Demanding the Unthinkable

Dean Spade*

Many feminists and others seeking to transform the world have written about science fiction, recognizing both how imaginary peoples and worlds are often based on and can often expose the categories and technologies of our own, and suggesting that the limits of the imaginable might be where we need to spend time if we seek transformative change. Lately, I find myself reading science fiction, especially utopic and dystopic stories that depict transformations in US society, non-hierarchical governance structures, and alternatives to capitalism. None of them are really great, and most leave me particularly unsatisfied with regard to race and ability analysis, but all of them touch on my desire to see political questions and proposals that haunt me depicted in detail. How does unpleasant work get done when everyone is guaranteed sufficient food, clothing, and shelter regardless of work? What does the transition look like between a society that relies heavily on racialized-gendered imprisonment to a society without imprisonment? What do governance and negotiation look like when anti-hierarchical aliens are helping women from lesbian communes transform the world? What dangers lurk in moments of crisis and transition, and what opportunities? How can people heal from centuries of trauma wrought by capitalism, colonialism, white supremacy and heteropatriarchy? When centralized infrastructure disappears, what local solutions emerge? Reading Octavia Butler, L. Timmel Duchamp, Ursula Le Guin, Starhawk and others and especially recently re-watching the 1983 film ‘Born in Flames’ has given me moments of expansiveness on these and other questions that I need badly, and that I think feminist legal theory might need too.

This feels particularly true right now. In the context of neoliberalism, especially the legacy of the criminalization and destruction of social movements, the nonprofitization and philanthropic control of any work remotely related to social justice, and the

* Assistant Professor of Law, Seattle University School of Law, USA. spaded@seattleu.edu
consolidation of media, transformative critical politics have become especially
unspeakable, unheard of and illegible. The range of political possibility imaginable is so
narrow and so constrained by neoliberal frames that the realm of impossibility is the only
generative place to hang out. Anti-patriarchal political projects are continually being
invited and seduced into the realm of possibility as new justifications for criminalization
and empire. Rhetoric about the lives of women and queers is being employed to launch
hate crimes legislation domestically and invading armies globally to build and sustain
systems of racialized-gendered violence. Yet racist and homonormative projects
operating under signs of “women’s” and “LGBT rights” proliferate because grant dollars,
media coverage and professional accomplishment greet those positioned to bear such
messages. In this context, not only do we experience the alienation of living in what feels
like the pages of Octavia Butler’s Parable series or Duchamp’s Marq’ssan Cycle, but we
also recognize the need to take inspiration from science fiction to bring our critical
engagements with co-constitutive categories of nation, gender, race, body, human, and
population into new political dimensions.

The political demands of prison abolition and an end to immigration enforcement invite
feminist legal theorists and other troublemakers to use our category-deconstructing
superpowers to try imagine what is forbidden to be imagined by the constrained political
horizons visible in neoliberalism. I want feminist legal theorists to think all of our work
through the lenses offered by these demands, which are destabilizing to racialized-
gendered nationalisms and legal systems and which are producing resistance practices at
the edges of possibility.

Conceptualizing these demands together requires us to see how technologies of policing
and caging constantly invite us, even as we resist from one position, to justify our
demand for freedom in the caging of others, especially through the symbolic registers of
family, worker, and monster. Immigration politics in the US are riddled with rhetoric
about family unity, hard work and independence (from social welfare), and arguments
that non-criminalized immigrants should be given status. The narrow place carved out
for migration in this equation ties it to heteropatriarchal family structures and employment (both of which US immigration law already uses to determine access to legal immigration) and mobilizes the racialized-gendered “law and order” rhetoric that fuels the prison industrial complex that is devouring poor people and people of color. Meanwhile, many criminal punishment system reform projects rely on family unification and worker/“contribution to society” frames, and also distinctions like innocent/guilty and violent/non-violent that refine punishment systems and deepen justification for policing and caging. These reform projects that fall short of abolition often do so in the shadow of the monster/predator figure - that racialized-gendered specter that rationalizes caging above all else. That figure is constructed today through the proliferation of scientific knowledges and practices producing diagnostic criteria and theories of brain chemistry and development that rationalize permanent psychiatric imprisonment.

The political demands of prison abolition and an end to immigration enforcement require us to untangle the interwoven norms, knowledges and practices that produce the policing and imprisonment of people through criminal punishment systems, immigration enforcement systems and medical/psychiatric systems. They require us to examine and dismantle the categories of family, nation, worker, individual, and monster that organize law and culture. They require us to struggle to imagine ways of life that cannot be seen from where/when we are standing - ways not organized through those categories. Science fiction sometimes offers that window to a place where we contend with the dilemmas of systems of distribution and stateness that would be abolished if policing and caging were also abolished. For feminist legal theory, those edges of imagination are urgently needed now, in these decidedly anti-revolutionary times, when resistance persists against significant odds.
Notes Towards a Reading List


Eli Clare, Exile and Pride (2010).


