



## WORKS

Generally, these laws all had the same function: to restrict the movement and assembly of the enslaved, to restrict access to education (particularly reading), to prevent intermixing, to legally permit the torture and killing of the enslaved, and to legislate the trade and commerce involving enslaved people. Slavery was not only the law but was the legal precedent for dealing with Blackness. And this legal precedent as Calvin Warren notes provided the foundations for modern-day law and the means by which Blackness appears within the law today:

*Contract law (law of chattel) is perhaps the hallmark of modern legal development, given the need to regulate commerce and specify the rights and entitlement of property holders. But this corpus of law emerges because one needs to integrate the slave into the world. In other words, contract law conceals an ontological project*

Under these conditions, the law deprived the enslaved not only of the personal freedom so coveted by the white illegalist, but the very modes of personhood that enable freedom's possibility. The aims of this ontological project, concealed by legal discourse, was to provide the legal ground for slavery's continuation through regulating Blackness to the status of property under the law and dividing civil society into property and property holders. Blackness is disciplined by this dividing line and it is the law's goal is to contain Blackness and keep it from breaching this line. To maintain slavery's coherence the law became a means to make the distinction between human and Black concrete and tangible. In this way, the law became the first site in which slavery, racism, and white supremacy were institutionalized.

Trapped within the confines of a structural and ontological position of unfreedom, (a position which is regulated and codified by the law), the Black enslaved were forced to occupy the cramped positionality of what Fred Moten calls 'the hold'. Here, Blackness twists and turns uncomfortably stretches out against the walls meant to contain and regulate it, and in the most natural of impulses attempts to escape. The regulations meant to restrict every aspect of Black life could not do so fully, and if containerization was the law's basic function for Blackness, then Blackness could not help but break the law. Be it by accident, circumstance, resistance, or necessity, Blackness defied the boundaries of the law every day precisely as this twist and turning struggle intrinsic to a people kept in bondage.

The U.S. Fugitive Slave Laws enacted in 1793 and 1850 made escape from slavery a federal offense and expanded the legal measures to retrieve fugitives. Yet any free Black could be accused of being a fugitive, even if their freedom had been legitimate. In effect, Fugitive Slave Law made freedom illegal for Black people

