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# Public Rights and Private Commerce: A Nineteenth-Century Atlantic Creole Itinerary

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## SIDNEY W. MINTZ LECTURE FOR 2005

**Public Rights and Private Commerce**

## A Nineteenth-Century Atlantic Creole Itinerary

by Rebecca J. Scott

Tracing the history of a family across three generations, from enslavement in eighteenth-century West Africa through emancipation during the Haitian Revolution and subsequent resettlement in New Orleans, then France, then Belgium, can shed light on phenomena that are Atlantic in scope. A business letter written in 1899 by the cigar merchant Edouard Tinchant to General Máximo Gómez in Cuba frames an inquiry that opens out onto a family itinerary that spanned the long nineteenth century. Rosalie Vincent's achievement of freedom in the shadow of slavery in Saint-Domingue in 1793–1803 can be seen as linked to her grandson Edouard Tinchant's participation as a delegate in the Louisiana Constitutional Convention of 1867–68. Together, the experiences of the Vincent/Tinchant family illuminate an Atlantic and Caribbean rights-consciousness that crossed the usual boundaries of language and citizenship. Uncovering these experiences suggests the value of combining the close focus displayed in Sidney Mintz's *Worker in the Cane* with the Atlantic approach of his later *Sweetness and Power*.

Sidney Mintz's *Worker in the Cane* (1960) is a model life history, uncovering the subtlest of dynamics within plantation society by tracing the experiences of a single individual and his family. By contrast, his *Sweetness and Power* (1985) gains its force from taking the entire Atlantic world as its scope, examining the marketing, meanings, and consumption of sugar as they changed over time. In this essay I will borrow from each of these two strategies, looking at the history of a single peripatetic family across three long-lived generations, from enslavement in Africa in the eighteenth century through emancipation during the Haitian Revolution in the 1790s to emigration to Louisiana, France, and Belgium in the nineteenth century. Tracing the social networks that sustained these people as they moved and identifying the experiences that shaped their political sensibilities can cast light on the development of vernacular concepts of equality. The pivot point for the story will be New Orleans, where one member of the family helped these concepts take an explicit political and juridical form in the 1868 Louisiana state constitution. But the story is also part of a larger Atlantic history of rights,

given shape by the movement of people and paper across the Caribbean, the Gulf of Mexico, and the Atlantic itself.<sup>1</sup>

I shall start where I myself began this inquiry, with a document from the Cuban National Archive in Havana. The letter in question is dated September 1899 and is in the papers of General Máximo Gómez, the revered leader of the Cuban independence struggle. It begins simply as a commercial request, in which a merchant named Edouard Tinchant, writing in English from Antwerp to Havana, addresses the general:<sup>2</sup>

In early and ardent sympathy with the Cuban cause, I have been always and pride myself in being still one of your most sincere admirers.

I would be highly honored, should you have the kindness to authorize me to use your illustrious name for a brand of my best articles, your portrait adorning the labels whereof a proof is enclosed.

So a Belgian cigar manufacturer wants to put a famous Cuban on the label of his cigars. No surprise there. But look how Tinchant tries to give credibility to his importunate request:

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1. In framing the inquiry in this way, I have also been influenced by Dubois (esp. 2004a), Hébrard (2002), and Meadows (2000).

2. Edouard Tinchant to Máximo Gómez, 21 September 1899, sig. 3868/4161, leg. 30, Fondo Máximo Gómez, Archivo Nacional de Cuba (ANC). I thank Marial Iglesias Utset for calling the document to my attention.

Allow me to add as an excuse for the freedom of my request, that I may not be altogether unknown to some of the survivors of the last struggle. They may still remember me as a member of Company C 6th Louisiana Volunteers, Banks Division in 1863; as representative of the 6th Ward of the city of New Orleans, at the Constitutional Convention of the State of Louisiana in 1867–68 and as a cigar manufacturer in Mobile Alabama from 1869 till 1877.

During all these years, I have been a humble but steady contributor to the Cuban fund and many are your countrymen, the Cubans and your followers to whom I have lent a helping hand.

Tinchant is invoking his previous acquaintance with Cuban revolutionary exiles who found themselves in the Gulf states during the 1860s and 1870s and giving a strong clue to his own politics and identity. The 6th Louisiana Volunteers were a Civil War unit of the Union Army recruited among the free and recently freed populations of color in New Orleans, and the 1867–68 Constitutional Convention of the State of Louisiana drafted one of the most radical state constitutions ever seen, with a resounding guarantee that all of the state's citizens would have the same "civil, political, and public rights." How did a man from Belgium end up as an elected delegate to such a gathering?

Tinchant probably suspected that Máximo Gómez would ask the same thing, so he hinted at an answer:

Born in France in 1841 I am of Haitian descent as both my father and mother were born at Gonaïves in the beginning of this century. Settled in New Orleans after the Revolution, my father, although in modest circumstances left Louisiana for France with the only object in view of raising his six sons in a country where no infamous laws or stupid prejudices could prevent them from becoming MEN.

Here, then, was the crux of the matter: an evocation of Haiti's 1804 declaration of independence at Gonaïves and an appeal to the antiracism that Tinchant knew Gómez endorsed, with a particular emphasis on dignified adulthood and masculinity. With the words of this letter, the merchant Edouard Tinchant was seeking to establish a universe of shared experiences and principles with Gómez, who had been born in the Dominican Republic and had carried the campaign for Cuban independence across the Caribbean and Central America. In effect, the letter provides a glimpse of an Atlantic world in which various struggles over race and rights were intertwined and in which ideas and concepts were exchanged along with images, memories, and cigars.

Notarial records confirm that Edouard Tinchant's mother was indeed born in Saint-Domingue in 1799, in the midst of the Haitian Revolution. Her birth took place not in Gonaïves, however, but in the small town of Les Abricots, near the city of Jérémie on the western end of the southern peninsula, then

under the fragile rule of Toussaint Louverture's rival André Rigaud. Slavery had been formally ended throughout the colony in 1793–94, abolished in the tumult of the slave rebellion and by decree from the French National Convention. Many of the hierarchies to which it had given rise nonetheless continued to be inscribed in official documents. The baptismal record of the girl named Elizabeth Dieudonné shows her to have been a "natural child"—one whose parents were not married—though the name of her father, Michel Vincent, is mentioned. Her mother appears as Marie Françoise dite Rosalie *négresse libre* (Marie Françoise called Rosalie, free black woman), the term *négresse* invoking both color and slave ancestry. The baby Elizabeth's godfather was recorded as le sieur Lavolaille, a ship's carpenter, the courtesy title *sieur* suggesting that he was counted as white. The name of the godmother, Marie Blanche veuve Aubert (Marie Blanche widow Aubert), carried neither a title nor a color qualifier.<sup>3</sup>

The social network that we glimpse at the baptismal font would later frame the child's departure into exile, as war and uncertainty gripped residents of the region around Jérémie. (See fig. 1, showing Jérémie on the northern shore of the southern peninsula of Saint-Domingue.) In May of 1803 Elizabeth's father contemplated leaving for France—but without Rosalie or her four children. Perhaps with the assistance of a local scribe, he drew up a legalistic but unofficial document that declared that Marie Françoise dite Rosalie *négresse de nation Poulard* and her four children were his slaves and that he hereby formally conferred freedom on them. In the phrase *de nation Poulard* the text conveyed Rosalie's ancestry: she was from the Peul (Fulbe), a predominantly Muslim people who lived in the Senegambia region of West Africa.<sup>4</sup>

As a practical matter, then, the freedom of Edouard Tinchant's mother depended less on the decrees of abolition or her 1799 birth certificate than on this fragile 1803 text conferring liberty on her own mother. The logic of declaring her mother, Rosalie, a slave in order to free her seems clear. If the authorities of a neighboring nation declined to recognize the validity of the abolition decree of the French Convention or if the troops sent by Napoleon reimposed slavery in Saint-Domingue, perhaps they would acknowl-

3. See the marriage contract of Jacques Tinchant and Marie Dieudonné, 26 September 1822, p. 31, 1822, Notary Marc Lafitte, New Orleans Notarial Archives Research Center (hereafter NONARC), and "Rectification de noms d'épouse Tinchant dans son contrat de mariage," 16 November 1835, Act 672, 1835, Notary Theodore Seghers, NONARC, which includes a copy of the baptismal certificate. On the use of the term *sieur* in Saint-Domingue, see Garrigus (1996, 25–29).

4. See "Enregistrement de liberté de Marie Françoise," 26 ventose an douze, folio 25 verso of the first register in 6 SUPSDOM 3, Dépôt de Papiers Publics des Colonies (hereafter DPPC), Centre des Archives d'Outre-Mer (hereafter CAOM), Aix-en-Provence, France. The term *Poulard* is generally held to designate Pulaar-speaking groups, also known as Peul or Fulbe (Hall 2005, 30, 43). On the history of Senegambia in the late eighteenth century, see Barry (1998, esp. 100–102); see also Searling (1993).

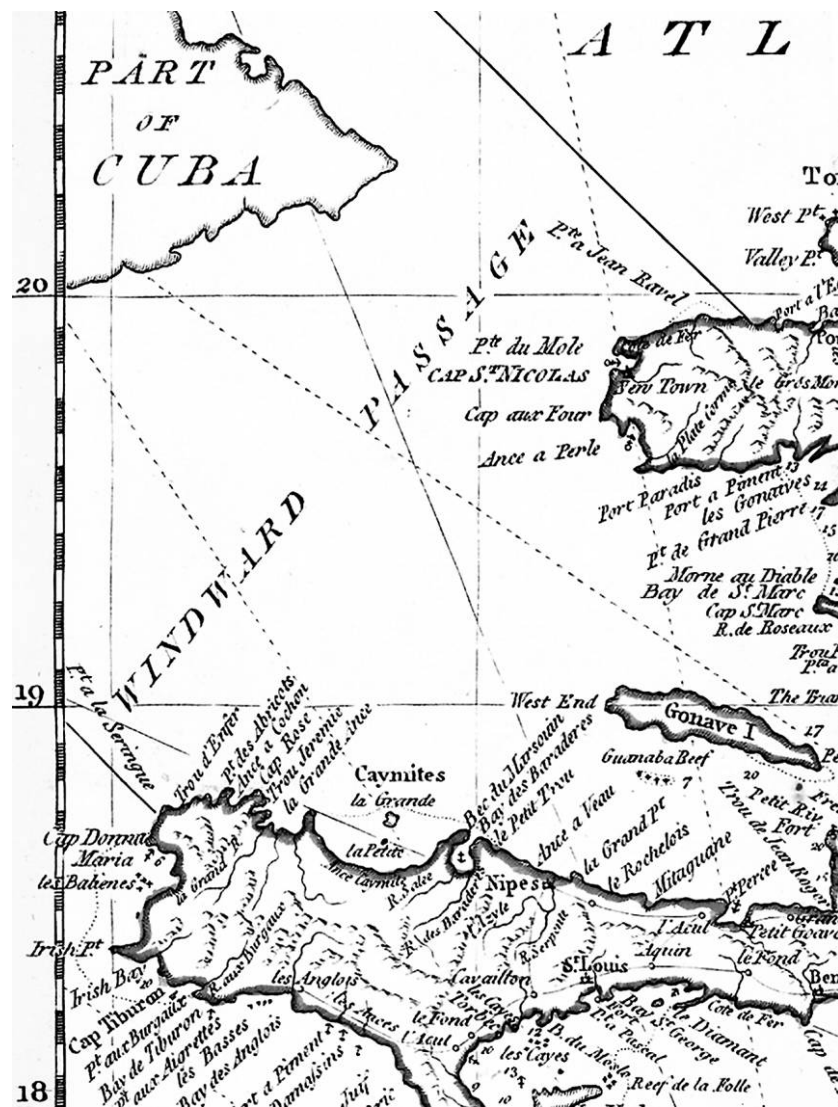


Figure 1. The western portion of the island of Hispaniola, showing Jérémie and Les Abricots on the north coast of the southern peninsula of the French colony of Saint-Domingue. From Bryan Edwards, *An historical survey of the French colony in the island of St. Domingo* (London, 1797). Courtesy of the William L. Clements Library.

edge the right of a slaveowner to relinquish a claim to his own “property.” Along with many other refugees, Michel Vincent and Rosalie subsequently left Saint-Domingue and traveled to Santiago de Cuba, where she submitted the document to a representative of the French government and asked that it be copied and certified to give it greater force. The French official began his new version by identifying her as *Citoyenne*, thus conferring upon her the title of French citizen. With this hybrid text, a kind of self-created passport, Rosalie retained her freedom in Santiago even after the death

of Michel Vincent in 1804. But in 1809 the Saint-Domingue refugees were expelled from Cuba, and many landed in New Orleans (fig. 1).<sup>5</sup>

The woman who had stood as godmother to Rosalie’s daughter Elizabeth, Marie Blanche Veuve Aubert, now designated a woman of color, settled in the New Orleans neigh-

5. See “Enregistrement de liberté de Marie Françoise.” On the Saint-Domingue refugees, see Lachance (2001, 209–30), Brasseur and Conrad (1992), Portuondo (2003), and Meadows (2000).

borhood of Faubourg Marigny, on Rue Moreau. Over the next decade, Elizabeth would be raised in the widow's household. Rosalie herself may have settled in now-independent Haiti, traveling periodically to New Orleans; the evidence is not entirely clear.<sup>6</sup>

Edouard Tinchant's father, Jacques Tinchant, appears in the New Orleans notarial records as a free man of color, the natural child of Suzette Bayot and an unnamed father. Many early refugees from the Haitian Revolution had landed in East Coast ports in the United States, and the 1796 city directory of Baltimore, Maryland, lists a man from Saint-Domingue with the surname Tinchant who may be Jacques's father. In any event, Suzette Bayot settled in New Orleans with the child, and Jacques was raised in the household of Louis Duhart, yet another Saint-Domingue refugee, with whom Suzette Bayot subsequently had additional children.<sup>7</sup>

The 1822 marriage in New Orleans of Jacques Tinchant to Elizabeth Dieudonné thus united representatives of the two main groups of refugees from Saint-Domingue: those who fled in the early 1790s to cities like Philadelphia and Baltimore and those who traveled from Saint-Domingue to Cuba and from there to New Orleans in 1809. In the status-conscious world of antebellum New Orleans, both parties to the marriage carried the stigma of color alongside the designation of freedom. The bride signed the marriage contract with the name Marie Dieudonné, borrowing her mother's first name and using her own second name, not the surname—Vincent—that her father's mention in the 1799 baptismal record might have enabled her to claim under French Revolutionary legislation on the family. As they subsequently moved up in the world, however, the couple eschewed the informality of the simple name "Marie Dieudonné" and went to a notary to "rectify" the name. Claiming (implausibly, given her signature on the original contract) that she had never been called Marie, Jacques Tinchant's wife provided a copy of her baptismal record and certified that her proper name was Elizabeth Dieudonné Vincent. The notary took the baptismal record as sufficient evidence that Elizabeth had been "acknowledged" by her father. The more elaborate name, in turn, moved her

a step away from the presumption of illegitimacy visited upon many free people of color.<sup>8</sup>

The bride's mother served as witness at the wedding, but the dowry was provided by the bride's godmother and by the late Jean Lambert Détry, a man born in Brussels. In a "mystic testament"—a secret document prepared privately and left under seal with a notary—Lambert Détry had identified the young Marie [Elizabeth] Dieudonné as his goddaughter. This seems not to have been technically accurate, but perhaps long years of living with her godmother, the widow Aubert, had given him this status de facto. In addition to the promise of funds from the bequest of Lambert Détry, the marriage contract conferred upon the newlyweds ownership of a slave named Gertrude, aged about 22, and of Gertrude's daughter.<sup>9</sup>

It was common for free people of color in New Orleans to be entangled with slavery in several different ways—sometimes benefiting directly from ownership, sometimes facilitating the freedom of slaves to whom they were bound through ties of kinship or shared experience. About a decade after their marriage, the couple took steps to manumit the slave Gertrude, signing their names to the final notice of freedom in 1833.<sup>10</sup> But manumission of one slave could be matched by the acquisition of others. In the mid-1830s the city of New Orleans was expanding rapidly, and Jacques Tinchant and his associate Pierre Duhart, both usually identified in the notarial records as f.m.c. (free man of color) or h.c.l. (*homme de couleur libre*), were buying land downriver in the suburbs of Faubourg Marigny, New Marigny, and Franklin. In 1835 they agreed to combine their holdings and constituted themselves as a *société* to build on these lands. Over the next three years they sold deep, narrow lots to a variety of purchasers, many of them men and women of color. Blaise dit Blaise Léger, *nègre libre*, for example, paid \$400 for a lot in Faubourg Franklin measuring 34 feet on Washington Street and 117 feet on Morales Street.<sup>11</sup> The next year, Tinchant and

8. See "Rectification de noms d'épouse Tinchant dans son contrat de mariage."

9. See the marriage contract cited above. The sacramental record of the marriage is somewhat garbled in the transcription but lists the bride's mother as one of the witnesses (see Nolan 2000, 368). Lambert Détry, also a migrant from Saint-Domingue via Cuba, had set up shop as a carpenter, combining his own labor as an artisan with that of enslaved Africans and Creoles who worked as sawyers. See Inventory of the Estate of the late Lambert Détry, April 17, 1821, File D-1821, Inventories of Estates, Court of Probates, Orleans Parish, Louisiana, and the corresponding will, both in the records of the Louisiana Division, New Orleans Public Library (hereafter NOPL). The widow Aubert never turned over the promised money, and in 1824 Jacques Tinchant took her to court. See Jacques Tinchant vs. Marie Blanche Widow Aubert, docket #3920, Parish Court, Orleans Parish, Louisiana Division, NOPL.

10. See the manumission document dated 23 January 1833, Act 40, 1833, Notary Theodore Seghers, NONRC. On the shifting rules governing manumissions in Louisiana, including the prohibition in 1807 of the manumission of slaves under the age of 30, see Schafer (2003, prologue).

11. See "Vente de terrain par J. Tinchant & Duhart à Blaise Léger n.l.," 7 October 1835, Act 590, 1835, as well as other purchases and sales of land by Tinchant and Duhart, in Notary Theodore Seghers, NONRC.

6. A copy of the plat showing lot numbers in Faubourg Marigny and their precise location is "Plan du Faubourg Marigny, Conforme au trace fait par B<sup>m</sup> Lafon . . . 1807," document 1966.34.5, Historic New Orleans Collection. The widow Aubert appears in the manuscript schedules of the U.S. Census for 1810 on Rue Moreau, where her partner, the Belgian carpenter Jean Lambert Détry, had bought two plots of land. See "Vente de terrain par B<sup>d</sup> Marigny à Lambert Détry," 20 July 1809, pp. 348r, 348v, 349r, Notary M. de Armas, Acts No. 2, NONARC.

7. For evidence of a Tinchant in Le Cap in Saint-Domingue, see "Enregistrement des ordonnances . . . pour reconstruction de maisons au Cap-François. An X," in microfilm copy of CC 9<sup>o</sup>19, Colonies, Archives Nationales, Paris. The marriage contract cited above gives the birthplace of Jacques as *halifax, Amérique septentrionale*, and may refer to Halifax, Virginia, or, more likely, Halifax, Nova Scotia. For a Tinchant listing in Baltimore, see Thompson (1796, 76). On the early cohort of refugees, see White (2003). A Louis Duhart identified as Basque was a Freemason in Saint-Domingue and later moved to New Orleans (see Cauna 1998, 333).



Duhart spent \$1,000 to purchase an enslaved black man named Giles *alias* Clark, about 21 years of age. Thus, while Tinchant had in 1833 freed one of the two slaves of his wife's dowry, he now held a half-interest in another "person with a price."<sup>12</sup>

The business dealings of Jacques Tinchant are open to various interpretations. From one vantage point, Tinchant is a carpenter turned builder and developer, transforming white-owned rural land on the edge of the city into house lots and houses for a multiracial clientele.<sup>13</sup> For example, the parcel that he and Duhart sold to the free black man Blaise Léger in October of 1835 was plantation land that they had purchased from Nicolas Noël Destrehan in January of the same year. But if we look through the notarial records we also find that Léger had recently been manumitted in accordance with the last will and testament of Jean Lambert Détry, the same Belgian carpenter who had provided the dowry for Jacques Tinchant's wife a decade earlier. So the sale of a small house lot to him may well have involved the fulfilment of a family and community obligation as well as pure business logic.<sup>14</sup>

The web of kin and clientage in which Jacques Tinchant and his wife were enmeshed crossed and recrossed what were imagined to be the color lines of antebellum New Orleans. In his business dealings, Jacques Tinchant frequently linked a seller counted as white to a future buyer counted as black. In the process, his own color designation appeared and disappeared. The otherwise scrupulous notary Theodore Seghers usually did but sometimes did not add the label "f.m.c." or "h.c.l." to Jacques Tinchant's name. It is not that Tinchant "passed" for white—in a subsequent document the color label would reappear. It was rather that the written imposition of stigma could fall by the wayside as the family notary formalized yet another transaction. The social structure of antebellum New Orleans was certainly characterized by elements of what we could call caste, but in the 1820s and early 1830s there was a considerable amount of slippage both in the caste schema itself and in the social interactions that the schema was meant to regulate.<sup>15</sup>

12. "Vente d'esclave par Marianne Nabon f.c.l. à J. Tinchant & P' Duhart," 25 August 1836, Act 695, 1836, Notary Theodore Seghers, NONARC. Both the seller and the buyers were listed as free people of color. The phrase "person with a price" is used by Johnson (1999).

13. In the 1838 *Gibson's Directory* for the city of New Orleans, p. 200, "Jac's Tincharg, f m c" appears as a builder, living on Craps Street, between Music and Poets Streets, in Faubourg Marigny.

14. See "Affranchissement du nègre Blaise par la succession Lambert Détry," 7 October 1834, Act 497, 1834, Notary Theodore Seghers, NONARC. Lambert Détry had died in 1821, when Blaise was only ten years old. The will called for Blaise to be manumitted when this became possible under Louisiana law. In the intervening years, Blaise lived in the home of Marie Blanche, widow Aubert—including the years in which Jacques Tinchant and Elizabeth Dieudonné Vincent lived there as well. See the will and inventory of Lambert Détry, NOPL, cited above.

15. See the many transactions involving Jacques Tinchant in the volumes for the 1830s of the notary Theodore Seghers, NONARC. See also Dominguez (1986).

During the late 1830s, however, the state legislature increased its efforts to strengthen the system and to monitor and harass the free population of color. By 1840, free people of color, except those born free in Louisiana, were formally required to register with the mayor's office, providing proof of their status. Families like the Tinchants and the Duharts apparently declined to follow this order, but Jacques Tinchant and Elizabeth Vincent began to plan to leave the city. In preparation for the move, Jacques Tinchant stopped buying land, sold many of their remaining lots, and traded one suburban lot for a tract downtown.<sup>16</sup>

Years later, in his letter to General Gómez, Edouard Tinchant wrote that his father had left antebellum Louisiana in order to raise his sons "in a country where no infamous laws or stupid prejudices could prevent them from becoming MEN." But on the eve of their departure the couple still owned the 22-year-old Marie Louise, daughter of the now-free Gertrude. Just weeks before leaving New Orleans Jacques and Elizabeth accompanied Gertrude to the family notary and officially sold Marie Louise to her own mother. Under the terms of the contract, Gertrude was to pay the couple 800 piastres (dollars) in several installments. Once the last payment was made, Marie Louise was to become free.<sup>17</sup> This contract seems to have been designed to circumvent the restrictions on manumission while extracting an income in the process.

When Jacques Tinchant and Elizabeth Vincent boarded a ship for France sometime in the spring of 1840 with their children Pierre, Jules, and Ernest, they reconfigured the webs of sociability that had enabled them to adapt to New Orleans, keeping some threads tied while dropping others. In many ways they were not exactly expatriates. Their claim to state citizenship in Louisiana, much less national citizenship in the United States, would have been fragile indeed in antebellum jurisprudence; it is possible that they actually had a stronger claim to citizenship in France. And even as they fled the increasingly hostile environment of the antebellum south, they left behind in New Orleans two sons, Louis (age 15) and Joseph (age 12). These boys were presumably meant to learn a trade—perhaps cigar making—and hold down one end of the family's Atlantic network.<sup>18</sup>

16. The list, titled "Mayor's Office. Register of Free Colored Persons. 1840–1863," is available on microfilm in the Louisiana Division, NOPL. I have found no entries on it for either the Tinchants or the Duharts. The various final transactions of the Tinchant/Vincent family are in the notarial volumes of Theodore Seghers for the years 1839 and 1840, NONARC.

17. See "Jacques Tinchant et son épouse, Vente d'Esclave à Gertrude," 9 May 1840, Act 288, 1840, and "Procuracion par Tinchant à Duhart," 12 May 1840, Act 294, 1840, both in Notary Theodore Seghers, NONARC. On manumission more generally, see Schafer (2003).

18. On the historical complexity of the citizenship question in France, see Sahlins (2004). The index of naturalizations compiled at the Archives Nationales in Paris and available on-line at <http://www.archivesnationales.culture.gouv.fr/arn/> shows entries for some individuals born in Saint-Domingue who were granted *réintégration dans la qualité de*

Within a few months of arriving in France, the family had made its way to the region called the Béarn, long a major area of out-migration for the French West Indies. Kin of Jacques's adoptive family, the Duharts, lived in this wine-producing country at the foot of the Pyrenees and had almost certainly scouted out prospects for them.<sup>19</sup> With the capital accumulated in New Orleans in the land and building business, supplemented by the monies from the sale of the slave Marie Louise, Jacques Tinchant and Elizabeth Vincent paid 27,000 francs for a farm in the town of Gan, just south of Pau. All color terms fell away in this September 1840 notarized document, as Jacques became a substantial *propriétaire*, now referred to with the courtesy title *sieur*. The tracts they bought held vineyards, pasture, fields of ferns, and chestnut orchards, as well as cattle and several buildings. The census soon showed the Tinchant household to include various workers (*domestiques*).<sup>20</sup>

Their youngest son, our letter-writer Edouard Tinchant, was born in Gan in 1841.<sup>21</sup> If the parents' goal was to raise their boys in a country where they would not face specific disabilities on account of color, it may initially have looked reachable. Some of the ideals of the 1789 revolution had been retained under the constitutional monarchy that ruled France after 1830, though others had been reversed. Slavery had been reimposed in the French colonies, carrying with it the reimposition of caste distinctions (see Agulhon 1973, esp. chap. 1; Peabody and Stovall 2003). In France itself, however, the Tinchant sons had access to education, and there is no indication that any formal stigma on the basis of color was imposed upon them in the official records. This was a very different world from that of men and women designated "free people of color" in antebellum New Orleans. But the larger question of the rights and duties of citizenship in France and to whom those rights and duties would belong was very much in debate. The jurist named to the first chair of constitutional law at the Collège de France, Pellegrino Rossi, held that while "public rights" should be open to all, "political rights" should be constrained on the basis of presumed capacities. Voting itself remained strictly limited to those who paid taxes above a certain threshold (Rossi 1866–67 [1835–37], vol. 1, 1–12).

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*français*, suggesting that Elizabeth Vincent might have been able to make a claim to French nationality. I have found no indication that she did so. Louis and Joseph Tinchant both appear in the 1850 federal census for New Orleans, as reproduced in USNA M432, roll 238, in municipality 3, ward 4.

19. There is a taxpaying elector in Gan named Duhart listed in the *Annuaire administratif, judiciaire et industriel du département des Basses-Pyrénées* for 1841.

20. The purchase document, dated September 25, 1840, is Act 904, 1840, Notary Pierre Sempé, Archives Départementales des Pyrénées-Atlantiques, Pau (hereafter ADPA). Jules, Ernest, and Pierre Tinchant appear along with their parents in Gan, Recensement de la population (1841), Section de Bastarrou, AC Gan 1F4, also in the ADPA. If one follows the map in the cadastral survey, it is still possible to locate the farm, situated alongside a stream that crosses the road from Pau just outside of the town of Gan.

21. See the entry for the birth of Antoine Edouard Tinchant on December 8, 1841, in the *Registre de Naissances*, Gan, ADPA.

By the mid-1840s, in the face of economic hardship, failed harvests, and government rigidity, openly republican ideas and agitation were picking up strength in Paris and in portions of rural France. The 1848 Revolution and the outburst of labor activism that accompanied it apparently caught the Tinchant boys in public school (*collège royale*) in Pau at ages 15, 12, 9, and 7 respectively. Schoolteachers were conspicuous among those agitating for the republicans. This was the era that the historian Maurice Agulhon has characterized with the phrase "the Republic in the village," when debate about republican ideas blossomed—and was repressed—in towns and hamlets across the country (see Agulhon 1979 [1970]; Sewell 1980).

In the town of Pau enthusiasm for a broader suffrage was accompanied by exuberant civic celebrations, including processions, meetings, and the planting of a tree of liberty. The new republican state embraced universal manhood suffrage, and a public announcement explained that every adult Frenchman was now a "political citizen": "Every citizen is an elector. Every elector is sovereign. Law is equal and absolute for all" (see Dauzié 1976–77, esp. vol. 1, documents 6, 9, 18, and 22). The elections of April 1848 were announced in Pau with an early-morning drum roll, the sound of trumpets, and the arrival of infantry and cavalry of the National Guard to protect the polling places. There was plenty here to fill the republican imagination of young observers as well as adult voters. Radical schoolteachers, however, were soon brought under the direct orders of the local prefect, and in February of 1849 the head of the *école communale* was fired. In 1850 the government cut suffrage back sharply, and in 1851 Louis Napoléon Bonaparte carried out his coup d'état, beginning the transformation of the republic into a plebiscitary dictatorship.<sup>22</sup>

Years later, Edouard Tinchant denounced Louis Napoléon Bonaparte as "the assassin of the 4th of December" (a reference to the Massacre of the Boulevards in Paris on December 4, 1851, when troops fired on a popular uprising against the coup). He also wrote that his parents had always taught him to flee "tyrannical aristocracy."<sup>23</sup> He nonetheless continued to flourish in school after the coup. His name appears on the *palmarès*, the list of prizewinners in the Imperial Lycée of Pau, in the years 1852, 1853, and 1854, alongside those of classmates from New Orleans and Havana as well as Pau itself. After mastering written French, he had evidently gone on to study Latin and to distinguish himself as a student (*Le Mémoire* [Pau], August 31, 1852, August 25, 1853, August 26, 1854).<sup>24</sup>

22. In the May 1849 elections in Pau, the Party of Order won the plurality with 27.4% of the vote, though the Moderate Republicans and the Democrat-Socialists, as they were known, polled 14% and 18.9% respectively (see Dauzié 1976–77, vol. 2, 27, and, for a detailed chronology, Agulhon 1975).

23. See his letter to the editor of the *Tribune* (New Orleans), July 21, 1864. I thank Diana Williams for having called this letter to my attention.

24. These represented Edouard's years in the *huitième*, *septième*, and *sixième* classes. I thank Jean Hébrard for these references and for exploring the *lycée* curriculum during this period.

Agricultural prices in the Béarn remained low, however, and the family's experiment in farming seems not to have yielded the wealth that they might have hoped for (see Nord 1995; Soulet 2004 [1987–88], 321–85). Thwarted in the project of achieving prosperity as farmers and perhaps menaced by the ascent of a reactionary regime, the family began to contemplate another move. In February of 1854, the notarial records show that M. Jacques Tinchant and Mme. Elizabeth Vincent agreed to sell their farm, Pédemarie, for 26,000 francs (less than they had paid for it). They retained their furniture, the firewood already cut, some chickens, and a horse and moved to the nearby town of Jurançon to wait for the final payments on their property.<sup>25</sup>

Political circumstances may have hastened the Tinchants' move, but their explicit goal was now to build a family trading business. One of the traditional strengths of the New Orleans free population of color had been the rolling of leaf tobacco into cigars. The idea of moving the family's capital into the tobacco trade probably came from the two Tinchant sons who had stayed behind in New Orleans: Louis and Joseph Tinchant were listed in the 1853 city directory as "segar makers." After selling the farm in France, Jacques seems to have lent additional capital to his sons in New Orleans, and by 1855 they appear as "segar manufacturers" with a wholesale and retail business in the warehouse district, at 15 New Levee (*Cohen's New Orleans Directory* 1852, 224; 1854–55, 228).

The regions where cigar tobacco was grown, including Cuba and Mexico, had by the 1850s begun to lose some of their edge as places for the making of cigars (Stubbs 1985). Leaf tobacco itself could be exported profitably, enabling manufacturers elsewhere to produce the cigars themselves. A family with an anchor at each end of the process—the Gulf and the Caribbean for the tobacco leaves, Europe for the consumers and perhaps later the manufactory—might be able to benefit as this shift accelerated. The port of New Orleans, which looked in both directions, was an excellent vantage point from which to see the possibility of this strategy. And a family accustomed to moving from place to place, multiplying connections rather than abandoning them, could give it a try. But to do this, the Tinchants would need to regroup. They needed a port city with industrial potential, but they did not wish to be limited to New Orleans, where life for free families of color was by the 1850s extraordinarily constricted. And to meet the European market, a European port would be the best bet. They chose Antwerp, a partially French-speaking city in Belgium, which, in contrast to France, did not impose a state monopoly on tobacco products (Schaeppdrijver 1990, 16–17; Suykens et al. 1986, 354–418).

Around 1857 the entire contingent from France—Jacques, Elizabeth, Pierre, Jules, Ernest, and Edouard—moved to Antwerp, where they established a business under the name *Maison Américaine*. Brother Louis also came to Antwerp from New Orleans. Soon Pierre and Jules were dispatched back

across the Atlantic to Louisiana, with side trips to Veracruz in Mexico, where the tobacco monopoly had recently been lifted (see González Sierra 1987). In 1860 Jules and Pierre Tinchant appear in the New Orleans census living in the household of a carpenter listed as "mulatto," Félix Azéma, and are said to be running a "cigar store and factory." Their brother Joseph Tinchant, long resident in New Orleans, appears as part of the household of his wife's father, another carpenter named Vincent Gonzales, and lists his occupation as "tobacconist." By 1861 Pierre had begun to work in the coastwise shipping trade and Jules had relocated to Veracruz, leaving Joseph to run the business in New Orleans.<sup>26</sup> The family had thus created a new set of Atlantic ties, fastened at one end in the free population of color of New Orleans and in the tobacco country around Veracruz and at the other in the merchant community of Antwerp (fig. 2).

It was through this network of brothers that in 1861 our letter-writer Edouard Tinchant, the youngest of the family at age 21, made his way from Antwerp to the Americas, where he planned to join his brother Jules in Veracruz. Veracruz, however, was under occupation by the Spanish military and business was bad, so Jules sent him on to Joseph in New Orleans.<sup>27</sup> And here, in 1862, Edouard Tinchant walked right into the middle of the U.S. Civil War. In April of 1862 the city fell to the Union Navy, beginning a Union military occupation that would last for the duration of the war. After moving into a dwelling at 256 Prieur Street, Edouard hastened to the French consulate to register as a French citizen.<sup>28</sup>

Free men of color in New Orleans, including Edouard's brother Joseph, had quickly stepped onto the public stage to claim their own rights. Confederate forces were threatening to attack the city, and Joseph Tinchant, who apparently "spoke with the fire of a tribune," assisted in recruiting a regiment of soldiers to help defend it. Joseph was commissioned a second lieutenant in the 6th Louisiana Volunteers (Colored), whose ranks included both long-free men of color and men recently held as slaves. This unit stood guard at the edge of the city and embodied martial dignity as two companies of its men marched in the immense public funeral procession for Captain André Cailloux, a black Union officer and New Orleans cigar maker who had fallen in the attack on the

26. On the residences and occupations of the three Tinchant brothers, see the 1860 U.S. Census, Louisiana, Free Schedules, p. 182, dwelling 1152, and p. 190, dwelling 1201, reproduced on roll 419, USNA Microcopy 653.

27. The Spanish occupation of Veracruz was part of a joint British, French, and Spanish military expedition to attempt to force the Liberal regime of Benito Juárez to make immediate payment of Mexico's foreign debt. It would soon expand into the full-scale French invasion that put Emperor Maximilian in power (see Avenel 1996, chap. 3).

28. See Edouard Tinchant's later file in Carton 127, Série D, Année 1897, Consulat, Nouvelle-Orléans, Ministère des Affaires Étrangères, Centre des Archives Diplomatiques de Nantes, France.

25. See Vente, Act 116, 1854, Notaire Pierre Sempé, ADPA.



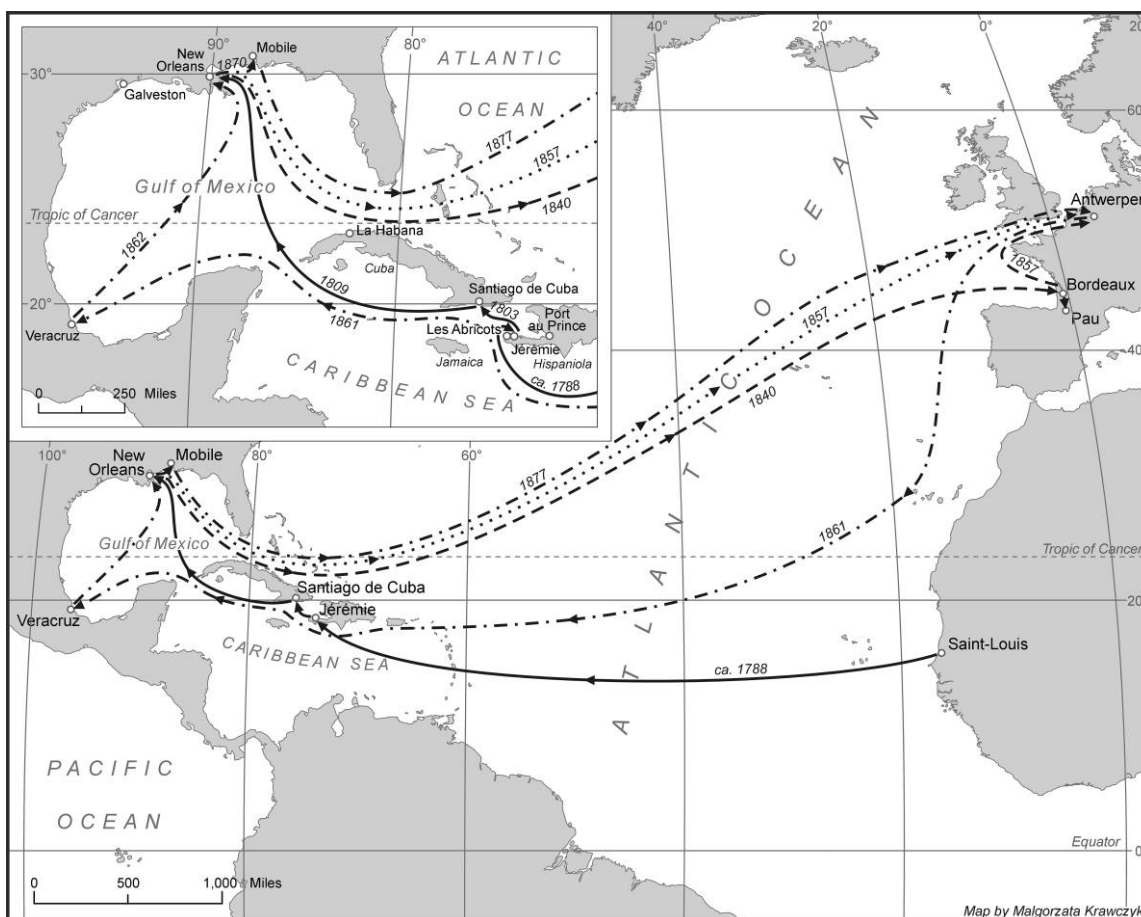


Figure 2. Selected routes of various members of the Vincent/Tinchant families, including Edouard Tinchant's journey 1861–62 from Antwerp to New Orleans via Veracruz.

Confederate fort at Port Hudson (Houzeau 1984, 73n and 127–33; *Tribune*, August 25, 1864; Ochs 2000, 1–5, 155–56).<sup>29</sup>

In these moments of public recognition, Joseph Tinchant nonetheless confronted the same “stupid prejudices” that had troubled his father two decades earlier. A white man who raised a company of Union soldiers might well have expected to be commissioned with the rank of captain, but by July of 1863 General Nathaniel Banks was forcing one after another black captain to resign and replacing them with white officers. Banks was widely perceived as needing the manpower offered by free men of color but rejecting their claims to respect and recognition as leaders and citizens (*Tribune*, August 25, 1864; Ochs 2000, 122–26).

The recently arrived Edouard Tinchant was initially something of an outsider to the debate. Moreover, his haste in

registering as a French citizen could have raised the suspicion that he would try to avoid conscription into the Union Army. But he apparently volunteered to serve as a private in the 6th Louisiana, his brother's unit, and by the summer of 1864 he was confident enough to publish a lengthy manifesto on the front page of the first issue of the *New Orleans Tribune*. In this document he recalled his father's departure from the city a quarter-century earlier and laid out his own principled and distinctly itinerant vision of citizenship. He referred to himself as French “by birth and by language” but vigorously defended his claim to United States citizenship and denounced a Francophone writer in the city who counseled emigration to French-occupied Mexico. Tinchant argued that the imperialist adventures of Napoleon III, “the assassin of the 4th of December,” had discredited the French government, annulling its claim on his loyalty. As for himself, he wrote, his voluntary enlistment as a soldier in the Union Army had legally invalidated his *qualité de français* (French nationality). Moreover,

29. The service record of Lieutenant Joseph Tinchant is indexed in Civil War [Union] Compiled Service Records, Entry 519A, RG 94, reproduced on USNA Microcopy M1820.

he believed himself to have won “American letters of naturalization on the ramparts of New Orleans, upright, our weapon in our hands, at the foot of the flag of the United States for which we were ready to spill the last drop of our blood.” He asked rhetorically, “What human power then can deny us the title of American citizen?” And in case anyone should think to cite the Supreme Court’s decision in *Dred Scott* as a counterargument, he was quick to proffer the opinion of federal Attorney General Bates in support of citizenship for men of color.<sup>30</sup>

Edouard Tinchant’s public letter was both a tour de force of rhetoric and an effort to assert honor and standing in a rapidly shifting political environment. His brother Joseph was already known to be planning to depart for Veracruz, where he hoped to receive the respect that Union General Banks and the majority of white New Orleanians refused him. Edouard, however, wanted to stand and fight, all the while defending his father’s and his brother’s decisions to leave Louisiana in the face of discrimination. Equally delicate, Edouard had while in uniform in 1863 been expelled from a streetcar, apparently on grounds of color, and now, a year later, a rival was trying to humiliate him publicly by recalling the incident. Edouard insisted that he had been vindicated by a subsequent official rebuke of the man who had arrested him. He nonetheless seemed torn between that official vindication and a more direct impulse to have used his bayonet as he “had wished” at the moment of the affront. His conclusion, however, was clear: It was his duty and that of other men of color in New Orleans to continue to fight so that “by a last and supreme effort of all of us together” they could “defeat, reverse and obliterate this tyrannical aristocracy that forced our father to expatriate and which, ever since our earliest years, he has taught us to flee.”<sup>31</sup>

During the months that followed, a radical cross-racial Republican coalition in favor of universal manhood suffrage emerged in New Orleans. In the aftermath of a massacre perpetrated upon Louisiana Republicans by their white-supremacist enemies in July of 1866, the Congressional Reconstruction Act of 1867 for the first time conferred suffrage on black men, dramatically reconfiguring the political landscape in which the Southern states would elect delegates to new state constitutional conventions (McCrary 1978; Tunnell 1984; Foner 1988). Edouard Tinchant, now 26, with his distinctive family name, his status as a veteran, his rhetorical skills, and his very vocal radicalism, was elected to the convention from the Sixth Ward of New Orleans. During the last months of 1867 and the first months of 1868 this French-born man of Haitian ancestry

helped to hammer out the most radical state constitution the South had ever seen.

Edouard Tinchant lost no time making himself heard. In one of the first sessions, he successfully introduced a motion to fly the U.S. flag over the conclave every day from sunrise to sunset, displaying the emblem of national citizenship and Union victory in the former Confederate city. Throughout the convention, he argued against all discrimination on the basis of color but also against the disfranchising of former Confederates, having been taught, he said, “to look upon the men of my race as fully equal to the white men, and able to fight their way through without the help of any partial proscriptive measures directed against their opponents.” Tinchant’s use of the verb “fight” was not metaphorical. He also called for the formation of a state militia “to protect, to the best of its ability, the liberty, life, property, and interests of its citizens.” This was no small task in Louisiana, still recovering from the 1866 massacre and subject to continuing vigilante violence.<sup>32</sup>

In the debate over the Bill of Rights for the new constitution the long-term stakes of competing conceptual frameworks for equality became clearer. An initial draft, from a committee chaired by the conservative white Republican Judge William H. Cooley, a lawyer and former slaveowner from Pointe Coupée Parish, proposed a text guaranteeing all citizens the “same civil and political rights and privileges.” A dissenting minority of the committee, including a schoolteacher of color from Ascension Parish named P. F. Valfroit, a shoemaker of color named Charles Leroy, and a former slave named James H. Ingraham, immediately proposed a fuller text that would write into the state constitution the conviction that “all men are born free and equal.” This draft guaranteed all citizens “the same public, civil and political rights and privileges.” The scope of these additional “public rights” was later clarified by the provision that “no public money be bestowed upon any charitable or public institution in this State that makes any distinction among the citizens of this State” and by the guarantee of equal access to public transport and to places of resort and entertainment (*Official Journal* 1867–68, 84–109).

The choice of the phrase “public rights” recalled the categories developed in Paris 30 years earlier by the cosmopolitan liberal federalist Pellegrino Rossi, who had argued that the state should recognize no privileges among its citizens in their exercise of public liberties. Rossi’s detailed theory divided the rights of people living in a state of law into three categories: private, public, and political. Consistent with the limited suffrage of France’s constitutional monarchy, he had held that political rights should be allocated on the basis of the differing presumed capacities of members of different groups. But pub-

30. This text was part of an exchange with Armand Lanusse, who had written an earlier letter to the predecessor paper *L’Union* calling on Francophone men of color to move to Mexico. The Tinchant reply is in the *Tribune*, July 21, 1864.

31. He also wrote that Lanusse should have known that the provost-marshal of Carrollton and his own captain had reprimanded the sergeant who had arrested him and had written to the colonel to assure him that such an episode would not occur again (*Tribune*, July 21, 1864).

32. Anticipating the dangers from armed groups of white reactionaries, Tinchant also suggested (unsuccessfully) that only “honorably discharged soldiers who have served faithfully in the United States army during the late rebellion shall have the right and privilege of organizing themselves into regiments of volunteer militia in this state” (*Official Journal* 1867–68, 12, 22, 35, 259).

lic rights were another matter. All private persons had certain core rights as members of society, and the state should make no distinctions among them (Rossi 1866–67 [1835–37], vol. 1, 1–12; Baud 1968, ii, 9–10, 45).<sup>33</sup>

The language of “public rights” captured something that a majority of the members of the Louisiana convention knew from experience: that individual dignity was nourished by formal respect in public space and public culture. The phrase itself could for different members of the coalition resonate with different prior concepts, including the antiaristocratic and anticaste thinking of the Haitian Revolution, claims to citizenship made in territorial Louisiana based on militia service by free men of color, and the language of French republicanism and the 1848 revolutions invoked by cosmopolitans like Edouard Tinchant.<sup>34</sup> The phrase “public rights” also offered something important to English-speaking activists who were under attack for supporting what white supremacists insisted was an unacceptable claim to “social equality.” In France in the 1830s Rossi had treated the terms “public rights” and “social rights” as interchangeable, but in the United States in the 1860s the word “social” evoked “social equality”—a term that white supremacists had succeeded in associating with sexuality, promiscuity, and the physical proximity of black men to white women. By framing claims to equal access to public transportation and public accommodation within the rubric of public rights, Louisiana activists could try to deflect the negative associations of the phrase “social equality” while continuing to seek the core value of public respect.<sup>35</sup>

When the time for decision on the Bill of Rights arrived, “Mr. Tinchant moved to adopt the article proposed by Mr. Belden as article 1st of the Bill of Rights,” endorsing the language proposed by Simeon Belden, a white Massachusetts-born lawyer in New Orleans, that began “all men are created free and equal.” This motion was passed 57 to 11. Thomas H. Isabelle, a Union veteran and man of color, proposed to add the term “public” after the word “political” in the list of rights guaranteed in Article 2, and his amendment won by a vote of 59 to 16 (*Official Journal* 1867–68, 114–18; Foner 1996; Tunnell 1984, 98, 115–20).

Edouard Tinchant’s own political credo extended even beyond equal civil, political, and public rights. Aware of the urgent need of freedpeople for land of their own or at the very least land to rent, he introduced a resolution that would increase taxes on uncultivated land to encourage landowners to rent out farmland and would exempt smallholdings from

tax.<sup>36</sup> He was also attentive to the question of the rights of women, calling for the legal protection “of all women without distinction of race or color, or without reference to their previous condition, in their civil rights.” He shared with other Creole activists a particular sensitivity to the situation of women of color in consensual unions with white men and proposed that the convention “enact such laws that will facilitate all women, without distinction of race or color, to sue for breach of promise.” Indeed, he wanted the General Assembly to have the power to “compel to marriage upon application of one of the parties, such persons who may have lived together not less than one year consecutively.” These radical proposals, however, failed to gain the votes of the majority (*Official Journal* 1867–68, 35, 192).

The success of the formal guarantee of the same “public rights” for all citizens demonstrated the conceptual flexibility of Louisiana radicals in their constitutional moment. Faced with the convention’s general support for civil and political rights (essential in any event for readmission to the Union) but widespread apprehension about “social equality,” the radicals had reached for a conceptually subtle alternative concept and found it in an otherwise obscure formula from European jurisprudence. Conservatives, unsurprisingly, professed to find the concept utterly incoherent. Judge Cooley furiously opposed the language, he said, “*Because*, I never heard the term ‘public rights’ mentioned as a private one, and *because* I cannot understand the idea of a private individual exercising public rights” (*Official Journal* 1867–68, 117).<sup>37</sup> But the concept was one around which a majority of delegates could coalesce, and once the 1868 constitution was ratified, citizens could and did use its Bill of Rights and related provisions to challenge forced segregation on steamboats and in saloons. For a decade the Supreme Court of Louisiana was willing to uphold the equal public rights of people of color, though their efforts were sometimes crushed on appeal to the federal Supreme Court.<sup>38</sup>

Edouard Tinchant, however, was not around for the flow-

36. Representative Frederick Marie, a hotelkeeper born in France who represented a rural parish, similarly proposed doubling taxation upon uncultivated lands to encourage landowners to sell or lease land to laborers (*Official Journal* 1867–68, 110, 112, 116).

37. In one sense, Judge Cooley was right. “Public rights” as individual rights were probably absent from the curriculum when he studied law, even in the famously mixed civil-law/common-law jurisdiction of Louisiana. When the words “public” and “rights” were used together in much of the Anglo-American tradition, they instead referred back to Blackstone, for whom public rights were something like the rights of those who held public office rather than the rights of ordinary citizens in the public (see Novak 2003, 85–119).

38. Of particular interest is the 1873 Fifth District Court of New Orleans case of *Decuir v. Benson*. In the state Supreme Court, Decuir won her case against a steamboat captain who had tried to consign her to a segregated section of the ship called the “Bureau” (named after the Freedmen’s Bureau). The manuscript record of the state case is docket # 4829, Supreme Court Collection, Special Collections, Earl K. Long Library, University of New Orleans. This decision was later reversed on appeal to the U.S. Supreme Court as *Hall v. Decuir* 95 U.S. 485.

33. I thank Pasquale Pasquino for discussions of Rossi’s history.

34. For the language of rights used by free people of color in Saint-Domingue, see, for example, the reference to the risks they had taken “to procure the exercise of the rights that they possess by nature” in *Concordat* (1791).

35. Under Rossi’s (1866–67 [1835–37], vol. 1, 1–12) tripartite distinction, those rights designated “public” were “social” because they reflected core rights of individuals in the social sphere.

ering of this concept in Louisiana jurisprudence. Shortly after the 1867–68 constitutional convention ended, he married the Louisiana-born Louise Debergue, and they moved to Mobile, Alabama. From census records it appears that when Edouard Tinchant, cigar merchant, and his wife were enumerated in Mobile in 1870, the census taker counted them as white. In departing the rough-and-tumble of Louisiana Reconstruction politics for life as a cigar maker and merchant in Alabama, Edouard Tinchant seems for a time to have left an element of his public identity behind as well. He flourished as a small businessman and developed a modest cigar manufactory in Mobile.<sup>39</sup> By 1877, formal Reconstruction had ended, and nearly all Union troops had been withdrawn from the South. The phrase “public rights” also disappeared from the place it had briefly held in the platform of the national Republican Party (*Official Proceedings* 1903). Despite his economic successes, Edouard Tinchant wrapped up his business in Mobile and headed back across the Atlantic to Belgium, where his brothers Jules and Ernest were building factories in Antwerp and its environs.<sup>40</sup>

From this point on, Edouard Tinchant followed events in the U.S. South from a distance, perhaps through European newspapers and correspondence with friends and kin still in New Orleans. In 1891–96, the idea of equal public rights was actively renewed in a set of struggles initiated in Louisiana. Responding to the state legislature’s attempt to impose forced segregation of all railway cars, a citizens’ committee led by the notary Louis Martinet and the cigar seller Rodolphe Desdunes used anticaste arguments to try to insist, once again, on equal treatment in the public sphere. The campaign was turned back, however, by the landmark 1896 federal Supreme Court decision in *Plessy v. Ferguson*, which permitted the Louisiana legislature to oblige passengers on the railways to be assorted on the basis of color into cars that were “equal but separate” (Medley 2003; Scott 2003). Two years later, Louisiana’s white-supremacist legislature promulgated a new constitution denying the vote to virtually all men of color. On one side of the Gulf of Mexico, nearly everything Edouard Tinchant had stood for in the 1860s had been defeated (Scott 2005; Logsdon and Powell 2003). On the other side of the Gulf, however, Cuban insurgents and the United States military had finally broken Spain’s colonial rule in Cuba. General Máximo Gómez now stood as an emblem of the trans-Caribbean and trans-Atlantic struggle for Cuban independence, despite the presence of an occupying U.S. military force on the island. At this moment, Edouard Tinchant turned his

39. See the entries for Edward and Louisa Tinchant in Ward 7, Mobile, Alabama, in the 1870 Federal Census, USNA Microcopy M593. His career as a cigar maker can be followed through the volumes of the R. G. Dun and Company credit reports for Mobile, Alabama, located in the Baker Library of Harvard University.

40. Detailed drawings of the factories, built in 1876, can be found in the files of Ernest Tinchant and José Tinchant y Gonzales & Co., in the section Hinderlijke inrichtingen (Dangerous enterprises), Provincie-archief—Provincie Antwerpen, in Antwerp.

attention to Cuba and recalled both his support of the Cuban struggle when he lived in New Orleans and Mobile and his own history as an equal-rights activist.

We thus come full circle to the 1899 letter, which itself looks back to the family’s beginnings in Saint-Domingue a century earlier. The Tinchants’ three-generation history suggests some of the multiple dimensions of a transnational search for citizenship and public rights and illuminates the webs of sociability that sustained it. The family’s Atlantic trajectory provided its members with the experience of enjoying equal public rights in some settings while suffering moments of affront and disrespect in others. The combination served as a spur to activism, and for the young Edouard Tinchant the debates of the 1860s in Louisiana developed his political credo. Apparently quite able to cross the color line if he so chose, Edouard Tinchant by 1864 had asserted a public identity as a man of color and aligned himself with the “sons of Africa” as he staked out a radical position in favor of equality.<sup>41</sup>

Edouard Tinchant was a carrier of ideas in the most direct sense: he brought his rhetorical skills, his family experiences, and his names for things with him when he crossed and recrossed the Atlantic. Moreover, his parents had taught him to claim Haitian ancestry, and the language Edouard’s letter attributes to his father—a refusal of “infamous laws” and “stupid prejudices”—echoes the words used by free men of color at Mirebalais in Saint-Domingue in 1791, whose “Concordat” with white colonists obliged the latter to recognize their “violated and misunderstood rights” and repudiated “the progress of a ridiculous form of prejudice” (Dubois 2004b, 80–88, 119–20; Garrigus 2006).

Scholars are now accustomed to seeing the abolitions of slavery that began with Saint-Domingue in the late eighteenth century as reflecting a complex transatlantic interaction. Specialists on twentieth-century radicalism make a similar argument about the ties between Caribbean and mainland North American activists (see Dubois 2004b; James 1998). Edouard Tinchant’s letter to Gómez, with its self-portrait of the cigar merchant as a radical young man, suggests that the embattled but resilient anticaste and antiracist thinking of the last decades of the nineteenth century shared this characteristic. What appears from a United States perspective as a rapidly fading “emancipationist” legacy of the Civil War (Blight 2001) can thus also be seen as a thread of an evolving Atlantic and Caribbean antiracism. From the vantage point of New Orleans and Havana, Homer Plessy’s challenge to forced segregation on the railways in Louisiana at the end of the century looks less quixotic and more intergrally linked both to long-standing New Orleans-based claims of public

41. In the July 21, 1864, article in the *Tribune*, Tinchant wrote, “We, members of the population of color and sons of Africa, raise our voices to protest.”



rights and to convictions that drew strength from events in Haiti, France, and Cuba.<sup>42</sup>

I should not close, however, without attending to the fate of Edouard Tinchant's request to Gómez in his 1899 letter. For nearly half a century, the logic of the tobacco trade, along with evolving political ideals and social aspirations, had pushed and pulled various Tinchants from place to place. Brothers Ernest and Jules developed large cigar factories, and by the 1890s the letterheads of their respective companies vaunted their wealth and their reach, depicting imposing buildings in Belgium and Holland and a shop in Cuba. Brother Joseph, back in Antwerp after his years in New Orleans and Veracruz, found a way to encompass the family's mixed Caribbean heritage within a Latin American image, borrowing his wife's surname and styling himself José Tinchant y Gonzales.<sup>43</sup> As a practical matter, by the end of the nineteenth century the Tinchants had finally achieved a kind of commercial citizenship in the Antwerp community of merchants.

Edouard Tinchant's letter included a proof copy of a proposed cigar label that he hoped would meet with Gómez's approval. Associating the Tinchant cigars with the hero of Cuban independence had a strong marketing rationale. Cuban origin was a mark of high quality for cigars, and if the company name *Maison Américaine* reminded buyers of the overseas tropics, an image from Cuba could serve as a subliminal elevator of perceived quality—particularly if most of the Tinchant cigars were in fact rolled from Mexican, not Cuban, tobacco. But, as it turned out, Gómez made a practice of declining all such commercial propositions and was unwilling to have his portrait adorn a line of Belgian cigars. At the bottom of the letter we can see a faint penciled note in Gómez's hand, instructing his secretary to reply to Tinchant and refuse the request, albeit with "courteous phrases."<sup>44</sup>

In writing to Gómez, however, Edouard Tinchant had looked back across the Atlantic to the Caribbean not only for a merchandising strategy but also for an embodiment of his own anticaste principles. Thirty-five years earlier, Louisiana had held out the promise of a society to be refounded on the principle of equal rights, civil, political, and public, and the young Edouard had made his contribution to that struggle in person. With the collapse of Reconstruction at the end of the 1870s, he had abandoned the U.S. South and returned to

Europe, but the Tinchant network of interests, kin, suppliers, and customers all sustained a circum-Atlantic scope for his imagination. By the last years of the nineteenth century, the rigorous antiracism represented by Antonio Maceo, José Martí, and Máximo Gómez in Cuba stood out in sharp contrast to the dispiriting panorama of dominant racial ideologies in Europe and the United States.<sup>45</sup> Thus alongside the thousands of Cubans who pinned their hopes for rights, resources, and respect on the Cuban war for independence, we have one aging merchant from Antwerp. He wrote to Gómez, whom he had never met, to present himself as a fellow Caribbean man of principle. He proposed to bring a fragment of the Cuban struggle to Europe, as an image ringing a cigar, to identify what he assured Gómez would be "a brand of my best articles."

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42. For evidence of Cuban participation in the Plessy challenge, see the interventions of Ramón Pagès documented in Martinet (1893).

43. Gonzales was the surname of Joseph's Louisiana-born wife, Stéphanie. Collector Gerard Van Eijk has graciously provided me with a lithograph from a cigar box that shows "Don José" against a background that appears to depict Havana harbor. See also the impressive inventory of the belongings in Joseph and Stéphanie's house in Antwerp at the time of Stéphanie's death: *Inventaire*, 17 March 1894, Act 86, Notary Emile Deckers, Vol. 35 (1894, Jan.-April), Notariaat 12426, Rijksarchief Te Antwerpen. Ever the cosmopolite, Joseph Tinchant had a *mappemonde* in his bedroom and a set of the *Revue des Deux Mondes* in his library.

44. Edouard Tinchant to Máximo Gómez, 21 September 1899, sig. 3868/4161, leg. 30, Fondo Máximo Gómez, ANC.

45. On Gómez's thinking, see Ferrer (1999, chaps. 6, 7, and epilogue). The first years of the twentieth century would see continuing contention in Cuba over questions of suffrage, culture, and public rights (see Bronfman 2004 and Scott 2005, chaps. 7 and 8).

Orleans Public Library; John H. Lawrence, Alfred E. Lemmon, John Magill, and the staff of the Historic New Orleans Collection; Marie Windell and the staff of the library at the University of New Orleans; the staff of the Baker Library at Harvard University; and Raymond Bulion and Barbara Snow, genealogists. In France, we thank the staffs of the Centre des Archives Diplomatiques de Nantes, the Archives Nationales in Paris, the Centre des Archives d'Outre-Mer in Aix-en-Provence, and the Archives Départementales in Pau. I am particularly grateful for the warm welcome afforded me by the staff and researchers at the Rijksarchief Te Antwerpen and the Provinciearchief—Provincie Antwerpen. I dedicate this essay to the memory of another resourceful man of the Atlantic, Andrew M. Scott (November 1922–April 2005).

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## Comments

### Mamadou Diouf

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Scott's paper is a significant contribution to historical method and a formidable engagement with the very controversial issues (factual, methodological, and theoretical) of the history of the Atlantic world(s). Her concern with the intersection of public and private histories within Atlantic landscapes opens up a very productive space for further conversation.

The key concepts circulating at the moment examined by Scott were public and civic rights which constituted the basis of the "conceptual flexibility" of the Atlantic people in dealing with the slavery, subjugation, and racial and cultural inequality of the pre-Haitian early Atlantic. It seems inappropriate to call these concepts of equality "vernacular" (Trouillot 1995, 98). On the contrary, they express the radical aspiration to a complete and universal human liberty that was accomplished neither by the American nor by the French Revolution. The Haitian revolution is considered as "the most radical revolution of that age" (Trouillot 1995, 98), and Haiti, "while not the first independent American state . . . was the first to guarantee civic liberty to all its inhabitants" (Blackburn 1988, 233). The Saint-Domingue slaves took the struggle for freedom into their own hands and forced the French revolutionaries to acknowledge the abolition of slavery not only in Saint-Domingue but also throughout the French colonies, transforming their revolt into an extension of the French Revolution (Paulson 1983, 93). Their successful resistance against invading European imperial forces (1794–1800) appears to have reinforced the struggle of the abolitionist forces and probably played a decisive role in the British suspension of the slave trade in 1807 (Geggus 1985). The former slaves of Saint-Domingue who became the Black Jacobins of the Haitian Republic actively turned the French Revolution into

a world-historical moment in which the Atlantic was central. Although the Haitian Revolution is a crucial feature in the production of a founding narrative in the Black Empire (Stephens 2005), spelling out the emancipatory possibilities released in 1804 with the proclamation of the Republic of Haiti guaranteeing civic liberty to all inhabitants, Atlantic Blacks drew more heavily on the cosmopolitan and universalist contours of an Atlantic defined by claims of universal human rights. Their project was to revise the humanism attached to the colonial project, pointing at the contradiction between the French Declaration of Universal Rights and the rights and pursuit of happiness guaranteed by the American Declaration of Independence and Constitution and political and moral economies relying heavily on slave labor and white supremacy. Indeed, the legal space of the Atlantic recycled and circulated multiple resources and displayed many options, paradoxically opening up the possibility of understanding rights beyond race, territory, gender, and profession in contrast with the long colonial tradition that associated race, rights, culture, colonialism, and civilization. The opening of a universal humanism including the very people excluded from the world of history and progress made possible the advance of civilization and modernity.

Displacement and the politics of mobility created, multiplied, maintained, and expanded connections and economic and civic niches and opportunities. Mobility and relocation configured a fluid legal, racial, and statutory framework of which the Tinchants took advantage, reinventing themselves while relocating on the basis of carefully identified social, political, and economic opportunities and using available institutions (slavery included) and networks to construct a space of their own in which citizenship was based on the universal values of republicanism, thus erasing race as a meaningful political concept. Scott's exploration suggests that the documentation and certification which accompanied the crisscrossing of the Atlantic and different (re)locations of the Tinchants gave rise to a scriptural imagination which provided the basis of a civic community of former slaves. The Tinchant family, along with the Black Jacobins and the Cuban freedom fighters, unlocked the cultural economy of the early Atlantic and the restrictive Revolutionary Atlantic reading of the concepts of rights, citizenship, privileges, and universalism and stood up to denounce the relationship between colonialism and racism. They did so through trade, alliances across racial and colonial boundaries, and the development of a very rich and complex public archive made up of documents, commemorations, icons, and emblems to support their claims and certify their status, rights, and privileges. Thus they contributed powerfully to the shaping of a nonracial or racially fluid Atlantic world and a truly universal culture. Recognition of this contribution forces us to reframe the process of creolization away from the radical distancing from African resources advocated by Sidney Mintz and Edouard Glissant and to abandon once and for all Gilroy's identification of Africa as a residual presence in the Black Atlantic. The Atlantic of cer-

tificates, institutions, and networks and memory, imagination, icons, and emblems is also an Atlantic of local histories and specific places—Africa included—for the recovery, expression, and documentation of citizenship, rights, and privileges.

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Scott respectfully invokes Sidney Mintz's books as frames for her historical tale, but I am more intrigued by what her sleuthing enables us to see, do, and contemplate and what her skillful storytelling itself models. Of special interest are the concepts of "public rights" and "commercial citizenship." Scott discusses the former more explicitly than the latter, but both have the potential to affect the thinking and research of fellow anthropologists and historians. I suspect that I am not alone among Anglophone intellectuals in having little familiarity with the notion of "public rights." Are these rights to public space, public speech, public access, public comportment? That this concept was not widely known or invoked in the nineteenth century itself is evident in Scott's rendition. She tells us that Judge Cooley was correct "in one sense" when he complained that "public rights" meant little or nothing, at least to U.S. jurisprudence in the mid-to-late nineteenth century. "When the words 'public' and 'rights' were used together in much of the Anglo-American tradition, they instead referred back to Blackstone, for whom public rights were something like the rights of those who held public office, rather than the rights of ordinary citizens in the public." But I find especially interesting how much this discussion elucidates the typical taking-for-granted, years later, of widely used terms like "civil rights" and "human rights." To what exactly have these terms referred in the past half-century, the period in which today's professionals were formed and trained? To what exactly do they point in heated debates that invoke the language of rights? A relatively simple temporal dislocation such as the one we experience reading Scott's essay forces the question. "Political rights" and "civic rights" may sound more familiar to our ears, but are they? And if we are tempted to say that "public rights," "political rights," and "civic rights" are not, in fact, separable, Scott's account of how they mattered to the antiracist middle-strata families who crisscrossed the Atlantic multiple times in the nineteenth century should give us pause. Why would it be a coup to get legal recognition of "public rights" in post-Civil War Louisiana or in mid-nineteenth-century France, when "civic rights" were more easily granted and "political rights" perhaps less attainable?

The distinctions drawn point to how questions more than to why or what questions, whether the topic is slavery and its reproduction or David Harvey's "spaces of hope" or the glacial pace of much legal, social, economic, and systemic change. The generation of distinctions clearly can be the in-

strument of repressive state action. Apartheid South Africa, turn-of-the-century Louisiana, and Nazi Germany all illustrate this well. But in Scott's essay we see antiracist interventions that do the same in the interest of effecting consequential, even if not utopian, systemic change. In examining this three-generational family so closely, Scott quietly implies the value of such interventions both for scholarship and for social-justice activism. The Tinchants were not without fault, as she points out when detailing their own ownership of slaves. Yet their lives reveal the fluctuations of institutional racism—their high, transitional, and low periods—in key places in the transatlantic world and some of the "wobble room" within which they acted.

So vivid is their story here that I think of more recent examples of movement that looks similar. For years, for example, the U.S. government has tried to draw and maintain sharp distinctions between "refugees" and "migrants," often disputing the claims of some applicants to refugee status (especially if they are from poor countries) on the grounds that they are really economic migrants. But the Tinchants, like many before them and after them, were "refugees," "exiles," "entrepreneurs," global capitalists, and "flexible citizens" (to use Aihwa Ong's phrase) all at once, sometimes sequentially and sometimes simultaneously.

What do we do, as anthropologists, with people like them? I am reminded of the serious scholarly critique of local colonial and postcolonial merchant and urban capitalists of the seventies and eighties, when colleagues in anthropology, sociology, and history opened our eyes to their contradictory positions. But I have always had some discomfort with the intended or unintended consequences of such critiques in the scholarly world. Did it not unrealistically separate modes of experience and political action by assigning polarized degrees of innocence and culpability to differently situated people in these settings? And were we to apply those same lenses to Scott's Tinchants, highlighting their participation in a kind of "commercial citizenship," would we not call into question the antiracism of many of their choices, words, movement, and actions?

Scott's tale here implies that this would be a mistake and a loss. Her story is indeed about the nineteenth-century transatlantic world, but it is also about "wobble room," both within racism and within capitalism. That such "wobble room" exists—and that it can be both praiseworthy and impure—is worth stating and repeating.

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This article is an ambitious and refreshing contribution to our understanding of political and social actors and discourses that travel across time and space and of processes of glob-

alization in a different century. Scott sets out a methodology that focuses on the construction of vernacular discourses of equality and the actors who participated in it. She does this by looking at one family's journeys within the Atlantic world of the Caribbean, the Americas, and Europe and its participation in and support of social and political networks. The family she follows is entrepreneurial, of some resources if not wealthy, and possessed of land, slaves, and factories that span continents. A distinctive feature affecting their life in different places is their legal categorization as "people of color." Scott uses information about their change in circumstances to demonstrate change in the societies in which they lived as Mintz did in *Worker in the Cane* (1960). However, this family did not live in one place but traveled across the Atlantic world and was organized with this world (rather than one country) in mind. Its story tells us about the connections between regions of the world, as well as about the breadth of imaginaries, enterprises, and political organizations.

This timely work highlights the conceptualizations and discourses of quality and freedom held by people of color in the Atlantic world beyond the official discourses of national history. In this it joins recent studies (Trouillot 1995; Andrews 2004; Sanders 2004; Lasso 2003) that ask, with regard to events such as the Haitian revolution or the wars of independence and civil wars in Latin America, how, in what capacities, and why slaves, free blacks, people of color, and members of the lower classes participated. What Scott contributes, however, is distinctive in that it looks at individual lives and treats the international/transcontinental creation of ideas as central. Rather than focusing on retelling a national history she highlights the ongoing transnational, transcontinental dialogues about freedom and citizenship through one family's engagement with them. This methodology reveals the subtleties of legal categorization, skin color, wealth, networks, national identification, social status, political participation, and diaspora and demonstrates their importance for shaping ideas of equality and identity. Thus Scott demonstrates that Tinchant's father's search for a place free from "infamous laws or stupid prejudices" that could prevent his sons from "becoming MEN" draws on both shared discourses of equality, nationalism, and (Caribbean) region and shared ideas of race, masculinity, and commerce.

As an anthropologist who studies communities of African descent in Latin America, I find this work insightful and fascinating but feel that it raises more questions than it answers. I would have liked more details about sexuality, the meaning of the category *de nation Poulard*, the legal status of *citoyenne* for a person of color, the role of land, godparents, and middlemen, and the physical movement of people and money across continents to fill out the contexts in which members of the family transformed their lives. More important, I wish that Scott had analyzed and speculated further on the contradictions of claiming identity as people of color, of leaving Haiti and remaining Haitian, of owning slaves and fighting for equality and political rights. Without more in-

formation about how these contradictions were lived and understood, the story could be read in terms of strategic changes of identity by the members of the family for economic gain and little else. I would have liked to know what role color played as race, caste, legal category, status, and aspect of social mobility in the different places to which the family traveled and the implications of its colorings for its engagement with ideas of equality and antiracism. What does it tell us about the way "struggles over race and rights were intertwined"? My concerns and questions come out of the richness of this article, but it promises more than it can deliver. The topic calls for a book-length treatment in which these details and contradictions can be further explored for a powerful picture of nineteenth-century discourses around identity and belonging.

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### Verena Stolcke

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Very few anthropologists have breached the deep divide that for over a century existed between anthropology and history. Sidney Mintz, the distinguished Caribbeanist, stands out among these few. Therefore it is to be welcomed that a renowned historian such as Rebecca J. Scott should have delivered the 2005 Sidney Mintz lecture.

By reconstructing the ventures of a single family "in between" from the upheavals of the revolution in Haiti to the end of slavery in the Caribbean, Scott provides us with a beautifully written account of the historical mutability and flexibility of socioeconomic networks and identities in the geopolitical triangle that connected Saint-Domingue, Cuba, New Orleans, and Veracruz on the Gulf of Mexico. The point of departure of her description is one historical document, a petition that an Antwerp cigar trader addressed to the Cuban General Máximo Gomez in 1899 asking for permission to print the latter's portrait on the banderols of his cigars. From there on Scott, combining perceptive perseverance with imagination, unravels Edouard Tinchant's trans-Caribbean family background and its economic and political trajectory.

Tinchant's family history reaches back into African slavery in Saint-Domingue and ends in the cigar trade in Antwerp. Not untypical of Caribbean slave society, Tinchant's grandmother had borne four children fathered by her owner. To escape the revolutionary turmoils she had sought refuge with her children first in Santiago de Cuba, from where she was, however, expelled to New Orleans. In New Orleans she managed to consolidate her free status, to stabilize economically and gain social respectability. Symptomatic of the endeavours to shed the social blemish of illegitimacy, Tinchant's parents were united in proper marriage. But when free persons of colour in New Orleans experienced increasing constraints toward the mid-nineteenth century, Tinchant's father decided to move the family even farther, across the Atlantic to Pau



in the south of France, a region which already had a Caribbean emigré population—its size remains unclear—in pursuit of political equality.

This is an extraordinary story. Not only does the article offer rich insights into the dense dynamic trans-Caribbean networks created by people who were displaced and resettled in the political context of the changing fortunes of African slavery. In addition, a fine analytical thread runs through the entire article. Tinchant's story also illustrates the opportunities for social mobility open to descendants of slaves and their struggles for political rights.

It is no novelty that miscegenation was rife in Caribbean slave society, and coupled with attempts to compensate for African descent through economic acumen, by the nineteenth century it made for a socially very mobile but simultaneously intensely "colour"-conscious society. Edouard Tinchant, like his brothers, was not only economically successful but a product of the slave society also in a political sense as a radical political activist in the revolutionary cause of freedom and equality for all human beings independent of their descent. It was surely the recurrent racial discrimination that Tinchant and his family experienced despite their economic success that inspired his radical politics. As Scott suggests, Tinchant thus exemplified also the pan-Caribbean and even trans-Atlantic "anti-caste" struggle of free coloured peoples.

It would be invidious to question the representativeness of Scott's study of the extraordinary ventures of one family. The Tinchant family belonged to a specific social group, the upwardly mobile free coloured artisans. The family may, however, have been exceptional in its impressive enterprising spirit and ultimate prosperity in the Antwerp cigar trade. The kind of historical documentation she has been able to find, the wealth of related information she has drawn on, and the broader social and political contextualization are exemplary of how history and anthropology should be merged. I have only one major conceptual qualm about the article, namely regarding Scott's surprising use of the outdated and theoretically improper notion of "caste" when she refers to the contemporary socio-racial hierarchy. The great interest of her article resides precisely in the way in which she portrays the instability and fluidity of Caribbean slave societies in the nineteenth century, with a free coloured population that was able to at least contemplate getting on in the world despite its genealogical connection with African slavery. Perhaps it is time to recover Louis Dumont's classical and definitive article on the issue, "Cast, race et stratification sociale" (1960).

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### Cécile Vidal

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5 XI 06

In the past 15 years, a new history that takes the Atlantic world as a unit of analysis has developed in Anglo-American

universities (see, e.g., Bailyn 2005), and the hegemonic position towards which it has evolved has led some academics to adopt an increasingly critical point of view. In particular, the debate deals with the space and time limits of the Atlantic world. For example, Peter Coclanis (2002) promotes a world history instead, arguing that the relations between Europe, Africa, and the Americas, on the one hand, and Asia, on the other, were very important during the early modern period. Alison Games (2006) defends the idea that the Atlantic region still had a coherence that diminished or disappeared only in the mid-nineteenth century. Most people agree that Atlantic history begins with either the exploration of African coasts in the fifteenth century or the "discovery" of America, but no consensus exists on its end. Contrary to Games, most historians have proposed the mid-1820s, the end of the Revolutionary era, or 1888, with the abolition of slavery in the Americas. Scott's article shows that the concept of an Atlantic world is still useful for most of the nineteenth century.

The transnational mobility of the Tinchant/Duhart family demonstrates the high degree of integration of this Atlantic world. At the same time, the analysis of the socioeconomic networks and ideological influences that nurtured Edouard Tinchant's political thinking and action reveals the existence of a French or Francophone Atlantic world in which circulated the ideas of the French Revolution, republicanism, and the 1848 Revolution. This circulation was facilitated by the movements of free Creoles of color such as the Tinchant/Duhart family between Louisiana and France but also by the presence of white French republicans in exile in New Orleans in the 1830s and 1840s (Bell 1997).

One reason most historians do not study the whole Atlantic world but concentrate on one of its subdivisions is the necessity to speak several languages and to work in archives disseminated over three or four continents. In this respect, Scott's work is exemplary. The fortuitous discovery of a letter in the Cuban archives gave her the opportunity to accomplish a remarkable work of microhistory. Atlantic history often takes the form of microanalysis (Carretta 2005; Sensbach 2005; Sparks 2004). This approach allows historians to work in an Atlantic context without spending too much time collecting documents. At the same time, it is a way of foregrounding the agency of slaves and free people of color of African descent, showing that they were actors who had an impact on the slave system and on the postslave societies. Scott herself has elsewhere underscored the necessity of this approach, arguing that it allows us not only "[to find] the voice of subordinated actors" but also "[to enrich] our notion of historical causation" (2000, 474).

Contrary to the experiences of most slaves, who suffered forced migration from Africa to the Americas and died in bondage on one plantation, the protagonists of these microhistories circulated throughout the Atlantic world, at least sometimes freely and voluntarily. The particularity of Scott's work is that it focuses on not a single individual but on three generations of a family whose mobility, far from being ac-

cidental, took place partially amid collective migrations. Thus she can examine what Edouard Tinchant owed to his family in the context of the long struggle against racism.

As Vincent Carretta, Jon Sensbach, and Randy Sparks have done for Olaudah Equiano, Rebecca, and the “Princes of Calabar,” respectively, she presents Edouard Tinchant as an “Atlantic Creole.” This expression was first used by Ira Berlin (1996) to describe people acting as cultural brokers between African and European cultures in the Atlantic littoral societies from the sixteenth century on. As intermediaries, they crossed social, cultural, racial, and national lines, navigated between cultures, and did not identify themselves exclusively with any one of them. “Instead, they had become part of the three worlds that came together along the Atlantic littoral. . . . They were cosmopolitan in the fullest sense” (p. 254). While Berlin applied the term to people of the “charter generation,” when relations in the new colonial societies of the Americas were not heavily racialized, Scott uses it for a family whose members spent decades in nineteenth-century Louisiana during the antebellum era, the Civil War, and the Reconstruction period and had to fight constantly against racial prejudice. What circumstances allowed for the appearance of “Atlantic Creoles” such as Edouard Tinchant in that hostile environment? Some historians have emphasized the peculiar Creole culture of New Orleans, with respect to its French and Spanish colonial past (Hirsch and Logsdon 1992), but the specificity of interethnic relations in French Louisiana is questionable. Moreover, one can wonder whether Tinchant conceived his identity as that of an “Atlantic Creole” at every stage of his life.

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## Reply

The insightful and engaged comments of these readers are doubly valuable. From specialists on different regions and periods, they highlight the ways in which an Atlantic perspective can enrich scholarly dialogue. At the same time, as in the old quip about the United States and England as two nations divided by a common language, they serve as a reminder that the overlapping terminologies of anthropologists and historians can lead to disagreements when words fall differently on different ears. My colleague Jean Hébrard and I are fortunate to receive such encouraging reactions and helpful criticisms early in our project of tracing an extended family through the long nineteenth century—from Africa to the Americas to Europe and from the Haitian Revolution to World War I—and of using that itinerary to explore the genesis and transformation of the concept of “public rights.”

Domínguez and Diouf emphasize the importance of situating any categorization of rights within a specific intellectual and social context. The Louisiana discussion of “public rights” emerged at a moment when the boundaries of post eman-

ipation citizenship were being redefined, as the 1867–68 Constitutional Convention pushed guarantees of equal treatment out into the sphere of transportation, accommodations, and even education. Within little more than a decade, the phrase “public rights” would be expunged from the state constitution and many of these rights revoked. By the time of the 1896 decision in *Plessy v. Ferguson*, the federal Supreme Court could argue that to seek equal treatment on public transportation was an inadmissible effort to use the law to achieve “social equality.”

It is for this reason that I chose the term “vernacular” to describe the public-rights framework—to emphasize that it persisted as a mode of thought among activists at the grass roots even after it had disappeared from formal constitutional doctrine. Scrutinizing historical dictionaries, I can see why the term “vernacular” strikes Diouf as inappropriate. With roots in the Latin word *vernaculus*, pertaining to slaves born within a household, “vernacular” designates speech that is indigenous to a country or a region. A familiar English-language usage contrasts the mass spoken in Latin with the mass spoken in the vernacular and carries no pejorative overtones. In French, however, linguists contrast *vernaculaire* with *véhiculaire*, the former designating a local dialect and the latter designating a language which serves for communication across boundaries (Rey 1998, 4035, 4009). In the context of colonialism, the word *vernaculaire* could indeed have overtones of condescension, contrasting imperial speech construed as true “language” with indigenous speech relegated to the status of a “dialect.” Diouf is perfectly right that there was nothing second-rate or “localist” about the kind of equal-rights thinking in which Edouard Tinchant participated. We may nonetheless still be in need of a term to designate a concept shared by a specific group of people but excluded from the mainstream of constitutional discourse.

Ng’weno’s suggestion that we look more carefully at the meanings of words such as *Poulard* is entirely welcome. A simple translation into a modern category like *Peul*, as used by ethnographers, is clearly insufficient. The phrase *de nation Poulard* appears only once in the surviving records concerning the woman called Rosalie, in the 1803 French-language manumission document that freed her and her children. Though her former owner Michel Vincent probably held the pen as it was written, Rosalie may have supplied the word, claiming her own West African birthplace. But it is also possible that someone else had attributed this label to her in an inventory of slaves and that it was repeated mechanically as an identifier. In a recent article, Jean Hébrard and I have tried to work through each surviving document in which Rosalie intervened. A woman who knew the value of the written word, she quite literally built up a name for herself through successive inscriptions in formal writings, eventually becoming Rosalie Vincent and securing that surname for her daughter Elizabeth as well (Scott and Hébrard 2007). By seeking additional evidence on the precise circumstances of her journey from West Africa to Saint-Domingue, we may be better able

to understand the identifiers that she adopted and rejected over the course of her subsequent itinerary across the Caribbean and the Gulf of Mexico.

Stolcke shares our ambition to perceive the shifting meanings of lineage and marriage in families whose members were marked as “of color,” but reminds us that the word “caste” can be a misleading label for the structures of stigma and exclusion in slave societies of the Caribbean. Clearly if “caste” is associated with absolute rigidity it is ill-adapted to the boundary-crossing experiences of a family like the Tinchants. Stolcke suggests, moreover, that it is due for retirement as an outmoded category of analysis. But for nineteenth-century thinkers “caste” was a useful term of opprobrium to describe specific legal impositions that they rejected. When Justice Harlan tried to rebut the pronouncements of his fellow justices in the case of *Plessy v. Ferguson*, he reached for the word “caste” to reject forced segregation as inimical to the premises of the United States: “in view of the constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here” (*Plessy v. Ferguson* 163 US 537). Once again, vernacular and formal terminologies are in some competition with each other, and we may need to tread more carefully.

Vidal poses a parallel question with regard to the term “creole.” In the sense in which Diouf uses the concept of creolization, it is quite applicable to many of the members of the extended Vincent/Tinchant family and to the process of cultural and political creativity in which they were engaged. Referring to their itinerary as a creole one need not imply any exotic “specificity” to interethnic relations in New Orleans, nor is it premised on an absence of racialization. Vidal also wonders whether the Tinchants would have seen themselves as “Atlantic Creoles” during their period in New Orleans or when they were settled back in Antwerp. They would not, of course, have adopted this precise term, which is an analytic rather than a contemporaneous one, but they seem to have had something rather similar in mind: recall Joseph Tinchant’s self-portrait on his cigar label as Don José Tinchant y Gonzáles, placed in a landscape of palms in front of what appears to be the harbor at Havana.

We will take these generous comments as a further stimulus to go back to the archives and to comb through each available public and private text produced by the members of this extraordinary family. If the idea of microhistory has, as Stolcke suggests, given us some insulation against the requirement to prove representativeness, it has replaced this requirement with an equally intimidating alternative, that of carefully capturing the dynamics of lives in context and in motion. When we return with this story in the form of a book, our readers will come to know the lives of these people so well that they can argue even more vigorously with us about motives and meanings. We can only hope that they will count that a success.

—Rebecca J. Scott

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