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# Assata's escape as disincarceral practice

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Disincarceration is an interruption of the criminalization of black people and black politics, a refusal of what is here and an anticipation of what may come.

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## Abstract

Often carceral studies tends to focus on the prison as a mode of stationary confinement, sometimes forgetting that its rationales and practices are based crucially in movement. This is especially true for black populations disproportionately affected by mass incarceration and intentionally disoriented to the causes and manifestations of the oscillation to which they are reduced. This article is concerned with the carceral landscape that emerges in the criminalization of black people and politics through the legal concept of vagrancy, and how, in turn, black surreptitious movement is used to contest incarceration. To do so, it argues that vagrancy paraphrases a suppression of black political practice, focusing on political prisoner Assata Shakur's transnational escape to Cuba and its discursive omission in her autobiography. In tracing the transience of Shakur, the article forwards vagrancy as an elaboration of how anti-blackness materializes via carceral geographies by way of displacement, disorientation, and forced movement. It presents a reformulation of Shakur's escape as disincarceration, which takes seriously the flight toward black liberation as one that is still meaningfully incomplete, elaborating the significance of a continual absconding from the field of representation that has been controlled and constituted by discursive and material hegemonies of race.

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*“What’s going on?” I asked*

*“You’re being moved.”*

*“Where am I being moved to?”*

*“You’ll find out when you get there.”*

*Assata Shakur*

*The judge denies our motion for a postponement. The judge denies all our motions. I want to scream.*

*Assata Shakur*

*One must see what is not there, feel the trace of a form of power that cannot be named, and as Shakur demonstrates, remember what was never written down*

*Stephen Dillon*

Prisons have long been characterized as spaces that lack movement, with images of hard steel and concrete evincing a carceral condition of stagnation. However, while the prison rests on stationary confinement, the rationales and practices used to maintain security and order can be said to be based crucially in movement. This is especially true for black populations who have been disproportionately affected by mass incarceration, punished for mobility and punished with mobility, reduced to a state of oscillation, and often disoriented to its causes and manifestations. This article is concerned with the carceral landscape that emerges in the criminalization of black people and black politics through the legal concept of vagrancy, and how, in turn, black surreptitious movement is used to contest practices and spaces of incarceration.<sup>1</sup> For the former, I argue that the policing of movement is racialized and that vagrancy always already paraphrases a suppression of black political practice. Toward the latter, I focus on black political prisoner Assata Shakur's (2001 [1987]) transnational escape from incarceration in New York to exile in Cuba and its discursive omission in her autobiography. In tracing the peripatetics of Assata Shakur within and beyond the scope of

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<sup>1</sup> While I am focusing primarily on black movement in and from the United States, my concern with the racialized policing of movement, the moral panics concerning black sexuality and gender, as well as the criminalization of black political practices is a global one.

non-violence mantra once heralded by the Civil Rights Movement or which directly question and oppose the very foundations of whiteness to state authority, have long been criminalized through the rhetoric of terrorism.

## Conclusion

Shakur operates at once beyond the vantage point of these billboards and in direct contention with the carceral geography that they impose. These billboards that aim to know and formulate knowledge, aim to see and make meaning of black dissent, manifesting and maintaining criminalization through the instrumentalization of vagrancy. These imposed meanings are antagonistic to the meaning of black politics, the latter defined as the challenge to racial inflections of governance and the disruption of the requirements and relationships drawn by colonial-racial terms of order. As a discursive and material extension of carceral space, these billboards are contested by the racial chaos constitutive of Shakur's move beyond confinement, which aims to undermine the centralized authority of whiteness as the sole purveyor of meaning. Her evasion is effectively doubled in the subsequent textual omission, itself an abolitionist expression and discursive manifestation of the insurgent transience of Shakur's deed when she breaks out. Breaking out, the fugitivity is both in her initial deed and in her non-enunciation of that deed present in her self-authored text. The absence is the interstice—the missing word—that exists between the U.S. and Cuba, that signifies the in-between of carceral exile and what freedom is to come, and locates the intersection of silence and secret. It is excess and nothingness; no state and no alternative; a breach of the Western order of things. It is an intervention within Black Politics as it has come to be conventionally understood—state-centered, electoral, rights-based, prescriptive, and appropriately representative.

and shape the assumption of the proper dwelling of politics. The billboards are the “state [moving] in to impose or solicit a script” on black movement to render it known as dangerous and criminal, effectively filling in the space that Shakur leaves vacant in her textual omission (Cervenak, 2014: 6). In this, while drawing out the carceral landscape, the billboards simultaneously signpost the borders of the Western liberal political tradition. In a 2014 statement, FBI special agent Barbara Woodruff did not shy away from the fact that Assata Shakur’s addition to the Most Wanted Terrorist List was not because she posed a bigger threat than when she held the designation of domestic terrorist, but concerned a desire to bring national attention to the case that had supposedly faded from national memory after 40 years. That this, the desire to “bring the public’s attention to the case” was meant to mitigate accusations that this was an extreme response, illustrates both the quotidian nature of extremity for black populations as well as the colonial-racial necessity of marking out the territory. U.S. governmental authorities effectively excise black populations from national belonging and disavow their radical political presence. In so doing, the billboards also name the threat of Assata Shakur’s black anarchist practice as one that undermines the colonial-racial order as a carceral geography and simultaneously undermines the socio-spatial location—that is, the home—of politics. As Davis (1998 [1971]) argues, repression does not punish the crime or even specifically threaten particular acts, but was meant to terrorize the movement, to police black abolitionist politics (p. 42). The billboards are just one part of a continuum of white repression of black liberation, coming after COINTELPRO and FBI Director J. Edgar Hoover named the Black Panther Party the greatest threat to U.S. security and only a few years before the Black Lives Matter movement would be labeled a “black identity extremist” group by a leaked report from the FBI’s counter-terrorism division (Federal Bureau of Investigation, 2017). Contemporary black politics that fail to abide by the

her autobiography, we encounter vagrancy as an elaboration of how anti-blackness materializes via carceral geographies by way of displacement, disorientation, and forced movement. Illustrating her surreptitious movement’s tension with these carceral forces, we can begin to elucidate its black anarchist inflection while keeping attuned to the political interval that remains shaped by the carceral conditions in which her practice resides. By black anarchist inflection, I am referring to her embodied practice as a rejection in totality of colonial-racial authority materially and ideologically embodied in the prison institution. To keep both this inflection and interval in view, I present a reformulation of Shakur’s escape as disincarceration, which aims to take seriously the flight toward black liberation as one that is still meaningfully incomplete, elaborating the significance of a continual absconding from the field of representation that has been controlled and constituted by discursive and material hegemonies of race. Shakur’s political practice, both literal and textual, demonstrates a movement that must perpetually press against the carceral conditioning of the West. Incomplete and iterative, her practice elaborates an insurgent transience that contests, and at the same time incites, the West’s reterritorialization of carceral geographies. The transient tactics of the incarcerated reveal a generative site for further study into the meaning of black politics, and in particular the meaning of disincarceration as one modality of black political (non)participation.

## Vagrancy|criminalization

Assata Shakur, a former member of the Black Liberation Army (BLA), was convicted in 1977 for the killing of a state trooper during a 1973 shootout on the New Jersey turnpike. She was arrested and later found guilty of first-degree murder for aiding and abetting. During this time, she was shuffled

throughout the U.S. penal system, though she spent the majority of her incarceration in solitary confinement. On 2 November 1979, Shakur broke out of Clinton Correctional in New York with the help of three members of the BLA. Shakur was then stamped a fugitive and subsequently fled to Cuba 5 years later, seeking and acquiring political asylum in 1984. In 2005, she was classified as a domestic terrorist by the Federal Bureau of Investigation (FBI) and a bounty of 1 million dollars was placed on her head. In 2013, the FBI named her a Most Wanted Terrorist, the first woman to be given such a designation. Her bounty was then doubled to 2 million and overnight, billboards were raised in New Jersey to advertise these developments. Since she has been in Cuba, the U.S. government has made numerous attempts to extradite her with Donald Trump's most recent public demand for the return of the "cop killer" coming in June 2017. Her asylum, while always uncertain, is now made even more precarious as official relations between Cuba and the United States develop.

In her autobiography, Assata Shakur constantly and consistently refers to her forced movement. This article's first epigraph is a common refrain throughout her text's chapters, an exchange between prison guard and inmate that bespeaks Shakur's constant disorientation concerning where she may be going next. The second references motion's double meaning, both as a technical term of jurisprudence and as a denial of personhood. Together, the excerpts clarify how movement frames Assata Shakur's story as she navigates her experience in the prison, as we shift back and forth from her present incarceration to her life before it, and as we pass from her time in the United States to her current exile in Cuba. We move across the prison; we move across time; we move across borders. What becomes increasingly apparent throughout the autobiography is not simply her motion, that is the motion itself, but that she is always moving or being moved, that until Cuba she is never still, and even in Cuba, she is never free;

particularly dangerous for white nationalist authority (James, 1999: 114). In turn, the U.S. government presents a narrative of her crimes that erases white culpability while subverting black transgressions of white supremacy that are then replaced by the reinscription of myths of black female immorality. Shakur (2001 [1987]) herself discusses this fabricated public image while she is still incarcerated in the United States, sarcastically amused by the surprise of many inmates upon their first meeting that she is not "bigger, blacker, and uglier" or not "six feet tall, two hundred pounds, and very dark and wild looking," the conflation of a dark complexion and criminality or danger not lost on her (p. 87). This conjuring of JoAnne Chesimard continues to circulate not only as a popular reminder of her crimes against the state, but also as a reflection of surveillance that extends the carceral landscape that conditions her and the black community from which she hails. Through these billboards and the coherent subject/object that they synthesize, Shakur as Chesimard becomes the exemplary figure through which a whole black community can be policed and a whole Cuban nation can be breached.

In naming the emergent critique of her practice as the act of a terrorist, the billboards also evacuate her of political meaning through and by the conceptual acuity of the West's liberal lexicon. Rendering the fraught conditions of black life invisible, to name Shakur a terrorist is to constitutively foreclose the terror wrought by the West on black life. The billboards, flyers, and calls to action by federal forces ink the continued and extended non-home of black populations even after their physical leap from prison. As noted earlier, they advance a constitutive surveillance, simultaneously fixing an entire population into position while also compelling vagrancy, a forced movement or hiding from the watchful eye that conditions black life. They also illustrate how the popular consumptions of political action, in particular the consumption of disincarceral possibilities and other modalities of non-participation, are shaped by



must adjust to separation from home and loved ones (Parenti, 1998: 421). This continued criminalization at the hands of the state, as it did before, does not only place a target on her back—these expanding carceral geographies determine both Shakur and everyone for which she becomes a proxy. This is pronounced through the billboards that are raised in New Jersey, hundreds and hundreds of miles from the Cuban coast. The large “WANTED” in white script on a red background, plastered with her image in black and white alongside the words “TERRORIST JOANNE CHESIMARD A/K/A ASSATA SHAKUR, MURDER OF A LAW ENFORCEMENT OFFICER” with the phone number of the FBI listed at the bottom, the billboards are loud and governmental. The “A/K/A” gestures toward her name as if it were a criminal alias, which seems both redundant and excessive given that the label terrorist sits above it in a large and capitalized typeface. These billboards work to announce a political and social agenda, which reflect and shape the public’s perception of Shakur’s criminality and link it to the intersection of her race, gender, and sexuality. They become literal signposts of black female depravity that underpin a larger cultural narrative that shames and warns those who may take up causes and practices of black dissent. For James (1999), the accusation of “cop killer” today functions in the same way that the charge of rape did during the era of the lynch mob, that regardless of verity or substantiation mobilizes racial rage and excessive punitive force at the hands of both the formal criminal justice system and the white citizenry as a means of retribution (p. 113). Rendered a “cop killer,” Shakur violently crosses the liberal boundaries that place political change within the hands of the state and the bounds of the law, which then is offered as justification for the severity of sanctions threatened against anyone who may offer her aid (James, 1999: 113). Shakur, here, is both a “political embarrassment” for the U.S. police state and a “political inspiration for radicals and revolutionaries” which makes her

that her abrupt transfers between jails without any word to her lawyer or any explanation “was a scenario that would be repeated over and over again” (Shakur, 2001 [1987]: 80).

In his book *Slaves of the State*, Dennis Childs (2015a) explains the development of the prison through the evolution of the carcerality of black life. To do so, he proposes the “Middle Passage Carceral Model” and with it, he shifts the historiography of the prison past the centering of a white subject and locates slavery’s architectures in the center of European imperialism as he traces the advancement of the chain gang to the penitentiary (Childs, 2015a: 28). It is both notable and important that his reference to chattel slavery as an origin of the prison calls out the Middle Passage. As Childs docks the slave ship alongside the prison, he brings necessary attention to their material and conceptual links. Nowhere else is the purpose of the slave ship so directly re-purposed and re-pursued as it is in the prison, both serving a necrotic function directly targeting black populations. Within this, these geographies exist in part to keep the rebellious and dissenting under the control of white authority. For the slave ship, slaves who were found or were suspected of dissenting were policed through shackling, separation, nettings, and gratuitous punishment. In the case of the prison, as black political prisoners like Shakur (2001 [1987]), Angela Davis (1998 [1971]), and notably George Jackson (1971), have argued, its primary function was at once to serve “as a surrogate solution to social problems associated with poverty and racism” and to repress political dissidents (Davis and Rodriguez, 2000).

As Childs (2015a) places the hold and the cell in vibrating tension with one another, he also draws attention to the cyclical temporality of black life, the simultaneity of ship and prison holds wherein “past, present, and future exist in constant interface” (p. 39). The cycle is itself a movement baring a different conception of time, one that not only indicates the recurrence of carceral geographies, constantly evolving but persisting, but

also underscores the temporality of the hold's imprisonment itself. Regimented and repetitious, time for the entombed and incarcerated is intimately linked to the carcerality of space. For Michael Hardt (1997) "punishment is time" and in the prison this translates to not only how much time is spent in prison, but *how* one's time is spent in prison as a series of schedules and sequence of routines (p. 65). Time discipline (Thompson, 1967) emerges in the prison through the destruction of "temporal autonomy" and the execution of daily time tables. Prison is a space-time, where the discipline of space and time happen simultaneously, where the incarcerated are scheduled where to be and when to be there, where the space and time of the prison equally produce the position of the prisoner. It is in movement that the matters of time and space converge; time is measured by how we move across space. On the slave ship like in the prison, time was carefully and purposefully controlled. Time in the hold, time on the deck, time for feeding, time for cleaning, time to destination, time everywhere, time nowhere. The time was rarely, if ever, the time of the enslaved. Likewise, in the prison, the incarcerated have very little control over their time—time in the cell, time on the yard, time of a sentence, time everywhere, time nowhere. Prisoners and the enslaved aboard the slave ship lose track of time, consistently disoriented and constantly moved. Together, these Western spatialities<sup>2</sup> illustrate how black populations affected by the logics and mechanisms of enslavement, have been marked by the loss of history, an absence of time, captivity in space, and burdened by mobility.

In its time-space, the prison produces and relies on the perpetual cycling of its prisoners. The incarcerated are shuffled between prisons, within the prison, and from the prison to

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<sup>2</sup> I am referring to "the West" under the terms of Édouard Glissant where the West is a project rather than a geographic location. See Édouard Glissant, *Caribbean Discourse*, Charlottesville, VA: University of Virginia Press, 1999: 2, footnote 1.

professionals, racialized as white, and relatively welcome by the United States government to the 1980s with the Muriel boat crisis and the advance of black Cubans who were now fleeing social and economic crisis in Cuba largely driven by the United States' blockade. In both ways, Cuba itself was racialized as a "dark" nation and as such, while wanted or not, the refugees were always figured as in need of American aid (James, 1996: 84–105; Ong, 2003: 78–83). The case of Assata Shakur and other political asylum seekers in search of refuge in Cuba turns this narrative on its head. But the fact that her asylum is indeed critiquing the U.S. state is actually not of importance to her construction as terrorist within the U.S. imaginary as these claims go unheard as divergent noise among the chorus of citizens and government agencies calling for her head. While these calls name her terrorist, both domestic and most wanted, they also stake out the borders that obstruct her path and produce the nation-state, where the nation-state hinges on both its power over its dissenters as well as the racialization of its borders. While a post-9/11 consciousness would have us believe that the terrorist remains the sole provenance of the racialized Muslim or Arab, the case of Assata Shakur clarifies the necessary constitution of the excessively raced and gendered black body to the production of a national security essential to the formation and organization of the West. This formation and organization makes compulsory her excessive punishment at the hand of the state that simultaneously requires her presence in the U.S. for incarceration and her existence outside of its borders in order to shore them up. These include not only the borders that geographically constitute the country, but also those that draw the uncrossable color line.

Vagrancy is made plain once again. Shakur is displaced, forced to come to terms with "the fact that you may never go back to where you come from," and reflecting the expansion of carceral geographies where both slave and runaway slave

our attention on the constitution of national borders by the excessive policing in and of whiteness. Her fleeing ensures a displacement and diffusion of carcerality that reveals itself in a new form that while supposedly softer in appearance, remains materially significant as she remains subject to incessant desires of the state. In this, U.S. surveillance simultaneously plays on an othering of Cuba while subsequently demonizing her political refugee status that is made manifest through a constructed resonance *with* Cuba's communist, and thus un-American, subsistence. This begins to bare the construction of her identity as terrorist, a construction that reimagines a McCarthyist trajectory that claims a confluence of any dissent from the state with presuppositions of the un-American. Shakur comes to embody both the desire for the FBI to retrieve a black fugitive as well as the United States' attempt to invade the sanctuary space for dissidents that Castro's racialized Cuba had come to represent. Cuba's anti-imperialist commitments and public support for the struggle of black Americans, such as Shakur, has endeared it to those identifying with anti-racism and black liberation while also angering the United States government (James, 1996: 100–102). Indeed, this small nation had come to “symbolize a resistance to state constructed as an imperial behemoth” that runs counter to ever-growing United States' desires for control that date back to the Cuban Revolution's challenge of the Monroe Doctrine (Gilliam, 2014: 170; James, 1996: 103). As such, the policing of Assata Shakur accommodates and makes further possible the added benefit of policing Cuba.

Shakur's political asylum in Cuba causes many problems for the U.S., one of which being that her migration confronts and interrupts the Western narrative of the U.S. as that which takes in the refugees of Cuba. The U.S. imagination of the refugee in the mid to late 20<sup>th</sup> century in relation to Cuba is typified by the shift from “freedom fighters” fleeing communism in the 1960s where refugees were often middle-class

the outside and back again in cycles of “recidivism.” Black populations have bared the brunt of this burden of vagrant mobility. Historically, the expansive carceral state in the United States has hinged on a criminalization of blackness intimately tied to matters of locomotion, including idleness, itinerancy, and homelessness. This is directly reflected in the Slave Codes, the post-emancipation Black Codes, segregation laws, as well as the enforcement of contemporary loitering laws and homelessness ordinances. Under colonial-racial authority, black people have always been made to move and their movements have been materially coerced and ideologically fabricated. Shakur's seemingly life-long movement enunciates a vagrancy that etches black life in the United States as a process of criminalization and a condition of black criminality. The term vagrant refers somewhat innocuously to a person who wanders or roams, one who is not fixed or settled but is constantly moving with no permanent home, or to unpredictable movement and behavior. The term evokes a more prejudicial tone in its definition as a person who “lives by begging” or, as per its use relative to the law, “relating to or living the life of a vagrant” (Oxford University Press, 2018). Given the West's political orientation toward property, the seemingly insipid definition confesses a deleterious significance, especially as it renders meaning for a status of life. Here, vagrant is politically and legally stressed, connoting obvious class hierarchies that hinge on ownership, employment, and domicile, and imply their proper environments. The term vagrant also marks and is marked by race, especially in the United States, where post-emancipation Black Codes were passed in southern states to restrict the lives of free black populations and whose defining feature was a broadly defined and broadly enforced vagrancy law. Under the Black Codes of 1865 and 1866, authorities would arrest free black people for minor infractions and subsequently have them committed to involuntary labor under what came to be known as the

convict lease system.<sup>3</sup> Through the Codes, the use of vagrancy was integral to the transition from chattel slavery to more clandestine forms of racialized incarceration. In other words, policing movement was often the way in which free blacks were returned to a condition of servitude at the command of whites. Vagrancy laws were thus directly tied to the criminalization of blackness and black freedom, where vagrancy has been used as an almost catch-all to catch all blacks in the act, in the act of doing or doing nothing, and ultimately in the act of moving. As such, vagrancy was always already the enunciation of black movement.

In its legal uses, vagrancy presumes that one is moving between or among coherent places that provide substantive and subjective meaning, either the place of residence, the place of employment, or the place of consumerism. To be charged a vagrant is to be marked as interstitial, being in between places and thus to be nowhere that is valued in the eyes of the state. However, rather than reflecting an absence of meaning, to be the interstitial vagrant is to be inundated with meaning; it is to be excessively known in relation to one's movement. Ordering and gathering one into a position of criminal no matter one's movement as well as because of one's movement, vagrancy serves as both a dispossession and an enunciation of dispossession that fails to be recognized as such. The charge of vagrancy names a collection of threats against property and order, and racially categorizes a problem population of potential threat. That is, the vagrant announces Du Bois' question of being a problem to be solved as well as a threat to be contained—the

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<sup>3</sup> Convict leasing was a system of penal labor in the southern United States that was prominent after the Civil War to recruit and control black labor for private means, such as farms, plantations, or other businesses. Leasing out black prison labor was used to replace the labor that was lost in these establishments with the abolition of slavery. See Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (1996).

oppression. This discrepancy, while sometimes unintentional, not only trades in a long-standing and now much maligned dichotomy between the racial oppression of the United States and the racial democracy of Latin America (de la Fuente and Andrews, 2018), but also misrepresents the complicated status of what it means to be a modern day "maroon" (Parenti, 1998). To be in exile is indeed to live a different condition of containment that remains under the watchful eye of the surveilling West, but one where Shakur's "fugitive flesh" continues to signify not only a criminal but a "commodity on the run" (Dillon, 2012: 118).

Marronage, to run away, to jump the slave ship, is indeed to practice a sort of transience. It is both transitional and ephemeral; it is more passage than destination. Yet, it also speaks a kind of impermanence, for better and for worse. Shakur's transience continues to work against and within the vagrancy that is produced in the criminalization of black people and black politics. While her movements oppose the movement of vagrancy manufactured through various mechanisms of criminalization, they also remain subject to it. Shakur is a maroon, no doubt, but like the maroons, has not yet found freedom, or, maybe more precisely, has not yet escaped unfreedom. Parenti's (1998) 1997 interview with her is ripe with this tenuous, or transient, existence: she is simultaneously a resident of the "ultimate Palenque" and must "keep a low profile" because "security is still a big concern" (p. 420). As a political refugee in exile in Cuba, Shakur is forced to lay low because her movements continue to be overdetermined by the surveillance of the West, and of the U.S. government in particular. In Cuba, she remains restricted to lands that are at once beyond the reach of the West and its American handmaidens as well as established by those very forces. With this comes the realization that "there exist no fixed sites" of freedom and that the reach of the West is hardly contained by geographic boundaries (James, 1999: 113). Her exile focuses

cannot find its completion, because practices of disincarceration always exceed legibility and encapsulate imaginings beyond our comprehension, and because they continue to be situated within a governing order of white supremacy that is dependent on their repression. As such, while Shakur herself escapes prison only once, she must continue to evade the carceral conditions that lie in its wake.

## Marronage|exile

If the entanglement of movement and punishment has been at all instructive, it has illustrated that carcerality has existed before the prison, and is always expanding beyond it. As such, not only must carceral egress be a repeated practice, but it runs up against the dislocations and disorientations inherent in the conditions of exile. Shakur makes her way out of a draconian penal architecture that is meant to contain her for the court-appointed duration and receives political asylum in Cuba where she is able to move not only beyond the concrete walls of Clinton Correctional Facility but also past the borders of the United States and into a communist nation meant to represent all things exceeding U.S. control and influence. However, while her locomotion across U.S. national borders and relative freedom in Cuba mark out a new experience for Shakur that is categorically different than that of her life inside the prison institution, this change does not overcome the carceral geographies that produce her position as always already subject to the violence of the state. In her words, she had achieved her dream; she was elated and ecstatic, and she was also “completely disoriented” where “Everything was the same, yet everything was different” (Shakur, 2001 [1987]: 266). Often, when the story is told of Shakur, it is her unfreedom both within and beyond the cell in the United States that is highlighted and, in contrast, her exile in Cuba encapsulates her escape from racial

threat of rebellion and a threat to property and the security of recognized political subjects. By calling out the danger of the threat, vagrancy encompasses a futurity, where neither the criminal act or even criminal intent are required. It is simply the possibility of the criminal that is criminal; it is concerned with an unknowable future that is understood as knowable and guaranteed. The charge of vagrancy charges that the next move is known.

In the United States, while the methods and system of chattel slavery are not identical to the new carceral manifestations that come in its wake, their visual rhyme is bridged, in at least one way, by their foundational concern with regulating and coercing the movement of black people. Here, vagrancy is forwarded to bring theoretical attention to the way in which the expansion of carceral geographies hinges on the spatial dislocations and discursive circulation of black people and the fabrication of the black criminal. In this way, while vagrancy is something that is applied to black people it is also how they are forced to move. Vagrancy is not just a charge; it is the form of movement that is produced through the postbellum geography of emancipation and reconstruction. This is not to argue that the only function of black criminalization is to regulate movement or even that black criminalization only occurs through vagrancy, but it is to elucidate these connections and to further argue that black criminalization actually has very little to do with actual crime and much more to do with the conditioning of black life as an inability to fulfill the requirements set forth by whiteness. Angela Davis (1998 [1971]) has illustrated that the conceptual distinction of blacks and whites imbricated in the criminal discourse is one of criminality versus crime. Frank Wilderson III (2003) has built on this by arguing that for black people there are only two manifestations, that of the prison slave and the prison-slave-in-waiting, which acknowledges not only the criminality that is ascribed to black people but the way in which this ascription comes to structure

their very existence in the world of the West. For black people in the United States, criminality is not measured by one's physical proximity to the prison but becomes an almost inescapable condition of criminalization where any move, real or suspected, beyond the racial compartments designated by white authority is prohibited and cause for arrest or death. As such, the prison itself does not represent a separation from a discrete "before" and "after" of criminalization. That is, punishment is not secondary, but becomes constitutive of black existence. This is both a theoretical gesture away from discipline as a response to crime as well as an understanding that the larger carceral system produces as much as it maintains black criminalization. The vagrancy laws in the Black Codes begin to indicate how black people are always already a threat to national security not because they wield weapons against the Western project "but for *being* such weapons and thus always in need of containment, surveillance, sanction, deportation, elimination" (Sexton and Lee, 2006: 1014). For black people, surveillance is constitutive, operative anywhere and anytime, and not restricted to class and subsequent spatiality. This constitutive surveillance renders not only the individual, but is productive of an entire assemblage of people. As such, a crime committed by a black individual stood to obscure the entire race with a criminal shadow, not unlike how Shakur's Wanted billboards were made to cast themselves over low-income neighborhoods in New Jersey.

According to Law (2009), while prisons have always been a form of social control, for women they have been historically used to morally condemn behaviors that are seen as deviating from notions of proper womanhood. In many ways, criminalization was used to organize understandings of black people's gender. Kali Gross (2006) cites the studies of Cesare Lombroso, who claimed that an absence of a clear division between black men and black women played a decisive role in female criminality, to demonstrate how criminality became tied to the propo-

history (pp. 263–265). In using the poem in place of a narrative account of her own elopement, Shakur locates herself within this tradition of struggle, situating her practice among similar forms such as jumping the slave ship, running from the plantation, and the underground railroad. In each stanza, Shakur names practices within the black radical tradition along with a repetition of carrying it on. Tunneling between the prison and the outside, the poem presents Shakur's migration from the U.S. prison to Cuba as an underground and unseen practice, where the reader immediately recognizes Shakur (2001 [1987]) has made it out with the simple word "freedom" as an opening to the text's final pages (p. 266). Her own practice is an unmarked and unknown passage, augmenting an evasion of colonial-racial authority and naming the political inflection of abscondence outside the legislative and the electoral, while reiterating the necessity of its persistence.

A reflection on this continuance does not mean to traffic in romantic notions of resistance, because often conceptualizations of resistance also fall within the confines of their liberal genealogies that march toward completion and attempt closure for stories that are exceedingly and excessively beyond closure. Instead, to employ Hartman and Stephen Best's evocative conceptualization (Best and Hartman, 2005), the textual tunnel beneath the surveillance of the West demarcates the fugitive space that is between the complaint and the "extralinguistic mode of black noise that exists outside the parameters of any strategy or plan for remedy" (p. 3). Shakur exerts a racial chaos that is inaudible to the Western project and represents the "political interval" which elaborates the distance "between the destruction of the old world and the awaited hour of deliverance." And as Sarah Cervenak (2014) argues, it is in those moments of inaudibility, where one bucks the attempt of scripted translation by the state that black movement "aligns with the free" (p. 14). Shakur signifies a move outside the frame of the Western order that as yet

well as pushes back on our desire to know even as it provokes a necessity to study (Hartman, 2008: 8). That is, her iterative escapement requires our theorization inasmuch as a new approach to such practices is necessary, but simultaneously indicates that we cannot approach these practices with an intent to know these practices with any certainty. It is at once a model of political praxis as well as a confession of the paradox and conundrum of indexing the disincarceral tactic.

We only know of Assata's deed and of that we actually know very little. The drive is instead what can we begin to learn from, rather than about, these practices when we approach them through an alternative frame? What can these practices teach us about politics and teach us about the study of politics? In the case of Assata Shakur's continuing story, we must contend with the absent chapter as the necessity of that which is not yet finished, that which remains anticipatory and provisional. We must contend with the ways in which the very possibilities emergent in her practice are also those that "clog the smooth machinery of the representation necessary to the circulation of capital" (Phelan, 1993: 148). The omission resists the reconciliation of recovery and perverts the representative requirements of political claim-making often necessary for the legal processes that have failed so many imprisoned people in the past. As such, it challenges the liberal underpinnings of some black political practices that call for assimilation and representation as the route to liberation. Here, the autobiography mirrors the physical practice of disincarceration, where the passage is both discursive and material, providing a textual mime to the ephemerality of Shakur's disappearing act. In other words, the absent presence of her flight in the text is itself an index of her flight, embodying its transient performance. This presence is signed by "The Tradition," the poem that connects the postscript and Shakur's (2001 [1987]) final chapters in prison, where she names various modes and methods of dissent, refusal, and defiance that make up a long black political

situation that black women were not properly gendered (p. 134). In this formulation, black womanhood was rendered dangerous because it was understood to exist in excess—excess in body type, strength, behavior, and criminal abilities and desires. The figure of the black female criminal was constructed as aggressively on the prowl as if to demonstrate an active and oncoming threat. In effect, what was painted was the "portrait of the ferocious black woman" that was used to validate the use of violence in the suppression of black women's alleged crimes (Blair, 2010: 96, 105). While white women's criminality could always be displaced or explained away, the criminality of black women was linked to an inherent depravity. This narrative demarcation was dependent on the belief that black people cross lines, that they are excessive, and that they move beyond the constitutive borders of humanity's categories. Further, the charge of vagrancy adduced explicitly sexual valences, where in part the danger ascribed to black people was the threat they posed to white morality. Specifically, the trope of black hypersexuality fueled fears of black men's desire for white women and black women's seduction of white men. Vagrancy was a sexually charged indictment, emphasizing the imminent incursion of unbridled black sexuality when gone unchecked by a profusion of white supervision and surveillance. Historically, black populations have been associated with sexual transgressions if only for the fact that in urban areas, black neighborhoods were often the ones strategically arranged as enclaves of sexual commerce and vice (Blair, 2010). This immoral and sexually-charged distortion was central to the criminal caricatures that Gross (2006) argues became a mass-produced mediation for white fantasy and desire (p. 110). Black women especially spotlight the ways in which race, gender, and sexuality shape criminality. She demonstrates that the shift in their portrayal from the "ultimate submissive" of slavery to the "dangerous urban aggressor" post-emancipation was a consequence of the subversion, at least in theory, of uninhibited white access

to black women's bodies (Gross, 2006: 105). The trope of hypersexuality was crucial to the criminalization of blackness for the benefit of, and in opposition to, those holders of whiteness. Here, black women's criminality was implicitly tied to a representation of deviant and unchecked sexuality that was subsequently fetishized as compulsive, uncontrollable, and roving.

As such, while black women often had complex reasons for engaging in criminal behavior, narrations of their crimes vilified them with simplistic racial tropes that were then disseminated and consumed in the service of white supremacy. Crime and the danger of unchecked black movement were exaggerated in such a way as to shore up traditional notions of white masculinity as well as white female morality. Moreover, these representations galvanized and justified urban policies long after emancipation and into the contemporary moment, heavily influencing white authority over black urban life. By promoting fear, the rhetoric of criminalization used against blacks as based in strategic manipulations and omissions, has often been traded upon for political power, with a "tough on crime" attitude being the easiest and most risk-free way to secure support from any constituency without necessarily revealing racial bias. In effect, the U.S. government, especially from Lyndon B. Johnson's presidency on, has been able to chisel out ideological boundaries of middle-class social and cultural values that normalize white dominance and black danger hinging on the imminence of their ambulation beyond their place. As Davis (1998 [1971]) has pointed out, blacks, then and now, are almost always punished for practices that go unchecked when performed by whites. Furthermore, the presumed level of danger posed by blacks to white dominion is often not represented in the crimes that get incarcerated black women convicted and the socio-economic conditions from which these crimes often emerge is conventionally disassociated from their

Western hegemony" (p. 302). Shakur's textual omission of her practice sounds an evasion of a system of representation that buttresses the colonial-racial authority. In this, she pushes back on the very mechanisms for and desires of Western liberal horizons, its assimilations and appropriations. Her textual tactic is a challenge for both the processes of knowledge production and the production of knowledge itself. That is, even as "loss gives rise to longing," the omission questions our (archival) desires, challenging us to "respect what we cannot know" (Hartman, 2008: 3-4). By not narrating how she did it, she denies the pressures of the "reproductive economy" and demonstrates a necessity to work through the unknown as a productive space of politics, the "nonreproductive" as productive (Phelan, 1993: 146, 148).

In the steps of Trouillot's (1995) study of the Haitian Revolution as a series of practices that exceed ideology, thinking about Shakur's carceral evasions require us to similarly think about how their very deed is "incompatible" with the dominant West and is subsequently undercut by a "failure of narration," silenced through what Trouillot calls formulas of erasure and formulas of banalization (pp. 95-96). The textual absence of Shakur's practice, the missing chapter as it were, can then be understood as walking the line of silence and secret. Historian Greg Childs (2015b) has differentiated between the two in his study of sedition in Colonial Brazil. He explains the difference between silence and secret as a matter of recovery where the former is an omission that awaits revelation in order for the ascription of value, often on the part of the historian, and the latter is more "commensurate with nonexistence" (Childs, 2015b: 38). As an attempt to keep things from the knowable, Childs pushes us to think of the secret not as an obstacle for understanding black anarchism, but as fundamental to it. It is an indication of the "possibility of revaluing that emptiness" (Phelan, 1993: 148). Shakur then works against the temptation to "fill in the gaps" or "provide closure where there is none," as



black liberationist politics, a gesture toward freedom that is not yet achieved. As an outlaw, Shakur's break from prison cannot be an achievement of freedom because her flight is not "homologous with freedom from the rule of race" (Hesse, 2014: 302), its policing, segregation, and carceral conditions. Shakur's disincarceral practice functions against the carceral geographies meant to contain her, but her own movement remains subject to its mechanisms of vagrancy. As such, it is a practice that occurs within the conceptual fields of both freedom and unfreedom. It indicts the colonial-racial geographies of unfreedom in its deed but does not, or cannot, yet imagine a free life in its claim. Thus, her practice represents a deed that precedes its demand, rejecting a linear trajectory with a coherent or named outcome from which we are to measure the accomplishment of her practice and realization of her claim by Western standards of success. In this configuration it is not simply the source of the standards that matter, but the standards themselves. This appeal proposes that to be held to standards is to remain beholden to a horizon that shapes and dictates the deed. In this way, Shakur's practice disrupts the present horizons of the imaginable by refusing its own appraisal as much as it refuses the carceral organization of the state as the governing law of race. It is an anticipatory abandonment of the prison as that ultimate expression of the law that does not yet have a destination; it is an anticipation of something else. Shakur forces one to reckon with the deed of flight as deed, that is, as practice—the practice of the escape rather than its destination(s).

However, reckoning with this practice does not mean *knowing* this practice. This is clearest in the case of Assata Shakur's biography when we encounter the book's transition from prison to Cuba as an absent chapter, as a fugitivity of the literature. As Hesse (2014) argues in relation to slave narratives as "black fugitive thought," the latter "can only be sustained through the emancipation inherent in escape from the colonial-racial foreclosure underpinning consent to

practice by the courts and outside audiences.<sup>4</sup> In her own case, Shakur's crimes against the state indicate how black criminalization existed at the point of black threat to white dominion, and this articulation is historically rooted. It is not by chance that Black Codes—those collections of laws with broadly defined and broadly enforced rules about vagrancy—specifically outlaw runaways, the assembly of free or enslaved blacks, the disorderly, and those who neglect their calling. Vagrancy in relation to black populations is always a declaration of permissible movements and always a repudiation of dissent. In that way, the charge of vagrancy always already paraphrases a critique and prohibition of black political practice.

## Disincarceration

The decision to work with and through Assata Shakur's flight from prison was catalyzed by my approach to black practices that appear to introduce their own black anarchist orientations in their exertion against carceral geographies established and maintained by colonial-racial authority. Shakur's is an understudied subversion of this authority that reveals an "intellect of insurrection" (Gilman-Olpasky, 2016). That is, I look to Shakur's act as providing its own intellectual analysis of the world, what James (2013) has called "maroon philosophy at the borders reimagining freedom through flight." What is key within James' formulation is that the flight itself is the practice through which a philosophy of freedom can emerge, not unlike Gilman-Olpasky's (2016) assertion that we must consider the revolt for "what it says, what it speaks," indeed as an "upheaval as speaking." This line diverges from an understanding of free-

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<sup>4</sup> Shakur (2001 [1987]) lists some of the crimes that black women were often "in" for in the 1970s: "Jostling was pickpocketing; boosting was shoplifting; juggling paper was writing bad checks and dragging or playing drag was conning" (p. 87).

dom as a destination emerged, fully formed from Zeus' head, which defines the practice as simply a mechanism of an overdetermined machine. James (2013) instead invites us to consider the philosophical content of Shakur's practice as a theorization of liberation, one that exists at the borderlands of democracy (p. 124). Thus, instead of privileging questions of what is achieved by her break from prison, attention is rather driven to consider the questions it urges. To center this is not, however, an attempt to distill Shakur's political ideologies. Her thoughts and ideas are neither simple nor straightforward, but are necessarily complicated, complex, and sometimes contradictory. Instead, to shift attention to her escapement is to bring theoretical attention to (her) practices as always already exceeding those ideologies. Where, to borrow the words of Trouillot (1995), "discourse always lagged behind practice" because "revolution was indeed at the limits of the thinkable" (pp. 89–90).

Davis (1998 [1971]) has argued that for the political prisoner, the contact with the criminal justice system "has occurred because [one] has lodged a protest, in one form or another, against the conditions which nail blacks to this orbit of oppression" (p. 50). Shakur, within Davis' evocative framing, can then be understood as attempting to shoot out of this orbit, to break with the system in its entirety. As such, her practice must be understood in contradistinction to "law-abiding dissent" which often has broader social acceptance because it exists in accordance with models of civil disobedience and commonly accepted moral values, as well as demonstrates a proximity to the institutional power from which the disenfranchised are barred (James, 2004: 44). For Shakur, what comes to be condemned by the wider public is the black anarchism of her practice, the rejection of the "validity of the nation state itself and the legitimacy of its legal and moral standing" (James, 2004: 44). In keeping with the presumption that black women pose an inherent danger, gratuitous abuse and surveillance are built into the processes

of the prison's discipline. In the prison, black women are overdetermined as sexually accessible, where privacy even for the most intimate of practices and places is nonexistent, and where cavity searches and sexual assaults are routine. As such, the escape of Assata Shakur is not just a moment where an individual was simply fed up with being told what to do, but a break with a regime that renders the life of the black incarcerated woman worthless and her movement as always subject to the authority of whiteness.

Yet, disincarceration, rather than escape, is used to discuss Assata Shakur's spatial interruption of the prison for several reasons. To be sure, while Shakur does break out of prison, her continued exile reflects the political interval in which her practice resides and demonstrates the necessary incompleteness of her action against the reterritorializing power of the state. Providing this alternative conceptual frame to understand her escape is to take up Hesse's (2014) call to consider the complexities of black subversive freedoms, or, rather, how black anarchist practices "embody the meaning of freedom subversively" (p. 308). The formulation of black anarchism takes seriously how "escapist pathways" work through remaining subject to colonial-racial governance but "never racially assimilated to Western hegemony" (Hesse, 2014: 308). As such, the aim is to illustrate the continual, iterative, and processual nature of escape. Shakur must repeatedly elude Western control, of which the United States is in this case the biggest stakeholder, in order to sustain the secrecy of her whereabouts. In this way, her evasions indicate an exertion of non-linear trajectories of black movement beyond the dominion of white authority. They embody an insurgent transience against the spatial requirements of white supremacy, but maintain a distance from the interpretations of completion that the word escape seems to stipulate, which fail to critically engage the carceral conditions that continue to limn Shakur's life specifically and black life generally. This conceptualization thus reframes black anarchism as a