

Designing Real Utopias

Law 973, January 2021

Professor Noah Zatz

Course Description

This seminar imagines the legal realization of radical hope. Contemporary social movements are insisting that another world is possible, and necessary. Complementing urgent efforts to resist or mitigate intense injustice in the present, bold visions for the future are on the table, if not yet around the corner: abolishing police and prisons, universal basic income, a decarbonized economy, open borders, reparations, a jobs guarantee, the decolonization of North America, and more. Rather than centering the critique of existing institutions and the limits or dangers of law, this seminar will embrace the affirmative project of designing the legal frameworks—unfamiliar as they might need to be—that would help instantiate a hopeful future. Due attention will be paid to the serious challenges such transformations would face, but we will treat these as problems to be solved rather than as reasons to accept the status quo.

Each student will write a research paper developing a real utopian project. Class sessions will be during J-term, and research papers will be due at the end of the spring semester. The first week of class will focus on readings envisioning “real utopias” and the role of legal institutions in them. The second week of class will be organized around student-led sessions designed in consultation with the professor to advance the student's research project. Students are required to begin developing their research topic and identifying relevant readings after course registration and before the first day of class.

Reading Assignments

WEEK ONE

Monday, January 4: Abolition and Reform

Book: ANGELA Y. DAVIS, *ARE PRISONS OBSOLETE?* (Seven Stories Press 2003)

Assigned: Chapters 1-3 & 6

Reader:

Allegra M. McLeod, [*Envisioning Abolition Democracy*](#), 132 HARV. L. REV. 1613 (2019)

I. Bennett Capers, [*Afrofuturism, Critical Race Theory, and Policing in the Year 2044*](#), 94 N.Y.U. L. REV. 1 (2019).

Movement for Black Lives, [*“End the War on Black People,”*](#) in *A Vision for Black Lives: Policy Demands for Black Power, Freedom & Justice* (June 2020)

People’s Budget LA Coalition, [*The People’s Budget: Los Angeles 2020-21*](#) (2nd ed. June 2020)

UCLA Criminal Justice Project, [*What Happens After We Defund Police?*](#) (June 2020)

Critical Resistance, [*Reformist Reforms vs. Abolitionist Steps in Policing*](#) (Aug. 2020)

Tuesday, January 5: Reparation, Decolonization, and History

Reader:

ROBIN D.G. KELLEY, *When History Sleeps: A Beginning & A Day of Reckoning: Dreams of Reparations*, in his FREEDOM DREAMS: THE BLACK RADICAL IMAGINATION (Beacon Press 2002)

Olúfẹ̀mí O. Táíwò, [*“Reconsidering Reparations: The Movement for Black Lives and Self-Determination”*](#) (m.s. 2019)

E. Tendayi Achiume, [*Migration as Decolonization*](#), 71 STAN. L. REV. 1509 (2019).

Elizabeth Ellis, [*The Border\(s\) Crossed Us Too: The Intersections of Native American and Immigrant Fights for Justice*](#), 14 EMISFÉRICA no. 1 (2018)

Lakota People’s Law Project, [*#LandBack is Climate Justice*](#) (Aug. 14, 2020)

Wednesday, January 6: Climate & Connectedness

Book: KATE ARONOFF, ALYSSA BATTISTONI, DANIEL ALDANA COHEN & THEA RIOFRANCOS, A PLANET TO WIN: WHY WE NEED A GREEN NEW DEAL (Verso 2019)

Assigned: Intro (from p. 17 “The Practical Case for Radicalism”), Chs. 1-2, 4, Conclusion

Reader:

Red Nation, [*Heal Our Planet*](#), in THE RED DEAL: INDIGENOUS ACTION TO SAVE OUR EARTH (2020)

Olúfẹ̀mí O. Táíwò & Beba Cibralic, [*The Case for Climate Reparations*](#), FOREIGN POLICY, Oct. 20, 2020

Thursday, January 7: Work, Family & Care

Book: KATHI WEEKS, THE PROBLEM WITH WORK: FEMINISM, MARXISM, ANTIWORK POLITICS, AND POSTWORK IMAGINARIES (Duke University Press 2011)

Assigned: Introduction, Ch. 2 (from p. 104 “Better Work or Less Work?”), Chs. 3-4, Ch. 5 (until p. 177 “Utopia’s Critics” and from p. 202 at “There are two points I want to draw...”) & Epilogue

Reader:

Noah Zatz, [*Care Work In & Beyond the Labor Market*](#), LAW & POLITICAL ECONOMY blog, Dec. 6, 2019

THE CARE COLLECTIVE, selections from “Introduction,” “Caring Politics” & “Caring for the World” in their THE CARE MANIFESTO: THE POLITICS OF INTERDEPENDENCE (Verso 2020)

Friday, January 8: Socialism and the State

Book: ERIK OLIN WRIGHT, HOW TO BE AN ANTICAPITALIST IN THE TWENTY-FIRST CENTURY (Verso Books 2019)

Assigned: Ch.1 (until p. 8 “Normative Foundations), Chs. 3-5

Reader:

Dean Spade, [*Solidarity Not Charity: Mutual Aid for Mobilization and Survival*](#), 38 SOCIAL TEXT 131 (2020)

WEEK TWO: Student projects

Day 6 (Tuesday)

AKS: “Uncoding the Nuclear Family”

Cathy J. Cohen, [*Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?*](#), 3 GLQ 437 (1997)

Discussant: KS

KS: “Hawaiian (Kanaka Maoli) Sovereignty, Indigeneity, and Decolonization”

J. Kēhaulani Kauanui, [*Contested Indigeneity: Between Kingdom and “Tribe”*](#), in her PARADOXES OF HAWAIIAN SOVEREIGNTY: LAND, SEX, AND THE COLONIAL POLITICS OF STATE NATIONALISM (2018)

Discussant: AIK

AIK: “Beyond a Racial Caste System in the U.S.”

ISABEL WILKERSON, CASTE: THE ORIGINS OF OUR DISCONTENTS 15–20, 377–88 (2020)

Discussant: JB

JB: “Can There Be A Racial Future Without Racism?”

W.E.B. Du Bois, [*Prospect of a World Without Race Conflict*](#), 49 AM. J. SOC. 450 (1944)

Alex Zamlin, [*Sun Ra and Cosmic Blackness*](#), in his BLACK UTOPIA: THE HISTORY OF AN IDEA FROM BLACK NATIONALISM TO AFROFUTURISM (COLUM. U. PRESS 2019).

Discussant: AKS

Day 7 (Wednesday)

AH: “Community Control over the Police”

Howie Hawkins, [*Community Control of the Police: An Idea Whose Time Came and Never Left*](#) (February 26, 2020).

Olúfẹmi O Táíwò, [*Power Over the Police*](#), DISSENT (June 12, 2020).

Discussant: MB

AnK: “Collective Power”

Shelley Welton, [*Grasping for Energy Democracy*](#), 116 MICH. L. REV. 581 (2018)

Discussant: AH

JG: “Why We Need CoRoNA: How a Comprehensive Rights of Nature Act will Protect Natural Resources”

Stefan Knauß, [*Conceptualizing Human Stewardship in the Anthropocene: The Rights of Nature in Ecuador, New Zealand and India*](#). 31 J AGRIC ENVIR. ETHICS 703 (2018).

Craig Kauffman & Pamela Martin, [*Constructing Rights of Nature Norms in the US, Ecuador, and New Zealand*](#), GLOBAL ENVIRONMENTAL POLITICS 18 (2018)

Discussant: AnK

MB: “Utopian Democracy”

Katharine Jackson, [*Situating the Role of Democracy in LPE*](#), LPE blog (July 21, 2020).

K. Sabeel Rahman, [*Domination, Democracy, and Constitutional Political Economy in the New Gilded Age: Towards a Fourth Wave of Legal Realism?*](#), 94 TEX. L. REV. (2016).

Hahrie Han, [*Problems of Power: Fixing Democracy Demands the Building and Aligning of People’s Motivation and Authority to Act*](#), STAN. SOC. INNOV. REV. (Winter 2020).

Discussant: JG

Day 8 (Thursday)

KS: “Render unto the People: Distributing Universal Basic Income as Dividends”
Peter Barnes, WITH LIBERTY AND DIVIDENDS FOR ALL: HOW TO SAVE OUR MIDDLE CLASS WHEN JOBS DON’T PAY ENOUGH (2014).
Discussant: LN

MG: “Responsible to the Future: Imagining Life Without Debt”
Tayyab Mahmud, *Neoliberalism, Debt & Discipline*, in POLITICAL ECONOMY AND LAW: A HANDBOOK OF CONTEMPORARY RESEARCH, THEORY AND PRACTICE, John Haskell and Ugo Mattei eds. (Edward Elgar: 2015).
Raúl Carrillo, [Predatory lending and the Predator State](#), LPE blog (May 22, 2019).
Discussant: KS

JP: “Imagining A 21st Century Co-op Movement”
Priya Baskaran, [Introduction to Worker Cooperatives and Their Role in the Changing Economy](#), 24 J. OF AFFORDABLE HOUSING & COMM. DEV. L. 355 (2015)
Sharryn Kasmir, [Cooperative Democracy or Cooperative Competitiveness: Rethinking Mondragon](#), in RETHINKING DEMOCRACY, Leo Panitch and Greg Albo eds. (2018)
Discussant: MG

LN: “Imagining Community Control of Land”
Agathe Cortes, [Lo que la pandemia nos enseña sobre la lucha por una vivienda social digna en América Latina](#), El Pais (October 4, 2020) (trans)
Olivia R. Williams, [The Problem With Community Land Trusts](#), Jacobin (July 7, 2019)
JOHN P. KRETZMANN ET. AL, BUILDING COMMUNITIES FROM THE INSIDE OUT 1-8 (1993)
Discussant: JP

Day 9 (Friday)

AT: “Deviant Prisons and their Social Removal”
Angel E. Sanchez, [In Spite of Prison](#), 132 HARV. L. REV. 1650 (2019)
Discussant: SH

HV: “Utopian Prison System”
Emily Labutta, [The Prisoners as One of Us: Norwegian Wisdom for American Penal Practice](#), 31 EMORY INT. L. REV. 229 (2017).
Discussant: AT

JW: “Beyond Imperialism”
Vijay Prashad, THE DARKER NATIONS (2008)
Discussant: HV

SH: “Abolition: Imagining a World Without Police”
V. Noah Gimbel & Craig Muhammad, [Are Police Obsolete: Breaking Cycles of Violence through Abolition Democracy](#), 40 CARDOZO L. REV. 1453 (2019).
Discussant: JW