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# Étienne Mazureau: A French Immigrant and The Ideological Origins of Louisiana

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## Abstract

A French Émigré and the Ideological Origins of Louisiana" is an intellectual biography of a prominent citizen in early Louisiana, Étienne Mazureau, to whom little historical attention has been bestowed. The paper commences with a chapter on racial attitudes in antebellum New Orleans, stemming from Mazureau's interview with Alexis de Tocqueville and analyses the influence of the Haitian Revolution in New Orleans. Additionally, the essay includes a chapter on affairs of honor which Mazureau crusaded against. Finally, the conclusion highlights ethnic tensions in early Louisiana and states that further research should analyze Mazureau's, and other French lawyers', impact on Louisiana law.

## Introduction

*The "Eagle of the New Orleans Bar"*

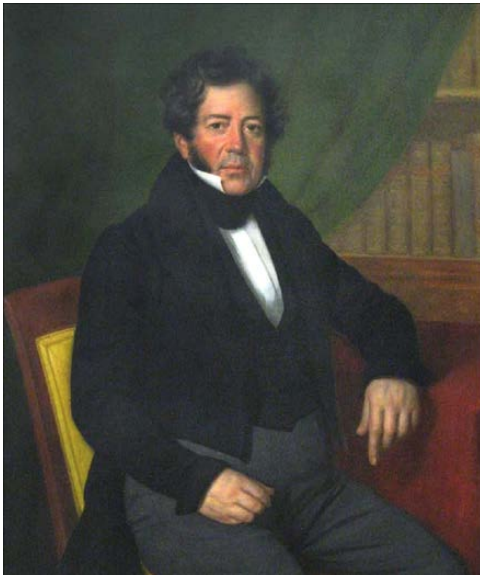


Figure 1. Étienne Mazureau: 1840–43. By Amans or Vaudechamp

Étienne Mazureau emigrated from France to New Orleans one year after the 1803 Louisiana Purchase—during a transformative period in American history. On the one hand, Mazureau, a prominent statesman, represented the viewpoint of many white people by defending a race-based society. This is well-illustrated by his deposition of Félicité Fouché, a free “woman of color,” from Haiti. One day in December 1813, while walking on the sidewalk in the Crescent City, Mazureau encountered Fouché, and she refused to conform to the racial status quo by moving into the street to clear the path for him. On the contrary, she called for equality. Mazureau, like many New Orleanians, had grown fearful of free “people of color,” particularly after the Haitian Revolution. The currents of liberty that sparked that revolution increasingly challenged Louisiana society as well. Hence, Mazureau used the legal system to defend the racial hierarchy. Mazureau, however, did concede certain rights for Black people, and

boasted to Alexis de Tocqueville in 1830 of his protection of them. Despite neglecting to adequately include Black people in his perception of justice, Mazureau's approach to political issues was guided by a conviction to fortify the rule of law, which New Orleanians frequently undermined by resolving conflict through duelling. To this end, Mazureau fought to ensure that the courts, not duellists, should rule on the truth, and administer justice.

Étienne Mazureau's life in Europe laid the foundation for his endeavors in New Orleans. Mazureau was born in La Rochelle, France, on March 15, 1777, and at the age of 13, he commenced work in a lawyer's office—an early sampling of his future career.<sup>1</sup> At roughly 16 years of age, Mazureau fought in the French Revolutionary Wars and was consequently incarcerated in England for four months.<sup>2</sup> Later, he served the French army in Spain, which allowed him to develop a practical knowledge of Spanish law. This exposure to French and Spanish legal systems shaped his burgeoning legal education. Newspapers later proclaimed that Mazureau had a "profound and complete" knowledge of the Roman, French, and Spanish laws—legal

systems he vehemently defended in Louisiana.<sup>3</sup>

Despite allegedly admiring Napoleon Bonaparte, Mazureau was imprisoned for asserting that Napoleon was a "usurper" of the Bourbon throne.<sup>4</sup> Upon release, in March 1804, Mazureau sailed to America, aged 27, to establish a new life in New Orleans. He later claimed, in January 1837, that he "fled from the despotism of the greatest captain of modern times."<sup>5</sup> Former Secretary of State of Louisiana Charles Gayarré revealed that Mazureau was in "search of a better fortune," during a time of economic opportunity and cross-cultural interaction in New Orleans.<sup>6</sup> Though Mazureau was one of the so-called "foreign French," by marrying Aimée Grima, he integrated the *ancienne population* ['old population'], a group who traced their ancestry to the original French or Spanish settlers.<sup>7</sup> Joseph Tregle asserts that the old population believed that they were the "paragon of style, judge of good wine and fine food...[and] to the manner born."<sup>8</sup> Mazureau was thus able to elevate his status, and ally the French-speaking populations against "Anglo-Americans."

<sup>1</sup> Alfred Grima, "Etienne Mazureau. Presentation of the Portrait of the Portrait of the Great Advocate to the Supreme Court of Louisiana," *The Daily Picayune*, March 22, 1887, p. 3; Étienne Mazureau, "Duelling," In *The Louisiana Book: Selections from the Literature of the State*, Edited by Thomas M'Caleb (New Orleans: R.F. Straughan), 297-298.

<sup>2</sup> "Etienne Mazureau," Louisiana Digital Library, <https://www.louisianadigitallibrary.org/islandora/object/state-lwp%3A5856>.

<sup>3</sup> "Etienne Mazureau," *Daily National Intelligencer*, June 4, 1849, p. 3.

<sup>4</sup> "Etienne Mazureau," Louisiana Digital Library, <https://www.louisianadigitallibrary.org/islandora/object/state-lwp%3A5856>.

<sup>5</sup> Etienne Mazureau, "Panegyric on George Matthews," *The Louisiana Historical Quarterly*, volume 4. no. 2 (April 1921): 167.

<sup>6</sup> Charles Gayarré, "The New Orleans Bench and Bar in 1823," *Harper's New Monthly Magazine*, June 1, 1888, p. 890.

<sup>7</sup> Joseph George Tregle, *Louisiana in the Age of Jackson: A Clash of Cultures and Personalities* (Louisiana State University Press, 1999), 109.

<sup>8</sup> Tregle, *Louisiana in the Age of Jackson*, 26.

Mazureau's social ascent facilitated his political career in Louisiana. He contributed to Louisiana's judiciary accumulating an amalgamation of European legal codes. Such codes endure. Notably, Louisiana is the only state in the Union whose laws primarily derive from civil law. Mazureau held a seat at the most influential tables in eighteenth-century Louisiana, where he established himself as one of New Orleans's most prominent figures. His obituary informs us that he was a resident of New Orleans for 50 years, served three terms as Attorney General, and was Secretary of State of Louisiana.<sup>9</sup> By virtue of his service, his portrait was displayed in the Louisiana Supreme Court.<sup>10</sup> Mazureau meaningfully contributed to the notable legal and political issues du jour, including the controversy over The Batture in New Orleans, the election of President Jackson, and duelling trials. Mazureau's ideology was centered on the pursuit of liberty for Europeans, judicial authority, and the promotion of French dominance.

Despite his frequently fierce political participation, Mazureau was a devoted family man. He believed in the supremacy of "paternal power"; nevertheless, he admired women and declared them to be "that sex worthy of all our respect."<sup>11</sup> When Alexis de

Tocqueville arrived at Mazureau's house on New Year's Day 1832, he admiringly described their scene of "children, grandchildren, nephews, great nephews, first cousins, distant cousins: the family picture was complete. Joy seemed to shine in all the faces."<sup>12</sup> That day, in the presence of Mazureau's family, Tocqueville maintained that "there is not an eighteenth-century philosopher who would not have wept with sensibility and tenderness."<sup>13</sup>

Tocqueville sought an audience with Mazureau to gain insights into Louisiana culture for his subsequent book, *Democracy in America*, as Mazureau was described to him as the prominent "eagle of the New Orleans bar."<sup>14</sup> Mazureau was an undeniable force in the legislature, described by Charles Gayarré as "a perfect specimen of the Southern type... [with his] flashing dark eyes, intensely black hair, and a brown complexion."<sup>15</sup> Despite retaining gentlemanly dignity, Gayarré conceded that Mazureau was "not free from a certain degree of arrogance, based on...the superiority of his splendid intellectual powers."<sup>16</sup> Moreover, he admitted that Mazureau "sometimes yielded to his fiery and impulsive nature...that was not a little startling to men of a more sober and sedate temperament."<sup>17</sup> Former Senator of Mississippi Henry Foote reiterated that

<sup>9</sup> "Obituary of Etienne Mazureau in New Orleans, Louisiana in 1849," *Le Vigilant*, May 30, 1849.

<sup>10</sup> Alfred Grima, "Etienne Mazureau. Presentation of the Portrait of the Portrait of the Great Advocate to the Supreme Court of Louisiana," *The Daily Picayune*, March 22, 1887, p. 3.

<sup>11</sup> Mazureau, "Panegyric on George Matthews," 158.

<sup>12</sup> George Wilson Pierson, "Alexis De Tocqueville in New Orleans," in *A Franco-American Overview*, Volume 6, ed. Carl Anthony Brasseaux, and Mathé

Alain (MA: Evaluation, Dissemination and Assessment Center, 1981), 60.

<sup>13</sup> Pierson, "De Tocqueville in New Orleans," 60.

<sup>14</sup> Pierson, "De Tocqueville in New Orleans," 60.

<sup>15</sup> Gayarré, "The New Orleans Bench and Bar in 1823," 890.

<sup>16</sup> Gayarré, "The New Orleans Bench and Bar in 1823," 890.

<sup>17</sup> Foote, *The Bench and Bar of the South and Southwest*, 194.

Mazureau's person was "grave and impressive" and confirmed his "profound self-esteem, and disdain of opposition."<sup>18</sup> Mazureau was described by Gayarré as a "tropical hurricane" in court, relentless and unyielding.<sup>19</sup> He was particularly content to exhibit his legal fortitude if it was to the detriment of an "Anglo-Saxon" member of the bar.<sup>20</sup> Mazureau was evidently a force to oppose, but surely a solace to have as an ally.

Sources pertaining to Mazureau, an ideologically influential French immigrant, provide insights into the racial injustices rampant within fledgling America, reveals the consequences of contemporary norms of masculinity, and divulges the struggle for political power between ethnicities in New Orleans: Creole (people who were born in New Orleans), *gens de couleur* ['people of color'], foreign French, and American.

### Racial Subjugation and Resistance in Antebellum New Orleans

Racial tensions seethed in the streets of antebellum New Orleans. Joseph Tregle argues that such conflict was "bred by inevitable competition for political and economic power."<sup>21</sup> In the eighteenth century, "race" expressed a less binary classification than the term currently implies. For instance, in 1823, Gayarré described how the Latin and Anglo-Saxon "races are

divided."<sup>22</sup> Indeed, Mazureau took delight in humiliating individuals of the other "race," and crusaded for "Gallic" supremacy over "Anglo-Americans."<sup>23</sup> He did not perceive all Caucasian people as racially identical, and told Alexis de Tocqueville in 1832 that, "you see here a mingling of all races...New Orleans is a patchwork of peoples."<sup>24</sup> Despite the idiosyncratic diversity of New Orleans, Mazureau confirmed Tocqueville's assumption that it was still "the French race, up to now [that] dominates and gives direction to all the rest."<sup>25</sup> Mazureau was determined that the existing racial and ethnic hierarchy would remain the status quo.

Identity was multifaceted in New Orleans when Mazureau lived in the city. The "triple division" of the Louisiana population that Tregle delineates—Creole, foreign French, and Anglo-American—was further complicated by a relatively prosperous group: the *gens de couleurs libres* ['free people of color'], hereby referred to as FPOC.<sup>26</sup> François Guillemin, the French Consul in New Orleans from 1816 to 1832, informed Tocqueville that while the French population and the newly arriving Americans "criticize each other mutually... at bottom there is no veritable enmity."<sup>27</sup> Despite inveterate racial tensions among Caucasian factions in Louisiana, it was the FPOC and the enslaved who were subjected to systemic injustice.

<sup>18</sup> Henry Stuart Foote, *The Bench and Bar of the South and Southwest* (St. Louis: Soule, Thomas & Wentworth, 1876), 194.

<sup>19</sup> Gayarré, "The New Orleans Bench and Bar in 1823," 890.

<sup>20</sup> Gayarré, "The New Orleans Bench and Bar in 1823," 890.

<sup>21</sup> Tregle, *Louisiana in the Age of Jackson*, 26.

<sup>22</sup> Gayarré, "The New Orleans Bench and Bar in 1823," 894.

<sup>23</sup> Gayarré, "The New Orleans Bench and Bar in 1823," 890.

<sup>24</sup> Pierson, "De Tocqueville in New Orleans," 61.

<sup>25</sup> Pierson, "De Tocqueville in New Orleans," 61.

<sup>26</sup> Tregle, *Louisiana in the Age of Jackson*, 80.

<sup>27</sup> Pierson, "De Tocqueville in New Orleans," 63.

Slavery was omnipresent in eighteenth-century Louisiana, and enslaved people worked in Mazureau's home. Upon Tocqueville's arrival at Mazureau's residence, an enslaved male opened the door, "bowing his head with a submissive air."<sup>28</sup> Mazureau ardently advocated for the establishment of a "civilized" society rooted in the supremacy of his conception of law and justice; however, he did not ascribe the same rights to non-white people. Mazureau served his community during a time when Louisianans were addicted to the pursuit of wealth, which enslaved labor generated.<sup>29</sup>

Many white people were eager to preserve slavery as the fortunes that flowed into New Orleans were primarily the result of enslaved labor. During Mazureau's life, Louisiana's economic prosperity proliferated. As Guillemin told Tocqueville in 1832, "in the fifteen years I have been here...the prosperity of this region has increased a hundredfold."<sup>30</sup> Plantations grew increasingly profitable, most notably after Eli Whitney's invention of the cotton gin in 1793. Additionally, sugar production in Louisiana significantly increased after 1795, prompting tremendous wealth to surge towards New Orleans, the entrepot for all goods shipped down the Ohio and Mississippi river.<sup>31</sup> Anti-slavery sentiment was consequently viewed

with disdain. It was deemed calamitous to white Southerners' ambitions. To this end, Senator James Henry Hammond declared, "You dare not make war upon cotton! No power on earth dares make war upon it. Cotton is king."<sup>32</sup> Mazureau's statements regarding "people of color" illuminate his outrage at an early act of resistance against the racial hierarchy, Southerners' advocacy of the legal system to deprive FPOC of wealth, and evidence of Southerners' comprehension of, indeed reliance upon, enslavement to engender their economic prosperity.

First, Mazureau's deposition in December 1813 of Félicité Fouché, a free "woman of color," portrays a courageous act of resistance, and the legal lengths taken to enforce an increasingly contested racial hierarchy.<sup>33</sup> Mazureau expected that once Fouché recognized him and his Creole wife, Aimée Grima, approaching her in the street, she would yield to him "as was her duty."<sup>34</sup> To his dismay, Fouché declared in French, "I never yield to anybody, the street is for everybody."<sup>35</sup> Mazureau, like other men of his status, were surely terrified of women such as Fouché who challenged their race-based authority. Mazureau's deposition claimed that he believed Fouché tried to "provoke him and compel him to commit himself [to violence against her], which, however he was

<sup>28</sup> Pierson, "De Tocqueville in New Orleans," 60.

<sup>29</sup> Tregle, *Louisiana in the Age of Jackson*.

<sup>30</sup> Pierson, "De Tocqueville in New Orleans," 58.

<sup>31</sup> François Furstenberg, *When the United States Spoke French: Five Refugees Who Shaped a Nation* (Penguin Books, 2015).

<sup>32</sup> Gienapp, *The Civil War and Reconstruction*, 46.

<sup>33</sup> Etienne Mazureau, *Deposition by Etienne Mazureau Describing the Insulting Behavior of a Free Woman*, Documents, 1813. <https://jstor.org/stable/community.31028502>.

<sup>34</sup> Mazureau, *Deposition by Etienne Mazureau Describing the Insulting Behavior of a Free Woman*, 1.

<sup>35</sup> Mazureau, *Deposition by Etienne Mazureau Describing the Insulting Behavior of a Free Woman*, 1.

too prudent as to avoid.”<sup>36</sup> By seeking legal action against Fouché, Mazureau sought to curtail the ability of Black people to demand equal rights. Fouché’s anti-racist act of resistance engendered vitriolic backlash and 24 hours in prison.<sup>37</sup> Nonetheless, Fouché’s resistance reveals the enduring fight Black people waged for their right to equality in public spaces. Fouché’s resistance was not an isolated event. As Joseph Tregle suggests, many free people “lived within the system but refused to cower before it.”<sup>38</sup>

Census records from 1850 reveal critical information about Felicite Fouché, which provides context to analyze her defiance. Fouché was 23 years old during her repudiation of New Orleans’s racial hierarchy, she was among four out of 44 FPOC to own property on the census, she was born in Saint Domingue, and she was labelled a “mulato,” with a mixed-race heritage.<sup>39</sup> Mixed-race people embodied a deviation from the racial hierarchy constructed by whites. As Andrew N. Wegmann asserts, mixed-race identity challenged notions of “slavery, freedom, racial purity and Christian morality.”<sup>40</sup> Thus, in the minds of many New Orleanians, Fouché’s mixed-race identity would have

exhibited a racial amalgamation they found disagreeable. Nevertheless, being classified as a “mulatto” was *also* evidence of whiteness. Hence, Fouché’s mixed-race identity arguably granted her greater latitude to demand equality than people without white ancestry.

The comparatively privileged status of FPOC in antebellum New Orleans, compared to other cities in the U.S., was a consequence of French and Spanish rule from 1699 to 1803. FPOC in New Orleans, prior to the Louisiana-Purchase of 1803, prospered more than any other group of free people in the U.S, despite their perilously malleable status.<sup>41</sup> Historians establish that the population of FPOC in Louisiana rose significantly during the Spanish period from 1769 to 1803, by virtue of manumission laws. In 1809, there were more than 1500 FPOC in New Orleans.<sup>42</sup> Under Spanish rule, FPOC gained racial consciousness due to official support of manumission, and their service in the colonial militia.<sup>43</sup> As a result, FPOC developed into a distinctive group. Despite being denied rights equal to whites, FPOC were not persecuted.<sup>44</sup> By virtue of a unique colonial founding and FPOCs’ resolve, FPOC could be included in

<sup>36</sup> Mazureau, *Deposition by Etienne Mazureau Describing the Insulting Behavior of a Free Woman*, 2.

<sup>37</sup> Dell Upton, “Sound as Landscape,” *Landscape Journal* 26, no. 1 (2007): 24–35. <http://www.jstor.org/stable/43323752>.

<sup>38</sup> Tregle, *Louisiana in the Age of Jackson*, 37.

<sup>39</sup> “United States Federal Census,” Ancestry.com, 1850.

<sup>40</sup> Andrew N. Wegmann, *An American Color: Race and Identity in New Orleans and the Atlantic World*. (Athens: University of Georgia Press, 2022), 9.

<sup>41</sup> Wegmann, *An American Color*, 11-14; Tregle, *Louisiana in the Age of Jackson*, 35-37.

<sup>42</sup> Elizabeth Clark Neidenbach, “Free People of Color,” Free People of Colour, September 9, 2024, <https://64parishes.org/entry/free-people-of-color>.

<sup>43</sup> Wegmann, *An American Color*, 5.

<sup>44</sup> Gourdet, “The New Orleans Free People of Color and the Process of Americanization, 1803-1896” (2005), 43.

government action, many gained economic prosperity, and they could seek legal recourse. Fouché's protest of a racial hierarchy should be understood in the context of her status as a free person with, as Kempf claims, a relatively "privileged existence...characterized by an ambiguous status that was lower than whites but higher than enslaved people."<sup>45</sup>

Race was not entirely determinative of status for FPOC. Free people could enslave others, and some did, including Fouché's family. Free people often perceived darker-skinned people with disdain. Hence, many strove to emphasize their affinity with white people, using fashion to highlight their European ancestry.<sup>46</sup> Fouché's family were neighbors with white counterparts, Louis Durand's family, who ironically shared the same surname as Fouché's mother. In fact, in the early 1800s, FPOC did not live in the same neighborhoods as the enslaved.

Inevitable tensions proliferated in a dense urban environment, particularly as FPOC confronted racial injustice. In 1812, one year prior to Fouché's altercation with Mazureau, Félicité Durand and her daughter Félicité Fouché argued with Louis Durand. In Mazureau's deposition of Fouché, he claimed that her family were "known as they

are."<sup>47</sup> Indeed, a prior court case confirms the family's encounters with the law, which ensued after Louis Durand asked his enslaved housekeeper to put rubbish in front of their house. Fouché and her mother retaliated. They instructed their enslaved "domestic" to return the rubbish to Louis Durand's dwelling.<sup>48</sup> According to Louis Durand's family, Fouché insulted him contrary to section 40 of the Black Code, which instructed "people of color to submit to whites and speak to them with respect."<sup>49</sup> A few months later, on June 27, 1812, the two women filed a response, admitting the skirmish over the rubbish. However, they denied insulting the white family. Additionally, they countered Louis's accusation with their own—that Louis Durand had "a reputation for snobbery and defensiveness."<sup>50</sup> The female defendants demanded that a jury settle the case, but it appears that the case was never tried. Fouché and her mother demonstrated that FPOC had legal rights and the capacity to exercise them. They did not recoil into capitulation. On the contrary, they sought vindication through the courts of law Mazureau cherished.

Fouché's declaration of an equal right to exist in public space was a protest against

<sup>45</sup> Gourdet, "The New Orleans Free People of Color and the Process of Americanization, 1803-1896" (2005), 7; Ira Berlin introduced the term, "tripartite" racial system, to describe the status of FPOC experienced less rights than the white population, but more than the enslaved, Wegmann, *An American Color*, 3.

<sup>46</sup> Whitney Nell Stewart, Fashioning Frenchness: *Gens de Couleur Libres* and the Cultural Struggle for Power in Antebellum New Orleans, *Journal of Social History*, Volume 51, Issue 3, Spring 2018, Pages 526–556, <https://doi-org.yale.idm.oclc.org/10.1093/jsh/shw093>.

<sup>47</sup> Mazureau, *Deposition by Etienne Mazureau Describing the Insulting Behavior of a Free Woman*, 1.

<sup>48</sup> Mazureau, *Deposition by Etienne Mazureau Describing the Insulting Behavior of a Free Woman*, 1.

<sup>49</sup> Kenneth R. Aslakson, *Making Race in the Courtroom: The Legal Construction of Three Races in Early New Orleans* (NYU Press, 2014), 121.

<sup>50</sup> Kenneth R. Aslakson, *Making Race in the Courtroom: The Legal Construction of Three Races in Early New Orleans* (NYU Press, 2014), 121.

Louisiana's legal codes. Mazureau claimed that Fouché's civil disobedience was designed to "provoke him and compel him to commit himself" to a violent reproach, which he maintained would have been within his legal right.<sup>51</sup> In 1806, Louisiana's first American governor, the young William C.C. Claiborne, enacted restrictions for FPOC as he strove to transform New Orleans into an "American city," which characteristically defined who was, and who could *not* be, wholly "American."<sup>52</sup> Claiborne held office from 1803 to 1816, and his policies tightened some of the more inclusive laws enforced under French and Spanish colonial rule, to the detriment of Black people. Legislation proposed by Claiborne limited Black people's ability to initiate manumission, carry firearms, and testify against white people in court.<sup>53</sup> Nevertheless, in 1808, "people of color" could still own property, carry guns relatively freely, and represent themselves in court.<sup>54</sup>

Additionally, the currents of liberty exposed during the Haitian Revolution likely contributed to Fouché's resistance as she was a native of Saint Domingue. However, for many whites in New Orleans, such as Mazureau, the influx of Saint Dominguan refugees instilled dread. From 1791 to 1810, an influx of refugees from the Haitian Revolution inundated Louisiana and strained

the city's resources.<sup>55</sup> In 1803, Governor Claiborne wrote to President Jefferson to recommend that he send some "*four to five thousand* stands of Arms, and a suitable proportion of ammunition" to New Orleans.<sup>56</sup> Claiborne declared that "the negroes...are very numerous, and the number of free mulattoes is also considerable."<sup>57</sup> Claiborne declared that without federal assistance, "these people may be disposed to be riotous."<sup>58</sup> Disdain of FPOC surged post Louisiana-Purchase.

The arrival of Saint Dominguan refugees between 1809 and 1811 nearly doubled the population of New Orleans, and Fouché was surely one of the Saint Dominguan refugees who arrived from Cuba during this period. Ultimately, 9,059 refugees from Saint Domingue debarked in New Orleans following expulsion from the Spanish government, which, like many European governments, feared the potential for Black people to be, as Kenneth Aslakson asserts, "carriers of revolution."<sup>59</sup> Hence, FPOC faced widespread hostility. Claiborne urged the French Consul "to discourage free people of colour of every description from emigrating to the Territory of Orleans; We have already a much greater proportion of that population than comports with the

<sup>51</sup> Mazureau, *Deposition by Etienne Mazureau Describing the Insulting Behavior of a Free Woman*, 2.

<sup>52</sup> Gourdet, "The New Orleans Free People of Color and the Process of Americanization, 1803-1896" (2005), 44-45.

<sup>53</sup> Gourdet, "The New Orleans Free People of Color and the Process of Americanization, 1803-1896" (2005), 45.

<sup>54</sup> Wegmann, *An American Color*; 83.

<sup>55</sup> Erica Johnson, "Louisiana Identity on Trial: Pierre Dormenon's Superior Court Case, 1790-1812," *Southern Quarterly* 55, no. 4 (Summer, 2018): 17.

<sup>56</sup> Wegmann, *An American Color*; 76.

<sup>57</sup> Wegmann, *An American Color*; 76.

<sup>58</sup> Wegmann, *An American Color*; 76.

<sup>59</sup> Gourdet, "The New Orleans Free People of Color and the Process of Americanization, 1803-1896" (2005), 53.



general interest.”<sup>60</sup> Many whites increasingly feared FPOC, particularly as Vincent Ogé, a wealthy and relatively powerful free “man of color,” led the initial coup in Haiti against colonial France as he fought for equal legal rights for FPOC. Tregle confirmed New Orleans’s “ever-present preoccupation with the possibility of racial insurrection.”<sup>61</sup> Thus, Mazureau invalidated Fouché’s demand for equal right to exist in public during a time when FPOC increasingly insisted that global currents of liberty included them.

Mazureau’s concern about the reverberation of revolt from Saint Domingue was evident in his attack on the Honorable Pierre Dornenon, a Point Coupee parish judge. On August 7, 1809, New Orleanians packed into the courtroom to witness the trial. Mazureau was one of the two lawyers who accused Dornenon of ordering the execution of white people during the Haitian Revolution. Mazureau and his fellow attorney, Saint Dominguan refugee Moreau Lislet, asserted that Dornenon, “aided and assisted the Negros in Santo Domingo in their horrible massacres, and other outrages against the whites, in and about the year 1793.”<sup>62</sup> Mazureau was acutely aware of the “slave revolts” abroad and eager to litigate crimes related to the Haitian Revolution. He surely feared the spread of revolutionary ideals that could sail into Louisiana.

Hence, Mazureau endeavored to ensure a similar revolutionary fate would not befall Louisiana as the rising tide of rebellion seemingly encircled New Orleans. In 1811, a man of Haitian descent, Charles Deslondes, led a rebellion by over 500 enslaved individuals as they marched towards New Orleans chanting “freedom or death.”<sup>63</sup> The uprising was savagely suppressed; approximately 95 people were killed, and severed heads were impaled on poles to deter future revolt. All New Orleanians would have been cognizant of the incident. This undoubtedly contributed to Mazureau’s belief that he needed to invalidate Fouché’s “imprudent” claim to exist in public space.<sup>64</sup> The increased suppression of FPOC was inextricably linked to the influx of refugees from Saint-Domingue and the fear of “slave revolts” that ensued. Mazureau deposed Fouché to stymie the demand for liberty among FPOC, and to hinder a potential rebellion which would dismantle Louisiana’s economic prosperity. The near demographic parity of FPOC and white people on the eve of the Haitian Revolution was partly due to white men manumitting the children they fathered with those of African descent.<sup>65</sup> Hence, many believed that the revolution in Saint Domingue was spurred by FPOC’s political, legal, and economic freedom. As a result, Mazureau advocated for the suppression of rights for FPOC.

<sup>60</sup> Clark, *The Strange History of the American Quadroon*, 57.

<sup>61</sup> Tregle, *Louisiana in the Age of Jackson*, 34.

<sup>62</sup> Erica Johnson, “Louisiana Identity on Trial: Pierre Dornenon’s Superior Court Case, 1790-1812,” *Southern Quarterly* 55, no. 4 (Summer, 2018): 16.

<sup>63</sup> Maris Fessenden, “How a Nearly Successful Slave Revolt Was Intentionally Lost to History,” Smithsonian Institution, January 8, 2016.

<sup>64</sup> Mazureau, *Deposition by Etienne Mazureau Describing the Insulting Behavior of a Free Woman*, 1.

<sup>65</sup> Clark, *The Strange History of the American Quadroon*, 47.

Mazureau's racial proclamations illuminate the legal avenues pursued to deprive FPOC of inheritances. On November 16, 1836, Mazureau delivered a panegyric for George Matthews, presiding judge of the Supreme Court of Louisiana from 1813 to 1836, which advocated for laws to deprive FPOC of their inheritances. Mazureau claimed that the "unlimited right to will at pleasure" should not be authorized by law, unless we believe with "antisocial indifference...that the children born of legitimate marriages [should be] despoiled to enrich the others, and family fortunes pass from white heirs to those who may find their ancestors between Cape Verde and the cape of Good Hope."<sup>66</sup> However, some New Orleanian men, including French native Louis Dolliole, did grant their mixed-race children their rightful inheritance. In 1822, Dolliole granted most of his entire estate, worth almost \$4,000 to his "beloved" wife, \$300 to each of his children, and \$200 for his grandchildren, despite not being required by law to do so as they were mixed-race.<sup>67</sup> The wealth that Dolliole's descendants received elevated their authority, which undermined race-based hierarchy. Mazureau feared that if "mulattoes" were permitted to lay claim to their white ancestry through inheritance, they could eventually claim full citizenship rights.<sup>68</sup> Hence, Mazureau's desire to deny men the ability to leave their inheritance to their mixed-race children was an admission that, as Emily Clark states, "métissage ['mixing'] posed an obvious threat to race-

based slavery, the fuel of the economic dynamo."<sup>69</sup>

Thus, Mazureau deplored the "illicit unions [that] no longer seem to be under reprobation," and his panegyric contended with decades of volatile laws concerning interracial unions. During the first wave of French colonization in Louisiana, from 1669 to 1713, colonists were not initially perturbed by cultural and racial mixing. In fact, interracial marriage between French men and Indian women was encouraged, as *métissage* was under Spanish colonial rule, to ensure a durable presence in the Americas.<sup>70</sup> Tocqueville ruminated over the racial "mingling" of Latin men and mixed-race women in New Orleans. He concluded that "racial mingling" was the result of the Spanish colonists voyaging without women, which "forced [them] to contract unions with the women of the country they lived in."<sup>71</sup> Interracial relationships were mostly respected in the earliest days of the colonization of Louisiana.

Consequently, interracial relationships flourished despite increasingly restrictive laws. The Louisiana Black Code was introduced in 1724 and stemmed from the French *Code Noir* ['Black code']. The French *Code Noir* had been implemented in Saint Domingue in 1685 and permitted marriages between French men and enslaved African women, although most such couples conducted their relationships outside the institution of marriage.<sup>72</sup> By contrast, the

<sup>66</sup> Mazureau, "Panegyric on George Matthews," 178.

<sup>67</sup> Wegmann, *An American Color*, 12.

<sup>68</sup> Wegmann, *An American Color*, 9.

<sup>69</sup> Clark, *The Strange History of the American Quadroon*, 47.

<sup>70</sup> Clark, *The Strange History of the American Quadroon*, 38-70.

<sup>71</sup> Pierson, "De Tocqueville in New Orleans," 62.

<sup>72</sup> Clark, *The Strange History of the American Quadroon*, 46-50.

Louisiana code explicitly, and unsuccessfully, attempted to minimize the free Black population by limiting “miscegenation.”<sup>73</sup> Article six of the 1724 Black Code strove to reduce legally protected procreation between white men and “*mulâtresses*” due to “the stain upon the whites that [any children] could attach to the interests of their partners.”<sup>74</sup> Nonetheless, Auguste Tessier, a white refugee of the Haitian Revolution who had children with a mixed-race woman, introduced the “Haitian import” of quadroon balls where free “women of color” could dance exclusively with white men.<sup>75</sup> Despite the legal discouragement of “miscegenation,” quadroon balls flourished. Moreover, *plaçage*, meaning “to place with,” was a common extra-legal occurrence in New Orleans whereby a man became the patron of a mixed-race woman.<sup>76</sup> As a consequence, many free “women of color” were bequeathed property by their white male spouses, and their heirs could also inherit property, despite legal barriers.

To this end, Marie Louise Tonnelier, a Haitian refugee, sued in 1812 to obtain the property of Jean Baptiste Maurin, citing her status as his *ménagère* [‘housekeeper’], which meant she was his housekeeper and sexual partner.<sup>77</sup> Mixed-race women claiming inheritance resulted in the trope of the *mûlatresse* [‘mulatto’], which was transported from Saint Domingue to New Orleans. This

trope castigated free “women of color” as sexual deviants who strove to lure white men to bed to acquire their wealth for their own race.<sup>78</sup> Emily Clark illustrates the “chronic metropolitan grumble about ‘libertinage,’” which arose among elite men, including Mazureau, due to Black women seeking equal rights as white women. Mazureau lamented interracial relations, which he sarcastically referred to as, “what we call progress.”<sup>79</sup>

Black women, particularly Haitian refugees, were vulnerable to exploitation due to a lack of legal protection. Guillemin explained to Tocqueville that, “the law destines, as it were, colored women to debauchery...[FPOC] have often received an excellent education, [but] are forbidden by law to marry into the ruling and rich race of whites.”<sup>80</sup> Despite the FPOCs’ combined wealth and education, their status was susceptible to the whims of the white ruling class. More free “women of color” were granted entry to New Orleans compared to their male counterparts, as white men conquered their incensed fear of Haiti by “mastering” vulnerable refugee women.<sup>81</sup> Black women were often compelled to become *placées*, strategically beholden to

<sup>73</sup> Gourdet, “The New Orleans Free People of Color and the Process of Americanization, 1803-1896” (2005), 30.

<sup>74</sup> Wegmann, *An American Color*, 26.

<sup>75</sup> Clark, *The Strange History of the American Quadroon*, 67, 172.

<sup>76</sup> Gourdet, “The New Orleans Free People of Color and the Process of Americanization, 1803-1896” (2005), 31-36.

<sup>77</sup> Clark, *The Strange History of the American Quadroon*, 63.

<sup>78</sup> Clark, *The Strange History of the American Quadroon*, 48-70.

<sup>79</sup> Mazureau, “Panegyric on George Matthews,” 178.

<sup>80</sup> Pierson, “De Tocqueville in New Orleans,” 64.

<sup>81</sup> Clark, *The Strange History of the American Quadroon*, 70.

white men's fancies.<sup>82</sup> A denial of equitable inheritance rights ensured that Black women remained susceptible to predation. Following changes in inheritance law in 1820, which precipitated a string of marriages between mixed-race couples with children who attempted to protect their children, Mazureau claimed, "the right of property cannot include that of disposing of one's fortune without restriction."<sup>83</sup> Mazureau promoted the systemic denial of inheritance to Black people during a time when laws became more restrictive for FPOC to inherit.

Finally, Mazureau's statements confirm that white Louisianians knew that their economic prosperity relied on racial subjugation. Mazureau conceded that slavery underpinned the wealth acquired in Louisiana. He claimed that "the infernal act of abolition...is perhaps dictated by the hypocritical philanthropy of the foreigner as jealous as he is anxious of our prosperity."<sup>84</sup> Additionally, Tocqueville asked Mazureau, "Do you believe that it would be possible in Louisiana for the whites to cultivate the land without slaves?" to which Mazureau replied, "I don't think so... I don't believe the Europeans can work in the fields exposed to the tropical sun we have. Our sunshine is always unhealthy, often mortal."<sup>85</sup> Mazureau furthered his claim of Caucasian peoples' inherent inability to cultivate land as effectively as enslaved people. He described a Spanish family in Louisiana who "remained there without slaves...they are the most miserable men of Louisiana."<sup>86</sup> Mazureau

understood that enslaved people's cultivation of Louisiana's land was the foundation of their economic prosperity. Thus, he deemed threats to the racial hierarchy with contempt.

To protect slavery, Mazureau denied claims of brutal conditions in which enslaved people lived. He informed Tocqueville that the "lot of the negroes in Louisiana [was] mild enough. Harshness toward negroes is exceptional."<sup>87</sup> The testimony of Solomon Northup, a free Black man who was kidnapped from Washington, D.C. and forced to work on a plantation in Louisiana for 12 years, refutes Mazureau's assertions. Northup recounted his experience being sold at the New Orleans slave mart in the 1840s and described the separation of a mother from her children. Despite the mother's plea to be sold with her children, the planter began "savagely, with his whip in his uplifted hand, ordering her to stop her noise, or he would flog her."<sup>88</sup> Northup's account nullifies Mazureau's denial of the extent of enslaved people's suffering.

Despite Mazureau's defense of a racial hierarchy, he acknowledged certain rights for Black people. He was pleased to relay to Tocqueville that "the condition of negroes has altered singularly in the last 20 years. Before, they lived in miserable huts ... now they are in general sufficiently fed, completely clothed, and healthily lodged."<sup>89</sup> Moreover, Mazureau claimed that "when [he] was Attorney General having a master condemned to death because he had killed his

<sup>82</sup> Clark, *The Strange History of the American Quadroon*, 70-71.

<sup>83</sup> Mazureau, "Panegyric on George Matthews," 177.

<sup>84</sup> Mazureau, "Panegyric on George Matthews," 178.

<sup>85</sup> Pierson, "De Tocqueville in New Orleans," 61.

<sup>86</sup> Pierson, "De Tocqueville in New Orleans," 61.

<sup>87</sup> Pierson, "De Tocqueville in New Orleans," 62.

<sup>88</sup> Gienapp, *The Civil War and Reconstruction*, 23.

<sup>89</sup> Pierson, "De Tocqueville in New Orleans," 62.

slave.”<sup>90</sup> Mazureau believed that fundamental, albeit basic, rights should be afforded to Black people. Additionally, Mazureau claimed that Chief Justice George Matthews “never gave occasion for complaint or for a reasonable reproach.”<sup>91</sup> Mathew’s most notable ruling in 1835, *Marie Louise v. Marot*, established that Marie Louise’s enslaved daughter, Josephine, “being free for one moment in France, it was not in the power of her former owner to reduce her again to slavery.”<sup>92</sup> Mazureau’s steadfast support of Matthews, illustrated by his claim that Matthew’s “thirty years of duty never gave occasion for complaint or a reasonable reproach,” indicates that Mazureau supported *Marie Louise v. Marot*.<sup>93</sup> Hence, Mazureau did believe, contrary to most of the Supreme Court in 1856, that the law enshrined greater rights for Black people.

Mazureau, nevertheless, policed the color line that Fouché endeavored to dismantle. Mazureau’s guiding principle was a conservative Burkean outlook that strove to maintain the structures that benefited families like his. Mazureau believed that enslavement was integral to his coveted fulfillment of a Gallic land, abounded by liberty for white people. While Mazureau defended basic rights for Black people, he promoted laws to hinder Black prosperity to ensure that slavery remained intact, and he denied the true plight of enslaved people. The systemic prevention of equitable inheritance rights for Black people has enduring consequences.



Figure 2. This is a painting of a free “woman of color”: Marianne Celeste Dragon (or Dracos), Attributed to José Francisco Xavier de Salazar y Mendoza, ca. 1795, oil on canvas, 37 ¼ x 30 ¼ in (94.6 x 76.8cm), Gift of John T. Block, Louisiana State Museum, 07570.

### Mazureau’s Anti-Duelling Crusade

*“If we are not ashamed to think it, we should not be ashamed to say it” Marcus Tullius Cicero.*

Mazureau was a cogent crusader while in pursuit of his convictions. In 1840, he leveraged his “celebrity [as an] elite of the

<sup>90</sup> Pierson, “*De Tocqueville in New Orleans*,” 62.

<sup>91</sup> Mazureau, “Panegyric on George Matthews,” 186.

<sup>92</sup> Joel William Friedman, *Champion of Civil Rights: Judge John Minor Wisdom* (Louisiana State University Press, 2013), 24.

<sup>93</sup> Matthew’s ruling was cited as precedent in 1856 by Justice John McLean, a dissenting voice to the infamous ruling of *Dred Scott v. Sandford*—largely denoted the Supreme Court’s most egregious decision, Friedman, *Champion of Civil Rights: Judge John Minor Wisdom*, 24.

population,” to denounce duelling.<sup>94</sup> Stuart Landry informs us that “the heyday of duelling in New Orleans was from 1820-1840.”<sup>95</sup> Moreover, the sociologist W.E.B. Du Bois revealed that “the antebellum society of Louisiana, and particularly of New Orleans, was brilliant and lawless; duelling, gambling and murder were widespread.”<sup>96</sup> In response, Mazureau adopted a paternalistic role to protect males from the perils of duelling. Multiple generations of Mazureau men crusaded against duelling; Adolphe Mazureau joined his father’s resistance to duelling by subscribing to the Association Against Duelling in 1834.<sup>97</sup> Duelling was not officially outlawed in Louisiana until 1890. Thus, eradicating duelling as a system of justice required a multigenerational rebuke of the code of honor that it was a manifestation of.

Mazureau, in his capacity as Attorney General, spoke at a trial in June 1840, concerning a duel between two Frenchmen, Hypollite Trouette (sometimes spelled Throuett), and Paulin Prué.<sup>98</sup> *The State v. Throuett* sought murder charges for Trouette

under a newly passed anti-duelling law. The case was described in newspapers as “the most atrocious duel of modern times,” and it is likely that Mazureau’s anti-duelling remarks were delivered at this trial.<sup>99</sup> Mazureau deplored the arbitrary, and beastly nature of duelling.<sup>100</sup> Moreover, he revealed how duelling obscured the acquisition of truth, which was vital to a prosperous society. Additionally, Mazureau exposed novel definitions for courage that aligned with his vision for civilization grounded in mutually accepted law.<sup>101</sup>

An analysis of the history of duelling reveals an entrenched and inherited honor culture in New Orleans. This gave rise to a flawed system of justice, which Mazureau assailed. While Stuart Landry asserts that “during the 1830s more duels were fought in [New Orleans] than in any city in the world,” the conduct of duelling originated in Europe.<sup>102</sup> Historians, including Markku Peltonen, establish that the “duel of honor” derived from the judicial duel, whereby the “truth” in a criminal or civil accusation was

<sup>94</sup> Charles Gayarré, “A Louisiana Sugar Plantation,” in *A Franco-American Overview*, Volume 6, ed. Carl Anthony Brasseaux, and Mathé Alain, (MA: Evaluation, Dissemination and Assessment Center, 1981), 82.

<sup>95</sup> Landry, *Duelling in Old New Orleans*, 14.

<sup>96</sup> W.E.B. Du Bois, *Black Reconstruction in America* (Oxford University Press, 2014), 402.

<sup>97</sup> Stuart Omer Landry, *Duelling in Old New Orleans* (New Orleans: Harmanson, 1950), 22.

<sup>98</sup> Mazureau, Étienne, and Paulin Prué. *Replique de Mr. Etienne Mazureau, avocat general, aux avocats de l'accusé dans l'affaire de l'Etat de la Louisiane, contre Hyppolite Trouette, accusé d'avoir tué Paulin Prué en duel* (Gaux et cie., 1840); *Weekly Picayune*, August 10, 1840: 1. *Readex: America's Historical Newspapers*. [https://infoweb-newsbank-](https://infoweb-newsbank-com.yale.idm.oclc.org/apps/readex/doc?p=EANX&docrf=image/v2%3A1423B32D8D8EC992%40EANX-1688130DB0CC4770%402393328-1687FA7A8E982CF0%400-1687FA7A8E982CF0%40)

[com.yale.idm.oclc.org/apps/readex/doc?p=EANX&docrf=image/v2%3A1423B32D8D8EC992%40EANX-1688130DB0CC4770%402393328-1687FA7A8E982CF0%400-1687FA7A8E982CF0%40](https://infoweb-newsbank-com.yale.idm.oclc.org/apps/readex/doc?p=EANX&docrf=image/v2%3A1423B32D8D8EC992%40EANX-1688130DB0CC4770%402393328-1687FA7A8E982CF0%400-1687FA7A8E982CF0%40).

<sup>99</sup> “Duelling.” *The Pacific Sentinel*, Santa Cruz, California, January 16, 1858.

<sup>100</sup> Mazureau likely witnessed duelling at La Mare à Boré, a Louisiana sugar plantation he frequented, Gayarré, “A Louisiana Sugar Plantation,” 81-82.

<sup>101</sup> Étienne Mazureau, “Duelling,” In *The Louisiana Book: Selections from the Literature of the State*, Edited by Thomas M’Caleb (New Orleans: R.F. Straughan), 297-298.

<sup>102</sup> Landry, *Duelling in Old New Orleans*, 5, 12-14.

established through a trial by bloodshed.<sup>103</sup> To this end, in 1201, King John claimed his rivals, the Lusignans, could “prove their innocence...by fighting a judicial duel with royal champions.”<sup>104</sup> Upon accusation, a defendant had a right to acquittal through combat; thus, verifying their honor upon victory and vindicating themselves. As Peltonen maintains, “it was the issue of lying that the combat was thought to resolve.”<sup>105</sup> Duelling was prevalent in Europe from the late sixteenth century to the eighteenth century, most notably in England, France, and Italy.

The prevalence of a European code of honor in New Orleans, and consequently duelling’s prominence, resulted from the cross-cultural currents that sailed into the Crescent City. The code of honor compelled people to maintain composure and remain bound to their word. Despite the code of honor’s ideological origins being imported to America from Europe, affairs of honor acquired a novel dimension in America. Joanne Freeman claims that “particularly in a nation lacking an established aristocracy, the culture of honor was a crucial proving ground for the elite.”<sup>106</sup> Further, Southerners were more prone to duel than Northerners, partly due to slavery. Enslavers, as Kenneth Greenberg notes, contended that the enslaved were liars, and “that their lies were

intimately connected to their position as slaves.”<sup>107</sup> By contrast, enslavers believed that their words must be accepted as truthful, and any challenge to their word required violent redress to maintain authority. This contributed to duelling’s proliferation as a way to publicly defend one’s honor.

Conflict resolution through violence was widespread across the South. The planter class adopted duelling to differentiate themselves from their perceived social inferiors, who brutally brawled, dismembered, and eye-gouged after alleged slights to their honor.<sup>108</sup> However, social structures in the South were ever-evolving, and lacked precise societal boundaries. Thus, duelling was not solely reserved for the upper classes. As ammunition technology improved, violence grew tidier, and murder could be presented as civility. While Mazureau was not the only anti-duelist, he confronted a culture that sustained, defended, and often celebrated duelling and the ideology of honor that duelling resulted from and reinforced. Despite majoritarian support for duelling in the South, Mazureau unflinchingly launched into a characteristically audacious rebuke which “aroused a great furor at a time when gentlemen considered duelling the only means of settling a personal agreement.”<sup>109</sup>

<sup>103</sup> Markku Peltonen, *Duel in Early Modern England: Civility, Politeness and Honour* (Cambridge University Press, 2006), 2-3.

<sup>104</sup> W. L. Warren, *King John* (New York: W.W. Norton, 1961), 74.

<sup>105</sup> Peltonen, *Duel in Early Modern England*, 3.

<sup>106</sup> Joanne B. Freeman, *Affairs of Honor: National Politics in the New Republic*, (New Haven: Yale University Press, 2001), xv.

<sup>107</sup> Kenneth S. Greenberg, “The Nose, the Lie, and the Duel in the Antebellum South,” *The American Historical Review* 95, no. 1 (1990): 65.

<sup>108</sup> Elliott J. Gorn, “‘Gouge and Bite, Pull Hair and Scratch’: The Social Significance of Fighting in the Southern Backcountry,” *The American Historical Review* 90, no. 1 (1985): 22.

<sup>109</sup> State Library of Louisiana, “Etienne Mazureau,” *Louisiana Digital Library*, accessed April 28, 2025, <https://louisianadigitallibrary.org/islandora/object/statelwp%3A5854>.

First, Mazureau challenged normative views of masculinity through his denouncement of duelling. Mazureau leveraged his ripened age of roughly 67 to engender change for subsequent generations. Founding father James Monroe acknowledged the implications of challenging an older man to duel. After being insulted by President John Adams in 1798, Monroe proclaimed, “I cannot I presume [challenge him to duel], as he is an old man.”<sup>110</sup> Mazureau was of a similar age to Adams during his public rebuke of duelling, which granted him greater linguistic scope. Nevertheless, Mazureau’s animalistic description of duelists as “bipeds” and “dogs” would still be considered fighting language. Mazureau questioned, “whether it is the dog who is elevated to an equality with the [duelist] or is it the [duelist] who has degraded himself to a level with the dog?”<sup>111</sup> Invoking bestial language to describe duelists was to defile them. Many men in New Orleans had been entangled in the Code Duello and were surely outraged.

Despite potential ramifications, Mazureau strove to shatter the myth that duelling could be considered gentlemanly. Mazureau was a prominent man, thereby considered a “chief.”<sup>112</sup> Thus, due to Mazureau’s brazen metaphors, he, his sons, and business partners would have become susceptible to challenges from offended

parties. Mazureau was unphased. His words were chosen to cause indignation—to shake the foundations of a society embedded with violence, and lacking, as he claimed, “common sense.”<sup>113</sup> While Mazureau was bold, he was no fool. Hence, he surely felt protected from retaliation, or that duelling’s prominence waned as he endeavored to dismantle it.

Mazureau refuted norms of masculinity that proposed violence as a means of determining courage or disgrace by promoting the response of the Comte de Mirabeau to Monsieur Le Marquis. Le Marquis decided that he was “somewhat” offended by a remark made by Mirabeau, so he challenged Mirabeau to a duel. Mirabeau, however, transgressed traditional norms of courage. He replied that “it would be very unfair for a man of sense like me to be killed by a fool like you.”<sup>114</sup> Mazureau, by referencing this example, portrayed rejecting a duel as the brave course of action for intelligent men. Duelling was certainly, as Freeman asserts, “a surrender to the power of public opinion.”<sup>115</sup> Following the death of Alexander Hamilton, New York politician Matthew Clarkson declared, “if we were truly brave, we should not accept a challenge; but we are all cowards.”<sup>116</sup> Mazureau cogently pointed that out. In the process, he reframed contemporary norms of masculinity.

<sup>110</sup> Freeman, *Affairs of Honor*, xxiii.

<sup>111</sup> Étienne Mazureau, “Duelling,” In *The Louisiana Book: Selections from the Literature of the State*, Edited by Thomas M’Caleb (New Orleans: R.F. Straughan), 297-298.

<sup>112</sup> Freeman describes a chief as a man with “widespread political connections,” Freeman, *Affairs of Honor*, 182.

<sup>113</sup> Mazureau, “Duelling,” 297-298.

<sup>114</sup> Mazureau, “Duelling,” 297-298.

<sup>115</sup> Freeman, *Affairs of Honor*, 196.

<sup>116</sup> Freeman, *Affairs of Honor*, 196.



Additionally, Mazureau contributed to the conversation regarding duelling's inability to ascertain the truth. He explained that in a political conversation, one can "advance a true proposition, which wounds the other's feelings."<sup>117</sup> Under current codes, a duel could result in the offended party killing his perceived offender. However, Mazureau compelled his audience to question: "does this prove that the man who was killed did not speak the truth?"<sup>118</sup> Similarly, academic and theologian Timothy Dwight IV declared that "truth and falsehood must, if evinced at all, be evinced by evidence; not by fighting."<sup>119</sup> In New Orleans in 1808, Captain Mayne Reid recounted the failure of duelling to reveal the truth. Reid's friend, whom we know only as Casey, maintained that a stylish Creole man, Jacques Despard, stole his watch at a local bar. Casey pursued justice, and was duped into initiating a duel by Despard. The "professional knight" thrust his sword through Casey's arm, and Reid relayed that Despard "marched off the ground without...a blemish on his name ...Casey, however, still asserted—though, of course not publicly—that the fellow took the watch."<sup>120</sup> Reid later "found good reason to believe he did take it!"<sup>121</sup> Duelling provided an opportunity to vindicate theft. Hence, Mazureau opposed duelling's perversion of truth and justice.

<sup>117</sup> Mazureau, "Duelling," 297-298.

<sup>118</sup> Mazureau, "Duelling," 297-298.

<sup>119</sup> Timothy Dwight, *A Sermon on Duelling: Preached in the Chapel of Yale College, New-Haven, September 9th, 1804, and in the Old Presbyterian Church, New-York, January 21st, 1805* (New-York: Printed by Collins, Perkins, and Co., no. 189, Pearl-Street) 1805, 10.

<sup>120</sup> Mayne Reid, *The Creole Forger: A Tale of the Crescent City* (New York: G. Munro, 1869), 32.

The creation of a society that facilitates truth while mitigating offense is an enduring objective. In 1693, John Locke professed that to remove differences of opinion "would be to take away the greatest advantage of society."<sup>122</sup> Correspondingly, in 1859, John Stuart Mill warned against the suppression of individual expression because "if the opinion is right, they are deprived of the opportunity of exchanging error for truth."<sup>123</sup> Duelling threatened the prosperity of New Orleans as it suppressed valuable political debate during a time of state formation. According to Mazureau, duelling put two people who were "yesterday...at peace...into mortal conflict."<sup>124</sup> Former Vice President Aaron Burr confirmed Mazureau's belief in the preposterous ability for duelling to turn a friend into mortal enemy during debate, as Burr sometimes referred to "my friend Hamilton—whom I shot."<sup>125</sup> In 1840, Mazureau exposed duelling's capacity to silence potentially true discourse, and turn debate into fatality.

Additionally, duelling was intolerable for Mazureau as it was incompatible with his belief in the supremacy of the judiciary. Due process was vital for a fledgling society such as New Orleans if it was to become "civilized"—an objective that Mazureau dedicated his career towards. Captain Reid's friend Casey pursued duelling because of the

<sup>121</sup> Reid, *The Creole Forger*, 32.

<sup>122</sup> John Locke, *Some Thoughts Concerning Education* (Anodos Books, 2017), 237.

<sup>123</sup> John Stuart Mill, *On Liberty* (Stamford Connecticut: Overbrook Press, 1964), Ch. 2.

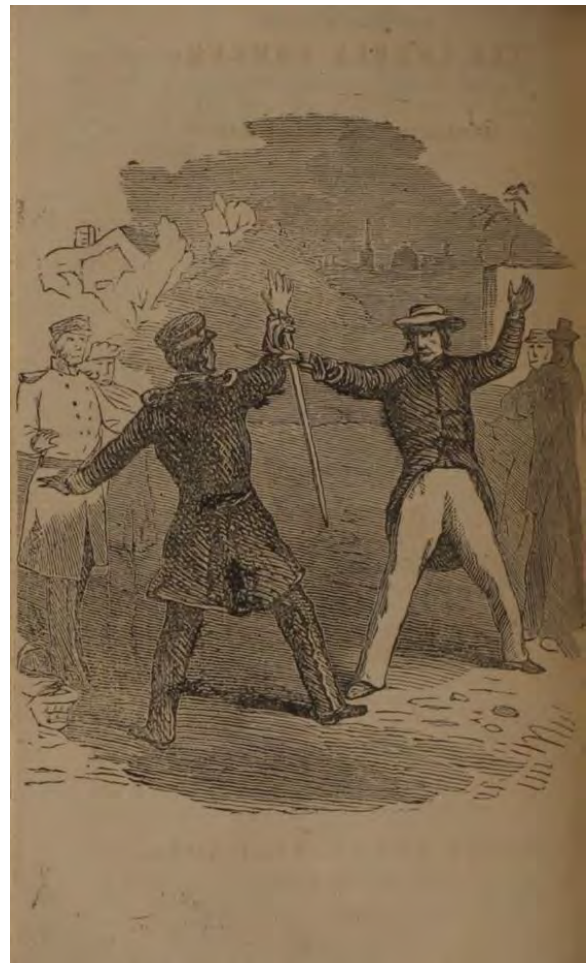
<sup>124</sup> Mazureau, "Duelling," 297-298.

<sup>125</sup> Freeman, *Affairs of Honor*, 198.

perceived lack of a legal alternative. Reid asserted that Casey believed “himself to be in a lawless land—and his experience certainly seemed to justify the belief—[therefore, he] had determined upon taking the law into his own hands.”<sup>126</sup> Duelling was an exertion of extralegal power that removed authority from Mazureau’s cherished institution: the courts. He held that the judiciary was “made to protect individual liberty” and was the “holy ark” of society.<sup>127</sup> Hence, Mazureau yearned for citizens to seek justice from the law in lieu of the field of blood.

The tolerance of duelling de facto sanctioned murder in New Orleans. Mazureau despised that duelling could be adopted to commit homicide under a cloak of civility. Despite the existence of duelling rule books, imported to America from Britain, there was no universally accepted or codified set of rules. However, the man who initiated a challenge to duel forfeited the right to choose the weapons used. Consequently, some duelists would provoke an enemy to initiate a challenge so that they can choose the weapon used. Mazureau decried the ability for such a “monster” to orchestrate the rules of a duel, and declared the depravity of a non-codified system of justice.<sup>128</sup> Reid corroborated this deceitful tactic; he claimed that Casey was “duped into a sword fight” with an infamously renowned swordsman. Mazureau deplored that the Crescent City currently authorized a murderous duelist to claim: “I constitute myself the judge in settling this difference between us.”<sup>129</sup> Mazureau recognized that taking the law into one’s hands was not a tenable foundation for society.

While the threat of duelling no longer suppresses debate, fear of retaliation for expressing an unpopular position persists. This can suppress discourse and stymie progress. As Mazureau expressed in 1840, a societal code that instills fear for individuals to question a normative viewpoint does not culminate in the revelation of truth, nor a flourishing society. The intricate balance between free speech and harmful speech continues to concern societies from the age of duelling to today.



<sup>126</sup> Reid, *The Creole Forger*, 24.

<sup>127</sup> Mazureau, “Panegyric on George Matthews,” 169, 175.

<sup>128</sup> Mazureau, “Duelling,” 297-298.

<sup>129</sup> Mazureau, “Duelling,” 297-298.

Figure 3. Casey duelling with Jacques Despard. Reid, *The Creole Forger*.

### The Enduring French Influence in Louisiana

*"Law must be calm, often slow, and always protective" Benjamin Constant.*

Despite his prominence, Mazureau died in poverty on May 25, 1849, at the age of 72. Newspapers reported that "it was probable that he died of asthma, a complaint with which he had been long afflicted."<sup>130</sup> The *Daily National Intelligencer* divulged that while "his income is very large...he has a peculiar knack at getting into debt...silver and gold run as through a sieve."<sup>131</sup> Mazureau was known for his generous extravagance. To his detriment, he surely sought to display a similar prosperity to planters.

Nevertheless, Mazureau imparted a profound legacy by virtue of his participation in prominent political and legal debates during the formation of Louisiana. Mazureau's widely publicized obituary proclaimed that, "New Orleans has just lost one of its most estimable citizens and the bar one of its most brilliant men."<sup>132</sup> Indeed, his

impact on Louisiana remains enshrined as Mazureau was "one of the framers of the old Constitution of the state."<sup>133</sup> Furthermore, "The Eagle of the New Orleans bar's" influence extended beyond his many political appointments. Mazureau leveraged control of French newspapers, the *Louisiana Courier* and the *Argus*, to further his goals of Gallic supremacy, which entailed electing the first Creole Governor of the state, Jacques Villeré.<sup>134</sup> In 1824, Mazureau launched defenses against accusations that while he served as Secretary of State, he effectively controlled Governor Villeré's agenda. It is likely, however, that Mazureau exerted inordinate influence over the Governor's affairs, echoing contemporary theories of Vice President Dick Cheney's command over former President George Bush. Tregle asserts that Mazureau was "properly perceived as the driving force behind the Villeré candidacy."<sup>135</sup> Moreover, according to Tregle, Villeré followed rather than led.<sup>136</sup> By contrast, Mazureau was a notoriously brazen character with a determined agenda. Hence, his command over Villeré's affairs is plausible.

An analysis of sources pertaining to Mazureau also illuminates the collision of ethnic "factions" in early New Orleans, which

<sup>130</sup> "Etienne Mazureau," *Daily National Intelligencer*, p. 3.

<sup>131</sup> Gayarré, "The New Orleans Bench and Bar in 1823," 891.

<sup>132</sup> "Obituary of Etienne Mazureau in New Orleans, Louisiana in 1849," *Le Vigilant*, May 30, 1849.

<sup>133</sup> "Death of Etienne Mazureau," *Daily Ohio Statesman* (Columbus, Ohio), June 4, 1849, no. 467: 2. Readex: *America's Historical Newspapers*. <https://infoweb-newsbank-com.yale.idm.oclc.org/apps/readex/doc?p=EANX&doref=image/v2%3A114748862FA816A8%40EANX-11320E8868DCC8F0%402396548-11320E88AEA066C0%401->

11320E89EA609648%40Death%2Bof%2BEtienne%2BMazureau.

<sup>134</sup> Tregle, *Louisiana in the Age of Jackson*, 148, 151-153.

<sup>135</sup> Tregle, *Louisiana in the Age of Jackson*, 151; Letter from Étienne Mazureau to the Honorable P. Dornemon, Parish Judge of Pointe-Coupée, July 24, 1818. Western Americana Collection, Beinecke Rare Book and Manuscript Library, Yale University.

<sup>136</sup> Joseph G. Dawson, *The Louisiana Governors: From Iberville to Edwards* (Baton Rouge, Louisiana State University Press, 1990).

often materialized in the courtroom. Mazureau served during a time of developing “American” identity. He proudly referred to himself as a “*citoyen naturalisé*” [‘naturalized citizen’], emphasizing his conversion from French to American citizen, and highlighting the possibility for identities to merge in early America.<sup>137</sup> Nevertheless, Mazureau was, as Tregle claims, the “leader of the foreign French...the most able of the Gallic spokesman...the great chieftain of the French cause in Louisiana.”<sup>138</sup> He continually tried to resolve the concerns of the *ancienne population* [‘old population’]. To this end, Mazureau leveraged his superior legal education, compared to most of the Creole population, and united the feuding French speaking populations against their perceived enemy: the Anglo-Americans.

Mazureau’s contribution to the legacy of French influence in Louisiana is acknowledged by Louisiana remaining the only civil law jurisdiction in the U.S. Mazureau was dismayed by the rise of authoritarianism exposed by Napoleon’s rule, which fueled his advocacy of republicanism. Mazureau was surely inspired by French currents of thought following the French

Revolution that advocated the state act, as Jeremy Jennings claims, “as a moral agent in pursuit of the creation of the new man.”<sup>139</sup> Thus, Mazureau ventured to cultivate a “civilized society” in Louisiana, and consequently celebrated the “great steps towards civilization” that he alleged the state made during his lifetime.<sup>140</sup> Benjamin Constant, who, like Mazureau, was forced into exile as a result of Napoleon’s rise, advocated, “the proud, calm security of the man protected by the law of his country.”<sup>141</sup> Similarly, Mazureau promoted the supremacy of law. Notably, during his crusade against duelling and his panegyric of George Matthews.<sup>142</sup> Mazureau deplored “this incomprehensible thirst for innovations,” which he believed common law theorists promoted by attempting to alter civil law. According to Mazureau, civil law, as derived from Roman Law, evolved methodically and was therefore superior.<sup>143</sup> In 1849, newspapers reported on Mazureau’s “devotion to, and admiration of, those fountains of the civil law, [which] was carried to the extent of weakness.”<sup>144</sup> Nonetheless, Mazureau would be delighted to learn of the continued existence of civil law in Louisiana.

<sup>137</sup> Rien Fertel, “Charles Gayarré and the Imagining of an Exceptional City: The Literary Roots of the Creole City,” in *Remaking New Orleans: Beyond Exceptionalism and Authenticity*, ed. Thomas Jessen Adams and Matt Sakakeeny (Duke University Press, 2019), 56.

<sup>138</sup> Tregle, *Louisiana in the Age of Jackson*, 92, 109-110.

<sup>139</sup> Jeremy, Jennings, ‘Constitutional Liberalism in France: from Benjamin Constant to Alexis de Tocqueville’, in G. Stedman Jones and G. Claeys, eds, *The Cambridge History of Nineteenth-Century Political Thought* (Cambridge: 2011), 354.

<sup>140</sup> Etienne Mazureau, *Cour Suprême: Municipalité numéro deux, de la cité de la Nouvelle-Orléans*,

*demanderesse, vs. La Compagnie de la Presse à Coton d'Orléans, défenderesse*. 1831.

<sup>141</sup> Jeremy, Jennings, ‘Constitutional Liberalism in France: from Benjamin Constant to Alexis de Tocqueville’, in G. Stedman Jones and G. Claeys, eds, *The Cambridge History of Nineteenth-Century Political Thought* (Cambridge: 2011), 355.

<sup>142</sup> Mazureau, “Panegyric on George Matthews.”

<sup>143</sup> Mazureau, “Panegyric on George Matthews,” 163.

<sup>144</sup> “Etienne Mazureau,” *Daily National Intelligencer*, June 4, 1849, p. 3.

Despite Mazureau perishing 12 years before the onset of the Civil War, his declamations portray Confederate precursors. Mazureau revealed to Tocqueville that “Congress could have dispensed with giving us an apprenticeship. A small state...is always capable of governing itself.”<sup>145</sup> Additionally, Mazureau claimed that “almost none of the evil consequences of popular sovereignty are to be feared in small societies.”<sup>146</sup> He advocated states’ rights: the “free, sovereign, and independent states.”<sup>147</sup> Comparable assertions would ground Louisiana’s secession when the U.S. endeavored to abolish slavery, an institution Mazureau defended.

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<sup>145</sup> Pierson, “*De Tocqueville in New Orleans*,” 61.

<sup>146</sup> Pierson, “*De Tocqueville in New Orleans*,” 61.

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<sup>147</sup> Pierson, “*De Tocqueville in New Orleans*,” 61.

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