

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

Anna Agathangelou, Morgan Bassichis & Tamara Spira, 'Intimate Investments: Homonormativity: Global Lockdown, and the Seductions of Empire', 100 *Radical History Review* 120 (2007).

Lizzie Borden, 'Born in Flames' (1983).

Lewis, Bradley, 'A Mad Fight: Psychiatry and Disability Activism', in Lennard Davis (ed.), *The Disability Studies Reader* (2006).

Octavia Butler, *The Parable of the Sower and the Parable of the Talents* (2000).

Eli Clare, *Exile and Pride* (2010).

Gabriella Coleman, 'The Politics of Rationality: Psychiatric Survivors' Challenge to Psychiatry' in Beatriz da Costa and Kavita Philip (eds), *Tactical Biopolitics: Art, Activism and Technoscience* (2010).

Angela Y. Davis, *Abolition Democracy: Beyond Prison, Torture and Empires* (2005).

L. Timmel Duchamp, *Marq'ssan Cycle* (2005-2010).

Roderick A. Ferguson, *Aberrations in Black: Toward a Queer of Color Critique* (2003).

Deepa Fernandes, 'The Immigration Industrial Complex' in *Targeted: Homeland Security and the Business of Immigration* (2007).

Michel Foucault, *Society Must Be Defended: Lectures at College de France, 1975-1976* (2003).

Peter Gelderloos, *How Nonviolence Protects the State* (2007).

GenerationFIVE, *Toward Transformative Justice*, available at <http://www.generationfive.org/tj.php>.

Dan Georgakas & Marvin Surkin, *Detroit: I Do Mind Dying: A Study in Urban Revolution* (1998).

Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis and Opposition in Globalizing California* (2007).

Ursula K. Le Guin, *The Dispossessed*, (1994).

Keeling, Kara. 'Looking for M: Queer Temporality, Black Political Possibility, and Poetry from the Future' 15(4) *GLQ: A Journal of Lesbian and Gay Studies* 565 (2009).

Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (2008).

Iris Morales, 'Palante! Siempre Palante! The Young Lords' (1996).

Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (2005).

Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (2007).

Chandan Reddy, 'Time for Rights? Loving, Gay Marriage, and the Limits of Legal Justice' 76 *Fordham Law Review* 2849 (2008).

Dylan Rodríguez, 'The Political Logic of the Non-Profit Industrial Complex' in INCITE! (ed.), *The Revolution will not be Funded* (2007).

Starhawk, *The Fifth Sacred Thing* (1994).

Eric Tang, 'Non-Profits and the Autonomous Grassroots' in INCITE! (ed.), *The Revolution will not be Funded* (2007).

Laura Van Dernoot Lipsky & Connie Burk, *Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others* (2009).