



WORKS

fault was the assumption that an appeal toward 'prisoner of war' as a viable legal standing for BLA members could or would be heard at all by the court. Their non-cooperation with the law still relied on the law to see BLA members as subjects eligible to be tried as prisoners of war (when as Calvin Warren reminds us, the law 'recognizes the black only in its destruction'). It represents an inability for the law to extend legal status to Black people that would absolve them of criminality. Further, it reveals the inability of the law to recognize Black people as Humans or anything other than runaway merchandise. The BLA was correct in claiming their activities were outside of the law's jurisdiction, for Blackness itself is outside of the law and in perpetual contempt of the court. It ruptures the very coherence of the law since laws apply to those considered humans, yet the legal precedent is invested in recognizing the black only in its destruction.

Given this context, where the law codifies Black containment, engenders Black criminalization, underwrites antiblack state violence, and denies Black appeal to the law as a form of redress, we can finally begin to make the case for a Black illegalism (Blaqillegalism). Blaqillegalism takes the fugitivity of Blackness, that is, the perpetual refusal of and flight from enclosure inherent in Blackness, as its basic starting place. It argues that Blackness breaks the law by its very nature; it is a fissure within the law.

This fissure is read by the state as perpetual criminality and is the source of the systematic criminalization of Blackness under the state. Furthermore, Blackness is made into the perpetual criminal element that enables the law and its enforcement. Blaqillegalism maintains that the law remains necessarily unavailable to Blackness for making appeals of redress, that the law 'recognizes the black only in its destruction'. Finally, Blaqillegalism understands Black life, Black survival, Black restitution, and above all Black freedom to be outlawed and in so many words illegal.

The Blaqillegalist postulates that breaking the law is not only good praxis but becomes necessary for Black survival and even further, for the pursuit of Black liberation. If the law's main function is to discipline and codify the state containment of Blackness, then breaking the law becomes an act of flight from the enclosure that the law engenders, and is thus a fugitive act. Due to the everyday conditions of Black oppression, which emerge as a consequence of white supremacist capitalism and state repression, Black people again cannot help but break the law be it by accident, circumstance, resistance, or necessity.

Fugitive acts occur always in response to these conditions and are compounded by the criminalization that already marks Blackness. For these reasons, the

