



THIRD WORLD APPROACHES to INTERNATIONAL LAW *Review*

TWAAILR: Reflections ~ 4/2019

The Bloody Life of Labour Power Commodification and the Fugitive Movement of the Disloyal We

Adrian A. Smith

*Labour is not a commodity*¹ — yet everywhere one looks labour is commodified; the object of market diktats of supply, demand and compulsion, subjected to the whims and vagaries of the global propertied elite, a product of the expansionary logics and forces propelling global capital accumulation. The chasm between international law axiom and sober observation in no small way stems from the naturalized, yet astonishingly modular, nature of labour commodification.² Whether *on* the global assembly line, *in* the plantations and factory farms of the agricultural supply chain, *beneath* the surface in multi-scaled and artisanal mines of resource extraction, *of* the gig economy's virtual worlds, or located elsewhere, the commodification of labour is an ongoing feature of global commodity-chain production. Its integral nature raises grave concern that, as Silvia Federici frames it, not only are we unaware of the conditions under which 'what we use is being produced', but in fact 'we have no idea how much blood there is in the product'.³

If by 'we' Federici means the bourgeois international lawyerly set, the *Royal We*, it would be tempting to fully agree. In terms of general historical reckoning, there has been very little serious and sustained consideration of the past of

¹ The axiomatic tenet is found in the Philadelphia Declaration of 1944. May 2019 marks the seventy-fifth year since its unanimous adoption on May 10th, 1944.

² David McNally, 'The Commodity Status of Labour' in Gordon Laxer and Dennis Soron (eds.), *Not for Sale: Decommodifying Public Life* (University of Toronto Press, 2006) 39, at 43.

³ Silvia Federici, 'The Globalization of Women's Work and New Forms of Violence Against Women' (Lecture, ICI Berlin Institute for Cultural Inquiry, 9 July 2018), <https://www.ici-berlin.org/events/silvia-federici/> (accessed 25 May 2019).

international law — the colonial encounter, imperialist legacies; *our past* (not theirs) — in anything but past tense. If there were a ballad of the prevailing international legal order, it most certainly would be: *Past is Past, and Present is Present, and never the twain shall meet*. But, bringing back in the labour commodity, another 'we' does have a strong inclination that the ordering of the international is anything but bliss, that global capitalism's development betrays a bloody existence, that 'capital comes dripping from head to toe, from every pore, with blood and dirt'.⁴ As one of the deft scholar-activists of that other we, the *Disloyal We*, Federici no doubt knows this.⁵ I suspect her intervention contains a provocation of sorts, pressing fellow disloyalists to delve deeper into global capitalism's continuing commodity carnage. TWAIL would do well to take heed.

The 'anti-hierarchical counter-hegemonic coalitionary' project that is TWAIL stakes its claim in allegiance with the Disloyal We of the global South (Third World).⁶ TWAIL represents 'a [restless] sensibility, not a doctrine' aimed at interrogation of the past's continuing relevance for the present.⁷ TWAIL particularly 'challenges the place of the past and the work of history in international legal arguments'.⁸ It marks the ongoing presence in international law of the imperialist past. As a particular take on the past in present tense, TWAIL scholarship engages in historical retrieval but is not (universally) motivated by a pursuit of historian craftwork.⁹ Armed with this understanding, the founders of the *TWAIL Review*, as an exciting new space of TWAIL praxis, strive to unpack *and transform* with a trenchant commitment to decolonization — not now, but *right now!* The excitement and urgency should carry with it a desire to clarify some things, not least of which is the commitment to contesting the past and present of global *capitalist-imperialism*. Here we see the significance of examining the historical rootedness of labour-commodity carnage in all its astonishing modularity. We might, in considering the motivation behind the

⁴ Karl Marx, *Capital: A Critique of Political Economy, Volume 1* (1867), trans. Ben Fowkes (Penguin, 1976) 926.

⁵ See e.g. Silvia Federici, *Wages against Housework* (Power of Women Collective and Falling Wall Press, 1975); Silvia Federici, *Caliban and the Witch: Women, the Body and Primitive Accumulation* (Autonomedia, 2004).

⁶ The descriptive phrase comes from Sujith Xavier, 'Learning from Below: Theorising Global Governance Through Ethnographies and Critical Reflections from the Global South' (2016) 33 *Windsor Year Book of Access to Justice* 229, at 242.

⁷ Luis Eslava, 'TWAIL Coordinates', *Critical Legal Thinking* (2 April 2019) <http://criticallegalthinking.com/2019/04/02/twail-coordinates/#fnref-27281-7> (accessed 25 May 2019).

⁸ I am thinking here about Anghie's groundbreaking work, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge University Press, 2005); as well as Obiora Chinedu Okafor, 'Newness, Imperialism, and International Legal Reform in Our Time: A Twail Perspective' (2005) 43:1/2 *Osgoode Hall Law Journal* 171.

⁹ Anne Orford, 'The Past as Law or History? The Relevance of Imperialism for Modern International Law' (2012) Melbourne Legal Studies Research Paper No 600., at 2. Of course, there are contrasting takes from those sympathetic to TWAIL, see e.g., George Rodrigo Bandeira Galindo, 'Force Field: On History and Theory of International Law' (2012) 20 *Journal of the Max Planck Institute for European Legal History* 86.

Royal We's refrain or mantra, seize the opportunity to re-situate TWAIL's restless sensibility.

This brings to mind Jorge Luis Borges' memorable character Ireneo Funes, said to be an invention of an insomniac's mind, who 'looked without seeing, heard without hearing, forgot everything — almost everything', until a fateful day when thrown from a horse he develops 'prodigious', 'implacable' memory.¹⁰ Where would TWAIL situate 'itself' in this narrative? TWAILers most certainly would not see themselves as the pre-equestrian Funes. The very thought invokes Winston Churchill's post-war call in the shadow of the 'the tragedy of Europe' for a 'blessed act of oblivion': '*We must all turn our backs upon the horrors of the [“injurious”] past*'. While readers have good reason to scoff, one would do well to recall seemingly parallel sentiments echoed in far more sympathetic quarters. Nelson Mandela, in expressing his aspiration for South African truth and reconciliation, declared that 'injustices and grievances of the past would be buried and forgotten and a fresh start made'.¹¹ Analogous interventions, more and less sympathetic, surely exist.

There is much to unpack here. But in considering the supposed divergence between unjust past and freshly-started present, a more precise understanding of what underwrites these perspectives would be useful. Philosopher Charles Mills offers important insight into the infliction of this amnesia when reconsidering 'white ignorance' as constitutive of white supremacy:

Ignorance is usually thought of as the passive obverse to knowledge, the darkness retreating before the spread of Enlightenment. But ... *Imagine an ignorance that resists. Imagine an ignorance that fights back. Imagine an ignorance militant, aggressive, not to be intimidated, an ignorance that is active, dynamic, that refuses to go quietly...*¹²

It would be difficult to view Mandela's refrain in these terms, Churchill's on the other hand is an open question. (Could Churchill do anything quietly?)

If TWAIL is an intellectual challenge against militant ignorance, or what Angela Davis termed 'willed forgetfulness', does that necessarily make it the Funes of prodigious memory?¹³ And if regarded as a prodigious intervention, what precisely

¹⁰ Jorge Luis Borges, *Funes, The Memorions*, Ficciones trans. Anthony Kerrigan (Grove Press, 1962).

¹¹ Zurich speech in 1946 (invoking William Gladstone's words in support of home rule to Ireland in 1886). For Mandela's statement, and recognition that he later revised his stance, see Erik Doxtader, 'Easy to Forget or Never (Again) Hard to Remember?', in Charles Villa-Vicencio and Erik Doxtader (eds.), *The Provocations of Amnesty: Memory, Justice, and Impunity* (Africa World Press, 2003) 133.

¹² Epigraph to Chapter entitled 'White Ignorance' in Shannon Sullivan and Nancy Tuana (eds.), *Race and Epistemologies of Ignorance* (SUNY Press, 2007) (*emphasis added*).

¹³ Angela Davis, 'Prison Abolition' in Walter Mosley (ed.), *Black Genius* (W.W. Norton, 1999). See also 'active forgetting' in Friedrich Nietzsche, *On the Genealogy of Morals* (Vintage, 1989).

would be TWAIL's mantra? '*We forget nothing*'?¹⁴ The sentiment fails to appreciate that while TWAIL is anxiously attuned to a certain conception of the past and the trouble with forgetting it, the thrust of which is seemingly incisive and judiciously placed, it also exhibits certain shortcomings. TWAIL forgets things too. The plot, as they say, thickens.

Granted, TWAIL's is not a willed forgetfulness like that of the Royal We. The point is not to amass a list of the multiplicity of things that TWAIL has forgotten — events, relations, and counter-examples — as such a sadistic ritual, whether in the ultimate name of shaming or apologizing, is myopic. Besides, figuratively speaking, no amount of quantitative irking or easing can properly address the consequences of certain silences. The task instead is to consider the following open-ended query: *why is the commodification of labour so hard to remember and so easy to forget?*

The Commodification of Labour Power: Is It A Wonderful Life?

At the heart of labour commodification is centuries of calcification of Western political and economic thought. A snapshot will have to suffice. First Hobbes then Locke formulated their respective liberal economic commitments with interventions on labour value. Adam Smith and Edmund Burke expressed value in terms of labour commodification — the latter's intimation is especially apposite: 'Labour is a commodity like every other, and rises or falls according to the demand ... The impossibility of the subsistence of a man who carries his labour to a market is totally beside the question ... The only question is, what is it worth to the buyer?'¹⁵ The outcome of this, let's call it Burkentilism, has been nothing short of nightmarish — perhaps it is in this vein that André Gorz quipped, 'the worker, reduced to a commodity, can dream of nothing but commodities'.¹⁶ In contrast, the historical trajectory of labour commodification, according to Karl Polanyi's account, has occurred not as a certainty but quite unevenly through a 'double movement' in the

¹⁴ Paul Ricoeur, *Memory, History, Forgetting* translated by Kathleen Blamey and David Pellauer (University of Chicago Press, 2004), 396 (emphasis added). Other similar possibilities would include: 'Lest We Forget', the solemnized exhortation and epitaph of war remembrance on the dangers of failing to remember; 'Those who cannot remember the past are condemned to repeat it', as George Santayana's popular phrase goes. George Santayana, *The Life of Reason (Volume 1): Reason in Common Sense* (Scribner's, 1905) at 284. The former phrase is identified as a Christian biblical reference later invoked in a Kipling poem, *Recessional*.

¹⁵ Edmund Burke, *Thoughts and Details on Scarcity: Originally Presented to the Right Hon. William Pitt, in the month of November, 1795* (T. Gillet, 1800), 6, at 13. For a discussion see Stein Evju, 'Labour Is Not A Commodity: Reappraising the Origins of the Maxim' (2013) 4:3 *European Labour Law Journal* 222, and generally.

¹⁶ André Gorz, *Écologica* (Galilée, 2008) cited in Francoise Gollain (trans. Martin Ryle), 'André Gorz: Wage labour, Free time and Ecological Reconstruction' (2016) 20:2 *Green Letters: Studies in Ecocriticism* 127 at 137, note 3.

form of liberal capitalist market expansion met by de-commodifying struggles for social protection.¹⁷

Marx's nineteenth-century writings emerge in juxtaposition to Burkentilism, as an incisive counterposition or anti-commodifying force. The intervention turns on viewing 'labour power', not labour, as a commodity, which is distributed through market means and guaranteed and mediated by the state. Labour power 'possesses the peculiar property of being a source of value', and it is the basis upon which surplus value is appropriated from those who produce it.¹⁸ Marx's views — revised, repurposed, and *stretched* — inform the fragmented visions of a new world found within the remnants of Third World liberation movements and struggles, the 'freedom dreams' explored by historian Robin Kelley.¹⁹ These freedom dreams of the Disloyal We begin to counter Gorz's quip: '*When history sleeps, it speaks in dreams*'.²⁰ One such basis for stretching emerges from global labour history. Marcel Van der Linden elaborates on Marx's account by identifying not one universal commodity-producing mode wedded to a simplified understanding of wage labour, as typically portrayed, but in fact a multi-modal production of the labour power commodity. As such, we can begin to transcend typical spatiotemporal bounds to see a 'subaltern working class' linked across time, in a range of labouring activities and relations, and across space where peoples of the global South are no longer peripheral.²¹ The subaltern working class speaks through dreams.

The dreams of this subaltern working class, of the Disloyal We, encapsulate human energies, aspirations and commitments. The reasons for this should be readily apparent. As a peculiar or 'fictitious' commodity, labour power has something of a Frankensteinian existence: *it's alive!* As a *living* and *enlivened* commodity, labour power is *unlike any other because 'other cargoes do not rebel!'*²² It is against assumptions of passivity in the face of giant political-economic forces that we

¹⁷ Karl Polanyi, *The Great Transformation* (Beacon Press, 1944). See also Geoff Goodwin, 'Rethinking the Double Movement: Expanding the Frontiers of Polanyian Analysis in the Global South' (2018) 49:5 *Development and Change* 1268. Generally speaking, the results of the double movement have been mixed. Inroads in the form of social regulatory protection have been made in dampening labour power's commodity status to inhibit the effect of market forces. But these have not staved off the predatory dynamics of global capitalism.

¹⁸ Marx (1867) 270.

¹⁹ Fanon is of course the one who spoke about 'stretching' Marx's insights in addressing 'the colonial problem'. See, Frantz Fanon, *The Wretched of the Earth* (Grove Press, 1963), 40. Robin Kelley, *Freedom Dreams: The Black Radical Imagination* (Beacon Press, 2002).

²⁰ Octavio Paz, 'Toward the Poem' cited in Kelley (2002) 1, epigraph.

²¹ Marcel van der Linden, *Workers of the World: Essays towards a Global Labor History* (Brill, 2008); Immanuel Ness, *Southern Insurgency: The Coming of the Global Working Class* (Pluto, 2016); David Featherstone, *Solidarity: Hidden Histories and Geographies of Internationalism* (Zed Books, 2012).

²² Benjamin Franklin, quoted in Marcus Rediker, *The Slave Ship: A Human History* (Penguin, 2007); found in Yanis Varoufakis & Dimitria Groutsis, 'The Trouble with Labour' (2010) 20:2 *The Economic and Labour Relations Review* 1.

can appreciate the actually existing resistance of the subaltern workers.²³ It is detectable in routine moments, traces, and gestures, but not necessarily by the ruling classes. Within 'everyday acts of survival', following historian Kris Manjapra, 'there is an inscrutable way in which life resists, regenerates, endures, reassembles ...'.²⁴ And in momentous if spontaneous occasions, tectonic shifts cause the ground to tremble, a disturbance of the naturalized ordering of things — the Haitian Revolution represents the paradigmatic example. 'If the role of resistance is not given its due weight', therefore, 'we would be in danger of seeing [third world] people merely as victims, or "as faceless automatons energized only by metropolitan stimuli, rather than the adaptive and creative peoples that they truly are"'.²⁵

Labour power commodity is not made in the way other commodities are made, as its sale in the labour market is not necessary to its making. The social reproduction of labour captures an essential but generally disregarded feature of commodity production. The task, to borrow from Maya Angelou, is to acknowledge that 'making a living is not the same as making a life'. Contra Burkentilism, the challenge of subsistence is restored through the privileging of life. So, while there is a seemingly inexhaustible catalogue of labour power commodification within global capitalism's long trajectory, workers of the world have proven to be wonderfully inventive, too. The life of a commodity does not produce as wonderful a life as bourgeois thought would have subaltern workers believe. The astonishing diversification of commodity production is met by the resilience of those so subjected, by those who it works to objectify, through resistance struggles organized to contest that production and its subordination of social reproduction. It is these resistance struggles that an anti-imperialist sensibility cannot afford to neglect.

Bordering on Commodification: Migration, Racialization & the International

To the account thus far we could add human mobility or movement as an entrenched and integral feature of the peculiarities of the labour power commodity. What is needed is an accounting of the interplay of national territorial borders and bordering practices and the production of the migrant labour power commodity. The nexus between these rests at the heart of global capitalist development. Much is made of the inherent or unbridled sovereign power of the state, and the integrity of its national territory, from which the authority to exclude is said to flow. Despite

²³ Adrian A. Smith, 'Racialized In Justice: The Political and Legal Regulation of Migrant Agricultural Workers in Canada' (2015) 31:2 *Windsor Yearbook of Access to Justice* 15.

²⁴ Kris Manjapra, 'Plantation Empire: An Intellectual and Cultural History of Global Agricultural Capitalism' (May 2016) <https://youtu.be/UgAPFoaKy9M> (accessed 25 May 2019).

²⁵ Nigel Bolland, *The Politics of Labour in the British Caribbean: The Social Origins of Authoritarianism and Democracy in the Labour Movement* (Ian Randle, 2001) 17 (citing Bonham Richardson).

challenges to the contrary, state authority over entry, movement and settlement is said to propagate an inclusion-exclusion binary. *Temporary* labour migration, however, authorizes not outright exclusion or inclusion but rather differential treatment whereby some are permitted entry to the labour-receiving state on a temporary but typically recurring basis. Differential inclusion affords modest labour market participation but excludes migrant workers from political participation in the life of the labour-receiving state. It rests upon the perpetual threat of deportation, that is 'deportability', proving pivotal to the production of migrant labour 'illegality', and rendering migrant labour power 'a distinctly disposable commodity'.²⁶ Yet, in contrast to the circulation of commodity goods through international trade regulation, the migrant labour commodity exists under far more restrictive terms and under conditions with far less international coordination.²⁷

In contemporary migration management, national borders function to produce and enforce migrant-non-migrant differentiation entangling human mobility, racialization and capitalist imperialism. In my own work, emphasizing temporary migration in the context of Canada's capitalist-imperialist incursions, I point to the racialized-classed production and valuation of migrant labouring bodies through the territorial borders of the nation state system.²⁸ Racialization, analytically speaking, operates at two levels — the level of labouring bodies and that of national states (and the respective relations of each). It legitimizes the differential treatment of those designated as migrant labour and is infused in the unequal, hierarchical relationship between the migrant-receiving state and sending states of the global South. Further, racialization breaches any attempt at containment through its shaping of not only migration status and labour market opportunities and outcomes, but also the full complex of political and social life in the **receiving** state. Ultimately, racialization more than mere analytical distinction, it is expressed and experienced 'at every bloody level', 'imbricated' throughout.²⁹

Further complexity stems from the involvement of labour-**sending** states in the racialized production and valuation of migrant labouring bodies. Robyn

²⁶ Nicolas De Genova, 'Migrant "Illegality" and Deportability in Everyday Life' (2002) 31 *Annual Review Anthropology* 419, at 438.

²⁷ Jennifer Gordon, 'People Are Not Bananas: How Immigration Differs From Trade' (2010) 104:3 *Northwestern University Law Review* 1109.

²⁸ e.g. Smith (2015); Adrian Smith, 'Migration, Development and Security within Racialized Global Capitalism: Refusing the Balance Game' (2016) 37:11 *Third World Quarterly* 2119; Adrian Smith, 'Pacifying the "Armies of Offshore Labour"' (2013) 9:2 *Socialist Studies* 78; Adrian Smith, 'Temporary Labour Migration and Postwar Labour Law Orthodoxy: Confronting "the South of the North"' (2018) 33:2 *Canadian Journal of Law & Society* 261; Adrian Smith, 'Troubling "Project Canada": The Caribbean and the Making of "Unfree Migrant Labour"' (2015) 40:2 *Canadian Journal of Latin American & Caribbean Studies* 274.

²⁹ I have borrowed and repurposed E.P. Thompson's compelling formulation. E.P. Thompson, *The Poverty of Theory and Other Essays* (Monthly Review Press, 1978) 96.

Rodriguez identifies the ways in which temporary labour migration regimes 'tether' migrant workers to sending states which broker elaborate arrangements and institutional apparatuses for labour exportation, clearing the space for migrant labour power commodity production. Within the neoliberal globalized order, labour brokerage states engage in a sort of global labour arbitrage drawing on 'the authority to claim and the capacity to execute control over [their] population[s]'.³⁰ Labour-sending states, with varying degrees of willingness and sophistication, are therefore called upon to do the heavy lifting within global migration management.

Here, we can see how the hierarchical and uneven system of national states, and its presumptive commitment to sovereign authority and territorial integrity, is harnessed to continue and deepen the production of labour power commodity. That production, which co-mingles with sociohistorical processes of expropriation, displacement and dispossession, signals the historical continuation of racialized, subjugated labouring regimes across space and time. Accordingly, contemporary migration management owes its existence to the racialized 'plantation complex' of the era of new world slavery.³¹ We begin to see the full depth and breadth of this indebtedness in current agricultural supply chains. The plantation complex did not end with abolition of the slave trade and slavery in the decades preceding the middle of the nineteenth century. It travelled across spatiotemporal dimensions, finding renewed life in contemporary plantations and factory farms, or what has been termed a 'new agro-ecological regime'.³² With the migration of plantations and the plantation-labour power commodity, 'the seeds, the machines, technologies, conceptual languages' also migrated³³ — and here we can see that, through the nineteenth and into the twentieth century up to the current moment, it is not just blood but dirt which continues to drip from capital's every pore.³⁴ Other global commodity-chain regimes remain indebted to labour power commodity production initiated through early European imperialist incursions. These other regimes, much like agro-ecological ones, rely on the deployment of territorial borders placing the global South in the regressive, contradictory role of border enforcement. Thus,

³⁰ Robyn Magalit Rodriguez, *Migrants for Export: How the Philippine State Brokers Labour to the World* (University of Minnesota Press, 2010) xxiii; xxiv.

³¹ Manjapra (2016); Philip D. Curtin, *The Rise and Fall of the Plantation Complex: Essays in Atlantic History* (Cambridge University Press, 1998).

³² Manjapra (2016).

³³ Ibid.

³⁴ I begin to explore the labour and law dimensions of settler capitalist territoriality in Adrian Smith, 'Toward A Critique of Political Economy of "Sociolegality" in Settler Capitalist Canada' in Mark P. Thomas, Leah F. Vosko, Carlo Fanelli & Olena Lyubchenko (eds.), *Change and Continuity: Canadian Political Economy in the New Millennium* (McGill-Queen's, 2019).

global capitalism's bloody existence, and its racist imbrication all the way through, must be regarded as a constitutive feature of the past's ongoing presence.

'Fugitive Movement' and the Making of Alternate Endings

What's at stake is fugitive movement ... a movement of escape, the stealth of the stolen that can be said ... to break every enclosure. This fugitive movement is stolen life, and its relation to law is reducible neither to simple interdiction nor bare transgression.³⁵

Human mobility is not merely a process captured by, or contained within, the labour power commodity. For the masses, it also exhibits a deeply entrenched ethos of refusal. One thing becomes apparent: there is no static 'population', there is only population *in motion* — to move is to refuse, it is to flee often more or less mundane processes and outcomes of subjugation, dislocation, expropriation, displacement and dispossession.³⁶ I want to refer to this as 'fugitive movement', borrowing Fred Moten's subversive take on blackness. As fugitive movement, population in motion is fundamentally a movement of escape. It is stolen life and, as such, intrepid and surreptitious yet a neglected affirmation of aliveness. As fugitive movement, population in motion holds the potential of breaking every commodity enclosure, wrecking the labour power commodity — and opening to alternative possibilities, to alternate endings. And as stolen life, population in motion cannot be fully contained through national state prohibition and prevailing (international) legal order. Stolen life exists by offending that law, undermining and even intercepting the movement of the prohibited commodity of labour power in its migrant and non-migrant iterations.

The persistence of fugitive movement shows that global capitalism is anything but 'frictionless'.³⁷ As life affirming, fugitive movement marks the 'strivings' of the subaltern working class, in the words of CLR James and collaborators, 'to regain control over their own conditions of life and their relations with one another'.³⁸ TWAILers, in serving as 'chroniclers' of fugitive movement, must self-reflexively address the concern that any given historical narrative contains 'a particular bundle of silences'.³⁹ Despite the general absence of willed forgetfulness,

³⁵ Fred Moten, 'The Case of Blackness' (2008) 50:2 *Criticism* 177, at 179.

³⁶ Elsewhere I discuss containment through population management as 'pacification', the general process of rendering labour productive in capitalist terms. See Smith (2013).

³⁷ The phrase 'frictionless capitalism' is attributed to billionaire Bill Gates, *The Road Ahead* (Viking, 1995).

³⁸ C.L. James, Grace C. Lee, and Pierre Chaulieu, *Facing Reality* (Bewick, 1974/1958) 5.

³⁹ Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Beacon Press, 1995) 27.

TWAIL narratives necessarily suffer from gaps, inconsistencies, insensitivities. There is a sense, then, that presence of the past should be understood as a situated claim. The dearth of work bringing global capitalism's bloody labouring existence into TWAIL's fold can no longer remain an open secret. *What are the ways in which TWAIL, without losing its general thrust against the Royal We and in support of the reconstructive inclinations of fugitive movement, might become more acutely sensitive to its insensitivities?*

The call for TWAIL to reckon with the situatedness of its sensibility is not meant to imply a commitment to willed forgetfulness. Neither should it signal an attempt to claim prodigious memory by default. But, in respect of longstanding modular practices of labour power commodification, there is the need for a concerted challenge against the entrenched claim that the imperialist past and 'new' imperialist present are —or ought to be — divergent. The Royal We's silencing of global capitalism's commodity carnage signifies that alternative possibilities become ontologically 'unthinkable' if not 'impossible'.⁴⁰ The quest becomes one of pursuing 'a history of the impossible'.⁴¹ The Haitian Revolution is the exemplar, having 'entered history with the peculiar characteristic of being unthinkable even as it happened'.⁴² Possibilities emerge for TWAIL praxis from the thickening of the plot surrounding Ireneo Funes. In this respect, TWAIL also can — and in fact does — assume the place of the sleepless (read: tireless) chronicler as well as that of the bucking, stubborn horse. The point therefore is that TWAILers need not simply narrate these oppressive sociohistorical processes. They can, through their own concerted fugitive movement, claim a place in making history themselves. It is in this way, and under these conditions, that the Disloyal We must help to create an alternate ending to the bloody, catastrophic horror that is the past and present of global capitalist development.

⁴⁰ Ibid.

⁴¹ Ibid, 73.

⁴² Ibid.