



later formulations used illegal activity as a “propaganda of the deed” meant to incite revolt among the masses, for illegalist criminal activity is still very much a personal, individualistic rejection of the status quo that is not necessarily moralistic or even principled.

In fact, for illegalist the mere presence of the law is understood as an affront to personal freedom and may be rejected to assert the spirit of the individual. The law here is opposed for the sake of being opposed. It is seen as a barrier, an impediment that prevents the individual from exercising their personal will. The individual, in this case, is, of course, the white citizen who resents their passions being held in check by their state’s legal system. White illegalists contest the law’s authority to place limits on their personal freedom, and if the concept of personal freedom in the West has always roughly translated into white freedom, the illegalist pursuit of individual liberties is an exercise in pushing white privilege to its limits.

But where white illegalism understands the law as an unjust restraint on the white citizen’s personal liberties and uses it as an excuse to engage in reckless and selfish pursuits of adventurism and catharsis, Black relationship to the law (and by consequence, Black illegal forms) rest on an entirely different register. The difference is where the white citizen might experience the law as a mere nuisance keeping them from doing what they want to do, the Black person experiences the law as an absolute violence on their very being, is fully impaled by the legal system and is always already marked as the criminal element that enables the law’s possibility. This is because Black life itself is constituted by illegality and we can attribute this to transatlantic slavery.

In the colonial Americas, Black people first appear within the law not as subjects or citizens, but as objects managed through the legal codes of slavery. Slave codes became necessary in a context where civil law failed to stick to or be applicable to chattel. It required new kinds of legislation in order to manage those beings who were considered property and essentially substituted civil law with a form of property law. The slave codes were the collection of regulations each colonial power put forward to rule enslaved Africans in their respective colonies. There were slave codes in the British Caribbean, including Barbados and Jamaica. The infamous Code de Noir was a collection of slave codes established in the French West Indies, San Domingue (modern-day Haiti), French Guiana, and Louisiana. The Spanish had their own set of slave codes established in Central and South America. Later the United States kept and modified existing slave codes while enacting new ones. Every place where enslaved Africans were brought had its own laws regarding slavery.

