Grasping the infelicity of liberation: Agency, legal narratives and trans-domination in post-revolutionary Haiti (1791-1826)

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Anthropology of liberation: Missing

J. Laidlaw stated that "an ethnographic and theoretical interest" in freedom has been "hitherto largely absent form anthropology" (Laidlaw, 2002). Although some important contributions exist (cf. Wolf, 1990; Vázquez, 1993; Graeber, 2004), even internet surveys seem to support his point. While freedom and liberation inspired key contributions in political sciences, post-colonial studies, and militant-intellectual traditions, apparently, no consistent anthropological discourse emerged on the topic. This work targets one key issue of the would-be liberation anthropology: the

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historical fact that most revolutionary emancipation projects have led to new domination[2] systems (trans-domination) -expressible in Austin's (1989) terms as infelicity (lack of expected effects) of liberation-; it aims to grasp how new oppressive structures emerge, emphasising their juridical -mostly constitutional- facets, and what happened to the liberation projects.

The examined case is the Haitian revolution (1791-1804) and the post-revolutionary period. This social[3] revolution successfully[4] destroyed the plantation-slavery-based colonial system and created the first independent Latin-American and Afro-Caribbean state. However, new exploitative, oppressive social relations emerged in Haiti; it became the poorest country of the Americas (Farmer, 1994).

The question is: How a new domination-system emerged in Haiti during and after the anti-slavery, anti-colonial revolution? Particularly, how this emergence relates to discursive and non-discursive practices -especially juridical writing, hierarchical and co-operative social networks- and to the liberational agency of the revolutionary subjects?

Several explanations already exist: insufficiently developed productive forces (Bosch, 2003), neo-feudalism (Castañeda-Fuentes, 1992), post-revolutionary class-conflicts (Casimir-Liautaud, 1975), structural violence (Farmer, 1994), cultural colonialism (Bellegarde-Smith, 2004; 1997), actual inexistence of an emancipative project (Geggus, 2008), violent post-colonial hegemonic masculinity provoking a "revolution without liberation" (Guiteau, 2004). There is still a need of integrative approaches focusing both writing-based and non-scriptural practices.

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2   "Domination" means here -following Castoriadis- an asymmetric exercise of social power; "liberation" means creating symmetric, reciprocal social relations with autonomous decision-making and execution.

3   Social revolutions "transfer economic assets and power, and social and political status…from one social group to another" (Todd 2004, p.4) [cf. political revolutions].

4   Successful revolution in the sense that the revolutionary coalition achieved the total defeat of its adversaries (Bosch 2003, p.325).

Slavery: departure-point

In 1789, French Saint-Domingue was the wealthiest colony in the world; it supplied 2/3 of the French overseas trade. "The whole structure rested on the labour of half-a-million slaves" (James, 1980, p.XVIII).

C. L. R. James (1980) and E. Williams pioneered in signalling the Caribbean plantation-slavery as an expression of the modern, rational, world-system capitalism (*contra* the previous views of slavery as a "backward" institution). Later, J. Friedman and D. Graeber (2004, p.71) expanded the point, assimilating the rationales of slavery and capitalism. Slavery and its relations to agency and freedom have been classic philosophical themes (Buck-Morss, 2006). The Haitian revolution was a radical expression of the slave agency.

Slavery as a socio-juridical status is close to social death (Patterson, 1982). G. Agamben investigated another useful notion, that of *Homo-sacer*: a person whose life is "bare", as it resides outside the political domain due to a sovereign ban. Such a person can be killed without legal consequences, but cannot be sacrificed (Agamben, 1998).

S. Fischer (2007, p.1-15) doubts of the applicability of the "bare-life" structure in the cases of "racial" slavery[5]; however, a sovereignty-based narrative became a status-legitimating ideology among the slaves (only a sovereign or the master himself could liberate the slave: Geggus, 2008). Sacredness of property (cf. the French and Haitian constitutional discourses and the late works of W. Benjamin -author of the "bare-life" notion- on capitalism as religion) guaranteed the non-sacrificiability of the slaves (as Fischer mentions, they could not even commit suicide). Slavery was a continuation of a state of war; however, it was not beyond the reach of the state, but constitutive of the (colonial) statehood itself. "In Agamben, "bare-life" and its embodiment *homo-sacer* are both a product and a constitutive element of sovereignty" (Fischer, 2007, p.4); analogously, Caribbean slavery *qua* bare-life and work-force was a product and a constitutive element of the capitalist/colonial sovereignty in the Atlantic segment of the world-system. Thus, the sovereign ban concerning Caribbean

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5   She denies the sovereign character of the ban constituting the person into a slave; for her "racial" slavery goes beyond the Agambenian inclusion/exclusion which constitutes "bare-life"; however, she seems to ignore that when slaves were enslaved in Africa by African warriors, the "racial" component of the domination was negligible, enslavement being a sovereign act. Neither the "racial" model is applicable to slaves of black/mulatto masters.

slavery was a complex process, involving the dynamics of capital, as well as the metropolitan, colonial and African statehoods.

The dynamics of the Caribbean capitalism stimulated some forms of slave agency. "[Slaves] were… allowed to cultivate… gardens from which they were expected to feed themselves and their dependents" (Nicholls, 1996, p.23). Proto-peasantries arose before the abolition of slavery; after abolition, semi-autonomous subsistence economies developed (Sheller, 2000, p.92).

Slave resistance in Saint-Domingue took diverse forms: massive poisonings; Vodou religion; marronage (slave escapes); uprisings. M. Taussig's (1984) notion of "colonial mirror"[6] helps explaining how the slaves' agency mimicked that of the slaveholders (e.g. in massive violent acts, like poisonings or massacres, or in establishing a militarized hierarchy during the revolution). The causes of marronage, its organization and role in the revolution are polemical subjects; some researchers consider that the will of liberty was not the main cause; that marronage was not an explicit revolutionary movement (although it challenged the system); that leaders frequently willed to accept amnesty or negotiate conditions; many maroons fled after robbery; plantation slaves were better organized and more "revolutionary" than maroon bands (Nicholls, 1996; James,1980). Maroon leaders were often Arab-educated men of royal blood (Davis,1988, p.219).

D.Geggus questioned the adoption of democratic ideology by uprising slaves; for him the basic appeal was to conservative monarchism and rumors of royal emancipation proclamations (Sheller, 2000, p.26), and the Haitian revolution began without any coherent democratic-liberation project (slaves fought just for their own and their relatives' freedom, lacking solidarity to pursue the abolition of slavery as institution); Geggus uses this point for excluding Haiti from the Atlantic revolutionary era (Geggus, 2008). This opinion correlates with the evidence about Caribbean maroon communities, where personal interests in each group trumped the overall class solidarity and antislavery commitment: maroons engaged in agreements with the governments for chasing other maroons, and even in slave-trade. It seems that the maroons were able to establish cohesive, sustainable communities and ample support networks (Price, 1973), but incapable of extending their liberation project beyond reaching personal freedom and establishing small scale agricultural plots. Ideologically, a legitimate manumission was the one granted by a sovereign power: the master or a reigning monarch.

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6   F. Fanon and H.Bhabha also investigated the colonial mimicry (Cordones-Cook,2004).

Mythical and utopian narratives, actualized through rituals, may crystalize in liberational projects, which are narrated, articulated and performed. That was the role of the Vodou[7] religion in the Haitian revolution, which "provided an institution through which the African past of the slaves was perpetuated and also an instrument of solidarity and communication during the colonial period… In their letter to Governor General Blanchelarde, the rebellious blacks of the Camp de Galiffet wrote, 'God, who fights for the innocent, is our guide; he will never desert us; therefore, this is our motto: "Vanquish or die"'…The créole blacks, however, led by Toussaint, Dessalines and Christophe, attempted to suppress… Voodoo… for it was a powerful institution from the leadership of which they were effectively excluded" (Nicholls, 1996, p.31-32). The Haitian revolution started in 1791, when the *hougan* (Vodou priest) Boukman led a slave rebellion aiming the extermination of the whites.

Toussaint's rule

There are several classic accounts of the Saint-Domingue revolution (e.g. James, 1980; Franco, 2004). By 1801, Toussaint L'Ouverture, the black Governor-General, ex-slave and leader of the revolutionary army, succeeded in creating a semi-independent, Dominion-like state. His rule was supported by a heterogeneous coalition. He attempted keeping good relations with the whites, achieving autonomy without leaving the French Empire, and maintaining the plantation-based, export-oriented economy. In 18 months of Toussaint's rule sugar production equated 2/3 of the pre-revolutionary level.

In 1801, Toussaint passed a Constitution, granting personal freedom, equality and French citizenship for all the population and establishing a militarized rule to keep the ex-slaves working on the plantations. "A striking contradiction emerges between the provisions that guarantee individual liberty as freedom from slavery and equality as protection from racial discrimination, and the provisions that regulate agriculture. Indeed, we can already discern here what later came to be called…agrarian militarism… It is clear that authoritarian characteristics, which in Toussaint's constitution take on a paternalistic form, become increasingly prominent in later constitutions"

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7   There is no consensus about the spelling of "Vodou". I follow Bellegarde-Smith´s for *kreyol* words, except in quotations.

(Fischer, 2004, p.267). The constitution recognized Roman-Catholicism as the only public cult, thus banning Vodou.

Despite Toussaint's efforts, in the racist, colonialist Atlantic space Saint-Domingue had been increasingly perceived as a "safe haven" for rebel blacks, challenging the stability of the slavery-based world-system. Toussaint's era ended after Napoleon (who did not endorse Toussaint's constitution and never recognized Saint-Domingue's autonomous status) sent General Leclerc to re-conquer Saint-Domingue.

Written freedom vs. bare-life

On January 1st, 1804 Dessalines declared the independence of Saint-Domingue, which recovered her Arawak name Haiti.

On March, 17 Marie Francoise a.k.a. Rosalie, an African-born black woman visited the French "bureau" (*Agence des prises*, exceptionally endowed with notary functions by the Napoleonic administration) in Santiago-de-Cuba to register a manumission letter[8]. The Spanish authorities permitted Saint-Domingue refugees -including white persons, free coloured females, black infants and "*domestiques*" remaining loyal to their ex-masters- to land in Santiago. However, due to the permanence of slavery in Cuba, the immigrating free blacks faced risks of being sold as slaves by alleged "masters".

Rosalie hands in the French officer a document. The officer begins to transcribe, using the standard formula: "Registration of liberation by…"; but then he is surprised - the person standing in front of him is not the proprietor[9], but the manumitted slave herself. The official erases "by" and writes "of": it was "*la citoyenne* Marie Francoise *dite* Rosalie *negresse*" who "has requested the registration of an act of liberation". The secretary signs the act: the law authorized him to sign if the requester was illiterate.

A slave of a French-born planter, Rosalie was liberated after the 1793 abolition decrees, but stayed living with her ex-owner in a "semi-conjugal partnership". When in 1799 their first child is born, she is inscribed as "*fille naturelle*" (born to a non-married

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8   All facts are from Scott (2007); Scott, Hébrard (2007 a,b).

9   There were black slaveholders both in Saint-Domingue and in Cuba.

mother) born to Michel Vincent and "Marie Francoise *dite* Rosalie *negresse libre*", thus emphasising the still uncertain freedom.

The Independence War was raging in 1803, and Michel Vincent (probably persuaded by Rosalie) improvises for security reasons a manuscript manumitting Rosalie and her four children (who had never been slaves). Structured halfway between a notary document, a passport, and a talisman, using pre-revolutionary ethnicity and status terminology, it was technically void: nothing more than a fictional/fictitious private act lacking the very signature of a legal authority.

In the exceptional situation of the war and the administrative chaos, the colonial authorities and those of "all the other countries allied to France" were requested to endorse "in full power" the "act of freedom [which] has as much force and virtue as if it was passed before a notary". An individual law (a legal ruling written by a private person, even for an event of "the situation to turn exceptional and dangerous") is obviously nonsense, like "private language". But when uncertainty rules locally and globally the fate of the alliances and of the abolition, in an extraordinary force-field of the social and racial conflicts, in the midst of an Atlantic war, to remain free and avoid becoming "bare-lives", the mother and children were to be retroactively enslaved and liberated again by her partner and ex-owner through an exceptional, deconstructive[10], extra-legal, temporally-autonomous, life-bearing written act.

The context endowed this putative slaveholder's "freedom paper" with a stronger symbolic/juridical power (cf. written contracts in the private law) than a French revolutionary decree. This instrument of individual social mobility flashed a "bare-life" via writing, for freedom to remain real; it inverted the trans-domination logic (when amid hostile surroundings a "non-present" liberation sparks and is replaced by another domination system), as domination is a "non-present" at the moment of producing the text. However, the very logic of non-protagonistic liberation -mediated by (preceding or presumed) acts of authority- is shared with trans-domination: thus, a situation of indecision[11] exists.

The hostile, exceptional environment (as revolutions not only kill and create refugees, but also generate pariah zones, and "bare-life" is to be shaped into a body-politic in revolutionary context surrounded by an oppressive world-system) was also

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10   Liberty and sovereignty, autonomous initiative and appeal to authority, law-breaking and legality appear as coincident; see *infra*.

11   Is it an act of freedom or of bondage? Does it question or preserve the achievements of the revolution?

critical for this *quasi*-Kafkian legal fiction to become an individual legal norm (Kelsen's sense). To avoid the potentiality of Rosalie's re-enslavement, an individual gate was opened, creating a localized state of exception ("slaveholder's" individual, liberating, rights-securing sovereignty) by a performative fiction and a ritualized inscription. Mediated by writing, sovereignty (both "slaveholder's" and state's) became the freedom's condition of possibility. The anthropological meaning of the act is the trust in the performativity of writing, and the same logic sanctioned the acts of Dessalines and his comrades apropos the Haiti's 1804 independence proclamation and 1805 Constitution.

Independence

The heterogeneous class alliance of the *anciens-libres* (former *affranchis*: mulatto majority, black minority) and the *nouveaux-libres* (ex-slaves, mainly blacks) against the French re-colonization during the Independence War was codified in racial terms (common African descent: Nicholls, 1996), and configured the subsequent Haitian history.

Almost all the whites (i.e. white ex-slaveholders and white petit-bourgeoisie) were expelled or exterminated.

> The first draft of the declaration of independence had been drawn up by an educated mulatto, Chareron, who formulated a long and reasoned defense […] After it had been read out, Boisrond Tonnerre, also a mulatto […] stammered, "All that which has been formulated is not in accordance, we need the skin of a white man for parchment, his skull for a writing desk, his blood for ink, and a bayonet for pen". Dessalines replied […] "That is right, sir […] I need white blood". […] Tonnerre […] produced the final text of the declaration. (Nicholls, 1996, p. 36).

Revolutionary agency mirrored the colonial mirror.

The new regime had a mixed class character: both poor and rich whites were banned from Haiti; both coloured ex-slaves and ex-slaveholders stayed. Dessalines combined Boukman's violent radicalism with Toussaint's mimetic program of re-enacting plantation economy (instead of subsistence peasant plots) and open exclusion of

Vodou. As inspector-general of cultivation, Dessalines "relentlessly hunted down all the secret societies in which African superstitions were practiced" (Madio, cited by Davis, 1988, p. 230). Once Emperor, he "prohibited Vodoun services and ordered all the acolytes shot on sight" (Metraux, cited idem); such policies aimed eliminating foci of opposition to his authority (Laguerre, 1989).

The Haitian revolutionaries identified themselves with the Native-American population (exterminated in the Antilles by the Spanish); the insurgent army was called *indigene* (Fischer, 2004, p. 242). Dessalines adopted the title of "avenger of America"; Haiti was seen as "the land of those who avenged the Indians" (Fischer, 2004, p. 244). However, vengeance is an explicitly mimetic form of agency. The very new/ancient name of the country did not come from the oral tradition but, according to D. Geggus, was received through the mediation of learned elites with good writing-mediated historical knowledge. The very construction of the new identity was linked to the mimesis of the Western colonial practices, both in their "enlightened" —knowledge-construction— and "brutal" —humanity-suppression— sides. According to W. Benjamin, every document of culture is also a document of barbarism.

It is difficult to speak about racial equality when one of the equated terms is missing. Seemingly, those who (like S. Fischer) read the Haitian revolution in terms of universalism are reading the universalism in. The Haitian independence and 1805 Constitution drew the "bare-life" into the ambit of "written" statehood, providing for sovereign exclusion/inclusion of particular human groups —e. g. whites, women, Poles/Germans, blacks, Amerindians, peasants, "cultivators" …— and institutions —sovereign ban of the Vodou—. Significantly, under Dessalines both white citizenship and public Vodou rituals were banned. Haitian constitutional narratives and practices combined the sovereign ban turning corporally "bare" the white population with the disembodied, virtual, discursively-mirroring presence of the white —colonial-state-capitalist— imaginary, structuring the very sovereign narratives.

Plantation-slavery was not just "racial". It became an ontologically-totalizing institution (James-Figarola, 2005, p.17-18), where racism co-existed with the widespread presence of slave-holding mulattoes and blacks —"One-fourth to one-third of the plantations and one-fourth of the slaves belonged to them" (Bellegarde-Smith, 1997, p.32)—; according to J. James-Figarola (2001), this total character engendered auto-antagonism —negative to spontaneously accept the collective being—, remaining for generations amid the colonial wreckages. After independence, "the conflicts between mulattoes and blacks kept returning and…shaping Haitian politics" (Fischer, 2004, p.235); even "cells of maroon communities have continued to exist through the formation of secret societies" (Laguerre, in Davis, 1988, p.231).

Anti-plantation resistance commenced immediately after the abolition of slavery; the continuity of the neo-plantation system was achieved only through a paternalism often turning into extreme authoritarianism. "The Haitian state developed a form of agrarian militarism, while the former slaves wanted to have a plot of land to work on" (Fischer, 2004, p.270). As J. James-Figarola (2001, p.126) pointed out, all the variations of the Caribbean export-oriented plantation economy suffered from chronic shortage of work-force, entailing the establishment of dominative or hegemonic political systems. The workers' agency determined that

> [e]xports, particularly of sugar, declined in these years; [… ex-slaves] left the plantations to work on small plots of land…secured from the government or […] squatted […] The end of slavery and the resistance to forced labor by the population led to a gradual break-up of the plantation system […] The governments of Haiti were faced with a choice of either employing forced labor or breaking up the old estates among the peasants. (Nicholls, 1996, p. 34, 54)

As part of this bare-life/work-force link, Dessalines invited US ships to promote the "return" of captive blacks to Haiti.

> Although some Haitians objected that this was the equivalent of engaging in the slave-trade (Haiti was suffering from an acute labor shortage…), Dessalines argued that those Africans on the ships were to be sold into slavery, while in Haiti they would be free. (Fischer, 2004, p.240)

Such proposals were celebrated as part of the universal anti-slavery struggle.

Evidence exist that before his death, Dessalines was planning to economically equate the mulattoes and blacks -although it is unknown by which means: dividing the land and distributing small plots, or by nationalization-; the intention of confiscating some of the land from the *anciens-libres* was one of the reasons for his assassination in 1806, when an insurrection broke out after a rumour spread that Dessalines was willing to exterminate the *anciens-libres* of all colours (Nicholls, 1996, p.38-40).

Imperial constitution: narrating the new hierarchy

The constitution[12] was drafted by an *ad-hoc* committee, presided by Dessalines. Haiti's first emperor, Dessalines was illiterate, so he was assisted by several secretaries including some educated in France. The regime established in 1805 did not last much; Dessalines was assassinated and the country split in two, each with its own government and constitution.

Haiti was declared a free, sovereign, independent empire. The constitution granted the abolition of slavery forever, brotherly civil equality and equality before the law. Aristocracy was abolished; titles, advantages, and privileges were admissible only for patriotic services. Property was declared sacred.

Following the French post-termidorian pattern, citizenship was cancelled by afflictive defamatory punishments and suspended for insolvency and bankruptcy. However, an original ethical definition of citizenship -using a masculine-gendered, duty/dignity-based narrative- was established: "Nobody deserves to be Haitian who is not a good father, a good son, a good husband and, above all, a good soldier". Patriarchal ethics appeared combined with that of military, economic and labor discipline.

No whites were allowed as owners or citizens, except the white women married to Haitians. Some white men —naturalized Germans and Poles— were equated to such women. All the Haitians were to be "known… by the generic denomination of blacks". These provisions aimed both establishing a sovereign exception of whites from political life and extinguishing the conflict between blacks and mulattoes via a legal fiction.

The state was militarized. The "first magistrate" took the titles of "Emperor and Commander in Chief of the armed forces", "avenger and liberator of his fellow citizens", and was declared "sacred and inviolable" together with his spouse. The crown was elective, non-hereditary, but the Emperor could designate his successor. The Emperor's recognized sons were to pass through military grades "like all other citizens", although their entry in service was to be dated since birth.

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12   All the Haitian constitutional texts analysed in this paper are from Mariñas-Otero.(comp.), 1968.

Any privileged guard surrounding the Emperor or his successors was banned. If the appointed successor created a guard, or "deviated from… the principles consecrated in the present constitution [he] shall be considered and declared in a state of warfare against the society. In such a case, the counselors of state will assemble in order to pronounce his removal, and to choose one among themselves who shall be deemed the worthiest of replacing him; and if it should happen that the said successor oppose the execution of this measure, authorized by law, the Generals, counselors of state, shall appeal to the people and the army, who will immediately give their whole strength and assistance to maintain Liberty." The imperial constitutionalists believed in a "military democracy", as they forbade the Emperor to create special corps, establishing a militarized Council of State as the collegiate counter-balance to the Emperor's almost absolute power and the only deliberative state organ (all the male citizens being considered soldiers, deliberation in armed forces was prohibited). The Council of State was composed by the Generals of Division and of Brigade; the bi-ministerial government almost mirrored the colonial design. The Emperor could neither make conquests, nor "disturb the peace and interior administration of foreign colonies". Private arbitration in disputes was acknowledged "legal" and an individual "right", thus *de-jure* establishing legal pluralism. This principle remained in subsequent constitutions. Also, judges of peace, civil courts and military councils were created, and appeal procedures regulated. Religious freedom, equality and separation from the state were explicitly granted. However, Vodou remained banned *de-facto*.

The "General dispositions" established procedures for constitutional revisions, for judging high-treason crimes, the rights to defense in court and to domicile inviolability (although without a "rights" narrative). Retaliation for murder was legalized (without specifying the retaliating subject). French white's property was confiscated. Marriage was regulated as a civil contract authorized by the government; divorce was permitted in special cases; particular laws concerning extra-marital children were to be issued. Total hierarchy, subordination and discipline became constitutional principles. Physiocratic ideology was adapted to the Haitian context: agriculture proclaimed "the first" activity, commerce "the second" one. Mercantile and foreign policy principles appeared in ethical language. However, the colophon of this militarized constitution was written in terms of state-of-war and sovereign exception: "At the first firing of the alarm gun, the cities will disappear and the nation rise".

S. Fischer remarks the performative and fictional character of the first Haitian constitutions: the texts did not correspond to the facts; instead they expressed the revolutionaries' intentions, political ideology and belief in the force of writing. The constitutional provisions reveal the centrality of hierarchy and obedience under a

military regime, with only one body allowed to deliberate in very specific cases. The economic design of the country, despite the provisions establishing the commercial and trade freedom, was militarized as well.

The "fraternal brotherhood-in-arms of all men of African descent" (idem, and Nicholls, 1996, regarding race as shared notion of common descent) envisioned by the 1805 Constitution was to be underpinned by a patriarchal, family-centered ideology[13]. Obviously, in the absence of an explicit democratic institutionalism, the army turned deliberant and the state was completely militarized: "Haitians lived under the dominion of military chiefs… For many Haitian men, citizenship, and with it political participation, took the form of military service" (Sheller, 2000, p.53).

Post-revolution

The three years under Dessalines´s authority shaped the Haitian future in many important respects. He was assassinated in 1806. After months of uncertainty Haiti split into a southern republic -led by Alexandre Pétion- and a northern state -controlled by Henri Christophe, who in 1811 became King Henri I-. Pétion became president for life in 1816 and nominated as his successor General Boyer, who assumed office on his death in 1818. King Henri committed suicide in 1820 and the country was once united (Nicholls, 1996, p. 33-34).

The hostility between the *nouveaux-libres* (ex-slaves) and the *anciens-libres* (who were often wealthy landowners before the revolution, having common economic interests with the whites) continued after the independence. The "*anciens libres* retained the ownership of their lands and some of them even acquired more land from their white fathers" before they fled. "[A]lthough the whole elite class of colonial times was eliminated…a new elite of predominantly mulatto landowners was ready to take its place", but it had "to contend with a rival black elite" mostly deriving its power "from positions in the revolutionary army". However, rather than two classes,

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13   "Dessalines, Christophe and Pétion were all referred to as 'father' of their people, as have been many subsequent heads of state" (Nicholls,1996, p.246). "Christophe and Pétion both laid claim to that paternal relationship with the people which Dessalines had decreed" (Nicholls,1996, p.59). "If the Haitian constitutions operate as foundational fictions, the model is…the patriarchal clan which on the highest level coincides with the state itself" (Fischer, 2004, p.268). For masculinity in Haiti cf. Guiteau, 2004. For a discussion on legibility, vid. Gulick, 2006.

this elite represented "two factions of a single class" (Nicholls, 1996, p.7-9). During the revolution, "a class of independent peasants large enough to be self-supporting" (idem, p.10) appeared; Nicholls considers the "rural workers and small peasants" politically inactive (idem, p.9). However, the works of M. Scheller and other authors reveal that such considerations are biased by the restriction of the political to traditional, explicitly-institutional, written text-mediated politics.

According to S. Fischer, all Haitian leaders since 1802 seemed to agree on two basic principles: the definitive abolition of slavery and the preservation of large-scale export-oriented plantations. Land was to be distributed only for political advantage. "Disagreement only emerged about who should control the remaining large estates and how the state could retain enough power to continue to impose the hated conditions of plantation work" (Fischer, 2004, p.270). However, without land freedom was a legal abstraction (Sheller, 2000, p.93). Haiti's political stability required more than military domination: economic sustainability and a politico-cultural hegemony were needed to ensure legitimacy and consolidate the ethnically-diverse community. Trying to reinsert Haiti into the world-system meant regulating the land-ownership and labor relationships.

North: hereditary monarchy

In 1808 Henri Christophe[14] is elected President and Generalissimo by the People Assembly in Cap Haitienne, starting a militarized autocracy. The country was split and a civil war began. (Fischer, 2004, p.270). After independence, "Haiti is caught in a cold war of preventive measures and becomes increasingly isolated" (Fischer, 2004, p.244); constitutions were used as instruments of international recognition (aiming to inscribe a pariah state in the world-system). The 1807 Constitution recognized the "sacred rights of man", universal freedom and abolition of slavery. It ignored previous bans of "white" property[15], guaranteeing the security of surrounding colonies and foreign merchants' goods. A Council of State appointed by the President assisted him and exerted limited functions; at least 2/3 of its members were Generals.

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14   Christophe was black and illiterate (Fischer, 2004, p.247).

15   The omission reflected a state policy (ideologically different from that of the republican South) aiming to promote economic relations with colonialist countries (Nicholls,1996, p.53). In 1818 Christophe granted residence and fare refund to any white man who had married a black woman anywhere in the world (Fischer, 2004, p.240).

The bi-ministerial executive mirrored previous models. The judicial branch contained several jurisdictional bodies, the citizens' arbitrage remaining. Public education was regulated.

The Roman-Catholic religion was the only one recognized; non-Catholic religions were to be tolerated while banned from public exercise. Together with other provisions —banning the "associations or corporations disturbing the public order", "seditious meetings" and ruling the suspension of the Constitution when armed forces were to "re-establish the order"—, this meant the status of self-organized institutions —including Vodou— being assimilated to that of "bare-life", as —whilst not explicitly proscribed— they could be militarily scattered in any moment by the sovereign power —*contra* the Euro-American *dictum*: "corporations never die"—. The Council of State developed a military doctrine distinguishing "*les guerres politiques*" —conventional warfare— and "*une guerre d'extermination*": a total war involving the whole people and all the weapons of destruction, to wage when the nation is in danger (Nicholls, 1996, p.48).

In 1811, the Council of State adopted a Constitutional Act establishing the hereditary monarchy in Northern Haiti. The "eternal endurance of the State" was acknowledged a merit of the "Supreme Magistrate". Complex state rituals and hierarchical nobility were established, together with a four-minister executive reporting to the King. The monarchical ideology and ceremonial mirroring the Napoleonic and even the Bourbon France[16] excluded women from royal succession and explicitly challenged the revolutionary egalitarian heritage. Henri-Christophe's mimicry aimed impressing the Southern mulatto republicans (Fernandez-Martinez, 2004, p.32) and obtaining the European approval (Cordones-Cook, 2004, p.263), but produced just a parody of the ex-colonizer (idem, p.262).

Christophe's idea of unassailable power integrated "the patriarchal family and the monarchical state, the punitive father and the absolute monarch" (Fischer, 2004, p.251). Because of his parents' bambara-Segu origin, he probably knew some oral traditions narrating the power-ideologies (tyrannical monarchy, compulsory labour, militarized economy, non-privatized landownership) of Dahomey and Segu -prosperous, belligerent, slave-trading African kingdoms-. All the North-Haitians aging 16 to 60 were compelled to agricultural work from 4:30am until the evening, invigilated by the Royal Dahomey elite corps who would punish any indiscipline. The luckiest were drafted to become soldiers. A Rural code drawing on previous codes of

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16 However, the ruling ideology was anglophile, and English was proposed to become the national language.

L'Ouverture and Dessalines, and probably inspired by African exploitative state-ruled economies, exhaustively regulated the obligatory labour and state-ownership of plantations (Fernandez-Martínez, 2004, p.33). Christophe's plan of self-improvement and hard work -emphasising education (of privileged male children, supported by British abolitionists) and defence (including building monumental, although never used, fortifications)- guaranteed the continuation of the export-oriented plantation economy (Fischer, 2004, p. 246, 255, 257). In 1807, Christophe passed a law "providing for the sale of state land to the people", though it "was not put into effect for ten years owing to 'important circumstances'"; the provisions became effective only towards the end of Henri's reign (Nicholls, 1996, p. 54).

Henri Christophe attempted to build a nation by producing efficient symbols for identification when Andersonian "print-capitalism" was not possible due to a 90 % illiteracy (Fischer, 2004, p.259)[17]. However, the attempted "reconciliation between the population's affective commitment to liberty and the rational need for economic development" (idem) meant neo-agricultural exploitation and autocratic domination. Although his cultural project radically opposed slavery and colonialism, it intended cultural hegemony for legitimizing the *status-quo* instead of social emancipation. Christophe's chief ideologue proclaimed: "we are no lovers of revolutions… no one is more anxious to uphold, than we are, the stability of empires" (Nicholls, 1996, p.47). Nevertheless, as J. Holloway pointed out, the very existence of alienation implies the existence of freedom understood as struggle against domination.

> Yet despite the aristocratic pretensions of the northern kingdom, what struck foreign visitors most was the egalitarian spirit of the people. […A] secretary of state might easily be found sitting on a workman's bench talking to the workman. […S]ervants, while waiting at table, [tended] to intervene in the conversation and make comments on the guests 'with a freedom at times quite provoking'. This sense of equality and respect for personal liberty characterized all sectors of the community. (Nicholls, 1996, p. 59).

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17 Fischer emphasizes the performative role of visuality in nation-building when printing would not work: power needs to become visible; Christophe attempted producing absolute power as absolute presence; popular identification with a dynasty would have provided political cohesion, filling the place that a constitution cannot fill when the majority, including the sovereign, is illiterate (Fischer, 2004, p.250-253). She seems not to realize that regarding massive illiteracy the situation in Petion's republic was identical.

When conspiracies became incontrollable, Christophe killed himself.

> His only surviving son […] was bayoneted […] by the conspirators, and his body was left to rot on a dung heap. His widow… and two daughters […] sought refuge in England […] None of them ever returned […] (Fischer, 2004, p. 246)

The Agambenian logic relating sovereign power and bare-life emphatically functioned in the case of Henri-Christophe.

South: "liberal" republic

The first Republican constitution of Haiti —adopted in 1806— consisted of 200 articles and was effective in its Southern part, ruled by Alexandre Petión, who was educated in France and explicitly opposed monarchy and nobility (Nicholls, 1996, p. 58). Many of its provisions were inspired by French politico-juridical ideas. Although lacking a "bill of rights", it granted personal and domiciliary inviolability, free speech and free press. However, freedoms of association and public meetings were not protected. Like in the Dessalinian constitution —and mirroring the French text—, afflictive punishment trumped the exercise of citizens' rights. Judicial interdiction, bankruptcy, servile status, criminal prosecution, and trial in absence provoked a temporal suspension of these rights. Property was declared "sacred".

The text proclaimed that there could not be slaves in Haiti, slavery being abolished forever. Art.27 is almost a copy of the 1805 constitutional ban of whites; however, Art.28 recognized as Haitians all the whites serving in the Army or in public office and those "admitted in the Republic" before the publication of the Constitution. Due to the European liberal influence, the main focus is much less patriarchal or militarized than in the pieces of 1805, 1807 and 1811. However, Art.18 established being a good son, good father, good friend and good husband —not a good soldier!— as conditions for good citizenship.

Art.20 stated that "The one who openly breaks the law declares himself in war against Society" whereas Art. 21 used a much weaker —moral— phrasing for the perpetrators of hidden offences. Thus, on one hand any criminal seen *in-fraganti* is put outside the juridical boundaries of the *Civitas*: a status close to bare-life, as homicide is

legitimate while waging war -a principle reinforced by Art.19 establishing "religious observation" of the law as a pillar of ethical good. On the other hand, unnoticed delinquency becomes a matter of morals. Vernacular wisdom traces the beginnings of endemic corruption to the founders of Haiti (Laroche, 2005).

Roman-Catholic religion —being "of all the Haitians"— acquired state status; in the event, new religions being "introduced" their freedom was recognized while they respected the legal order. However, universality of Catholicism in Haiti was colonial ideology, not fact. The actual major religion —already there, not "eventually introduced in the future"—, Vodou, was left outside legality: neither protected nor banned.

A classic tri-partition was established, with a presidential executive and a legislating Senate. The Senate was elected through indirect franchise. Several articles regulated the military: the only function compatible with the senatorial office-holding.

Like in the 1805 and 1807 texts, the right to arbitration was granted. There were judges of peace and, under a Senate's act, juries. Civil judges could exert criminal jurisdiction. Interestingly, appeals were to be instated before the territorially-adjacent courts. The President could enact a cassation-like procedure before the Senate to correct procedural violations. There was no permanent Supreme Court; a High Tribunal with provisional *adhoc* jurisdiction could be constituted to judge cases involving superior officers. This judicial system was more complex than the Imperial one; however, a strong mark of horizontality was still present. Diverse guarantees for criminal cases were included.

 However, despite its liberal ideology the republic was a military oligarchy (Nicholls, 1996, p. 58). Petión ruled outside the constitutional constraints for so many years that a new constitution was established in 1816 to restore legitimacy (Fischer, 2004, p. 268). Although structurally similar to the previous one, it contained some additions: a General Centre for Public Assistance, a universal public institution for free elementary education, and a bicameral legislative power constituted by an indirectly-elect House of Commons, appointing the Senate, depositary of the Constitution; the houses had very dissimilar functions; this time the Senators could not retain military positions. A life presidency with right to propose the successor was adapted from Christophe's 1807 text (Nicholls, 1996, p.59). A Great Justice was in charge of the judiciary, together with the extant courts and judges, and a French-style Cassation Court authorized to annul the judgments if the process was vitiated. Executive functionaries were granted immunity before the judiciary.

The provision permitting non-Catholic cults was more transparent than in 1806. The Constitution empowered the President to promote Roman-Catholicism, still "the religion of all the Haitians". Further access of whites to naturalization, employment and property was banned, although rights of previously admitted whites were ratified. Symmetrically, Art.44 provided that "All the Africans, Indo-Americans and their descendants born in the Colonies or foreign Countries and coming to reside in the Republic will be considered Haitians, but will not enjoy their rights of citizenship until completing one year of residence". The republic became a haven for maroons: a large proportion of the Port-au-Prince population consisted of refugee slaves from the British colonies (Nicholls, 1996, p. 62).

Petion's constituency were the old *affranchis*, who "had for a long-time opposed abolition, had sided with the planters, and [were…] always suspected of wanting to re-create the colonial caste system after independence" (Fischer, 2004, p. 262-263). Careful readings of the republican constitution and historical evidence reveal that real power was exerted by "a small self-perpetuating elite", contrasting the "considerable spirit of equality" in Christophe's kingdom "in spite of the elaborate façade of aristocratic hierarchy" (Nicholls, 1996, p. 59). However, while Christophe's monarchy continued the neo-agricultural system of Toussaint and Dessalines, Petión had to distribute land to the peasants to stay in power, as he could not afford alienating them through a forced-labour regime;

> by the time he died, he was known by the nickname Papa bon ke (Father with a good heart), while Christophe committed suicide in the face of…popular dissatisfaction with his agricultural policies. (Fischer, 2004, p. 270).

Pétion nationalized all land, and sold it in small parcels (Sheller, 2000, p.53); but the principal beneficiaries of Petion's policy were the mulatto officers of the republican army, to whom land was distributed according to their military grades, higher officers receiving larger plots (Sheller,2000, p. 93; Laguerre,1993; Nicholls, 1996, p. 54).

> The conflict between Pétion's republic and Christophe's kingdom cannot […] properly be seen as a struggle between two social classes; it was a struggle rather between two cliques within a single class. (Nicholls, 1996, p. 60)

This elite was the real winner of the revolution. The European socio-cultural models it used were largely exclusive; the social network of the elite had "few ties to the mass of Haitian people" (Sheller, 2000, p. 58). The black-mulatto divide undermined the elite's cohesion.

Bare institutions

State control of the Haitian territory was so weak and sparse that it operated only through the bluntest of instruments: military conscription and taxation. Apart from these two basic tools, the state had no other existence (i. e. little bureaucracy, no public services, no public investment, a very localized judicial system) […] the military remained the most significant branch of the executive government… There were very few roads to enable timely communication between regions; there was only one national school of higher education, and no elementary public schools [despite the constitutional provisions]; there was no national bank and weak control of the treasury. Forgery, smuggling and bribery were common […] Haiti's big landowners had the political power to pass legislation of their own interest but had at their command neither the state capacity to enforce these unfair laws nor the capital to protect their investments. Instead, they turned to the machinery of the state to control exports and levy indirect taxes on peasant crops… Haiti's initial decades of war-torn state-formation thus tended toward what one observer astutely described as 'republican monarchy sustained by the bayonet'. (Sheller, 2000, p. 53-56).

This situation became endemic since the very moment of independence:

The state is seen as something alien, and the average Haitian regards it as beyond his power to influence […] the government. He hopes… that it will remain distant […] and interfere as little as possible with his life. 'Apre bodie se leta' ('after God comes the state'), an old Haitian proverb, refers not to the benevolence but to the remoteness and the unpredictability of God. (Nicholls, 1996, p. 245-246).

Post-revolutionary regimes restricted the mobility of the cultivators, by legislations like the 1807 "Law concerning the policing of estates and the reciprocal obligations between proprietors, farmers, and cultivators", requiring for traveling a passport or a written permission from a plantation manager; those documents were checked by military patrols, and the disputes were to be settled before a Justice of Peace, always a landowner (Sheller, 2000, p. 96).

In M.-R. Troullot's interpretation, Haitian authoritarianism and instability are due to the fact that "the Haitian state and the Haitian nation were launched in opposite directions". The nation's keystone was liberty from slavery; the state inherited the colonial socio-economic institutions, requiring regimented work-force (Fischer, 2004, p. 269)[18]. Troullot attempts explaining the emergence of the new domination system and the splits between *anciens libres* and *nouveaux libres*, mulattoes and blacks, urban and rural societies. As the neo-agricultural project largely failed, Haiti became an archetypical peasant society. Post-revolutionary practices beyond the state imaginary and the written culture may unveil how the population self-organized outside the official hierarchies.

The peasant class included families holding land plots of different extent, determining their level of economic independence, especially the capacity of extending credit, providing employment or, alternatively, the need of entering the local labour market, relations conditioning the dynamics of political clienteles (Sheller, 2000, p. 66, 95). The middle peasants with

> leadership in their communities […] became […] involved in politics and demanded democratization, including extension of the franchise, fairer taxation and abolition of fees for registering to vote, petitioning the government or settling court cases. In its most radical guise, members of this class identified with the small peasants and labourers and called for new forms of cooperative association, direct popular sovereignty, land distribution and full racial equality. (Sheller, 2000, p. 66).

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18 "State and nation were tied by the ideal of liberty, but the nation measured its liberty in Sunday markets and in the right to work on its garden plots" "The politicians and ideologues who emerged during the struggle were busy sketching the themes of a nationalist discourse while the emerging national community, pushed into the background, was beginning to shape a peasant world view of its own" (idem)

Popular protest included struggles for the self-control of working conditions, especially demands for the five-day workweek, equal pay for women, refusal of night work, freedom of mobility and ample political participation (Sheller, 2000, p. 96-87).

"[R]ural society built extensive networks of trade and commerce […] kinship and religion, cooperation and collective association […] Haitian peasants […] developed a self-regulating culture 'outside' of state structures, based on egalitarianism […] inter-individual reciprocity" (Sheller, 2000, p. 92, 94) and labour sharing outside the monetary system. These networks and institutions sometimes became "total" (Maussian sense) social facts[19], yet remaining largely outside the written politico-juridical discourse. Although "bare" (and sometimes actually persecuted), such institutions produced a parallel normativity binding the involved actors, thus being examples of legal pluralism. Invisible to the official, mimetic politics, they were nevertheless political; as J. Barker wrote apropos Badiou, "politics is a question of knowing which social figures are capable of counting for something, and which ones are not" (Barker, J. [translator], in Badiou, 2006, p. x).

M. Sheller considers that these "associations […] contained the seeds of popular political participation [… and…] direct democracy at the local level" (Sheller, 2000, p. 95); she provides historical evidence linking the Haitian facts of self-organization since 1804 with earlier precedents: plantation work-gangs turned self-governing groups, maroon bands, self-formed rural cooperatives related to the revolutionary militias, self-organization of port workers.

The rural associational forms included *coumbites* —friendly societies working land together, sometimes with elected leaders—; *compagnies* —more organized fraternities with elaborate symbolic systems of membership and office-holding, originating out of African ethnic affiliations and preserving particular cultures of dance and drum—, and *hounforts* —Vodou temples concentrating community rituals; sometimes clustered into regional networks—. Women formed their own *coumbites* for specific tasks. These communities had political ideologies expressing their moral

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19 "Maintaining inalienable 'family land' was one way of counteracting these class differences. Family land in Haiti belongs to all descendants of the original owner, has sacred meaning and is passed down through generations. Family-oriented Vodou ritual 'plays and important role in maintaining [this] form of social organization that appeared on the properties granted during the nineteenth century by the Haitian government to soldiers who had participated in the War of Independence'"; the plot included "its cemetery, its cult house and its trees which are the repositories of the family spirits" (idem).

position. "Yet, there were few public outlets for peasant political expression" (Sheller, 2000, p. 95)[20].

> [T]hrough religious institutions, ex-slaves… rebuilt community life and created new modes of civil participation", including "peasant associational networks" with "extended spiritual 'families'" as backbones. However, "Vodou was persecuted by successive Haitian governments because of its symbolic associations with African 'primitivism', as defined by Europeans. (Sheller, 2000, p. 105-106).

The same opinions existed about Africa, and some of the early post-revolutionary Haitian ideologues supported the projects of extensive European colonization of the continent.

> [Exslaves] did not simply retreat into […] peasant subsistence and conservative values. They turned their collective energies toward changing structures of domination wherever they could… [T]his alternative path to a future free from domination provided not only a counter-narrative to modernity and an ethical critique of capitalism, but also an alternative vision of true grassroots democracy. (Sheller, 2000, p. v, 5).

Zombies: bare-life/work-force

The kreyol word for human body is *ko-kadav* —in French, *corps-cadavre*—; it is also the technical term used in Vodou theology for the "physical" part of the human person. A soulless body is a cadaver; it could be even a living cadaver if its soul is retained. Haitian zombies are striking examples of a social phenomenon typologically similar to the Agambenian structure of the "bare-life".

W. Davis investigated the ethno-biology of the Haitian zombies. He suggested that making a person a zombie is a social sanction imposed by secret *Bizango* societies for disciplining local communities. It consists in provoking a death-like state using a

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20 Although much of the evidence is recent, Sheller provides historic accounts from the 19th century helping to establish continuity (Sheller 2000, p.108).

fish toxin; the subject is then buried, and the death may be legally registered (Davis, 1988, p.3, passim). Later, the body is exhumed, administered an antidote (actually a placebo, as the comatose state ends spontaneously), and revived. A zombie is thought to lack the *ti-bon-anj* (retained by the ritual's performer), the spiritual entity essential for personhood in the Vodou theology, so s/he formally lacks social agency and may be forced to perform labour. Legally, the zombie is dead and lacking personality.

> The peasant knows that the fate of the zombie is… worse than death- the loss of individual freedom implied by enslavement, and the sacrifice of individual identity and autonomy implied by the loss of the *ti bon ange*. (idem).

The old Haitian *Code Penal* established penalties for the use of poison producing lethargic coma, which was equated to attempted murder; if the person was buried the crime qualified equivalently to murder, irrespective to the actual effects (Davis, 1988, p.71).

The *Bizango* societies —parallel to the Vodou *hounfors*— involve persons of both sexes —some holding posts like Emperor, Presidents and Queens—, exert arbitrage among them, generate consensus, and "constitute a force that protects community resources, particularly land, as they define the power boundaries of the village" (Davis, 1988, p.10). Zombification is probably the ultimate social sanction administered by such societies in cases like land disputes. Davies suggests that the network of secret societies and their use of folk toxins may be traced to the maroon bands (idem).

M. Sheller (2000, p.66) described the community leadership of Haitian middle peasants as "hierarchical relations that could […] be exploitative"; this may be the socio-historical background of the zombie practice. Davis reports its structural similarity with slavery —social death, persons turned into things, forced labour—; historical links exist too, via the (ex-)maroon networks which survived the revolution, keeping the pharmaceutical practices and socio-cultural mimetic of the secret societies involved in the colonial poisonings. Zombie ontology —a post-revolutionary re-signification of the bare-life status— exemplifies the auto-antagonism characteristic of Caribbean post-slave societies (James-Figarola, loc.cit.; analogous effects were observed by D. Graeber in Madagascar).

Zombies synthesise the Haitian history: refracting the slaveholding capitalism's structural violence through the prism of a radical revolution, incorporating non-wri-

tten arrangements of social power, engendering "bare institutions" of survival, mutual assistance and cooperation, always keeping the mark of domination: the slaves were liberated, but establishing an emancipated society resulted impossible. Anti-slavery and anti-colonial struggles failed to re-shape the social relations *in-toto*, because the post-colonial states and especially the military hierarchies became the key "visible" social actors, mirroring colonial structures. Practices were re-configured in a way that much social power —including collective decision-making and execution— circulated through informal networks —called here "bare institutions"—, some of them secret; those power relations were ambivalent: some were reciprocal, symmetrical, equitable; others, asymmetrical and oppressive. Domination remained present because the whole society remained unequal and oppressive. Cooperative institutions were necessary but stayed marginal; oppression existed even at the community level, shaping the peasants' inter-personal networks. Zombies —a particularly Haitian, modern form of "bare-life"— were the return of the abolished slavery[21], in a liberated country that just changed its domination-system.

Revolutions are both sovereign sources of law and manufactures of bare-life. However, bare-life itself is ambivalent: Agamben shows the links between the human rights narrative and the *homo-sacer* ontological structure via the *habeas-corpus* institution; the Haitian zombie —a living *ko-kadav*— shares existence with collective non-incorporated —legally mortal— "bare" institutions —like the *coumbites*—, which may function as temporary autonomous zones —given the factual farness of the state—, and/or reproduce asymmetric —hierarchical, exploitative— practices. Haiti shows the pessimistic limitations of the Agambenian theoretical standpoint. Bare-life, bare institutions may carry both autonomous creativity —described by Castoriadis as the pre-condition for freedom and equality— and auto-antagonism —defined by James-Figarola as the rejection of communal being—; the dynamic of agencies and events conditions their trajectories in each case. Although the Haitian revolution was ideologically —but neither ontologically[22] nor geopolitically[23]— situated "outside" the "mainstream" modernity, it supports the Agambenian notion of bare-life as a structural pillar of modernity.

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21 Making a zombie structurally mirrors the case of Rosalie (or vice-versa): subject active: written ritual: liberating: becoming bare-life for a moment: dying legally in the ritual: resurrecting as a juridical person: subject passive: magical-pharmacological ritual: enslaving: becoming bare-life for life: dying biologically in the ritual: resurrecting as non-person.

22 "Dessalines and his secretaries were producing the very modern fantasy of the omnipotence of the word" (Fischer 2004, p.235)

23 "The conflicts that took place in the aftermath of the Haitian Revolution were partly conflicts over the shape and meaning of modernity, and about the kind of emancipation that modernity was supposed to bring about" (Fischer, 2004, p.273)

For S. Fischer,

> those constitutions that did not simply adopt the French republican mo-
> del are precise demarcations of the fissures that Haiti inherited from its
> colonial past and that could not be overcome by mere legal action" (Fis-
> cher, 2004, p. 271).

But such fissures were not just "inherited"; being interstitial, "unthinkable" zones of the revolution's rationality, they resulted amplified by the events' complexity and became ambivalent zones of exception giving room both to autonomous emanci-pated "bare" institutions, and to structurally-violent colonial-mirroring domination practices.

1825-1826: Epilogue

In 1825, President Boyer agreed the cost of inscribing a "bare" state into the world-sys-tem: paying France 150 000 000 francs in compensation for property losses during the revolution. Haitian ports were open to foreign trade. In 1826, Boyer passed a Code Rural, regulating work-contracts and trade. Its longest section regulated the Rural Police in charge of strictly disciplining the workers. Leaving the fields without a pass was forbidden. Cooperative land-ownership and worker self-organizations were outlawed. Trans-domination consolidated one generation after independen-ce.

Discussion

There were multiple liberation projects in Saint-Domingue. The revolution produ-ced an internationally-marginalized hierarchical military state. Both internal and external factors —colonial/revolutionary mimicry, marginalization of the liberation potential through "bare-life/bare-institution" structures, elitist "enlightenment", en-demic debt— shaped the new domination system. Weberian notions of charisma, charismatic domination and routinization of charisma, are useful in understanding trans-domination; however, they should be taken critically, because the Weberian conceptual framework is ethnocentric and politically conservative, with no place for the very question of social liberation, admitting just various dominative ideal-types.

The Haitian case cannot be reduced to "charismatic domination" because the manifold processes involved are too complex. So, at least in Haiti trans-domination is qualitatively different from the notion of "routinization of charisma". Factually, the case goes beyond the Weberian ideal-types: plantation-slavery was modern, not "traditional"; after 1802, the leadership was plural and fluctuant; the rational-bureaucratic organization was impossible due to the generalized illiteracy. The complex accommodation of post-revolutionary institutions, involving European and vernacular practices, the oscillations of legitimacy, original constitutional designs and the co-existence of a hierarchical militarized statehood with informal socio-economic and religious networks would obstruct any Weberian explanations of the Haitian post-revolutionary history. The traditional/modern dichotomy does not suit Haiti.

The need of taking freedom and agency for granted when studying social power appears in the Haitian revolution through the ambivalence of the bare-life notion: it results useful for theorizing liberation. Agamben does not elaborate this point in *Homo sacer*. Haiti posits the question of agency residing in bare-life[24]. Haitian revolution is a product of slave agency, although not exclusively.

The Agambenian view of bare-life results too narrow; in Haiti this structure rather than signifying the exposition to death is pregnant with meanings of autonomy and liberation: cases of maroon self-organization, juridical self-liberation, post-revolutionary networking. The very liberation events were ambivalent, as shown by the revolutionary juridical narratives, where the notion of bare-life appeared linked to that of freedom itself. Moreover, Haiti illustrates the similarity of the bare-life structure and those of temporary autonomous zone (Graeber, 2004) —entire social institutions, e. g. *coumbites*, inhabiting juridical interstices— and E. Junger's *Waldganger*, e. g. marronage, which endow excluded subjects with rebel agency —also cf. V. Das, 1997, and T. Asad, 2003 apropos agency of "passive" subjects—.

Bare-life and work-force were dynamically linked —maroons could be caught and sold or killed with dogs— both in oscillations of plantation-slavery structures (James-Figarola) and in post-revolutionary *coups-d'etats* —supported by discontented peasant populations and local elites—.

Asymmetric —dominative/hierarchical— social power constrains agency. Is bare-life dominative? Does it constrain agency? Haiti provides diverse answers: they are positive for slavery, colonial poisoning, zombies, ambivalent for marronage, and negative for emancipative bare institutions.

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24   e.g. Dessalines was a plantation slave, the first and the only one to become a head of state.

"Bare-life" and "colonial-mirror", including hierarchy, structured both the colonial practices and the liberation agency of the oppressed in French Saint-Domingue and revolutionary Haiti[25]. They became modes of reducing the complexity of manifold practices, projects, norms and narratives. This reduction engendered the infelicity of liberation. Some revolutionary agencies subordinated, hierarchically-structured and marginalized the rest, configuring the emerging normative orders and master-narratives. But the displaced practices stayed latent —becoming "bare"—; their hidden genealogies are still traceable. Obviously, many interstitial spaces and social networks were co-opted by the hierarchical, asymmetric domination structures.

"Bare-life" structures, then, materialized differently but with evident homeomorphism, in the slavery-based colonial society —where they were its productive infrastructure— and in the post-colonial peasant communities, where the memory of enslaving was re-enacted in the zombie punishment, embedded within the esoteric *Bizango* imaginary and pharmacological praxis. In both of them, however, they carried a mark of domination.

Resulting master-narratives involved vestiges of the liberation projects, e. g. constitutionally protected arbitrage. However, Haitian state's survival —and the world-system-oriented neo-agriculture— depended on "bare" institutions —e. g. *coumbites*; the Vodou network—, subject to exception and potential destruction —hence the "bare" status— and operating their hierarchical, gender and commodity relations differently from the master-structure; such institutions —although interpretable as temporarily autonomous zones— should not be idealized. "Inside" them liberation remained infelicitous: zombies are Haitian examples of *Homo-sacer*, mirroring the slavery-derived dynamic link between work-force and bare-life; Vodou, while more gender-equilibrated than the colonizer's religions, still tends to forget the female protagonists of the revolution. Autonomous practices co-existed with strongly authoritarian chimerical institutions, like the *chef-de-section* —local government official *cum* polygamous cultivator *cum houngan*—, pervasive military and endemic anomie. The racist, capitalist, hierarchical world-system's role was also critical, posing the classic problem of the survival of a "liberated/pariah" society.

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25 E.g.: "arse-exploding" by the slave-holders / poisoning by the slaves; maroon hunting with dogs / massacres of whites; revolutionary state formation, mimicry of European (military, political, aris-

Conclusions

We propose a new category, trans-domination, for what happens when radical liberation engenders its opposite praxis, domination, in midst of a social revolution. The case of Haitian independence and the post-revolutionary events is a tragic example of transdomination.

The great Haitian revolution was also laden by the attempts of the post-revolutionary elites to gain a re-insertion of the country in the capitalist world-system. In addition to the continuous extraction of resources from the Haitian working people by this elite, this intend —along with that of the colonial and slave-holding "white" powers, of punishing the rebel Caribbean island— resulted in the imposition on the Haitian people of a burden of paying its ex-metropolis an enormous "compensation".

Although these are not the only events influencing historically the current situation of Haiti as the poorest nation in the Americas —we should consider other ones, e.g. a series of US and other countries' interventions—, they are helpful to understand that trans-domination in the modern world is necessarily a geopolitical and world-system-related fact.

They also address the classical issue of how a newly liberated society becomes disconnected from the logics, material realities, and economic networks of its oppressive geopolitical surroundings.

Acknowledgments

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tocratic) hierarchy; constitutional ban of "slaves" and white proprietors in Haiti; killing of *hougans*; ban of Vodou and peasant self-organization…

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