

Afrofuturism and the Law: A Manifesto

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INTRODUCTION

Afrofuturism seems to be everywhere these days. It's front and center in the award-winning fiction of N. K. Jemisin¹ and Nnedi Okorafor.² It's in the pop music of Janelle Monáe and Outkast and Erykah Badu,³ and in the jazz of Flying Lotus and Kamasi Washington and Sons of Kemet.⁴ It's even in folk music, through artists like Jake Blount. It's in the art of Wangechi Mutu and

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1. See, e.g., sources cited *infra* note 185.

2. See *infra* note 183 and accompanying text.

3. For examples of Monáe's work, see, for example, sources cited *infra* note 134. For a discussion and some examples of Afrofuturist themes in the work of Outkast and Badu, see Tony Bolden, *Afrofuturism in Black Music*, CH: TIMELINE OF AFR. AM. MUSIC, <https://timeline.carnegiehall.org/stories/afrofuturism-in-black-music> [<https://perma.cc/Q65J-7GY7>] (last visited May 27, 2024).

4. For a discussion and some examples of Afrofuturist themes in the work of these jazz artists, see Miles Marshall Lewis, *Jazz and Afrofuturism: From Sun Ra to Flying Lotus*, CARNEGIE HALL, <https://www.carnegiehall.org/Explore/Articles/2022/02/09/Jazz-and-Afrofuturism> [<https://perma.cc/EY8Q-NVYG>] (last visited May 27, 2024) and Thomas Hobbs, *Sons of Kemet's Afrofuturist Jazz Is the Sound of Youthful, Modern London*, CRACK (Oct. 25, 2018), <https://crackmagazine.net/article/live-reviews/sons-of-kemets-afrofuturist-jazz-is-the-sound-of-youthful-modern-london/> [<https://perma.cc/N9DA-Y4BA>].

Nick Cave. It's certainly in the blockbuster films *Black Panther*⁵ and *Wakanda Forever*,⁶ to say nothing of smaller independent films like *Neptune Frost*⁷ and, for that matter, television series like *Watchmen*⁸ and *Lovecraft Country*.⁹ There's even a resurgence of interest in earlier Afrofuturists. In 2020, Octavia Butler's novel *The Parable of the Sower* debuted on the *New York Times* best-seller list nearly three decades after it was first released;¹⁰ her novel *Kindred* was recently adapted for television, and other adaptations are on the way.¹¹ The *New York Times* recently profiled her in one issue,¹² while the *New Yorker* profiled the Afrofuturist Samuel Delany in another.¹³ Other indicators of Afrofuturism's continuing influence? In 2021, the Metropolitan Museum of Art in New York opened an Afrofuturist period room as an ongoing exhibit.¹⁴ In 2022, Carnegie Hall presented a city-wide Afrofuturism festival.¹⁵ The Metropolitan Opera recently added an Afrofuturist staging to Anthony Davis's opera *X: The Life and Times of Malcolm X*.¹⁶ From March 2023 through August 2024 in the nation's capital, the National Museum of African American History and Culture boasted as its special exhibit "Afrofuturism: A History of Black Futures."¹⁷ The District of Columbia

5. BLACK PANTHER (Marvel Studios 2018).

6. BLACK PANTHER: WAKANDA FOREVER (Marvel Studios 2022).

7. NEPTUNE FROST (Swan Films 2021).

8. *Watchmen* (HBO 2019); *see also* WATCHMEN (Warner Bros. 2009).

9. *Lovecraft Country* (HBO 2020).

10. OCTAVIA E. BUTLER, PARABLE OF THE SOWER (reissued 2019) (1993); *accord* Maiysha Kai, *It Took Nearly 50 Years, but This Week, Octavia Butler Made the New York Times Best Sellers' List*, ROOT (Sept. 4, 2020), <https://www.theroot.com/it-took-nearly-50-years-but-this-week-octavia-butler-1844956328> [<https://perma.cc/WG3L-GMX8>].

11. Judy Berman, *FX's Kindred Is a Solid, Long Overdue Adaptation of Octavia E. Butler's Masterpiece*, TIME (Dec. 8, 2022, 12:00 PM), <https://time.com/6238862/kindred-review-fx/> [<https://perma.cc/VVD3-WFZJ>]; *see* Sydney Scott, *Viola Davis Is Bringing Octavia Butler's Novel 'Wild Seed' to the Small Screen*, ESSENCE (Dec. 6, 2020), <https://www.essence.com/entertainment/amazon-wild-seed-viola-davis-julius-tennon/> [<https://perma.cc/BEP8-M33F>]; Julian Lucas, *How Octavia E. Butler Reimagines Sex and Survival*, NEW YORKER (Mar. 8, 2021), <https://www.newyorker.com/magazine/2021/03/15/how-octavia-e-butler-reimagines-sex-and-survival>.

12. *See* Lynell George, *The Visions of Octavia Butler*, N.Y. TIMES (Nov. 17, 2022), <https://www.nytimes.com/interactive/2022/11/17/arts/octavia-butler-vision-kindred.html>.

13. *See* Julian Lucas, *How Samuel R. Delany Reimagined Sci-Fi, Sex, and the City*, NEW YORKER (July 3, 2023), <https://www.newyorker.com/magazine/2023/07/10/samuel-r-delany-profile>.

14. Jennifer Vanasco, *A Wondrous Afrofuturism Period Room Opens at the Met Museum*, GOTHAMIST (Nov. 6, 2021), <https://gothamist.com/arts-entertainment/wondrous-afrofuturism-period-room-opens-met-museum> [<https://perma.cc/A9J9-HZ9L>]; *Before Yesterday We Could Fly: An Afrofuturist Period Room*, MET, <https://www.metmuseum.org/exhibitions/afrofuturist-period-room> [<https://perma.cc/77KE-WU2K>] (last visited May 13, 2024).

15. Giovanni Russonello, *An Afrofuturism Festival Brings an Energy Shift to Carnegie Hall*, N.Y. TIMES (Apr. 6, 2022), <https://www.nytimes.com/2022/04/06/arts/music/afrofuturism-festival.html>.

16. *See* Joshua Barone, *Review: Anthony Davis's Malcolm X Opera Finally Arrives at the Met*, N.Y. TIMES (Nov. 5, 2023), <https://www.nytimes.com/2023/11/05/arts/music/review-x-life-and-times-of-malcolm-x-met-opera.html>.

17. DaNeen L. Brown, *'Afrofuturism' Navigates Past, Present and Future of Black Experience*, WASH. POST (May 10, 2023, 1:48 PM), <https://www.washingtonpost.com/lifestyle/2023/05/10/national-museum-african-american-history-culture-afrofuturism-history-black-futures/>; *National Museum of African American History and Culture Announces New Exhibition Exploring Stories and Futures of Black Liberation*, NAT'L MUSEUM AFR. AM. HIST. & CULTURE (Nov. 9, 2022), <https://nmaahc.si.edu/about/news/national-museum->

even has an Afrofuturism-themed restaurant, Bronze.¹⁸ And of course, there is this special *Georgetown Law Journal* Symposium Issue, *Afrofuturism and the Law*.

Indeed, this Symposium Issue also points to something else: Afrofuturism's influence, or reach, has extended into the law. Part of this may be due to *Afrofuturism, Critical Race Theory, and Policing in the Year 2044*, published in *New York University Law Review* in 2019 and arguably the first law journal article to focus on Afrofuturism.¹⁹ Since that article's publication, Afrofuturism has appeared in other legal venues as well. In February 2021, Fordham Law School's Center on Race, Law and Justice hosted an event that was at least Afrofuturism adjacent—"How Long 'Til Black Future Month?"—riffing on the title of a short fiction collection by N. K. Jemisin.²⁰ In March 2022, *Critical Analysis of Law*, a journal out of University of Toronto, dedicated an online symposium to Afrofuturism.²¹ In February 2024, the Thurgood Marshall Legal Society at the University of Texas Law School hosted a symposium on Afrofuturism and the Law.²² And in April 2024, the Williams S. Boyd School of Law at the University of Nevada, Las Vegas hosted a symposium on Black Legal Futurism.²³

Of course, all of this raises the question: What is Afrofuturism? For the cultural critic Mark Dery who coined the term in 1994, Afrofuturism described "[s]peculative fiction that treats African-American themes and addresses African-American concerns in the context of twentieth-century technoculture."²⁴ It involves "African-American signification that appropriates images of technology and a prosthetically enhanced future."²⁵ At the time, Dery was commenting on a particular moment in time, specifically, the growing stature of speculative writers Butler and Delany and the music of Sun Ra.²⁶ But of course, in many ways

african-american-history-and-culture-announces-new-exhibition-exploring [https://perma.cc/6J57-T9XP] (last visited Feb. 13, 2024).

18. Cornelia Poku, *First Look: Bronze Restaurant Brings Hub of Afrofuturism to H Street NE*, DCIST (Jan. 27, 2023, 4:12 PM), <https://dcist.com/story/23/01/27/first-look-bronze-h-street-dc-afrofuturism-african-caribbean-food/> [https://perma.cc/35M5-YST9].

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

20. Erin Degregorio, *From Black History to Black Future*, FORDHAM L. NEWS (Mar. 11, 2021), <https://news.law.fordham.edu/blog/2021/03/11/from-black-history-to-black-future/> [https://perma.cc/HC7T-38WB]; accord N. K. JEMISIN, HOW LONG 'TIL BLACK FUTURE MONTH? (2018).

21. *Special Issue: Afrofuturism and the Law*, CAL (Mar. 26, 2022), <https://cal.library.utoronto.ca/index.php/cal/issue/view/2573>. See generally Bennett Capers, *Afrofuturism and the Law*, 9 CRITICAL ANALYSIS L., no. 1, 2022, at 1 (introducing the symposium issue).

22. Caroline McConico, *Afrofuturism and the Law Symposium' Imagines the Future of the Black Legal Field*, DAILY TEXAN (Feb. 12, 2024), <https://thedailytexan.com/2024/02/12/afrofuturism-and-the-law-symposium-examines-systemic-racial-injustices-in-the-legal-field/> [https://perma.cc/LJZ9-3ECG].

23. See *Black Legal Futurism Conference Day 1*, UNLV: WILLIAM S. BOYD SCH. L., <https://law.unlv.edu/events/black-legal-futurism-conference-day-1> [https://perma.cc/6T58-DXLC] (last visited May 13, 2024).

24. See Mark Dery, *Black to the Future: Interviews with Samuel R. Delany, Greg Tate, and Tricia Rose*, in *FLAME WARS: THE DISCOURSE OF CYBERCULTURE* 179, 180 (Mark Dery ed., 2d prtg. 1997) (1994).

25. *Id.*

26. See *id.* at 180, 182.

“Afrofuturism itself was not new, the term was.”²⁷ As the catalogue for the recent Afrofuturism exhibit at the National Museum of African American History and Culture puts it, “Afrofuturism has existed for as long as there has been a radical voice in African American artistry and activism.”²⁸ Others have not only traced Afrofuturism’s origins to much earlier, but also offered broader definitions. Professor Alondra Nelson, who served as acting director of the White House Office of Science and Technology Policy and has written extensively about Afrofuturism, describes Afrofuturism as “a way of covering discussions about race, identity, alienation, and the aspirations of the black community in a utopic future.”²⁹ For Afrofuturist scholar Ytasha Womack, Afrofuturism is “the intersection between black culture, technology, liberation and the imagination, with some mysticism thrown in, too. . . . It’s a way of bridging the future and the past and essentially helping to reimagine the experience of people of colour.”³⁰ Journalist Amah-Rose McKnight-Abrams “describes Afrofuturism as combining ‘aspects of cultural history with futurologies both fanciful and technologically grounded . . . pos[ing] a progressive question: What would a positive future for Africa’s citizenry and diaspora actually *look* like?’”³¹ Another scholar describes Afrofuturism “as a philosophical and theoretical lens that brings into focus the reciprocal relationship between speculative fiction and the long history of anti-Black racism.”³² The Afrofuturists Reynaldo Anderson and Charles E. Jones have even offered a new term, Afrofuturism 2.0, to capture concerns of the twenty-first century.³³ To these definitions, one could even add certain themes that seem to predominate the genre. For example, “that people of color do more than simply exist in the future. They thrive.”³⁴ And “a commitment to the disruption of hierarchies based on race, gender, sexuality, and class.”³⁵ And a commitment to “reclaiming the identities and perspectives that were lost as a result of the slave trade and colonialism.”³⁶

27. Capers, *supra* note 19, at 8.

28. Kevin M. Strait, *Introduction to AFROFUTURISM: A HISTORY OF BLACK FUTURES* 10, 10 (Kevin M. Strait & Kinshasha Holman Conwill eds., 2023).

29. Capers, *supra* note 19, at 11 (citing Soho Rep., *Afrofuturism*, YOUTUBE (Nov. 30, 2010), <https://www.youtube.com/watch?v=IFhEjaal5js>).

30. Lanre Bakare, *Afrofuturism Takes Flight: From Sun Ra to Janelle Monáe*, GUARDIAN (July 24, 2014, 1:00 PM), <https://www.theguardian.com/music/2014/jul/24/space-is-the-place-flying-lotus-janelle-monae-afrofuturism> [<https://perma.cc/5866-BFFT>] (quoting Womack).

31. Capers, *supra* note 19, at 11 (omission and alteration in original) (quoting Amah-Rose McKnight-Abrams, *The New Afrofuturism*, GARAGE (Feb. 9, 2018, 12:08 PM) [<https://perma.cc/56MC-6NZ7>]).

32. DAN HASSLER-FOREST, *JANELLE MONÁE’S QUEER AFROFUTURISM: DEFYING EVERY LABEL* 10–11 (2022).

33. See generally *AFROFUTURISM 2.0: THE RISE OF ASTRO-BLACKNESS* (Reynaldo Anderson & Charles E. Jones eds., 2016) (discussing Afrofuturism as it relates to topics such as communications, music, and religion).

34. Capers, *supra* note 19, at 11–14.

35. *Id.* at 14–16.

36. *Id.* at 16–17.

However, for me at least, this Symposium has prompted me to ponder other questions. What is “Afrofuturism and the Law”? More specifically, as a practice, as a discipline, and as a legal movement, what should Afrofuturism and the law be, especially since, as Alex Zamalin has observed, “[u]pon first glance, Afrofuturism and the law appear to be fundamentally at odds, on opposing sides of the conceptual spectrum”³⁷ After all, as Zamalin elaborates, “[I]aw is driven by a system of rules bound by strict standards of formal interpretation; Afrofuturism is a speculative genre of imaginative engagement, unbound and unconstrained.”³⁸ Indeed, given Afrofuturism’s seeming staying power, and its incursion into law, is it time for a manifesto to set parameters?

Of course, even the thought of offering a manifesto gives me pause. I consider myself an Afrofuturist legal scholar, but other than that, I’m not sure I have any special claim to author a manifesto. Beyond that, as the feminist scholar Mary Joe Frug noted when she embarked on a similar endeavor, aside from expertise, just “[t]he manifesto part may also be troublesome.”³⁹ For Frug, the trouble had to do with the dictionary definition she found, which “describe[d] a manifesto as a statement of principles or intentions.”⁴⁰ Frug imagined something slightly different: “I have in mind a rather informal presentation; more of a discussion, say, in which the ‘principles’ are somewhat contradictory and the ‘intentions’ are loosely formulated goals that are qualified by an admission that they might not work.”⁴¹ I have in mind something similar. Something closer to discussion points. A conversation starter. A first step to a more collectively determined set of principles.

But I also have a separate dictionary concern. This concern stems from my suspicion, confirmed by my Oxford English Dictionary, that “manifesto” shares a Latin origin with the word “manifest.”⁴² “Manifest,” of course, suggests not only the idea of something being pre-ordained, as in “manifest destiny.”⁴³ It also suggests a list of a ship’s cargo or inventory.⁴⁴ The word may seem innocuous

37. Alex Zamalin, *Afrofuturism as Reconstitution*, 9 CRITICAL ANALYSIS L., no. 1, 2022, at 8, 8.

38. *Id.* Zamalin adds:

Law traffics in logical binaries, whereas Afrofuturism is unafraid to go into the sprawling depths of dystopia and utopia. Law is the technical language of state power—of the existing order, the status quo. Meanwhile, Afrofuturism, with its emphasis on the not-yet (which is to say, the future) is, above all, fiction, and its fictions are meant to energize, inspire, and generate new analytical categories into being and disrupt existing orders, which is to say, the law.

Id. As the foregoing suggests, Zamalin ultimately concludes that “there is more commonality between the law and Afrofuturism than initially meets the eye.” *Id.*

39. Mary Joe Frug, Commentary, *A Postmodern Feminist Legal Manifesto (An Unfinished Draft)*, 105 HARV. L. REV. 1045, 1045 (1992).

40. *Id.*

41. *Id.*

42. See 1 THE NEW SHORTER OXFORD ENGLISH DICTIONARY 1686 (Lesley Brown ed., 1993) (1933).

43. See *id.*

44. *Id.*

enough, but for me, as a Black scholar,⁴⁵ “manifest” necessarily conjures the journey of my ancestors, captured and sold into slavery. In a way, it brings me full circle back to Afrofuturism. After all, as Dery pointed out when he coined the term, if a recurring trope in mainstream science fiction is that of alien abductions and domination,⁴⁶ then the story of Blacks in America, that is, our story of abduction, enslavement, and forced breeding, is also sci-fi.⁴⁷ “African Americans, in a very real sense, are the descendants of alien abductees”⁴⁸ And we started as items on the manifest.

All of this is to say that I do not embark lightly on this effort to offer a manifesto. Or at least discussion points for a manifesto. Below, I offer seven interrelated precepts, such as “Imagine Other Suns” (Part I) and “Listen to Afrofuturist Griots” (Part IV). That said, I do think it is important to identify some principles, especially at this time when, as Ngozi Okidegbe has noted, “Afrofuturism within legal scholarship is still burgeoning.”⁴⁹ And while I am troubled by the words manifesto and manifest, maybe I can use the latter to think of the inventory or cargo for another journey. A journey into the future. Perhaps on Parliament-Funkadelic’s Mothership.⁵⁰ Or Octavia Butler’s Earthseed ship.⁵¹ Or Sun Ra’s jazz spaceship.⁵² And maybe that’s the connection between manifest and manifesto. It’s not just the things we should carry. It’s also the things we should hold true. A draft manifesto then.

45. Like Patricia Williams, I question claims of objectivity and subscribe to the notion that subject position matters. See PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* 3 (1991) (“Since subject position is everything in my analysis of the law, you deserve to know that it’s a bad morning.”).

46. See Dery, *supra* note 24, at 180; MARK ROSE, *ALIEN ENCOUNTERS: ANATOMY OF SCIENCE FICTION* 32 (1981) (noting that a major trope of science fiction is that of the alien encounter); see also BRIAN W. ALDISS WITH DAVID WINGROVE, *TRILLION YEAR SPREE: THE HISTORY OF SCIENCE FICTION* 119 (1st Am. ed. 1986) (1973) (noting that, in science fiction, “[t]he essential American obsession . . . is with the Alien”).

47. See Dery, *supra* note 24, at 180. A similar observation has been made by Afrofuturist scholar Reynaldo Anderson: “Africans were among the ‘first alien abductees, kidnapped by a strange people who take us over by ships and conduct scientific experiments on us. They bred us. They came up with a taxonomy for the people they bred: mulatto, octoroon, quadroon.” Capers, *supra* note 19, at 9 n.41 (quoting YTASHA L. WOMACK, *AFROFUTURISM: THE WORLD OF BLACK SCI-FI AND FANTASY CULTURE* 34–35 (2013)). For his part, the filmmaker Haile Gerima has referred to American slavery as “a scientific adventure, an attempt by an industrialized society to create a robotic or mindless human being, pure labor.” Pamela Woolford, *Filming Slavery: A Conversation with Haile Gerima*, *TRANSITION*, no. 64, 1994, at 90, 92.

48. Dery, *supra* note 24, at 180.

49. Ngozi Okidegbe, *Of Afrofuturism, of Algorithms*, 9 *CRITICAL ANALYSIS L.*, no. 1, 2022, at 35, 35.

50. It has been said that Parliament-Funkadelic’s “Mothership represents a tangible manifestation of Afrofuturism” and that Parliament-Funkadelic’s founder, George Clinton, “used the Mothership to symbolize his grand idea of envisioning African Americans in space as a way to liberate one’s mind from the shackles of racism, poverty, and other earthly-bound constraints.” Strait, *supra* note 28, at 13. An image of Parliament-Funkadelic’s Mothership can be found in Strait, *supra* note 28, at 13.

51. Butler’s *Parable of the Talents* ends with its protagonist, Lauren Olamina, watching proudly the launch of the first Earthseed ship as it carries colonists to their new future. OCTAVIA E. BUTLER, *PARABLE OF THE TALENTS* 362–64 (1998).

52. See *SPACE IS THE PLACE* (North American Star System 1974); *SUN RA AND HIS INTERGALACTIC SOLAR ARKESTRA: SOUNDTRACK TO THE FILM SPACE IS THE PLACE* (Evidence Records 1993).

I. IMAGINE OTHER SUNS

*There's nothing new
under the sun,
but there are new suns.*

—Octavia Butler⁵³

The first job of the Afrofuturist legal scholar is to imagine new suns, or at least lean into the fact that much of Afrofuturism is about imagining different, and better worlds. While this may seem obvious, it bears emphasizing. The core of Afrofuturism is world-making. It is about dreaming a world, rather than simply tinkering with the status quo. And not just any world, but a radically better world.⁵⁴ The same should be true of Afrofuturist legal scholarship. So much of traditional legal scholarship is about “identifying a discrete problem . . . and offering a . . . solution.”⁵⁵ One can think of traditional legal scholarship as a localized intervention. But even if the Afrofuturist legal scholar is focused on a discrete problem, how that problem, or the solution to it, will hinder or further the goal of a new world should be at the forefront of their mind.

Along these lines, the Afrofuturist legal scholar should not feel tethered to the present, or even the near future. One of the beauties of Afrofuturism is its willingness to imagine distant futures.⁵⁶ Afrofuturist legal scholarship should feel free to free itself from the now and instead imagine “how things could be different decades from now.”⁵⁷ Or even centuries. In doing so, Afrofuturist scholarship can go beyond simply “offer[ing] . . . a vision of the future” and instead offer “something truly visionary.”⁵⁸

There is a related point to imagining new suns. The Afrofuturist legal scholar should always be aware of “CP Time,” or what is sometimes called “colored people time.”⁵⁹ Usually CP Time is “used within the African-American community . . . to allow for delays in starting.”⁶⁰ There is also a large literature on “racial time,” which Michael Hanchard uses to describe “the inequalities of temporality that

53. Gerry Canavan, “*There’s Nothing New/Under the Sun,/But There Are New Suns*”: Recovering Octavia E. Butler’s Lost Parables, L.A. REV. BOOKS (June 9, 2014), <https://lareviewofbooks.org/article/theres-nothing-new-sun-new-suns-recovering-octavia-e-butlers-lost-parables/> [<https://perma.cc/NWC2-U62N>] (discussing the discovery of Octavia Butler’s unpublished manuscript, *Parable of the Trickster*, and its epigram).

54. See Omara Samirah Dyer-Johnson, *Imagining a Better World: Black Futurity in Contemporary Afrofuturism and Speculative Fiction*, at i (Dec. 6, 2021) (Ph.D. dissertation, University of Nottingham), <https://eprints.nottingham.ac.uk/69151/1/Thesis%20Imagining%20a%20Better%20World%20O%20Dyer-Johnson%20amends.pdf> [<https://perma.cc/4T4B-XV94>]; Tajja Isen, *Afrofuturism: The Radical Genre Imagining a Future for Black People*, VICE (Feb. 12, 2019, 2:06 PM), <https://www.vice.com/en/article/kzd7p3/what-is-afrofuturism> [<https://perma.cc/PS6K-JV8V>].

55. Capers, *supra* note 19, at 3.

56. For example, the last chapter in Butler’s *Parable of the Talents* jumps forward six decades, from the 2030s to 2090. BUTLER, *supra* note 51, at 362–65. Janelle Monáe’s Cindi Mayweather exists in the twenty-eighth century. HASSLER-FOREST, *supra* note 32, at 2.

57. Capers, *supra* note 19, at 3 (emphasis omitted).

58. *Id.*

59. *Id.* at 32 n.173.

60. *Id.*

result from power relations between racially dominant and subordinate groups . . . produc[ing] unequal temporal access to institutions, goods, services, resources, power, and knowledge.”⁶¹ But here, I am using “CP Time” to signify something different. I am using it to signify a rejection of, or at least distancing from, the dominant Western view that time is necessarily linear and represents “an irreversible progression of moments, yielding ordinal conceptions of past, present, and future as well as duration.”⁶² Here, theorist Kodwo Eshun’s notion of “chronopolitics” is useful.⁶³ Afrofuturism chronopolitics “holds an epistemology of the future that challenges a linear Western model of progress.”⁶⁴ An Afrofuturist approach to time embraces the notion that past, present, and future co-exists and are always in flux. Folúkẹ Adébísí adds, “To rethink the future is to seek legal epistemologies, ontologies, teleologies and axiologies that break from the past and present.”⁶⁵

Consider Octavia Butler’s novel *Kindred*,⁶⁶ which “provides an illuminating example of Afrofuturism’s temporal multidirectionality.”⁶⁷ Dana, the novel’s protagonist, a Black woman in 1976—notably the year of the country’s bicentennial—becomes “unstuck in time”⁶⁸ and finds herself being pulled back and forth between the antebellum plantation where her forebears were enslaved to the present where she is married to a white man.⁶⁹ As readers of the novel already know, Dana eventually realizes that her ancestors include

61. Michael Hanchard, *Afro-Modernity: Temporality, Politics, and the African Diaspora*, 11 PUB. CULTURE 245, 253 (1999). For more on “racial time,” see Rasheeda Phillips, *Race Against Time: Afrofuturism and Our Liberated Housing Futures*, 9 CRITICAL ANALYSIS L., no. 1, 2022, at 16, 19–22; Charles W. Mills, *White Time: The Chronic Injustice of Ideal Theory*, 11 DU BOIS REV. 27, 31 (2014); and Yuvraj Joshi, *Racial Time*, 90 U. CHI. L. REV. 1625, 1634–42 (2023).

62. CAROL J. GREENHOUSE, *A MOMENT’S NOTICE: TIME POLITICS ACROSS CULTURES* 20 (1996).

63. See Kodwo Eshun, *Further Considerations on Afrofuturism*, CR, Summer 2003, at 287, 297–98 (noting that Afrofuturism creates “temporal complications and anachronistic episodes that disturb the linear time of progress” and that have the potential to rewrite the past and present, and stating that “Afrofuturism . . . correct[s] the history of the future”).

64. HASSLER-FOREST, *supra* note 32, at 16–17.

65. Folúkẹ Adébísí, *Black/African Science Fiction and the Quest for Racial Justice Through Legal Knowledge: How Can We Unsettle Euro-Modern Time and Temporality in Our Teaching?*, 4 LAW TECH. & HUMS., no. 2, 2022, at 24, 27.

66. OCTAVIA E. BUTLER, *KINDRED* (Beacon Press 2003) (1979).

67. HASSLER-FOREST, *supra* note 32, at 19.

68. *Id.* For a summary of the novel, see Adébísí, *supra* note 65, at 32–33.

69. Dana and her husband are unpacking in their new home in Altadena, California, too tired to celebrate her birthday, when she is first pulled back in time. She suddenly feels “dizzy, nauseated.” BUTLER, *supra* note 66, at 12–13.

I raised my head and discovered I could not focus on [my husband]. “Something is wrong with me,” I gasped.

I heard him move toward me, saw a blur of gray pants and blue shirt. Then, just before he would have touched me, he vanished.

The house, the books, everything vanished. Suddenly, I was outdoors kneeling on the ground beneath trees. I was in a green place. I was at the edge of a woods. Before me was a wide tranquil river, and near the middle of that river was a child splashing, screaming . . .

Drowning!

Id. at 13.

not only the enslaved, but the white enslaver Rufus Weylin, whom she must protect in order for her family to exist in the present.⁷⁰ Indeed, she must become his accomplice in the rape and enslavement of her great-great-grandmother.⁷¹ The novel thus engages in the ways that past and present and future are interdependent, implicating us all, especially when it comes to race, gender, and power. Indeed, one of the most interesting things about *Kindred* is that it forgoes any use of a time machine or travel device.⁷² The implication is that such a device is unnecessary or would be superfluous. Already, all of us contain the past and future.

One could say the singer Janelle Monáe does something similar with her alter-ego Cindi Mayweather. As one scholar has put it, Monáe “short-circuit[s] her own fantastic world-building by creating constant slippages between future and present.”⁷³ She is at once “both Cindi Mayweather, the twenty-eighth-century android,” and Monáe, a Black woman in the present.⁷⁴

The point is the Afrofuturist legal scholar should embrace these slippages between past and present and future and emphasize how they are also true with respect to the law. Thus, while others may attempt to sanitize history—a current example would be efforts in states to limit the teaching of this country’s racial history;⁷⁵ another would be the Supreme Court’s valorization of colorblindness⁷⁶—one goal of the Afrofuturist legal scholar should be to always center how current inequities are only fully intelligible through past inequities. Put differently, although some wish bygones would be bygones, in ways large and small, our lives are still shaped by the country’s original contradiction—that its “most radical claims for freedom and political equality were played out in counterpoint to chattel slavery, the most extreme form of servitude,” and that “[t]he equality of political rights, which is the first mark of American citizenship, was proclaimed

70. *Id.* at 27–29. Dana comes to wonder: “Was that why I was here? Not only to insure the survival of one accident-prone small boy, but to insure my family’s survival, my own birth.” *Id.* at 29.

71. *See id.* at 117–26, 148–51. As the literary scholar Adébiśí puts it, “to ensure her survival in the present, Dana must ensure Rufus’s survival – even though ensuring his survival means ensuring the continuation of his sexual violence against her ancestor Alice Greenwood.” Adébiśí, *supra* note 65, at 33.

72. *See* Adébiśí, *supra* note 65, at 33 (describing how Dana is simply pulled into the past whenever Rufus Weylin, her white forebear, is in danger).

73. HASSLER-FOREST, *supra* note 32, at 2.

74. *Id.*

75. *See* Lee Anna Jackson, ‘America in Black’: The Plan to Erase Black History Forever, BET (Feb. 17, 2023, 1:53 PM), <https://www.bet.com/article/85va7t/america-in-black-segment-erasing-black-history> [<https://perma.cc/8YQY-5AC4>]. *See generally* Janel A. George, *Deny, Defund, and Divert: The Law and American Miseducation*, 112 GEO. L.J. 509 (2024) (providing an in-depth analysis on current state efforts to restrict teachings of historical racial inequality, and comparing them to efforts to prevent desegregation after *Brown v. Board of Education*).

76. *See generally, e.g.*, Ian Haney-López, *Intentional Blindness*, 87 N.Y.U. L. REV. 1779 (2012) (critiquing the Court’s colorblind jurisprudence); Neil Gotanda, *A Critique of “Our Constitution Is Color-Blind,”* 44 STAN. L. REV. 1 (1991) (same).

in the accepted presence of its absolute denial.⁷⁷ This history shapes our policing system,⁷⁸ our electoral process,⁷⁹ our public education system,⁸⁰ and even our romantic preferences.⁸¹ It adds context to things as mundane as why tipping took hold in this country when it did⁸² and the rise of private swimming pools.⁸³ To give an example of what embracing CP Time means, for the Afrofuturist legal scholar, any discussion of the Court's decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, rejecting the direct consideration of applicant race in college admissions,⁸⁴ is incomplete without a discussion of how test scores and admissions are inextricably connected to unequal school funding, residential segregation, redlining, de jure exclusions, and so much more.⁸⁵ Or as Justice Ketanji Brown Jackson put it in her bracing dissent, "History speaks."⁸⁶

Rasheedah Phillips gives another concrete example in an essay about Afrofuturism and housing.⁸⁷ She writes, "Liberated housing futures are simultaneously forward-reaching and backward-reaching, correcting the past and reshaping futures where justice and equity are fundamental and inalienable aspects of our shared reality."⁸⁸ The same can be said of any liberated future. Indeed, in his contribution to this symposium, Paul Gowder engages in a type of CP Time—he borrows the term Sankofa⁸⁹ to excavate and surface histories of Black intellectual thought to in turn envision a different future for

77. JUDITH N. SHKLAR, *AMERICAN CITIZENSHIP: THE QUEST FOR INCLUSION 1* (5th prtg. 2001) (1991).

78. As other legal scholars have long noted, our modern police forces owe much to the "slave patrols," which developed many of the aspects of modern policing that we recognize, such as "uniforms, arms, and military drilling." *E.g.*, Carol S. Steiker, *Second Thoughts About First Principles*, 107 HARV. L. REV. 820, 839 (1994).

79. *See* Wilfred U. Codrington III, *The Electoral College's Racist Origins*, BRENNAN CTR. FOR JUST. (Apr. 1, 2020), <https://www.brennancenter.org/our-work/analysis-opinion/electoral-colleges-racist-origins> [<https://perma.cc/W4WR-UUC9>].

80. *See generally* Daniel Kiel, *No Caste Here? Toward a Structural Critique of American Education*, 119 PENN. ST. L. REV. 611 (2015) (arguing that the American education system has contributed to the creation of, and continues to sustain, a historical racial caste system).

81. *See generally* Russell K. Robinson, *Structural Dimensions of Romantic Preferences*, 76 FORDHAM L. REV. 2787 (2008); I. Bennett Capers, *The Crime of Loving: Loving, Lawrence, and Beyond*, in *LOVING v. VIRGINIA IN A POST-RACIAL WORLD: RETHINKING RACE, SEX, AND MARRIAGE* 114 (Kevin Noble Maillard & Rose Cuison Villazor eds., 2012).

82. *See* Michelle Alexander, *Tipping Is a Legacy of Slavery*, N.Y. TIMES (Feb. 5, 2021), <https://www.nytimes.com/2021/02/05/opinion/minimum-wage-racism.html>.

83. *See* JEFF WILTSE, *CONTESTED WATERS: A SOCIAL HISTORY OF SWIMMING POOLS IN AMERICA* 183 (2007).

84. 600 U.S. 181, 230 (2023).

85. *See id.* at 334–35 (Sotomayor, J., dissenting).

86. *Id.* at 393 (Jackson, J., dissenting).

87. Phillips, *supra* note 61.

88. *Id.* at 29.

89. As the Afrofuturist scholar Ytasha Womack puts it, "Afrofuturism's central symbol is a 'looking back to go forward.' It is best exemplified by . . . the *sankofa* image, a forward-facing, backward-looking glyph." Ytasha L. Womack, *I Came to Africa on a Spaceship*, in *AFROFUTURISM: A HISTORY OF BLACK FUTURES*, *supra* note 28, at 48, 50. It "signifies a way to the future by remembering the past." *Id.*

the Constitution, one that includes “the empowerment and inclusion of subordinated and excluded and minoritized groups.”⁹⁰

Thus, while the Afrofuturist legal scholar imagines the future, the scholar also knows that the future must reckon with the past, and vice versa.

II. MAKE THOSE SUNS SHINE

We need images of tomorrow; and our people need them more than most. Without an image of tomorrow, one is trapped by blind history, economics, and politics beyond our control.

—Samuel Delany⁹¹

As N. K. Jemisin has noted, one advantage of Black speculation is our “ability to consider the future clearly rather than through the foggy lenses of nostalgia and privilege.”⁹² The scholar Magalí Armillas-Tiseyra adds that useful speculation is at the core of Afrofuturism:

The continual invitation to conjecture, in turn, produces *speculative histories*, which point to possible alternatives (alternate histories and futures) at the same time as they call for critical reflection on history itself as narrative, the construction of which conditions our understanding of both the present and future. *Speculative* here is not only a synonym for *conjecture*; I also draw on the transitive sense of the verb “to speculate,” as in: to consider, examine, reflect, or theorize upon something with close attention. Speculative histories do not just produce conjectural alternatives; in so doing, they further compel a critical analysis of the past, the present, and its possible futures.⁹³

While the idea that Afrofuturist legal scholars should also embrace speculation sounds similar to the prior principle of imagining new suns, the idea of making those suns shine is slightly different. On one level, it means that the task of the Afrofuturist legal scholar should be to imagine an ideal world, and then map a way there. Both components are essential.

Too often, legal scholars fall short of imagining the ideal. For example, they might imagine a future where, say, the Thirteenth Amendment is interpreted to provide more protection, but they fail to imagine a United States in which the Thirteenth Amendment is simply rewritten to make those protections explicit, or a future with a radically different Constitution, or no Constitution at all. They fall short of imagining a world without prisons, or a world with universal healthcare or a universal basic income, or a world without private education but with

90. Paul Gowder, *Constitutional Sankofa*, 112 GEO. L.J. 1437, 1437 (2024).

91. SAMUEL R. DELANY, *STARBOARD WINE: MORE NOTES ON THE LANGUAGE OF SCIENCE FICTION* 14 (rev. ed. 2012) (1984).

92. *Holy Fucking Shit I Won a Hugo*, N. K. JEMISIN: BLOG (Aug. 21, 2016), <https://nkjemisin.com/2016/08/holy-fucking-shit-i-won-a-hugo/> [<https://perma.cc/E6RH-TBCR>].

93. Magalí Armillas-Tiseyra, *Afronauts: On Science Fiction and the Crisis of Possibility*, 3 CAMBRIDGE J. POSTCOLONIAL LITERARY INQUIRY 273, 273–74 (2016) (footnote omitted).

universal public education. They fall short of imagining a world where extreme capitalism is not taken for granted. They fall short of even imagining a United States in which whites no longer make up the majority of the population, even in the face of repeated demographic projections that this country is likely to become majority-minority in 2044.⁹⁴ Legal scholars seem to even struggle to imagine a future in which people of color have political and economic power to match their numbers. The Afrofuturist legal scholar should imagine these things, just as they should imagine how future technologies might contribute to a more egalitarian world. In short, they should imagine the ideal, that is, suns that really shine. And then they should chart a route there. Indeed, they would be wise to take to heart the words of Angela Y. Davis, who famously said, “[y]ou have to act as if it were possible to radically transform the world. And you have to do it all the time.”⁹⁵

III. KNOW WHAT YOU’RE FIGHTING FOR

You better know what you’re fighting for.

—Cindi Mayweather/Janelle Monáe⁹⁶

In imagining new suns, and charting paths there, the Afrofuturist legal scholar should also keep in mind what they’re fighting for. In its broadest sense, this principle should already sound familiar: the Afrofuturist scholar should always keep their ideal in view.⁹⁷ Doing so will help the Afrofuturist avoid wrong turns and proposals that do not lead to progress or, worse, lead backwards. In a sense, this is analogous to the emphasis in abolitionist literature that scholars and activists distinguish between “reformist reforms,” which “merely tinker with the status quo,”⁹⁸ and “non-reformist reforms,”⁹⁹ which “aim to undermine the prevailing

94. SANDRA L. COLBY & JENNIFER M. ORTMAN, U.S. CENSUS BUREAU, U.S. DEP’T OF COMMERCE, PROJECTIONS OF THE SIZE AND COMPOSITION OF THE U.S. POPULATION: 2014 TO 2060, at 9 (2015), <https://census.gov/content/dam/Census/library/publications/2015/demo/p25-1143.pdf> [<https://perma.cc/3AQ2-JUN8>] (projecting a crossover to a majority-minority country in the year 2044). Projections further indicate that by the year 2060, whites will make up just 44% of the U.S. population, while people of color will make up 56%. *Id.* at 9, 11. Specifically, Hispanics will make up 29% of the population, Blacks will make up 14%, Asians will make up 9.3%, Native Americans and Pacific Islanders will make up less than 1%, and multiracial individuals will make up 6.2%. *Id.* at 9–10. The Census Bureau also projects that by 2060, 64% of all children in the United States will be children of color. *Id.* at 10–11.

95. Dorothy E. Roberts, *The Supreme Court, 2018 Term—Foreword: Abolition Constitutionalism*, 133 HARV. L. REV. 1, 3 (2019) (quoting Angela Y. Davis, Distinguished Professor Emerita, Univ. of Cal., Santa Cruz, Lecture at Southern Illinois University Carbondale (Feb. 13, 2014)).

96. JANELLE MONÁE, *Cold War, on THE ARCHANDROID* (Wondaland Arts Society & Bad Boy Records 2010).

97. This idea of keeping an ideal in view is what I was attempting to say in my prior article. See Capers, *supra* note 19, at 58–60.

98. Bennett Capers, *Race, Gatekeeping, Magical Words, and the Rules of Evidence*, 76 VAND. L. REV. 1855, 1874 (2023).

99. *Id.*; see also ANDRÉ GORZ, STRATEGY FOR LABOR: A RADICAL PROPOSAL 6–8 (Martin A. Nicolaus & Victoria Ortiz trans., 1967) (recognizing this distinction for the first time in the context of labor reform). See generally Amna A. Akbar, *An Abolitionist Horizon for (Police) Reform*, 108 CALIF. L. REV. 1781 (2020) (recognizing the distinction in the context of police reform).

political, economic, social order, construct an essentially different one, and build democratic power toward emancipatory horizons.”¹⁰⁰

In a narrower sense, knowing what you’re fighting for is about keeping the specific goals of an Afrofuturist world front and center. One of the most important goals of Afrofuturism is creating “a future where white supremacy holds no power”¹⁰¹ and where Black people not only survive, but thrive. In addition, Afrofuturism is about creating a world where hierarchies based on race, gender, sexuality, and class have been eradicated. It is no accident that in Butler’s two-book series *Parable of the Sower* and *Parable of the Talents*, the rejection of racial, class, and sexual difference is key to her protagonist’s vision of something more utopian.¹⁰² Indeed, Butler’s alter ego¹⁰³ Olamina relies on a fundamental tenet for her utopian vision: “Embrace diversity [o]r be destroyed.”¹⁰⁴ In her last interview, Butler elaborated when asked about the world she hopes to convey in her writing. She responded, “Only the picture of a world, past, present, or future, that contains different races, sexes, and cultures.”¹⁰⁵

As the foregoing should make clear, it is not just racial hierarchies that Afrofuturism rejects. Alondra Nelson is explicit: Afrofuturism is a “feminist space.”¹⁰⁶ Ytasha Womack adds, “Afrofuturism is a free space for women, a door ajar, arms wide open.”¹⁰⁷ This also comes across in Janelle Monáe’s albums *Metropolis: The Chase Suite*, *The ArchAndroid*, and *Dirty Computer*,¹⁰⁸ in which Monáe rejects “binaries and solid identities through a cyborg that transcends

100. Amna A. Akbar, *Non-Reformist Reforms and Struggles over Life, Death, and Democracy*, 132 YALE L.J. 2497, 2507 (2023).

101. Strait, *supra* note 28, at 15.

102. It is not accidental that Butler gives Olamina a diverse band of followers, a “mixed group,” BUTLER, *supra* note 10, at 208, that includes a white man; a “deep-black” man, a “light-brown” Hispanic woman, and their “medium brown baby,” *id.* at 204; two “white women in their twenties,” *id.* at 233; a woman who is part Japanese, part Black, and part Mexican and her daughter, *id.* at 281–82, 287; and a Black Latino man and his daughter, *id.* at 290. Olamina herself dons clothing to pass as a man, and there is even a discussion about pronoun switching. *See id.* at 205, 212. Lauren herself describes her group as “a harvest of survivors.” *Id.* at 295. As others have observed, “The belief in community, activism, and diversity . . . are . . . core ideas of Butler’s Afrofuturistic narrative.” Antara Choudhury & Shreyashi Mukherjee, *Religion and Critical Dystopia: Afrofuturism in Octavia E. Butler’s Parable of the Sower*, IIS U. J. ARTS, Oct. 2023, at 1, 10.

103. Butler apparently viewed Olamina as her “best self.” Canavan, *supra* note 53.

104. BUTLER, *supra* note 10, at 196.

105. Jeffrey Elliot, *Interview with Octavia Butler*, THRUST, Summer 1979, at 19, 20, *reprinted in* OCTAVIA BUTLER: THE LAST INTERVIEW AND OTHER CONVERSATIONS 17 (2023).

106. WOMACK, *supra* note 47, at 109 (discussing, in an interview with Nelson, how Afrofuturism creates a space for women to play central roles).

107. *Id.* at 100.

108. *See* Aja Romano, *Janelle Monáe’s Body of Work Is a Masterpiece of Modern Science Fiction*, VOX (May 16, 2018, 12:50 PM), <https://www.vox.com/2018/5/16/17318242/janelle-monae-science-fiction-influences-afrofuturism> [<https://perma.cc/RB9Q-A58G>] (discussing the evolution of Cindi Mayweather as Monáe’s cyborg alter ego over her five albums).

current gender narratives and attitudes, along the way taking on both male and female lovers.”¹⁰⁹ She promises to “fem the future.”¹¹⁰

And it is not just race and gender. Afrofuturism also challenges other hierarchies. For example, class hierarchies are challenged in Janelle Monáe’s work,¹¹¹ as in the work of Samuel Delany, such as in his Nebula Award-nominated novel *Trouble on Triton*.¹¹² One could add Erykah Badu’s rejection of both class distinctions and crass capitalism in her song “Bag Lady.”¹¹³ In the end, Afrofuturism is about eradicating all hierarchies. As the visual artist Nick Cave put it, determining “how we both diversify and come together with a more globally unified vision” is part and parcel of Afrofuturism.¹¹⁴ Or in the words of Funkadelic, we should aim for “one nation under a groove.”¹¹⁵ That was, and remains, the goal of Afrofuturism.

There is something else to say about what the Afrofuturist legal scholar should fight for, and it has to do with technology, another hallmark of Afrofuturism. As I have written previously, “A core tenet of Afrofuturism is that we embrace technology, especially technology that can disrupt hierarchies and contribute a public good.”¹¹⁶ Think of vibranium, the metal that powers the groundbreaking technology in *Black Panther*’s Wakanda.¹¹⁷ Or the way Shuri, Black Panther’s sister, champions technology.¹¹⁸ Or think of Earthseed in *Parable of the Talents*, which encourages “technological creativity.”¹¹⁹ I have tried to illustrate this in my own work, suggesting how future technologies might be harnessed to reduce crime

109. Capers, *supra* note 19, at 15; see Daylanne K. English & Alvin Kim, *Now We Want Our Funk Cut: Janelle Monáe’s Neo-Afuturism*, 52 AM. STUD. 217, 221–22 (2013) (describing the gender fluidity of both Monáe and Mayweather displayed through their physical appearance).

110. JANELLE MONÁE, *Django Jane*, on DIRTY COMPUTER, at 01:59 (Wondaland & Bad Boy Records 2018).

111. See Angela Watercutter, *6 Things You Should Know About Janelle Monáe*, WIRED (Sept. 30, 2014, 6:30 AM), <https://www.wired.com/2014/09/6-things-janelle-monae> (discussing Monáe’s working-class sensibilities, and describing Mayweather as a “messiah to the people of a class-divided city”).

112. See Kathy Acker, *Foreword* to SAMUEL R. DELANY, *TROUBLE ON TRITON: AN AMBIGUOUS HETEROTOPIA*, at ix, xi–xii (Wesleyan Univ. Press paperback 1996) (1976) (describing the world in *Trouble on Triton* as one in which “women can become men and men, women,” and remarking on Delany’s novel as a conversation about “identity, desire, and gender, . . . democracy, liberalism, and otherness”).

113. ERYKAH BADU, *Bag Lady*, on MAMA’S GUN (Universal Motown Records 2000).

114. McKnight-Abrams, *supra* note 31 (quoting Cave, who discusses the need to interrogate the propulsive forces behind the first wave of Afrofuturism and to consider how today’s issues of diversity and globalism should shape modern conceptions of Afrofuturism).

115. FUNKADELIC, *One Nation Under a Groove*, on ONE NATION UNDER A GROOVE (Warner Brothers Records 1978).

116. Capers, *supra* note 19, at 44.

117. See Andrew J. Hawkins, *Black Panther’s Wakanda Is a Transportation Utopia with a Dash of Reality*, VERGE (Feb. 23, 2018, 2:05 PM), <https://www.theverge.com/2018/2/23/17044448/black-panther-wakanda-maglev-train-hyperloop-transportation> [<https://perma.cc/9AYY-VND2>].

118. For example, when Agent Ross seems surprised that his bullet wound has healed and notes that “[b]ullet wounds don’t just magically heal overnight,” Shuri responds, “They do here. But not by magic, by technology.” BLACK PANTHER, *supra* note 5.

119. BUTLER, *supra* note 51, at 340.

and deracialize policing, and even aid in reducing police violence.¹²⁰ By contrast, other legal scholars, instead of considering technology's benefits, too often focus solely on technology's negatives—for example, worrying that the turn to artificial intelligence and facial recognition and predictive algorithms and mind-reading machines will necessarily result in the end of privacy and more inequality. But Afrofuturism is not Afropessimism.¹²¹ True, the Afrofuturist legal scholar must be aware of how technology has perpetuated inequality—Ruha Benjamin's turn of phrase the “New Jim Code” comes to mind.¹²² But the Afrofuturist legal scholar should also recognize, as Benjamin herself does, that technoscience can also “be appropriated and reimagined for more liberatory ends.”¹²³ They should imagine the type of harm-reduction and equality furthering technologies that might exist when more diverse people are at the table saying what technology would benefit them and creating it themselves. The Afrofuturist legal scholar thus also imagines a world where people of color and those currently at the bottom are not just the objects of technology, but its wielders, able to code, record, and drop a remix.

IV. LISTEN TO AFROFUTURIST GRIOTS

[W]hat good is science fiction to Black people? . . . What good is science fiction's thinking about the present, the future, and the past? What good is its tendency to warn or to consider alternative ways of thinking and doing?

—Octavia Butler¹²⁴

Science fiction isn't just thinking about the world out there. It's also thinking about how that world might be—a particularly important exercise for those who are oppressed, because if they're going to change the world we live in, they—and all of us—have to be able to think about a world that works differently.

—Samuel Delany¹²⁵

Another key tenet of Afrofuturism and the law: listening to the griots,¹²⁶ both ancient and contemporary. By this, I mean listening to the Afrofuturist storytellers and treating them as respected griots. It is common in legal scholarship to

120. See Capers, *supra* note 19, at 40–48.

121. See generally FRANK B. WILDERSON III, AFROPESSIMISM (2020) (demonstrating the enduring, and seemingly inescapable, influence of slavery in patterns of anti-Black subjugation and violence).

122. RUHA BENJAMIN, RACE AFTER TECHNOLOGY: ABOLITIONIST TOOLS FOR THE NEW JIM CODE (2019).

123. Ruha Benjamin, *Introduction: Discriminatory Design, Liberating Imagination*, in CAPTIVATING TECHNOLOGY: RACE, CARCERAL TECHNOSCIENCE, AND LIBERATORY IMAGINATION IN EVERYDAY LIFE 1, 4 (Ruha Benjamin ed., 2019).

124. Octavia E. Butler, *Positive Obsession*, in OCTAVIA E. BUTLER: KINDRED, FLEDGLING, COLLECTED STORIES 725, 731 (Gerry Canavan & Nisi Shawl eds., Libr. of Am. 2021) (1989).

125. Samuel R. Delany, *The Art of Fiction No. 210*, PARIS REV., no. 197, Summer 2011, at 25, 27 (quoting Rachel Kaadzi Ghansah).

126. Traditionally, African griots were traveling storytellers who kept and purveyed cultural knowledge. For more on the griot tradition, see generally THOMAS A. HALE, GRIOTS AND GRIOTTES: MASTERS OF WORDS AND MUSIC (1st paperback ed. 2007) (1998).

be insular: to cite to, and treat as interlocutors, other legal scholars.¹²⁷ But Afrofuturism and the law should be different and recognize that Afrofuturist storytellers have a lot to say as well. This means listening to, and citing, Afrofuturist griots like Octavia Butler, who has a lot to say about climate change and reproductive justice and demagoguery and extreme capitalism and a million other things.¹²⁸ And listening to Edward Johnson, whose speculative novel *Light Ahead for the Negro* has a lot to say about the possibility of equality.¹²⁹ And George Schuyler, whose novel *Black No More* was pointing to the social construction of race long before legal scholars did.¹³⁰ And so on and so on. In short, the Afrofuturist legal scholar always remembers that “Afrofuturism has been proposing ways forward for decades.”¹³¹ To not listen to Afrofuturist storytellers is to ignore a valuable knowledge source. And to be clear, when I say Afrofuturist storytellers, I am not referring only to writers. At bottom, whether expressed in fiction or film, visual art or dance, music or fashion, Afrofuturism is about the power of storytelling. They are all storytellers. Put differently, there is also much to be learned from listening to Sun Ra¹³² and George Clinton¹³³ and Janelle Monáe¹³⁴ and Jake Blount.¹³⁵ There is much to be learned from taking in the art

127. Cf. Richard Delgado, Commentary, *The Imperial Scholar: Reflections on a Review of Civil Rights Literature*, 132 U. PA. L. REV. 561, 563, 565 (1984) (observing that scholars tend to cite to other scholars in their circle, and specifically focusing on how this results in the exclusion of minority scholars).

128. In a 1999 interview, Butler discussed her thought process in shaping what the future might look like for *Parable of the Sower* and *Parable of the Talents* and explained the factors she considered in determining “where some of our current behaviors and unattended problems might take us.” BUTLER, *supra* note 10, at 337. She considered such factors as the effects of drugs; the prison system; lack of access to education; the growing rich/poor gap; and particularly “the assault on the environment” through global warming that would affect food and water scarcity, temperature rise, the spread of disease, and more. *Id.* at 337–38; see also, e.g., Tiya Miles, *How Octavia Butler Told the Future*, ATLANTIC (Jan. 12, 2024), <https://www.theatlantic.com/ideas/archive/2024/01/octavia-butlers-guide-surviving-apocalypse/677106/> (“She predicted that a change in climate patterns affecting Earth’s livability would inevitably foment social conflict and exploitation.”).

129. E. A. JOHNSON, *LIGHT AHEAD FOR THE NEGRO* (1904) (using time travel to imagine a racially egalitarian future).

130. GEORGE S. SCHUYLER, *BLACK NO MORE* (X Press 1998) (1932). In the novel, a Black scientist invents a process to turn Blacks white. *Id.* at 13.

131. McKnight-Abrams, *supra* note 31.

132. See, e.g., SUN RA AND HIS INTERGALACTIC SOLAR ARKESTRA, *supra* note 52. For more on Sun Ra, see Steven Lewis, *The Nubians of Plutonia: Ancient Futures in the Music of Sun Ra*, in *AFROFUTURISM: A HISTORY OF BLACK FUTURES*, *supra* note 28, at 166, 168–72.

133. See, e.g., PARLIAMENT, *MOTHERSHIP CONNECTION* (PolyGram Records 1975). For more on George Clinton, see generally Joshua Bird, *Climbing Aboard the Mothership: An Afrofuturistic Reading of Parliament-Funkadelic*, OCCAM’S RAZOR, Spring 2013, at 29.

134. See, e.g., JANELLE MONÁE, *METROPOLIS: THE CHASE SUITE* (Bad Boy Records 2007); MONÁE, *THE ARCHANDROID*, *supra* note 96; JANELLE MONÁE, *DIRTY COMPUTER*, *supra* note 110. For more on Monáe, see Romano, *supra* note 108.

135. See, e.g., JAKE BLOUNT, *THE NEW FAITH* (Smithsonian Folkways Recordings 2022). For more on Blount, see Ann Powers, *Jake Blount, ‘The Man Was Burning,’* NPR (Feb. 22, 2022, 12:43 PM), <https://www.npr.org/sections/now-playing/2022/02/22/1082325550/jake-blount-the-man-was-burning> [<https://perma.cc/N4QB-BUHE>].

work of Wangechi Mutu¹³⁶ and Lina Iris Viktor.¹³⁷ Or by watching the Afrofuturist choreography of Raissa Simpson.¹³⁸ There is even much to be learned from watching a blockbuster film like *Black Panther*.¹³⁹ This does not mean that the Afrofuturist legal scholar necessarily has to agree with every Afrofuturist. But the legal scholar should at least listen.

V. LISTEN TO OTHER GRIOTS

We are gifted by an ability to imagine a different world—to offer alternative values—if only because we are not inhibited by the delusion that we are well served by the status quo.

—Charles R. Lawrence¹⁴⁰

Self-described Afrofuturists are not the only griots. The Afrofuturist legal scholar should also listen to, and cite, critical race theorists. Indeed, the two schools of thought share much in common. For starters, much of critical race theory (CRT), like Afrofuturism, is committed to imagining better futures, as the epigraph from critical race theorist Charles Lawrence at the beginning of this Section makes clear.¹⁴¹ And of course, this is just one of the ways that Afrofuturism and CRT are fellow travelers. They are both committed to undoing white supremacy¹⁴² and creating a world where equality exists along lines of race, gender, and sexuality.¹⁴³ Even stylistically—because Afrofuturism insists on style¹⁴⁴—there is overlap. For example, a common device in CRT is storytelling, which CRT uses to critique and “assess law’s master narratives.”¹⁴⁵ Indeed, the use of storytelling is so integral to CRT that CRT has been called “voice

136. See, e.g., Roberta Smith, *Wangechi Mutu: An Imagined World Made Possible*, N.Y. TIMES (Mar. 2, 2023), <https://www.nytimes.com/2023/03/02/arts/design/wangechi-mutu-new-museum.html>.

137. See, e.g., Charlotte Jansen, *Stepping into the Expansive Worlds of Black Imagination*, N.Y. TIMES (Aug. 18, 2022), <https://www.nytimes.com/2022/08/04/arts/design/in-the-black-fantastic-london.html>. For more examples of Viktor’s work, see LINA IRIS VIKTOR, <https://www.linaviktor.com> [<https://perma.cc/A4NH-E5F5>] (last visited May 14, 2024).

138. For an interview with Simpson discussing how she incorporates Afrofuturism in her choreography, see Kendra Kimbrough Barnes, *In Conversation: Afrofuturism with Raissa Simpson*, DANCERS’ GRP. (Sept. 1, 2017), <https://dancersgroup.org/2017/09/conversation-afrofuturism-raissa-simpson/> [<https://perma.cc/73DV-S4H6>].

139. BLACK PANTHER, *supra* note 5; see also BLACK PANTHER: WAKANDA FOREVER, *supra* note 6.

140. Charles R. Lawrence, III, *The Word and the River: Pedagogy as Scholarship as Struggle*, 65 S. CAL. L. REV. 2231, 2239 (1992).

141. See *id.*

142. See Isiah Lavender III & Lisa Yaszek, *Introduction: Imagining Futures in Full Color*, in LITERARY AFROFUTURISM IN THE TWENTY-FIRST CENTURY 1, 1 (Isiah Lavender III & Lisa Yaszek eds., 2020) (“Black people have finally wrested control of their own future images, using . . . Afrofuturism to reboot black identity, challenge white supremacy, and imagine a range of futures in full color.”).

143. See Capers, *supra* note 19, at 14–16; Cornel West, *Foreword to CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT*, at xi, xi (Kimberlé Crenshaw et al. eds., 1995).

144. See Elizabeth A. Wheeler, *Runoff: Afroaquanauts in Landscapes of Sacrifice*, in LITERARY AFROFUTURISM IN THE TWENTY-FIRST CENTURY, *supra* note 142, at 128, 128; see also Womack, *supra* note 89, at 21 (“Afrofuturism is also an *aesthetic*, a self-evident range of creative styles.”).

145. RICHARD DELGADO & JEAN STEFANCIC, CRITICAL RACE THEORY: AN INTRODUCTION 11 (4th ed. 2023).

scholarship.”¹⁴⁶ One could even argue that some CRT scholars are Afrofuturists, perhaps without realizing it, in their storytelling. One of the canonical works of CRT is Derrick Bell’s *The Space Traders*, which imagines aliens landing in the United States and just how easily this country would be willing to sacrifice its Black citizens.¹⁴⁷ And this is not the only work by Bell that is Afrofuturist. In other work, he uses a time-traveling interlocutor, Geneva Crenshaw, to, for example, warn the Founding Fathers about the consequences of the racial compromises they are about to make.¹⁴⁸ Brandon Hasbrouck also time travels in his recent essay *1983*, in which he simultaneously invokes the science fiction of George Orwell’s *1984* with his title *1983* and travels to the near-distant future to comment on this country’s chief civil rights statute, 42 U.S.C. § 1983.¹⁴⁹ And in her contribution to this Symposium, *On “Color-blind” and the Algorithm*, Jessica Eaglin converses with a space alien, at once a nod to CRT and Afrofuturism.¹⁵⁰

Afrofuturists and critical race theorists also share some of the same interlocutors. For example, it is common in critical race theory to note Audre Lorde’s observation that “the master’s tools will never dismantle the master’s house.”¹⁵¹ But Afrofuturists also engage with Lorde. The Afrofuturist writer Nalo Hopkinson, for example, quotes the same language in the introduction to her collection *So Long Dreaming*, but with a twist. In response to a friend’s query about Lorde, Collins responds: “In my hands, massa’s tools don’t dismantle massa’s house – and in fact, I don’t want to destroy it so much as I want to undertake massive renovations – they build me a house of my own.”¹⁵²

But perhaps the most important reason that the Afrofuturist legal scholar should listen to, and cite, CRT scholars is because CRT also believes in “radical

146. Monica Bell, Note, *The Obligation Thesis: Understanding the Persistent “Black Voice” in Modern Legal Scholarship*, 68 U. PITT. L. REV. 643, 646 (2007). Bell describes voice and narrative in CRT as “core means of emphasizing the centrality of race because they give racial minorities space to ‘name their own reality.’” *Id.* at 647 (citing CRITICAL RACE THEORY: THE CUTTING EDGE 37 (Richard Delgado ed., 1995)).

147. DERRICK BELL, *The Space Traders*, in *FACES AT THE BOTTOM OF THE WELL: THE PERFORMANCE OF RACISM* 158 (1992). In the chronicle, aliens offer to provide the American government with material resources. Their only demand in return is that they be given “all . . . African Americans.” *Id.* at 159–60. Eventually, a constitutional convention is convened to override the Reconstruction Amendments and remove the only legal obstacle to the trade, and a constitutional amendment is ratified to permit Congress to select any U.S. citizen for “special service . . . to protect domestic interests and international needs.” *Id.* at 185–86, 192. The chronicle ends with the country’s Black Americans being marched onto the alien spaceships, literally sacrificed. *Id.* at 194.

148. See DERRICK BELL, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* 26 (1987).

149. Brandon Hasbrouck, *1983*, 124 COLUM. L. REV. F. 1 (2024).

150. Jessica M. Eaglin, *On “Color-blind” and the Algorithm*, 112 GEO. L.J. 1385 (2024).

151. AUDRE LORDE, *The Master’s Tools Will Never Dismantle the Master’s House*, in *SISTER OUTSIDER: ESSAYS & SPEECHES BY AUDRE LORDE* 110, 112 (1984); cf. Paul Butler, *Racially-Based Jury Nullification: Black Power in the Criminal Justice System*, 105 YALE L.J. 677, 680 (1995) (“Through jury nullification, I want to dismantle the master’s house with the master’s tools.”).

152. Nalo Hopkinson, *Introduction to SO LONG BEEN DREAMING: POSTCOLONIAL SCIENCE FICTION & FANTASY* 7, 8 (Nalo Hopkinson & Uppinder Mehan eds., 2004).

interventions . . . and a fundamental interrogation of all power.”¹⁵³ Afrofuturism could not ask for a better bedfellow. This means listening to, and citing, CRT scholars like Patricia Williams, who has written eloquently about the importance of legal rights, however problematic.¹⁵⁴ And Paul Butler, who writes about abolishing prisons,¹⁵⁵ and Dorothy Roberts, who writes about abolishing the family welfare system.¹⁵⁶ It means reading Ian Haney Lopez, who has written about the social construction of race,¹⁵⁷ and Kendall Thomas, who has argued that race should be “thought of as a verb,” not simply a noun.¹⁵⁸ It means reading Daria Roithmayr, who has written about how dominant groups have locked in advantage.¹⁵⁹ And on and on. And it means recognizing that CRT scholars, too, have imagined alternate worlds and alternate endings.¹⁶⁰

There is one last thing to say before moving on to the next principle, and that is that the Afrofuturist legal scholar should also recognize other griots as well, even though on the surface they may seem to have little to do with Afrofuturism. When Martin Luther King, Jr. talked about having been to the mountaintop and seeing the other side,¹⁶¹ he too was a kind of griot. An Afrofuturist griot. When James Baldwin said “the place in which I’ll fit will not exist until I make it,”¹⁶² he too was an Afrofuturist griot. Indeed, the Afrofuturist group Sons of Kemet’s album *Your Queen Is a Reptile* can be heard as a homage to griots.¹⁶³ Listen to them all.

VI. QUESTION LAW

Acting swiftly, and with the full cooperation of the states, they had set in motion the steps necessary to convene a constitutional convention in Philadelphia.

—Derrick Bell¹⁶⁴

153. Capers, *supra* note 19, at 27.

154. *See, e.g.*, WILLIAMS, *supra* note 45, at 13.

155. *See, e.g.*, Paul Butler, *The System Is Working the Way It Is Supposed to: The Limits of Criminal Justice Reform*, 104 GEO. L.J. 1419, 1477 (2016).

156. *See generally* DOROTHY ROBERTS, *TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES—AND HOW ABOLITION CAN BUILD A SAFER WORLD* (2022).

157. *See generally* IAN F. HANEY LÓPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* (1996).

158. Kimberlé Williams Crenshaw, *Twenty Years of Critical Race Theory: Looking Back to Move Forward*, 43 CONN. L. REV. 1253, 1261 (2011) (citing Kendall Thomas, Nash Professor of L., Colum. L. Sch., Comments at Panel on Critical Race Theory, Conference on Frontiers of Legal Thought, Duke Law School (Jan. 26, 1990)).

159. *See generally, e.g.*, Daria Roithmayr, *Deconstructing the Distinction Between Bias and Merit*, 85 CALIF. L. REV. 1449 (1997) (analyzing the radical critique of merit in the context of law school admissions).

160. *See generally, e.g.*, CRITICAL RACE JUDGMENTS: REWRITTEN U.S. COURT OPINIONS ON RACE AND THE LAW (Bennett Capers et al. eds., 2022) (compiling seminal Supreme Court opinions re-imagined and re-written by CRT scholars).

161. Dr. Martin Luther King, Jr., *I’ve Been to the Mountaintop*, Speech at Mason Temple, Memphis, Tenn. (Apr. 3, 1968) (transcript available at <http://www.afscme.org/union/history/mlk/ive-been-to-the-mountaintop-by-dr-martin-luther-king-jr> [<https://perma.cc/R3YS-5DNV>]).

162. Claudia Roth Pierpont, *Another Country*, NEW YORKER (Feb. 1, 2009), <https://www.newyorker.com/magazine/2009/02/09/another-country> (quoting Baldwin).

163. SONS OF KEMET, *YOUR QUEEN IS A REPTILE* (Impulse! Records 2018).

164. BELL, *supra* note 148, at 185.

It may seem strange in a manifesto on Afrofuturism and the law to devote only one Section to the law. But there are reasons for this.

One reason is that law is already everywhere. There is no such thing as a book existing outside of law, or a film existing outside of law, or anything existing outside of law. In many respects, law is like Toni Morrison's fishbowl—"the structure that transparently (and invisibly) permits the ordered life it contains to exist in the larger world."¹⁶⁵ Thus, to imagine new suns is to imagine new legal structures that permit ordered life to exist. To chart a path to new suns also means forging laws that make getting to those suns possible.

Accordingly, law is also something that Afrofuturist legal thinkers should constantly question, and reimagine. One of the beauties of Afrofuturism is that it is cognizant of the here and now, but also open to imagining other futures and other worlds and other ways of doing things.¹⁶⁶ Thus, it is not uncommon in Afrofuturist texts for protagonists to create new rules and new laws. This is certainly true in *Parable of the Sower* and *Parable of the Talents*,¹⁶⁷ but it is true in less obvious ways in other texts as well. Funkadelic's declaration of "one nation under a groove" can be viewed as setting down the law,¹⁶⁸ with the potential to one day reverberate as much as another declaration—"We hold these truths to be self-evident."¹⁶⁹

So too should the Afrofuturist legal scholar not just imagine new suns, but new laws. And they should do so radically. For example, instead of simply imagining new arguments or work-arounds that might lessen the impact of the Court's recent decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, rejecting the direct consideration of applicant race in college admissions,¹⁷⁰ the Afrofuturist legal scholar might imagine, and chart a route toward, a different Fourteenth Amendment, one that goes beyond its original compromises.¹⁷¹ Instead of simply thinking of legal reforms to reduce police violence

165. TONI MORRISON, PLAYING IN THE DARK: WHITENESS AND THE LITERARY IMAGINATION 17 (1992).

166. See, e.g., Lina Nasr El Hag Ali, *Afrofuturism and Its Possibility of Elsewhere: The Power of Political Imagination*, CONVERSATION (Oct. 6, 2021, 8:30 AM), <https://theconversation.com/afrofuturism-and-its-possibility-of-elsewhere-the-power-of-political-imagination-166002> [<https://perma.cc/P6S4-DQVA>].

167. It is telling that the literary scholar Gregory Hampton described *Parable of the Sower* as "both a travelogue narrative and a sort of bible all in one." Gregory J. Hampton, *Migration and Capital of the Body: Octavia Butler's Parable of the Sower*, 49 CLA J. 56, 57 (2005). The novel, along with the sequel *Parable of the Talents*, imagines a new religion, Earthseed, with new rules.

168. FUNKADELIC, *supra* note 115.

169. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

170. 600 U.S. 181, 230 (2023).

171. As the historian Eric Foner has noted, "The [Fourteenth A]mendment was not the creation of any single individual or party faction, or of the predetermined logic of emancipation, but arose from debate, negotiation, and compromise." ERIC FONER, THE SECOND FOUNDING: HOW THE CIVIL WAR AND RECONSTRUCTION REMADE THE CONSTITUTION 55–56 (2019). One example is the decision not to grant suffrage to Blacks outright, but to instead provide for a reduction in representation should a state deny voting rights "to any of the male inhabitants of such State, being twenty-one years of age." U.S. CONST. amend. XIV, § 2.

and mass incarceration, or otherwise tinker with the machinery of criminal justice, an Afrofuturist legal scholar might imagine, and chart a route toward, a world without police, or at least far fewer police, and a world without prisons, where prisons have become “obsolete.”¹⁷² Instead of accepting “law schools as white spaces,” not only in terms of demographics but also in terms of what is taught, an Afrofuturist legal scholar imagines a complete overhaul of legal education.¹⁷³

These are just examples, of course. But they all serve to communicate one thing: that the Afrofuturist legal scholar should be aware of the laws that exist now but should not feel tethered to them. Indeed, the Afrofuturist legal scholar may want to always remember that by 2044, the United States is projected to tip from being majority white to majority-minority¹⁷⁴ and that it is possible that in the ensuing years people of color might also wield the majority of political and economic power.¹⁷⁵ Put differently, an Afrofuturist may want to keep in their “front” view that people of color may soon have the power not just to dream a world, but to make that world. They may want to imagine a “Supreme Court, as well as lower courts, [that] . . . reflect the full diversity of the population along a variety of lines, including race, sex, class, and disability.”¹⁷⁶ They may want to imagine “a diverse Supreme Court—now led by Chief Justice Sonia Sotomayor,”¹⁷⁷ or perhaps Chief Justice Ketanji Brown Jackson—that interprets the Constitution in a way that is informed by equality. And this is only the beginning. Because it is possible that when the future happens, we will decide that having a Supreme Court is unnecessary. We may decide, in lieu of a different constitution, that we need no constitution at all.

One way to imagine new suns is in a way that makes law unnecessary, especially in a world that insists on equality and the greater social good. That too is possible. That in thinking about law, the Afrofuturist legal scholar should also think about “not law.” Gerry Canavan’s reading of Wakanda, the fictional African nation at the center of *Black Panther*, may even provide inspiration.¹⁷⁸ Canavan reads Wakanda as an Afrofuturist reorganization of space that positions the imaginary country “as an alternative political institution,” “always both inside and outside the logics of nation, of coloniality, of empire, *even of the idea of law itself*.”¹⁷⁹ Just imagine.

172. ANGELA Y. DAVIS, ARE PRISONS OBSOLETE? 25 (2003).

173. See Bennett Capers, *The Law School as a White Space*, 106 MINN. L. REV. 7, 14, 45 (2021).

174. See COLBY & ORTMAN, *supra* note 94, at 9.

175. Indeed, anxiety about the loss of political and economic power provides at least a partial explanation for efforts to suppress minority voting, immigration across the southern border, and much more. See Capers, *supra* note 19, at 31 n.167.

176. Capers, *supra* note 21, at 49.

177. *Id.*

178. See Gerry Canavan, *We Are Terror Itself: Wakanda as Nation*, in LITERARY AFROFUTURISM IN THE TWENTY-FIRST CENTURY, *supra* note 142, at 171, 171.

179. *Id.* at 171–72 (emphasis added).

VII. REJECT MANIFESTOS

Without adaptability, what remains may be channeled into destructive fanaticism. Without positive obsession, there is nothing at all.

—Lauren Olamina/Octavia Butler¹⁸⁰

Finally, the Afrofuturist legal scholar should feel free to adapt and even reject manifestos. In a similar vein, the Afrofuturist legal scholar should recognize that there are always new suns, not just one. There are new technologies, new ways of thinking, and new ways of doing.

Consider again Octavia Butler's *Parable of the Sower* and *Parable of the Talents*. The success of the books' protagonist is possible because of the religion she creates, which has as its central tenet the inevitability of change, and the need to adapt.¹⁸¹ Here is one of the poems near the beginning of *Parable of the Sower*.

All that you touch
You Change.

All that you Change
Changes you.

The only lasting truth
Is Change.

God
Is Change.¹⁸²

And if change and adaptability are good enough for Butler—listen to the griots!—it is good enough for this manifesto. And it makes sense. For starters, Afrofuturism, and Afrofuturism and the law, should open itself up to the possibility that even the label Afrofuturism needs rethinking. The Nigerian-American writer Nnedi Okorafor, often described as an Afrofuturist, rejects the label, preferring instead “Africanfuturism,” which she describes as “more directly rooted in African culture, history, mythology and point-of-view.”¹⁸³ A related critique of Afrofuturism comes from writer Hope Wabuke, who worries that Afrofuturism “lacks room to conceive of Blackness outside of the Black American diaspora or a Blackness independent from any relationship to whiteness, erasing the long

180. BUTLER, *supra* note 51, at 1.

181. *See, e.g., id.* at 3; *see also id.* at 335–37 (describing change as “the most powerful force” Butler could think of, “the one thing [that we could] not stop no matter how hard we tried,” and “the one inescapable truth” when she was creating Earthseed).

182. BUTLER, *supra* note 51, at 3.

183. Nnedimma Nkemdili Okorafor, *Africanfuturism Defined*, NNEDI'S WAHALA ZONE BLOG (Oct. 19, 2019), <http://nnedi.blogspot.com/2019/10/africanfuturism-defined.html?m=1> [<https://perma.cc/87RG-MWP4>]. She also notes that Africanfuturism “does not privilege or center the West.” *Id.*

history of Blackness that existed before the centuries of violent oppression by white[s].”¹⁸⁴ And of course, waiting in the wings for their moment are other futurisms, such as Indigenous Futurisms, Latinx Futurisms, and Asian and Arabic Futurisms. The last thing Afrofuturist legal scholars should do is fall into the colonialist trap of thinking ourselves the center of the universe. There are many centers. There may even be centers, in the future, where race ceases to matter. N. K. Jemisin, for example, in her *Broken Earth* trilogy, imagines a future that produces new identities, shirking outworn notions of race.¹⁸⁵ Samuel Delany does something similar with gender and sexuality in *Trouble on Triton*.¹⁸⁶ As does Janelle Monáe in creating a performative persona “capable of unhinging allegorical referents to humanist bodies and terrestrial markers of difference” and “challeng[ing] . . . previously held conceptions of blackness and metaphysics.”¹⁸⁷

In sum, the Afrofuturist legal scholar should not feel bound by this manifesto.

CONCLUSION

So at this time when Afrofuturism is everywhere, and when Afrofuturism and the law is emerging as a movement in its own right, I have offered my tentative suggestions for what Afrofuturism and the law—as a movement and a praxis—should be. As is true of much of my work, my goal is to begin a conversation, rather than dictate from on high. My hope is that, before it is too late, I have at least offered other legal scholars some points to consider.

That said, even for me, questions remain. For example, in imagining new suns and new worlds, how do we “decolonize our vocabulary, and ‘re-story’ our narrative culture”?¹⁸⁸ And how do we enlist others in joining us as we chart a way to our own, brave new world? These questions, I leave for another day.

184. Hope Wabuke, *Afrofuturism, Africanfuturism, and the Language of Black Speculative Literature*, L.A. REV. BOOKS (Aug. 27, 2020) (emphasis omitted), <https://lareviewofbooks.org/article/afrofuturism-africanfuturism-and-the-language-of-black-speculative-literature/> [<https://perma.cc/S349-DM5N>] (emphasis omitted).

185. See generally N. K. JEMISIN, *THE FIFTH SEASON* (2015); N. K. JEMISIN, *THE OBELISK GATE* (2016); N. K. JEMISIN, *THE STONE SKY* (2017).

186. See Acker, *supra* note 112, at xi.

187. Tobias C. van Veen, *Vessels of Transfer: Allegories of Afrofuturism in Jeff Mills and Janelle Monáe*, 5 DANCECULT, no. 2, 2023, at 7, 8–9.

188. HASSLER-FOREST, *supra* note 32, at 12.