer from Toussaint (just over 650 words) accepting the new constitution and calling on the citizens of the island to honor the new system; a concluding speech again by Borgella (just over 1,000 words); and a quick summary of the closing ceremonies. Finally, a fourth text (of slightly more than 800 words) sometimes appeared proximate to the above texts: the “Character of the Celebrated Black General, *Toussaint L'Ouverture*.” The three auxiliary

segments – the Germinal convocation, the Messidor promulgation, and the character sketch – were essential to the reception of the Constitution itself, and they should be considered part of the larger textual apparatus, just as prefaces, notes, testaments, and accounts of speeches or meetings are essential parts of later fugitive slave narratives.

What, then, is this text? One should first note that it does contain some of the organizational features of the US Constitution and would therefore have been readily identifiable as belonging to the same “family” of texts. Titles 7 through 9, for example, outline St. Domingo’s legislative, executive, and judicial branches, albeit with important distinctions. Most notably, power is concentrated in the executive branch – here forcefully equated with the “Government” itself – and, at the moment of the Constitution’s enactment, the supreme executive, “the Governor,” is Toussaint. Indeed, not only is Toussaint named in the text six times, but his “firmness, activity, indefatigable zeal, and ... rare virtues” earn him the office until “the melancholy event of his decease,” at which point his successor will have been named by Toussaint himself.⁴ As for the governor’s powers, he oversees the military (§ 34), “proposes laws,” even those that change the constitution (§ 36), “promulgates” them (§ 34), and “exact[s] the observation” of all laws and obligations (§ 35). In these points, the constitution codifies its own creation: it exists because it has been called forth and then promulgated by Toussaint. Toussaint is furthermore granted the duties and powers of overseeing finances (§ 38), monitoring and censoring “all writings designed for the press” (§ 39), and suppressing any “conspiracy” against the state (§ 40). With this tremendous, individual concentration of power, the responsibilities of the legislature and the tribunals are definitively subordinated to the governor. The assembly, for instance, “votes the adoption or the rejection of laws which are proposed by the Governor” (§ 24). They are further granted the power of providing opinions on existing laws (§24) and of managing the details of the national budget (§ 26). Tribunals shall exist in three tiers: those of “first demand,” then of “appeal,” and finally of “cassation” or annulment (§§ 44–5). But “special tribunals” organized by the Governor shall oversee all military infractions, as well as “all robberies and thefts,” as well as “house-breaking,” “assassinations, murders, incendiaries, rapes, conspiracies and rebellions” (§ 47). Furthermore, Titles 10 through 12 extend the power of the governor over local or “municipal” government, the armed forces, and the basic financial matters of the island. Toussaint is granted the authority to nominate all “members of the municipal administration” (§ 49), to control with total authority the armed forces (§ 52), and to appoint a commission of three to “regulate and examine accounts of the receipts and expences of the colony” (§ 62).

The hegemonic hermeneutic of the US Constitution makes many readers today read Toussaint’s Constitution cynically. The US text implied a series of beliefs about politics and human nature, laboriously expounded in accounts of Florentine political thought, early modern British history, and principles of the Scottish Enlightenment. Whereas the US Constitution, therefore, enacted theories of collective power and private property, the 1801 Saint-Domingue text concentrates power in the hands of an autocrat and, read through the same US hermeneutic, seems a power grab. It would

be more productive to see Toussaint's governmental apparatus enacting a different hermeneutic, one based not on political principles inflected by a theory of human nature and commerce, but on a particular local history and a state of society that might be called ethnographic. Indeed, this latter foundation becomes clear when we consider the stunning departures of the 1801 text from that of 1789. For Toussaint's Constitution's opening segments detail St. Domingo's territorial extent (Title 1), its "Inhabitants" (Title 2), its religion and morals (Titles 3 and 4), "Men in Society" (Title 5), and its "Agriculture and Commerce" (Title 6). As even these headings indicate, it would have been difficult not to see the parallels between the 1801 Constitution and the older colonial genre of the ethnography, which structured its analyses of the indigenous other within a similar progression from region and demographics, to morality and religion, and then economy. The insertion of these elements – associated in the turn-of-the-century US with non-white peoples – demonstrated a competing hermeneutic with an unusual defamiliarizing potential.

What is more, this ethnographic strand was peculiarly accentuated by its association with the slave code. The latter, from the memorable moment of the Barbados code of 1661, demonstrated a transmutation of ethnographic genres, taking a descriptive analytic frequently tooled to penetration and mastery and rendering it a supervisory code for better management and domination. This may be the most remarkable aspect of the 1801 Constitution, which can be read as a revolutionary, emancipatory answer to the French *Code Noir*, accepting its strictures and structures to emphasize its repudiation. Article 2 of Louis XIV's well-known 1685 code enjoined that "All slaves that shall be in our islands shall be baptized and instructed in the Roman, Catholic, and Apostolic Faith," while subsequent articles outlined the rules for marriage, bastardy, and ownership. Article 6 of the 1801 text echoes its predecessor – "The Catholic, Apostolic and Roman religion, is the only one publicly professed" – while subsequent articles elevate marriage, ban divorce, and declare the need to address illegitimate children. This is the slave code rewritten for ex-slaves – an antislavery code in which abolition is emphatically announced at the outset. Section 3 declares "Slaves are not permitted in this territory; servitude is forever abolished – All men born here, live and die freemen and Frenchmen." As abstract as this principle is, the overall context of the document shows that this revolutionary assertion must be understood as a moral and practical resistance to a specific history of slavery. So Toussaint's Constitution challenges its more abstract counterpart to the North, so uneasy with historical and sociological details as to veil these realities with euphemisms like "Persons as any of the States now existing shall think proper to admit" through "Importation" (Article 1, § 9) or the "Person held to Service or Labour in one State ... escaping into another" (Article 4, § 2). From this perspective, the details of Title 8, "General dispositions," display not odd particularities inappropriate to political theory, but a particular historical consciousness that wants to reward innovations in agricultural technology (§ 70), punish the arbitrary seizure of persons (§ 65), and monitor local "associations inimical to public order" (§ 67). When Section 76 proclaims "that every citizen owes his services to the country that has given him birth,

and to the soil that nourishes him, to the maintenance of liberty, and the equal divisions of property, whenever the law calls him to defend them," it is also insisting that allegiance and service to the state have a very particular meaning at a crucial point in the Revolution. This is a constitution assuming crisis, not stasis.

One should already be able to anticipate the impact of the 1801 text on a US readership, for whom the constitution may have seemed less a poor cynical imitation than a stunning historical and social revelation about the 1789 US Constitution. Yet, before turning to the 1801 Constitution in its US context, we must outline a final important generic strain to the textual complex – the characterological romance in the portrait of Toussaint himself. As we have indicated, the institutional-ethnographic text of the constitution itself was consistently presented in the US press with auxiliary texts that developed a necessary narrative frame confirming the label of "Toussaint's Constitution." These texts operated on several levels.

The simplest narrative is that of the constitutional ceremonies, summarized above: Toussaint greets the eight members of the assembly (seven of whom were white, one "mulatto," and all former slave owners); he demands that they draft a constitution "consult[ing] past events to avoid their repetition"; he warns them against "publish[ing] any of the legislative acts you may think proper to make" before receiving Toussaint's approval. After the constitution has been drafted, Citizen (Bernard) Borgella, the head of the assembly, greets Toussaint in a public ceremony of tremendous pomp and circumstance: "The croud was immense ... There existed the most profound silence." Borgella delivers two long speeches, and Toussaint one, somewhat shorter. In fact, the text of Borgella's longer speech concludes noting that Toussaint offered yet another speech, "which being little more than a reiteration of the sentiments of the orator who preceded him, it would be superfluous to give a translation of."

On another level, these declamations offer a situational explanation of the new constitution. Toussaint and especially Borgella summarized details of colonial history, the Revolution in France (including Bonaparte's return to France from Egypt), the difficult relations between the two realms, and the struggle for order in the island. It is clear that the concern, in these speeches, is the legitimation of the constitutional enterprise itself, since, despite all assertions of fidelity to France, the "unfortunate colony" has suffered from the "perverse influence" of "the Metropolis." This more broadly colonial narrative confirms and reinforces the ethnographic elements of the constitution summarized above. For a major problem of governance heretofore was the old French constitution, in which a "multiplicity of wheelworks" had "run afoul of each other ... giv[ing] rise to popular cabals, diversity of opinion, and public Calamities." In short, it was the mechanical differentiation of structures that had provoked first "the Spirit of Party," as devious politicians had known how to "interpret [laws] according to their interests"; conflict, anarchy, and disorder had followed. These catastrophes had been averted by the actions of Toussaint, who, at every moment of seemingly terminal chaos, had risen "like a phoenix from the ashes." He had "take[n] charge of the rein of an abandoned colony," suppressing unrest, unifying the regions, and even "conquer[ing] inveterate prejudices," replacing them with "the most tender

fraternity.” The new constitution would enact in writing the heroic achievements of Toussaint himself, specifically addressing the demands of the immediate colonial situation:

{Toussaint} announces to you that the time of convulsions is past; he demonstrates the necessity of giving you laws of convenience; and adopting this constant maxim, that laws are conventions established by men, to conform themselves to, for the regulation of the order of society. He makes you conceive that it is with them as it is with the production of the earth, that every country has its manners, its statutes, as well as its appropriate fruits.

Inspired by and modeled upon Toussaint, this new text thus answered those “circumstances which present themselves but once during a long series of ages, to fix the destiny of mankind” – not embody timeless principles, as the US Constitution might have it. Finally, the Messidor speeches made clear the pressing demands of the near future: the need for new planters, unification of the island, property regulation, and reestablishment of the plantation system.

Thus the texts of convocation and promulgation had both told the story of the constitution as a kind of textual analogue or extension of Toussaint: he had requested, assessed, endorsed, and proclaimed it; his action was demanded and affirmed within it; and its internal logic and propositions reflected those of his behavior in resisting French interference. He was even cast as the local counterpart to “the re-edifying genius” of Bonaparte, who had restored order and unity to France. It is not surprising, then, that these texts were at times accompanied by the “Character of the Celebrated Black General *Toussaint L'Ouverture*.” This short text describes the “extraordinary man” in terms of his intelligence, achievements, gratitude, and humanity, but above all his practicality. It mentions his childhood education in France,⁵ his rise to military leadership, and his attempts to restore economic order. The key anecdote, however, concerns the request by the British General Thomas Maitland, who requested the favor of the restoration of twelve planters to their estates. Upon their return, Toussaint “clapped them in prison,” but within days had them brought to a church in which he preached a sermon of reconciliation:

“We were for a while Spaniards, (the blacks fled to the Spanish protection, in the beginning of the troubles), but we were missed. We were born Frenchmen, and now we are Frenchmen again. These twelve men have also been missed. They were born Frenchmen. For a time they have been British; but now they have returned, and are Frenchmen again. Let us embrace.” Here Toussaint embraced them, and reconciled his followers – He restored them to their estates, and gave them negroes as servants.

The episode exemplifies a pragmatism consistent with the ethnographic formulations of the other texts, and in contrast to which patriotic affiliations are fickle and relatively meaningless. Even as the sketch affirms Toussaint’s service to the French Republic,

it likewise stresses that same republic's incompetence and antagonism toward Toussaint. Insisting that Toussaint is *not* concerned with amassing power for its own sake – he “did not treat as an independent prince as some of the papers have said” – the sketch presents him as the most practical of figures, ultimately concerned with restoring “commerce and prosperity.” Thus the character sketch simultaneously emphasizes Toussaint's self-effacing qualities and his heroic actions, such that he becomes the paradigmatic republican.

Such was the textual aggregate that arrived in the United States in August of 1801, with a remarkable circulation through newspapers. If the constitutional text appeared in at least 24 papers, the promulgation texts appeared in at least 22, the character sketch in at least 17, and the convocation texts in at least five. Newspapers printing these texts ranged across much of the United States: at least seven papers in Connecticut, 14 in Massachusetts, four in New Hampshire, two in Maine, one in Rhode Island, four in Vermont, two in New Jersey, nine in New York, and five in Pennsylvania. The text even appeared in some of the Southern states: in at least three papers in the District of Columbia, two in Maryland, one in Virginia, and three in South Carolina.⁶ Though the character sketch appears in papers as early as June 11 (*The American Intelligencer* of Massachusetts), most of the texts appeared in sequential issues of newspapers from August into December.

The impact of the text was surely related to the fractious political context it entered. The conflicts and turmoil of the Federalist era are well known, but three dimensions of that moment – all relevant to the reception of Toussaint's Constitution – may be briefly rehearsed here. Most obvious was the emergence of political parties from the mid-1790s onward. The split had numerous causes, consequences, and manifestations, including an increasingly partisan press and the growing association of the competing factions with Britain (the Federalists) and France (the Democratic-Republicans). Several other dimensions are particularly germane to Toussaint's Constitution, including the increasing formulation of partisan difference in terms of constitutional hermeneutics – for instance, in the 1792 debates over the “general welfare” clause, prompted by Alexander Hamilton's 1791 “Report on the Subject of Manufactures.” Also important was President Washington's 1794 attack on the Democratic-Republican societies, widely associated with the so-called Whiskey Insurrection, the largest domestic insurrection in US history prior to the Civil War. Washington's Message to the Third Congress, in November of 1794, explained his oversight, as “Commander-in-Chief of the Militia,” of the expedition to suppress the insurrection, while condemning “certain self-created societies” that incited opposition to the state. Four years later, the Kentucky and Virginia Resolutions further highlighted constitutional disagreements, raising the specter of the dissolution of the union in responding to the Adams administration's Alien and Sedition Acts. The 1800 election could justly seem like a referendum on (among other things) the interpretation of the US Constitution. Within the first year of Jefferson's administration assault on the lame-duck Sixth Congress's Judiciary Act was anticipated; Republicans of various stripes would target judges and the very notion of the separate judiciary. In these and

other conflicts, basic components of the constitutional order and its interpretation were challenged: individual freedoms had uncertain foundations, as did the separation of powers; “self-created societies” seemed a threat to the constitutional order, which apparently did not extend far enough, yet efforts to centralize power had provoked a major domestic insurrection and the first signs of a state secession movement.

During this period, too, political conflicts were increasingly codified in terms of the cult of personality. This characterological fixation had long been a feature of North American political culture, with Washington emerging as an iconic figure before even the Declaration of Independence. But a new wave of character-oriented politics emerged in the 1790s, which is the moment when we see the emergence of that constellation we today know as “the Founding Fathers.” “Washington” and “Franklin” were slightly reconfigured from their earlier formulations, as each was appropriated or condemned by a party culture, and as each became the subject of biographical sketches or edited collections of writing. When the actual persons conveniently died (Franklin in 1790, Washington in 1799), they were increasingly lionized and vilified: Washington as the federalist leader holding together the country or betraying the Revolution, Franklin as the true voice of democracy or the hidden seed of revolutionary licentiousness. At the same time, the cults of “Hamilton” and “Jefferson” rapidly took shape, codifying the major figures of the succeeding generation. Both were subjects of much characterological writing from the mid-1790s through the Jefferson administration, in works like John Wood’s 1801/1802 *History of the Adams Administration*, not to mention a host of pamphlets and newspaper pieces. Other figures were significant in this emerging constellation as well – Thomas Paine, who arrived back in the US in 1801; Aaron Burr, who emerged as an intriguing foil for both Jefferson (after the 1800 electoral tie) and Hamilton (whom he was to kill); and Adams and Madison, among others. Our point, however, is that these figures had become a symbolic system for thinking about political conflicts, just at the moment that Toussaint’s Constitution arrived in the US.

Finally and relatedly, US political definitions became increasingly regionalized, specifically around the question of race. This was particularly true with the 1800 election, in which New England was solidly Federalist against the Democratic-Republican South and mid-Atlantic, these divisions reflecting the candidates’ regional associations. The Kentucky and Virginia Resolutions demonstrated a regional resistance to the Adams administration that would be answered, during the Jefferson administration, by hints of a New England secession movement. This regional differentiation was thus understood in terms of competing views of the constitution; what the Northern emphasis on a stronger government promoting commerce and naval protection, and the Southern stress on state authority and agricultural production revealed was the different economic lifestyles of the regions. The difference was in a basic sense a racial one, as was evident in the Northern discourse about Jefferson’s election as the “Negro President” – that is, elected because of the three-fifths representation clause – not to mention the eventual conflicts over the 1807 Act Prohibiting Importation of Slaves. Furthermore, the regional-racial divide was manifest in the

construction of cultic political figures, above all with news of Jefferson's relationship with Sally Hemings, the insinuation that Hamilton was a "creole bastard," the celebration of Washington as benevolent slave owner, or the concomitant sense of Franklin as an abolitionist. In such a climate, the New England writer William Jenks could pen, in 1808, an alternative future history, *Memoir of the Northern Kingdom*, in which a Napoleonic, French-speaking, slave-owning South was imagined at odds with a Britain-affiliated, English-speaking North of commercial and yeoman prosperity.

Each of these dimensions of US political life would contribute to the disruptive power of Toussaint's Constitution. The appearance of the US Constitution and the election of George Washington as the first president had encouraged an elaborate *ex post facto* mythology of an orderly revolution and its aftermath. But subsequent events seriously undermined this sense. The Constitution was the subject of deep interpretative controversy. As the Massachusetts Regulation seemed to find a more forceful avatar in the Whiskey Rebellion, the 1789 text suddenly seemed sparse, unable to regulate states or even local political associations. The unified myth of Toussaint as the great Revolutionary general was suddenly fragmented: either he was the strong man holding together a disintegrating nation, or he was the tool of the old authorities, fostering a newly repressive system of control. The US, in this context, was increasingly understood in terms of an economic divide that informed most legislative and diplomatic battles. In such a context, events in France and Saint-Domingue were semiotically charged, seeming to offer a foil for events at home.

The Revolution in Saint-Domingue was also understood through these emerging perspectives. Early accounts of the Revolution, following the massive slave uprising of 1791, were informed by the arrival of French creole refugees fleeing for their lives. Unsurprisingly, these accounts were filled with graphic descriptions of rapacious brutality committed against the white ruling class. As news of black-against-white violence increased, Northern states moved to limit slavery, explore various schemes of gradual emancipation, and ban the slave trade. Southerners by contrast began a vigorous defense of their slave-based economies and moved to limit the importation of slaves from the West Indies, fearing that population would bring a rebellious culture to domestic plantations. By the end of the decade, however, a more accommodating view of the Revolution in Saint-Domingue was taking shape. In the wake of Francophobia and the condemnation of French Revolutionary "excess," Federalist merchants successfully appealed to Congress to consider ways to limit French control over the West Indian carrying trade. What had once seemed a portent of a broadening race war now signaled an irresistible opportunity: to sever French colonial holdings from imperial France, while thwarting long-term French plans to revive ambitions in the Mississippi valley. In 1799, the Federalist-dominated Congress passed what became known as the Toussaint Clause, which allowed trade to continue with French West Indian islands while restricting trade with France. The clause was the first move by the US to recognize the *de facto* economic independence of Saint-Domingue and endorse the legislation's eponymous partner, a black general and former slave. Commercial self-interest for the moment trumped race. But Jefferson's inauguration in

1801 ultimately destroyed any friendly relationship between Haiti and the US, which would refuse formally to recognize the Caribbean state until after the American Civil War. To be sure, trade policy changed little prior to 1806, when legislation to prohibit direct mercantile trade with the island was sought and implemented. And Jefferson's ambivalence toward Haiti was inflected by his own plans for westward expansion. The official administration position was that Bonaparte would ideally maintain control of the island, but it was quickly understood that Saint-Domingue would be the base for a renewed French presence in Louisiana, just as it was understood that only Toussaint could make possible the Louisiana Purchase.

In this divided context, in which US political conflicts were refracted through events in the Caribbean, Toussaint's Constitution emerged as a profoundly catalytic text. As we have suggested, the reception of the text was deeply partisan and bi-vocal. To be sure, few newspapers from the early republican period included editorial commentary in their formats, but this is not to say that opinion-driven content was absent. Opinion pieces, propaganda, or rumor-mongering proliferated through reproduced letters from unnamed correspondents, commentary on articles in rival papers, and the strategic organization of articles within tight-margined pages. Most partisan papers also featured parodies and satires alongside reports of events both foreign and domestic. It is to such ancillary commentary that we now turn, to illustrate at least two competing inflections that emerged.

Federalist newspapers – the most likely to reprint the Toussaint cluster, at a rate of about five to one – were most inclined to place the texts in a positive light. After the passage of the Toussaint Clause in 1799, Federalist papers fairly consistently defended trade with Saint-Domingue against Republican opposition, regularly voiced for example in the Democratic-Republican *Aurora* of Philadelphia. But with the new constitution, the broader political ramifications became evident through the placement of other key storylines.

Discovering “The Character of the Celebrated Black General,” for example, printed alongside attacks on Jefferson and Thomas Paine was not uncommon. Writers juxtaposed Paine with hagiographic portraits of George Washington that, like other biographical sketches proliferating since his death, featured the former president's moral and religious virtues.⁷ Jefferson made himself an easy target by association when he decided to allow Paine, that international Revolutionary and Christian apostate, to return to the US from France aboard a US navy vessel. Federalists viewed Jeffersonian support for Paine as an endorsement of the radical anti-religious views espoused in *The Age of Reason*, as well as a quiet approval of Paine's criticisms of Washington.⁸ To cite another example, the August 4, 1801 *Independent Gazetteer* (Worcester, MA) published a defense of Washington and Adams, singling out the Alien and Sedition Acts for special praise, while attacking the hypocrisy of Jacobins, democrats, whigs, and other mock republicans.⁹ But we might most usefully illustrate the Federalist response with reference to a fascinating piece appearing in the August 13 *Gazette of the United States* in Philadelphia, alongside the promulgation text from Saint-Domingue. The editors leave no doubt about the relevant context for the excerpt:

[The following outlines of a Constitution, framed after the model of modern systems of government, are extracted from a work lately published and entitled, "*My Uncle Thomas: a Romance. From the French of Pegault Lebrun*." It will be observed that *My Uncle Thomas* is to *make* the Constitution, and then the people are to *obey* it. This is doubtless the natural and necessary result of persuading the people at large that they are able to govern themselves, and of flattering them with titles of sovereignty till they have wearied themselves out with their own commotions and are glad to gain tranquility by a quiet submission to the constitution of an *Uncle Thomas*, an *Uncle Buonaparte*, an *Uncle Gallatin*, or any body else who will be at the trouble of taking the burthen off their own shoulders. The basis of this excellent Constitution is: "*We are all free and equal** – *but you shall obey me; because – I will have it so*"]

* That is, "all Republicans, all Federalists."

EXTRACT.

"You Uncle! You make a Constitution!
 "S'death, why not as well as another?
 "I fear it will not answer.
 "Well, then, I will make a second.
 "Which will be no better.
 "Then I will try a third.
 "Which will not last longer than the other.
 "After meditating *two hours* he produced the following:

Rights of Man – "Every man has a right to live in plenty, and without doing any thing for his livelihood.

Of the Government – "General *Thomas* having been proclaimed Grand Regulator, shall regulate and misregulate just as he pleases.

Civil and Criminal Code – "As the only difference among men consists in one wanting what another possesses, no man shall have any exclusive possessions of his own.

"As Magistrates are useless where there are no disputes, there shall be no Magistrates among us.

"As there can be no occasion for prisoners, or goalers, or attornies, or hangmen, where there are no Magistrates, there shall be neither hangmen, attornies, goaler or prisoner.

"We have thus got rid, in a moment, of what has embarrassed the whole world from the earliest period.

Of the Finances – "There shall be established, in extraordinary cases only, a *general and voluntary tax*.

Upon Breathing – "My tax is purely voluntary, for those who do not chuse to breath will have no occasion to pay any thing." &c. &c.

The same humorous writer observes:

“Vanity and self-love transform us into strange creatures. There is no man, however low his condition, but thinks himself superior to every one else. I have no doubt but my shoe-black would accept the office of first Consul. All I hope is that it will not be offered to him.”

Can Americans *rationaly* hope so of their shoe-blacks?

As the text itself admitted, the source here was a 1795 comic romance, Pigault-Lebrun's *Mon Oncle Thomas*.¹⁰ Now the continuum of anti-Jacobin satire is extended to include the US context, with Uncle Thomas referring to Jefferson, as is made clear by the reference to Gallatin and the well-known citation (“all Republicans, all Federalists”) from the 1801 inaugural address. Uncle Thomas's constitution becomes a weapon of irrationality and political domination, deliberately denying the social or ethnographic realities of commercial society. Magistrates imply conflicts – so let us do away with magistrates.

What is perhaps most notable about this satire, though, is how close it veers to the Saint-Domingue text. Toussaint's Constitution might fit the imperious model presented here, from the above dictation to the final reference to the plebeian, perhaps even racialized, figure of the shoe-black – a seeming commentary on the ex-slave-turned-general. But the *Gazette's* treatment of the Caribbean constitution is consistently positive, revealing several important contrasts. Most obviously, Jeffersonian rule implies a potentially radical constitutional hermeneutic whereby political principles ignore or dominate social realities, thereby reflecting the dangerously idealistic character of the ruler. But Toussaint's Constitution seems to be read very differently, such as a properly Federalist text well adapted to existing conditions and emergencies, rather than to the promotion of abstract principles. Of course, such a reading necessitates the repression of Article 3: “Slaves are not permitted in this territory; servitude is forever abolished – All men born here, live and die freemen and Frenchmen.” But perhaps as importantly, it necessitated the repression of Toussaint's race as a factor, and a transference of his blackness to Jefferson. Both gestures – deradicalization and reracialization – were necessary for the celebration of Toussaint as counter-Revolutionary, well discussed by Larry Tise. In Tise's view, the Federalists turned to Toussaint as antidote for both the new administration's republican enthusiasm and the Federalist losses in 1800. Conceived as a counter-Revolutionary, Toussaint had successfully reinstated the rights of property, established a state religion, and re-elevated economic elites: he instated himself as ruler for life with the right to appoint his successor. This is the Toussaint of “The Character of the Celebrated Black General,” in which the imperative “to restore the planters, and revive the trade” displaces Toussaint's race, mentioned only in the title and the first paragraph.

We may contrast this configuration with that implicit in the Democratic-Republican press. Few Toussaint texts appeared in those papers, but they were printed in

the national partisan journals, like William Duane's *Aurora General Advertiser*. An earlier opponent of the Toussaint Clause, Duane remained contemptuous of Toussaint, so much so that the *Aurora* was one of the few papers to dedicate space for what might today be called an editorial.¹¹ His response to the promulgation of the constitution began with a principled objection to its anti-republican articles, but ended with a race-conscious warning to his compatriots in the Southern states. "[W]e are among those who deny the competency and question the legality of the authorities assumed by the extravagant organization which has lately been set up in St. Domingo," Duane wrote, launching an attack on Toussaint's character and executive authority. "In the new system of what is called a constitution, we see nothing to respect, nothing to admire, and much to excite abhorrence and disgust." Rather, the constitution was "a spurious mimicry" of its French antecedent, "a new made monster ... a despotism of the worst kind, formed in the worst manner, conceived in treachery and masked by hypocrisy." The constitution is furthermore "a bitter and malignant satire on free government," foremost because it instates Toussaint governor for life.

Despite the ideological republicanism that drives the first half of Duane's response, the matters of race and slavery are not far away. The 1801 Constitution "ought to suggest to the union the necessity of providing every possible means of security," he continues, advocating liberal naturalization policies to encourage white emigration to the Southern states. Toussaint's constitution may "concentrate the force, ignorance, and superstition, in the great body of the unfortunate and injured descendants of Africa, and capacitate them for mischief – and it may spread some day the storm of retaliating destruction upon the heads of the whites, who may be ... extirpated ... *woe to the countries in its neighbourhood.*" The argument here essentially inverts the Federalist configuration, which maintained that a constitution must pragmatically respect the social order. By contrast, Duane sees Toussaint's Constitution bracketing true republicanism to serve the aberration of a slave society achieving emancipation. Like the Federalist position, however, the onus of this relationship between constitutional and ethnographic orders is placed upon the character of Toussaint, who is implicitly associated with Washington in an adjacent article entitled "TORYISM called FEDERALISM." This piece condemns Federalist editors for assaulting the republican values of the American Revolution, "while frequently the same editors in the same papers eulogize *Washington* as the greatest and best of men."

This split partisan response to the Toussaint texts reveals a fundamental parallax, by which we mean a different perspectival orientation due to a change in the position of the observer. In the Federalist configuration, the character of Toussaint (and one might say republicanism) worked to subordinate constitutionality to ethnography, and emerged as an ideal: a heroic military leader fashioned in the model of Washington, but even more lastingly effective than the latter in having more correctly fashioned his constitution. Such a figure could be contrasted with Jefferson or Paine, Francophile republicans signaling the worst excesses of French jacobinism. Toussaint's republicanism was Washingtonian Federalism, rejuvenated overseas, but such a fantasy required the suppression of the racial realities of Toussaint's actual

achievement. Toussaint was a black *Washington*. For the Democratic-Republicans, however, Toussaint was a *black* Washington. Cynically devaluing republicanism, his agenda was the concentration of power: his obviously authoritarian constitution revealed the Federalist hermeneutic seeking to amass and concentrate power at the expense of the states and the decent associations of white people, who were destined to become *de facto* slaves. This Federalist elitism, serving mercantile interests and undermining those of the plantation economy, could only mean, eventually, rule by violent slaves, state religion, and an essentially monarchical executive. Republicans openly associated Toussaint with fears of racial warfare and widespread social instability; Federalists envisioned a figure superseding political anarchy, and reestablishing the unification of culture and government. In each instance, Toussaint elevated political conflicts to a far-reaching political fantasy: paranoid race war in the one instance, authoritarian narcissism in the other.

In the US context, the reception of Toussaint's Constitution was, thus, fantastically revealing. Its circulation and that of the auxiliary texts we have identified elicited a partisanly bi-vocal response, one that split upon nothing less than contrary fantasies about the future of the republican experiment in the US, if not also in the Americas. Most significantly, these reactions to Toussaint's Constitution disclose a pattern that would continue up to and through the Civil War: despite Constitutional compromises designed to postpone reckoning with US slavery, race would symptomatically emerge and define disputes about signal issues of the nation's future.

Considered from another perspective, however, Toussaint's Constitution joins, if not inaugurates, a tradition in African American letters of holding white social and political morality to account for its more abstract and universalizing strands. The appearance of the 1801 Constitution represents a strategic inversion of foundational documents and principles of the West. From Equiano, who leveraged the golden rule to castigate "nominal Christians," to Jones and Allen's appeal for civic recognition, and to the redirection of the US Constitution and the Declaration of Independence in David Walker's *Appeal* and Douglass's Fourth of July oration, Toussaint's Constitution ought to take a place as a most powerful example. It offers students of African American literature both a powerful articulation of black agency in letters as well as an unprecedented archive of responses from white audiences in the US.

NOTES

- 1 The first American edition of Olaudah Equiano's *Interesting Narrative* (1791) had subscription orders numbering only 336 copies. There were two later reprints that precede Douglass's *Autobiography*, the first in 1829 and another in 1837.
- 2 The 1786 edition was an unchanged reissue of the first edition of 1773. It was sold out of the shop of Benjamin Crukshank in Philadelphia.
- 3 We pass over here another, but perhaps the weakest, possible objection to consideration of Toussaint's Constitution: that it was written in French. At a moment that sees a collection like Werner Sollors and Marc Shell's *The Multilingual Anthology of American*

Literature: A Reader of Original Texts with English Translations, not to mention common inclusion of French and Spanish texts in US literature anthologies, this criticism does not seem to warrant much attention.

- 4 Toussaint's name appears in Title 6 § 16, Title 8 §§ 28, 30 (twice), and 31, and Title 13 § 77. His signature concludes the text.
- 5 Almost certainly apocryphal.
- 6 Our numbers are based on searches of the Readex Newspaper Database, and of several papers not included in that database, like Philadelphia's *Aurora*; we assume that the text appeared in more papers than we have listed.
- 7 We note, too, the publication of Mason Locke Weems' *The Life of Washington* in 1800, which continued through nine editions in the first decade of the nineteenth century.
- 8 Paine's critical letter to Washington, written in 1796, was widely reprinted following the announcement of Paine's return.
- 9 Reprinted from *The Gazette of the United States*, May 7, 1801. Here, the piece gets reactivated by the appearance of Toussaint's Constitution.
- 10 The original is slightly edited, and the passage about the shoe-blacks appears much earlier in the original text.
- 11 *Aurora General Advertiser*, August 17, 1801.

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