

ABOLITION DEMOCRACY: THEORY AND PRAXIS

Contributor: Professor Bernard E. Harcourt

Description

This course, situated at the intersection of critical theory and praxis, will explore each week a theoretical dimension of abolition democracy and ways in which abolition is put in practice. It will explore abolition in the most capacious sense of the term — not just the abolition of capital punishment or even the prison or police — but rather the entire dominant punitive punishment paradigm in the United States. In the vein of Fred Moten and Stefano Harney, and in the tradition of the abolition democracy of W.E.B. Du Bois and Angela Davis, the course asks:

“What is, so to speak, the object of abolition? Not so much the abolition of prisons but the abolition of a society that could have prisons, that could have slavery, that could have the wage, and therefore not abolition as the elimination of anything but abolition as the founding of a new society.”

The United States incarcerates more of its own than any other country in the world and than any other civilization in history. With over 2,600 persons on death row, 2.2 million people behind bars, another 5 million people on probation or parole, and over 70 million people in the FBI’s criminal record database, this country now operates a criminal justice system of unparalleled punitiveness. The burden of this system has fallen predominantly on poor communities of color. In fact, in some striking ways, this country’s criminal justice system and reliance on mass incarceration have replaced chattel slavery. As Bryan Stevenson explains, “Slavery didn’t end in 1865. It just evolved.”

From a practical dimension, this course will explore how the country can move from a punitive paradigm to a new paradigm that favors instead education and well-being, one that has abolished prisons, police, and the death penalty, as well as borders, the wage, capital, and other systems and structures that stand in the way of equal human flourishing and liberation.

From a theoretical dimension, this course will explore the theory behind the abolition of the prison, the police, and the death penalty, but also the abolition of property and capital, of fossil fuels, of borders, and it will consider the history of the abolition of slavery.

This course is tied and situated within ongoing abolitionist struggles. Whenever possible, the instructor is encouraged to invite practitioners, organizers, activists, and other guest speakers to provide students in the class with a more comprehensive understanding of on the ground abolitionist movement work.

Topics/Learning Objectives

The goals of this module is for students/ participants to:

- Explore the theory behind the abolition of the prison, the police, and the death penalty
- Reflect on the history of the abolition of slavery
- Explore how on the ground abolitionist movement works
- Discuss various theoretical dimensions of abolition democracy
- Re-imagine how the U.S can move from a punitive paradigm to a new paradigm that favors education and well-being instead

Required Materials

All reading material due each session can be found in the reading and assignment schedule section of this syllabus. Books can be purchased or borrowed from the library, and links to articles and multimedia resources have been provided.

Du Bois, W.E.B. Chapter 4: The General Strike. In [*Black Reconstruction in America, 1860-1880*](#). New York: The Free Press, 1998.

Davis, Angela. [*Abolition Democracy: Beyond Prison, Torture, and Empire*](#). New York: Seven Stories Press, 2005.

Foucault, Michel. [*Discipline and Punish*](#). Trans. Alan Sheridan. New York: Vintage, 1977.

Harcourt, Bernard E. [*Cooperation*](#). New York: Columbia University Press, 2023.

Assessments

- Students will be required to read the assigned materials, attend the weekly seminar, and participate in seminar discussion.
- Over the course of the semester, students will be asked to write two reflection papers, each about 2-4 pages, on the session's readings.
- Students will be encouraged to submit one reflection paper prior to a seminar of their choice, based solely on their interpretation of the readings, and the other reflection paper following the discussion during a session, including ideals and materials shared during the session's discussion.

- Students will be required to submit a final paper.

Readings and Assignment Schedule

Session #1: – Introduction to Abolition

In our first seminar, we will introduce the topic of abolition democracy and abolition today.

Readings:

W.E.B. DuBois, *Black Reconstruction in America* (New York: Free Press, 1991 [1935]), 121-126.

Akbar, Amna. “Towards a Radical Imagination of Law.” 93 *NYU L. Rev.* 405 (2018).

Roberts, Dorothy. “Abolition Constitutionalism.” *Harvard Law Review* 133, no. 1 (2019): 1-122.

https://harvardlawreview.org/wp-content/uploads/2019/11/1-122_Online.pdf

McLeod, Allegra. “Prison Abolition and Grounded Justice.” 62 *UCLA L. Rev.* 1156 (2015), [available here](#).

McLeod, Allegra. “Envisioning Abolition Democracy.” *Harvard Law Review* 132, no. 6 (2019): 1613-1649. Available at https://harvardlawreview.org/wp-content/uploads/2019/04/1613-1649_Online.pdf.

Moten, Fred, and Stefano Harney. *The Undercommons: Fugitive Planning and Black Study*. Wivenhoe: Minor Compositions, 2013. 40-43.

Session #2: The Abolition of Slavery and the Origins of Abolition Democracy

A central thrust of Du Bois’s writings serve to demonstrate that abolition was achieved through the actions of Black men and women: through escape to fight in the ranks of the Union army, through the general strike and the threat of a general strike, through forms of resistance, through their presence as the primary force that fueled the Southern economy.

The war transformed abolition into a democratic movement, against the will of the majority of the North and the South. The North had no choice but to bring enslaved persons into the democratic fold as a way to win the war. The South would have had to do the same in order to win the war, but it was, of course, unwilling.

In this seminar, we turn to interrogate the lessons that the abolition of slavery might teach us today in our struggles for abolition democracy. The passage from a *de jure* to *de facto* system of racial oppression in this country raises many important questions. Some involve the continuities and the differences: What can we learn from thinking of these different periods as similar or different? Some involve the lessons to be learned for abolitionist movements in other domains: In what ways do the struggles enrich each other? Some involve the hidden and not-so-hidden pitfalls of abolitionism: What are the shoals to be avoided in future abolitionist campaigns? These will be some of the themes we explore in this seminar on the abolition of slavery.

Readings:

Du Bois, W.E.B. Chapter 4: The General Strike. In [*Black Reconstruction in America, 1860-1880*](#). New York: The Free Press, 1998.

Davis, Angela. [*Abolition Democracy: Beyond Prison, Torture, and Empire*](#). New York: Seven Stories Press, 2005.

Jones-Rogers, Stephanie. [*They Were Her Property*](#). New Haven: Yale University Press, 2019, Chapter 8 and Epilogue.

Hartman, Saidiya. "[Venus in Two Acts](#)," *Small Axe*, No. 26, Vol. 12(2), June 2008, pp. 1-14.

Prince, Mary. *The History of Mary Prince*. New York: Penguin Books, 2000.

Reidy, Joseph P. *Illusions of Emancipation: The Pursuit of Freedom and Equality in the Twilight of Slavery*. University of North Carolina Press, 2020 (selections)

Foner, Eric. *Second Founding: How the Civil War and Reconstruction Remade the Constitution*. New York: W.W. Norton & Company, 2019 (selections)

Multimedia:

Center for Contemporary Critical Thought. Abolition Democracy 2/13 | Abolition Democracy with Gayatri Chakravorty Spivak, Robert Gooding-Williams, Kendall Thomas, Flores Forbes, and Bernard E. Harcourt. October 15, 2020. <https://blogs.law.columbia.edu/abolition1313/2-13-abolition-democracy/>.

Additional Bibliographical Resources:

Davis, Adrienne. "Don't Let Nobody Bother Yo' Principle: The Sexual Economy of American Slavery," pp. 103–121, in *Sister Circle: Black Women and Work*, ed. Sharon Harley and The Black Women and Work Collective. Rutgers University Press, 2002.

Foner, Eric. *Reconstruction: America's Unfinished Revolution, 1863-1877*. New York: Harper & Row, 1988.

Harcourt, Bernard E. "[Imagery and Adjudication in the Criminal Law: The Relationship between Images of Criminal Defendants and Ideologies of Criminal Law in Southern Antebellum and Modern Appellate Decisions](#)," 61 *Brooklyn Law Review* 1165-1246 (1995).

Kazenjian, David. "Two Paths Through Slavery's Archives," *History of the Present*, Vol. 6(2), Fall 2016, pp. 133-145

Wilkerson, Isabel. *Caste: The Origins of Our Discontents*. New York: Random House, 2020.

Session #3: Theories of Punishment and Beyond the Punitive Society

Readings:

Foucault, Michel. *The Punitive Society*. Trans. Graham Burchell. Basingstoke: Palgrave MacMillan, 2015 (excerpts)

Foucault, Michel. Chapter 1: The body of the Condemned. In *Discipline and Punish*. Trans. Alan Sheridan. New York: Vintage, 1977, 3-31.

Harcourt, Bernard E. Chapter 6. In *Cooperation*. New York: Columbia University Press, 2023.

Multimedia:

Columbia Center for Contemporary Critical Thought. Abolition Democracy 7/13 | Beyond the Punitive Society with Miguel Beistegui, Henrique Carvalho, Stuart Elden, Adnan Khan, Daniele Lorenzini, Goldie Osuri, Irene Del Poz, Federico Testa, Cori Thomas, and Bernard E. Harcourt.
<https://blogs.law.columbia.edu/abolition1313/7-13-beyond-the-punitive-society/>.

Session #4: Criminalizing Blackness

This session will explore how criminalization of Blackness has served, especially in the years following the Civil War, as a mechanism through which Black individuals and communities in the United States have been oppressed. We will discuss the construction of criminality and its evolution throughout American history, and how the criminalization of Blackness led to the incarceration crisis today.

Readings:

Muhammad, Khalil Gibran. Introduction to *The Condemnation Of Blackness: Race, Crime, And The Making Of Modern Urban America* (Harv. Univ. Press 2010): 1-14

Stevenson, Bryan. *A Presumption of Guilt*, in *POLICING THE BLACK MAN* (Angela J. Davis ed., Penguin 2017), pg. 3-30

Butler, Paul. In “Constructing the Thug.” *Chokehold: Policing Black Men*. (New Press 2017): 17-46

Session #5: Abolish the Police

Abolish the police. #DefundNYPD. #AbolishICE.

After the George Floyd uprisings in 2020, never before has the country been engaged in such a genuine conversation about abolishing police departments. Of course, there were earlier flashpoints that raised serious challenges to the police—in the wake of the Rodney King beating, for instance, especially after the acquittal there, or in the wake of the Selma March, or the DNC convention in Chicago in 1968, or further back still. There has been protest against the police; but not until now has there been a national debate over abolishing the police. As Amna Akbar correctly observes, “The nationwide protests catapulted abolition into the mainstream and, in the process, unsettled the intellectual foundations of police reform discourse.”

There is no point in debating the law-and-order apologists, and there is little point continuing with the kinds of incremental reforms we have been doing. So the only two viable positions are limiting the police or abolishing it. That is what we will discuss in this seminar.

Readings:

Akbar, Amna. “An Abolitionist Horizon for Police (Reform)” (August 10, 2020). *California Law Review*, Vol. 108, No. 6, 2020, available at <https://ssrn.com/abstract=3670952>

Akbar, Amna. *An Abolitionist Horizon for Police (Reform)*, 108 CALIF. L. REV. 1781 (2020), [available here](#).

Felber, Garrett. *The Struggle to Defund the Police Is Not New*, BOSTON REVIEW, June 9, 2020, [available here](#).

Hasbrouck, Brandon. *Abolishing Racist Policing with the Thirteenth Amendment*, 67 UCLA L. REV. 1108 (2020), [available here](#).

Kaba, Mariame. *Opinion: Yes, We Mean Literally Abolish the Police*, N.Y. TIMES, June 12, 2020, [available here](#).

Purnell, Derecka. “How I Became a Police Abolitionist.” *The Atlantic*, July 6, 2020, available here <https://www.theatlantic.com/ideas/archive/2020/07/how-i-became-police-abolitionist/613540/>.

Purnell, Derecka. *Becoming Abolitionists*. New York: Astra, 2021.

Simonson, Jocelyn. *Police Reform Through a Power Lens*, 130 *YALE L. J.* ____ (forthcoming 2021), availability TBD.

Vitale, Alex S. *The End of Policing*. New York: Verso, 2017.

Sub-topic: Abolish Qualified Immunity

Jamison v. McClendon, No. 3:16-595 (S.D. Miss. Aug. 4, 2020)

Baxter v. Bracey, 590 U.S. ____ (2020) (Thomas, J., dissent)

Joanna Schwartz, *Police Indemnification*, 89 *N.Y.U. L. REV.* 885 (2014), excerpts

Multimedia:

Columbia Center for Contemporary Critical Thought. Abolition Democracy 3/13 | Abolish the Police with Amna Akbar, Derecka Purnell, Josmar Trujillo, Alex Vitale, and Bernard E. Harcourt. October 29, 2020.

<https://blogs.law.columbia.edu/abolition1313/3-13-abolish-the-police/>.

Additional References:

For Cops Who Kill, Special Supreme Court Protection, Reuters Study (2020), [available here](#).

Kaba, Mariame. “[Yes, We Mean Literally Abolish the Police. Because reform won’t happen](#),” *New York Times*, June 12, 2020, available at <https://www.nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html>.

Muhammad, Craig and Noah Gimbel. “Are Police Obsolete? Breaking Cycles of Violence Through Abolition Democracy,” *Cardozo Law Review*, Vol. 44, no. 4 (2019) available at <http://cardozolawreview.com/are-police-obsolete-police-abolition/>.

Materials at <http://criticalresistance.org/abolish-policing/>.

Purnell, Derecka. “What Does Police Abolition Mean?” *Boston Review*, August 23, 2017, available at <http://bostonreview.net/law-justice/derecka-purnell-what-does-police-abolition-mean>.

Purnell, Derecka. “Reforms are the Master’s Tools.” *Level*, October 19, 2020, available at <https://level.medium.com/the-system-is-built-for-power-not-justice-c83e6dc4dd6>

Session 6: Abolish Prisons

What does it mean for an institution like the prison, founded on the very notion of reforming the delinquent, to constantly be defective, deficient, or deviant itself, and constantly in need of reform? How should we think about an institution like the prison that exists in a constant state of needing to be reformed?

In the media and public debate, we are constantly confronted with these arguments and the choice between reform or abolition.

W.E.B. Du Bois's idea of "abolition democracy" suggests that this is a false dilemma. It is a trap. Neither piecemeal reforms, nor abolition alone would truly advance the cause of racial justice. Neither one, standing alone, properly addresses the legacy of systemic racism in this country. Instead, we need to pursue, simultaneously, the abolition of these punitive institutions *and* the invention of new institutions guided by a different paradigm than punishment.

That is the lesson of Angela Davis's writings and the work of so many prison abolitionists.

In this session, we reflect and discuss these ideas and the broader debate over the reform versus abolition of the prison.

Readings and Podcast:

Ruth Wilson Gilmore *Makes the Case for Abolition*, The Intercept, Vol 1. (54 min) and Vol. 2 (31 min), [available here](#).

Davis, Angela. *Are Prisons Obsolete?* New York: Seven Stories Press, 2011.

Gilmore, Ruth Wilson. *Change Everything: Racial Capitalism and the Case for Abolition*. Chicago: Haymarket, 2023.

Kaba, Mariame, and Kelly Hayes. "A Jailbreak of the Imagination: Seeing Prisons for What They Are and Demanding Transformation." *Truthout*, May 3, 2018. <https://truthout.org/articles/a-jailbreak-of-the-imagination-seeing-prisons-for-what-they-are-and-demanding-transformation/>.

McLeod, Allegra. "Prison Abolition and Grounded Justice," 62 *UCLA L. Rev.* 1156 (2015): 1156-1239. Available at https://www.uclalawreview.org/wp-content/uploads/2019/09/McLeod_6.2015.pdf.

Van Buren, Deena. "Imagine a World Without Prison," TED Talk.

Multimedia:

Columbia Center for Contemporary Critical Thought. Abolition 9/13 | Prison Abolition with Reginald Dwayne Betts, Allegra McLeod, and Bernard E. Harcourt. February 4, 2021.
<https://blogs.law.columbia.edu/abolition1313/9-13-prison-abolition/>.

Additional Reference:

“A World Without Walls” Abolitionist Toolkit, *Critical Resistance*, [available here](#).
Harcourt, Bernard E. “[Reducing Mass Incarceration: Lessons from the Deinstitutionalization of Mental Hospitals in the 1960s](#),” 9 *Ohio State Journal of Criminal Law* 53-88 (2011).

Kushner, Rachel. “Is Prison Necessary? Ruth Wilson Gilmore Might Change Your Mind,” *New York Times Magazine*, April 17, 2019, available at <https://www.nytimes.com/2019/04/17/magazine/prison-abolition-ruth-wilson-gilmore.html>.

Session 7: Abolition of the Death Penalty

In recent years, following the peak in the 1990s, execution rates and death-sentencing rates around the country have gone down drastically. Prior to the election of Donald Trump in 2016, abolition of the death penalty in the United States seemed imminent. Now, the future of the death penalty appears less clear. There is an ultra-right-wing Supreme Court as the nation’s executioners, yet there is nevertheless a continuous stream of states abolishing the death penalty at the state level. Fewer and fewer people are being sentenced to death even as execution protocols become increasingly ghastly. This session will ask the question of what is coming next in death penalty abolition and how it will come about.

Readings:

Buck v. Davis, 137 S.Ct. 759 (2017), excerpts

Glossip v. Gross, 135 S.Ct. 2726, 2755-2797 (2014) (J. Breyer, dissent)

McCleskey v. Kemp, 481 US 279 (1987)

Washington v. Gregory, No. 88086-7 (Oct. 11, 2018) Hoag, Alexis. “Valuing Black Lives: A Case for Ending the Death Penalty.” *Columbia Human Rights Law Review* 51, no. 3 (2020): 985.

<http://hrlr.law.columbia.edu/hrlr/valuing-black-lives-a-case-for-ending-the-death-penalty/>.

Enduring Injustice: The Persistence of Racial Discrimination in the U.S. Death Penalty, Death Penalty Information Center Report (2020), availability TBD.

Eberhardt, Jennifer, et. al., *Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes*, 17 Psychol. Sci. 383 (2006)

Pilkington, Ed. “The nation’s executioners’: the US supreme court’s shift towards capital punishment.” *Guardian*, January 12, 2023.
<https://www.theguardian.com/us-news/2023/jan/12/us-supreme-court-death-row-executions>.

Multimedia:

Columbia Center for Contemporary Critical Thought. Abolition Democracy 8/13 | Abolish the Federal Death Penalty with Kelley Henry, Alexis Hoag, Lee Greenwood, Liliana Segura, Susannah Sheffer, and Bernard E. Harcourt. January 21, 2023.
<https://blogs.law.columbia.edu/abolition1313/8-13-death-penalty-abolition/>.

Additional Readings and Death Penalty in the News:

Segura, Liliana. “After Trump’s Execution Spree, Lingering Trauma and a Push for Abolition.” *Intercept*, February 6, 2021.
<https://theintercept.com/2021/02/06/execution-trump-death-penalty-abolish/>.

Bruenig, Elizabeth. “A History of Violence: Why does Alabama keep botching executions?” *Atlantic*, November 22, 2022.
<https://www.theatlantic.com/ideas/archive/2022/11/alabama-death-penalty-kenneth-smith-execution/672220/>.

Pilkington, Ed. “What is it like to survive an execution by lethal injection?” *Guardian*. December 28, 2022.
<https://www.theguardian.com/world/2022/dec/28/lethal-injection-surviving-execution-attempt-alabama>.

Gonnerman, Jennifer. “The Long Defense of the Alabama Death Row Prisoner Doyle Lee Hamm.” *New Yorker*, September 13, 2016.
<https://www.newyorker.com/news/news-desk/the-long-defense-of-the-alabama-death-row-prisoner-doyle-lee-hamm>.

Death Penalty Information Center. <https://deathpenaltyinfo.org/>.

Session 8: Abolitionist Possibilities Within the Legal System

What is the role of law in progressive politics? To what extent can the legal system serve as a tool for liberation? From the Civil Rights Movement to the emergence of movement lawyering today, the question of the role of lawyers in progressive politics, as Cornel West asked, has been

answered in many different ways. This session will attempt to answer this question for this moment.

Readings:

Greenberg, Jack. Chapter 32, NORI and Criminal Justice, *Crusaders in the Courts: How a dedicated band of lawyers fought for the Civil Rights Revolution* (Basic Books, 1994), 440-460

West, Cornel. “The Role of Law in Progressive Politics.” *Vanderbilt Law Review* 43, no. 6 (1990): 1797-1806.

Akbar, Amna A., Sameer M. Ashar, and Jocelyn Simonson, *Movement Law*, 73 *Stan. L. Rev.* (2021).

Hoag, Alexis. “Black on Black Representation.” *NYU Law Review* 96, no. 5 (November 2021): 1491-1548.
<https://www.nyulawreview.org/wp-content/uploads/2021/11/Hoag-ONLINE.pdf>.

Webb, Lindsey. “Slave Narratives and the Sentencing Court,” 42 *N.Y.U. REV. L. & SOC. CHANGE* 125 (2018), pages 141-71.

Additional Readings:

Stevenson, Bryan. *Just Mercy*. New York: Simon and Schuster, 2014.

Futrell, Nicole Smith. “The Practice and Pedagogy of Carceral Abolition in a Criminal Defense Clinic, 45 *N.Y.U. REV. L. & SOC. CHANGE* 2 (2021), 159-196.

Rosen, Charlotte. “Fighting from Inside: Prison Litigation as a Conduit for Resistance.” *n+1* 43 (Summer 2022).
<https://www.nplusonemag.com/issue-43/politics/fighting-from-inside/>.

Session 9: Abolishing the Family Policing System

“They separate children at the border of Harlem too,” reads a poster by Abolish NYC ACS (Administration of Children’s Services). This session will focus on how the family policing system, operating under the guise of “child welfare,” functions as an arm of the punitive state.

Readings:

Roberts, Dorothy. *Torn Apart: How the Child Welfare System Destroys Black Families—and How Abolition Can Build a Safer World*. New York: Basic Books, 2022 (excerpts).

Roberts, Dorothy. *Killing the Black Body*. New York: Pantheon, 1997 (excerpts).

Roberts, Dorothy. “[Abolishing Policing Also Means Abolishing Family Regulation](#).” *The Imprint*. June 16, 2020.

Multimedia:

Center for Contemporary Critical Thought. Abolition Democracy 10/13 | Abolishing Family Policing. February 15, 2021.
<https://blogs.law.columbia.edu/abolition1313/10-13-abolish-family-policing/>.

Session 10: Abolition Feminism

This seminar will explore the long history of feminist abolitionist activism and theory that extends back not only two decades to the turn of the twenty-first century with the collaborative political organizing of INCITE! and Critical Resistance, but much further back, centuries back, to the feminist abolitionist struggle against slavery and the uniquely violent forms which it took against Black women, as well as the forms of resistance going back to the Combahee River battle for instance.

Readings:

Davis, Angela, Gina Dent, Erica R. Meiners, Beth E. Richie. *Abolition. Feminism. Now*. Chicago: Haymarket, 2022.

Haley, Sarah. *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*. Chapel Hill: University of North Carolina Press, 2016.

Bierria, Alisa, Hyejin Shim, Mariame Kaba, and Stacy Suh, ed. *Survived and Punished: Survivor Defense as Abolitionist Praxis*, (2017) [available here](#).

Goodmark, Leigh. *Imperfect Victims: Criminalized Survivors and the Promise of Abolition Feminism*. Berkeley: University of California Press, 2023.

Aviva Stahl, *We Have Already Stopped Calling the Cops*, BUSTLE, July 21, 2020, [available here](#).

Multimedia:

Center for Contemporary Critical Thought. Revolution 12/13 | Abolition Feminism with Sarah Haley. June 1, 2022.
<https://blogs.law.columbia.edu/revolution1313/12-13/>.

Additional Reference:

Morgan, Jennifer. “[Partus sequitur ventrem: Law Race, and Reproduction in Colonial Slavery](#),” *Small Axe*, Volume 22, Number 1, March 2018 (No. 55), pp. 1-17.

Violence Intervention Program NYC, [available here](#).

Connect NYC, [available here](#).

Session 11: Abolishing Property & Capital

The relationship, interconnections, overlap, differences, and conflicts between the movements to abolish slavery and to abolish property are complex, to say the least. The historical record is fraught. But the resonances are clear.

Chattel slavery was, of course, a form of property, and its abolition entailed technically the abolition of property. From the other end, the abolition of capitalist property-ownership was often presented as a liberation from relations of dominance no different than slavery. The resonances are clear, but the history is fraught—especially the relationship between anti-racism and the labor movement.

In the modern era, the regime of capital that displaced feudal property relations. Today, it is beyond time to imagine its overcoming. We will discuss the abolition of feudal property relations and paradigm shifts in political economy. We will also discuss arguments for cooperation as an alternative to capital.

And so we turn now, in this seminar, to the puzzle: How should we rethink the movements to abolish property and capital through the lens of abolition democracy? How do we rethink Proudhon, Marx, and utopian socialist thinkers—as well as the entire political traditions of the labor theories of property and of value from Locke onwards—through the prism of abolition democracy? What role might the idea of cooperation, or coöperism, play in the abolition of property and capital?

Readings:

Marx, Karl and Frederick Engels. [*Manifesto of the Communist Party*](#). Ed. Frederick Engels. New York: International Publishers, 1948.

Marx, Karl. “[Critique of the Gotha Programme](#).” In *Marx/Engels Selected Works, Volume 3*, 13-30. Moscow: Progress Publishers, 1970.

Proudhon, Pierre Joseph. *What Is Property?* (1840). Ed. and trans. Donald R. Kelley and Bonnie G. Smith. Cambridge: Cambridge University Press, 1994.

Du Bois, W.E.B. Chapter 7: Looking Forward. *Black Reconstruction in America, 1860-1880*. New York: The Free Press, 1998.

Harcourt, Bernard E. *Cooperation*. New York: Columbia University Press, 2023 (excerpts).

Multimedia:

Center for Contemporary Critical Thought. Abolition Democracy 5/13 | Property is Theft! with Amy Allen, Étienne Balibar, Karuna Mantena, Dan-El Padilla Peralta, and Bernard E. Harcourt. December 3, 2020.

<https://blogs.law.columbia.edu/abolition1313/5-13-property-is-theft/>.

Center for Contemporary Critical Thought. Abolition Democracy 6/13 | Abolish Capital with Martin Saar and Bernard E. Harcourt. December 17, 2020.

<https://blogs.law.columbia.edu/abolition1313/6-13-abolish-capital/>.

Additional Bibliographical Resources:

Adorno, Theodor W. “Late Capitalism or Industrial Society?” In V. Meja, D. Misgeld and N. Stehr, eds, *Modern German Sociology*. New York: Columbia University Press, New York, 1987, p. 232.

Harcourt, Bernard E. “The Behemoth as a Model of Political Economy: The Will to Chaos and Disorder.” May 25, 2022. Available on SSRN here

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4118958.

Dardot, Pierre and Christian Laval. *Common: On Revolution in the 21st Century*. Cambridge: Bloomsbury Press, 2019 (selections)

Hardt, Michael and Antoni Negri. *Assembly*. New York: Oxford University Press, 2017 (selections)

Harris, Angela. “Compassion and Critique,” *Columbia Journal of Race and Law*, Vol. 1:3 (2012), pp. 326–352.

Session 12: Abolish Oil

“Oil abolition implies social transformation—a systemic change toward collective freedom,” Reinhold Martin writes. In this seminar, we will explore the relation between fossil fuels and social inequality, and focus on efforts, like the Green New Deal, to abolish oil dependency.

Please read:

The Red Nation. *The Red Deal: Indigenous Action to Save Our Earth*. Parts 1, 2, and 3 are available here: <https://therednation.org/>.

Estes, Nick. *The History Is Our Future: Standing Rock Versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance*. New York: Verso, 2019.

Aronowsky, Leah. “[Gas Guzzling Gaia, or: A Prehistory of Climate Change Denialism](https://doi.org/10.1086/712129).” *Critical Inquiry* 47, no. 2 (Winter 2021): 306-327. <https://doi.org/10.1086/712129>.

Latour, Bruno. *Down to Earth: Politics in the New Climatic Regime*. Trans. Catherine Porter. Medford, MA: Polity, 2018.

Martin, Reinhold. “Abolish Oil.” *Places Journal* (June 2020) available at <https://placesjournal.org/article/abolish-oil/>.

Multimedia:

Center for Contemporary Critical Thought. Abolition Democracy 11/13 | Abolish Oil with Alyssa Battistoni, Daniela Gandorfer, Reinhold Martin, and Bernard E. Harcourt. March 11, 2021.

<https://blogs.law.columbia.edu/abolition1313/11-13-abolish-oil/>.

Session 13: Challenging Borders

As borders increasingly become sites of struggle and serve an exclusionary purpose for racist and xenophobic ends, there arises the question of whether borders are necessary at all. This session will explore how the history of borders mirror the needs of colonialism, imperialism, and capitalism, and the violence of their maintenance today.

Please read:

Walia, Harsha. *Border & Rule*. Chicago: Haymarket Books, 2021.

Walia, Harsha. “There is No Migrant Crisis.” *Boston Review*, November 16, 2022. <https://www.bostonreview.net/articles/there-is-no-migrant-crisis/>.

Multimedia:

Center for Contemporary Critical Thought. Abolition Democracy 12/13 | Open Borders with Seyla Benhabib, Joseph Carens, Paulina Ochoa Espejo, and Bernard E. Harcourt. April 15, 2021.

<https://blogs.law.columbia.edu/abolition1313/12-13-open-borders/>.

Additional bibliographical resources:

Achiume, E. Tendayi. “Migration as Decolonization,” 71 *Stanford Law Review* 1509 (2019)

Loyd, Jenna M. "Chapter 5: Prison Abolition Perspectives on No Borders." In *Open Borders: In Defense of Free Movement*, edited by Reece Jones, 89-109. Athens: University of Georgia Press, 2019.

Bauder, Harald. "The Possibilities of Open and No Borders." *Social Justice* 39, no. 4 (130) (2014): 76-96. Available at www.jstor.org/stable/24361623.

Caplan, Bryan and Vipul Naik. "A Radical Case for Open Borders." In *The Economics of Immigration: Market-Based Approaches, Social Science, Public Policy*. New York: Oxford University Press, 2015. Available [here](#).

Session 14: Abolitionist Futures

Readings:

Franke, Katherine. *Repair: Redeeming the Promise of Abolition*. Chicago: Haymarket Books, 2019.

Gilmore, Ruth Wilson. *Change Everything: Racial Capitalism and the Case for Abolition*. Chicago: Haymarket, 2023.

Kaba, Mariame. *We Do This 'Til We Free Us*. Chicago: Haymarket Books, 2021 (excerpts)

Interrupting Criminalization and Project Nia. One Million Experiments. <https://millionexperiments.com/>.

Ambedkar, B.R. *The Annihilation of Caste*. New Delhi: Rupa Publications India Pvt. Ltd, 2018.

Hannah-Jones, Nikole. "What is Owed," *The New York Times Magazine*, June 30, 2020. Available at <https://www.nytimes.com/interactive/2020/06/24/magazine/reparations-slavery.html>.

Abolition Democracy Bibliography

- Abolition Collective. "Our Evolving Mission and Goals." *Abolition Collective*, <https://www.collectiveforabolition.org/our-mission>.
- Akbar, Amna. "How Defund and Disband Became the Demands." *New York Review of Books*, June 15, 2020, <https://www.nybooks.com/daily/2020/06/15/how-defund-and-disband-became-the-demands/>.
- Akbar, Amna. "An Abolitionist Horizon for Police (Reform)" (August 10, 2020). *California Law Review*, Vol. 108, No. 6, 2020. Available at <https://ssrn.com/abstract=3670952>.
- Akbar, Amna. "The Left is Remaking the World." *The New York Times*, July 11, 2020, <https://www.nytimes.com/2020/07/11/opinion/sunday/defund-police-cancel-rent.html?searchResultPosition=1>.
- Akbar, Amna. "Our Reckoning With Race," *New York Review of Books*, October 31, 2020, <https://www.nybooks.com/daily/2020/06/15/how-defund-and-disband-became-the-demands/>.
- Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press, 2010.
- Ambedkar, B.R. *The Annihilation of Caste*. New Delhi: Rupa Publications India Pvt. Ltd, 2018.
- Bauder, Harald. "The Possibilities of Open and No Borders." *Social Justice* 39, no. 4 (130) (2014): 76-96. Available at www.jstor.org/stable/24361623.
- Baldwin, James. *Collected Essays*. New York: Library of America, 1998.
- Bernd, Candice. "Community Groups Work to Provide Emergency Medical Alternatives, Separate from Police." *Truthout*, September 14, 2015, <https://truthout.org/articles/community-groups-work-to-provide-emergency-medical-alternatives-separate-from-police/>.
- Caplan, Bryan and Vipul Naik. "A Radical Case for Open Borders." In *The Economics of Immigration: Market-Based Approaches, Social Science, Public Policy*. New York: Oxford University Press, 2015. Available [here](#).
- Childs, Dennis. *Slaves of the State: Black Incarceration from the Chain Gang to the Penitentiary*. University of Minnesota Press, 2018.
- Clair, Matthew, and Amanda Woog. "Courts and the Abolition Movement." *California Law Review* 110, no. 1 (2022). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3785373.
- Crenshaw, Kimberlé, Neil Gotanda, Gary Peller, and Kendall Thomas, eds. *Critical Race Theory*. New York: New Press, 1995.
- Critical Resistance. "Abolish Policing." Critical Resistance. <http://criticalresistance.org/abolish-policing/>.
- Critical Resistance. *Reformist reforms vs. abolitionist steps in policing*. https://static1.squarespace.com/static/59ead8f9692ebee25b72f17f/t/5b65cd58758d46d34254f22c/1533398363539/CR_NoCops_reform_vs_abolition_CRside.pdf.
- Dardot, Pierre and Christian Laval. *Common: On Revolution in the 21st Century*. Cambridge: Bloomsbury Press, 2019.
- Davis, Adrienne. "Don't Let Nobody Bother Yo' Principle: The Sexual Economy of American Slavery," pp. 103–121, in *Sister Circle: Black Women and Work*, ed. Sharon Harley and The Black Women and Work Collective. Rutgers University Press, 2002.

- Davis, Angela. *Abolition Democracy: Beyond Prison, Torture, and Empire*. New York: Seven Stories Press, 2005.
- Davis, Angela. *Are Prisons Obsolete?* New York: Seven Stories Press, 2011.
- Davis, Angela. *If They Come in the Morning... Voices of Resistance*. New York: Verso, 2016.
- Davis, Angela, Gina Dent, Erica R. Meiners, Beth E. Richie. *Abolition. Feminism. Now*. Chicago: Haymarket, 2022.
- Digital Abolitionist, The. "The Digital Abolitionist." March, 2020, <https://www.thedigitalabolitionist.com/>.
- Douglass, Frederick. "What to the Slave Is the Fourth of July?" Oration at Rochester, July 5, 1852.
- Du Bois, W.E.B. "The African Roots of War." *The Atlantic Monthly*, May 1915.
- Du Bois, W.E.B. *Black Reconstruction in America, 1860-1880*. New York: The Free Press, 1998.
- Du Bois, W.E.B. *Darkwater: Voices From Within the Veil*. New York: Dover, 1999.
- Foner, Eric. *Reconstruction: America's Unfinished Revolution, 1863-1877*. New York: Harper & Row, 1988.
- Foner, Eric. *The Second Founding: How the Civil War and Reconstruction Remade the Constitution*. New York: W.W. Norton & Company, 2019.
- Fortune, T. Thomas. *Land, Labor, and Politics in the South*. New York: Atria, 1884 [2022].
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Trans. Alan Sheridan. New York: Vintage, 1995.
- Foucault, Michel. *The Punitive Society*. Ed. Bernard E. Harcourt. Trans. Graham Burchell. Basingstoke: Palgrave MacMillan, 2015.
- Foucault, Michel. *Penal Theories and Institutions: Lectures at the Collège de France 1971–72*. Trans. Graham Burchell. Ed. Bernard E. Harcourt. New York: Palgrave Macmillan, 2019.
- Foucault, Michel, and The Prisons Information Group. *Intolerable: Writings from Michel Foucault and the Prisons Information Group (1970–1980)*. Ed. Kevin Thompson and Perry Zurn, trans. Perry Zurn and Erik Beranek. Minneapolis: University of Minnesota Press, 2021.
- Franke, Katherine. *Repair: Redeeming the Promise of Abolition*. Chicago: Haymarket Books, 2019.
- Gilmore, Ruth Wilson. *Golden Gulag: Prisons, Surplus, and Opposition in Globalizing California*. Berkeley: University of California Press, 2007.
- Gilmore, Ruth Wilson, and Craig Gilmore. "Restating the Obvious," in *Indefensible Space: The Architecture of the National Insecurity State*. Ed. Michael Sorkin. New York: Routledge, 2007.
- Gilmore, Ruth Wilson. *Change Everything: Racial Capitalism and the Case for Abolition*. Chicago: Haymarket, 2023.
- Goodmark, Leigh. *Imperfect Victims: Criminalized Survivors and the Promise of Abolition Feminism*. Berkeley: University of California Press, 2023.
- Haley, Sarah. *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*. Chapel Hill: University of North Carolina Press, 2016.
- Hall, Stuart. *The Fateful Triangle*. Cambridge: Harvard University Press, 2017.
- Hall, Stuart. "Culture, Resistance, and Struggle." In *Cultural Studies 1983: A Theoretical History*. Ed. Jennifer Daryl Slack and Lawrence Grossberg. Durham: Duke University Press, 2016.

Hannah-Jones, Nikole. "What is Owed." *New York Times Magazine*, June 30, 2020.
<https://www.nytimes.com/interactive/2020/06/24/magazine/reparations-slavery.html>.

Harcourt, Bernard E. *Critique & Praxis*. New York: Columbia University Press, 2020.

Harcourt, Bernard E. *For Cooperation and the Abolition of Capital: or, How to Get Beyond Our Extractive Punitive Society and Achieve a Just Society* (2020, draft).

Harcourt, Bernard E. *The Counterrevolution: How Our Government Went to War Against Its Own Citizens*. New York: Basic Books, 2018.

Harcourt, Bernard E. "How to Demilitarize the Police." *The Justice Collaborative Institute*.
https://tjcinstitute.com/wp-content/uploads/2020/09/20.09_Demilitarize-Police.pdf.

Harcourt, Bernard E. *Illusion of Order: The False Promise of Broken Windows Policing*. Cambridge: Harvard University Press, 2001.

Harcourt, Bernard E. *The Illusion of Free Markets: Punishment and the Myth of Natural Order*. Cambridge: Harvard University Press, 2011.

Harcourt, Bernard E. "Reducing Mass Incarceration: Lessons from the Deinstitutionalization of Mental Hospitals in the 1960s." 9 *Ohio State Journal of Criminal Law* (2011): 53-88.

Hartman, Saidiya. *Scenes of Subjection: Terror, Slavery, and Slave-Making in Nineteenth-Century America*. Oxford: Oxford University Press, 1997.

Hartman, Saidiya. "Venus in Two Acts." *Small Axe*, No. 26, Vol. 12(2), June 2008, pp. 1-14.

Hartman, Saidiya. "Belly of the World: A Note on Black Women's Labors." *Souls* (2016): 166-173.

Hartman, Saidiya. *Wayward Lives, Beautiful Experiments*. New York: W.W. Norton, 2019.

Hasbrouck, Brandon. "Abolishing Racist Policing With the Thirteenth Amendment." *UCLA Law Review* 68 (July 2020), <https://www.uclalawreview.org/abolishing-racist-policing-with-the-thirteenth-amendment/>.

Hoag, Alexis. "Valuing Black Lives: A Case for Ending the Death Penalty." *Columbia Human Rights Law Review* 51, no. 3 (2020): 985.
<http://hrlr.law.columbia.edu/hrlr/valuing-black-lives-a-case-for-ending-the-death-penalty/>.

Jackson, George. *Soledad Brother: The Prison Letters of George Jackson*. New York: Lawrence Hill Books, 1994.

Jackson, George. *Blood In My Eye*. Baltimore: Black Classic Press, 1990.

James, Joy. *The New Abolitionists: (Neo)slave Narratives And Contemporary Prison Writings*. New York: SUNY Press, 2005.

James, Joy. *Writings and Works*. <https://sites.williams.edu/jjames/police-and-prison-abolitionism/>.

Johnson, Walter. *The Broken Heart of America: St. Louis and the Violent History of the United States*. New York: Basic Books, 2020.

Jones-Rogers, Stephanie. *They Were Her Property*. New Haven: Yale University Press, 2019.

Jung, Moon-Kie, and João H. Costa Vargas, ed. *Antiblackness*. Durham: Duke University Press, 2021.

Kaba, Mariame. "Yes, We Mean Literally Abolish the Police. Because reform won't happen." *New York Times*, June 12, 2020, available at
<https://www.nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html>.

Kaba, Mariame. *We Do This 'Til We Free Us*. Chicago: Haymarket Books, 2021.

King, Martin Luther, Jr. *A Testament of Hope: The Essential Writings and Speeches, Martin Luther King Jr.*, edited by James M. Washington. New York: HarperCollins, 1986.

Kushner, Rachel. "Is Prison Necessary? Ruth Wilson Gilmore Might Change Your Mind." *New York Times Magazine*, April 17, 2019, available at <https://www.nytimes.com/2019/04/17/magazine/prison-abolition-ruth-wilson-gilmore.html>.

Loyd, Jenna M. "Chapter 5: Prison Abolition Perspectives on No Borders." In *Open Borders: In Defense of Free Movement*, edited by Reece Jones, 89-109. Athens: University of Georgia Press, 2019.

Marable, Manning. "The Third Reconstruction: Black Nationalism and Race in a Revolutionary America." *Social Text*, no. 4 (Autumn, 1981): 3-27 .

Marx, Karl and Frederick Engels. *Manifesto of the Communist Party*. Ed. Frederick Engels. New York: International Publishers, 1948.

McLeod, Allegra. "Envisioning Abolition Democracy." *Harvard Law Review* 132, no. 6 (2019): 1613-1649. https://harvardlawreview.org/wp-content/uploads/2019/04/1613-1649_Online.pdf.

McLeod, Allegra. "Prison Abolition and Grounded Justice." 62 *UCLA L. Rev.* 1156 (2015): 1156-1239. Available at https://www.uclalawreview.org/wp-content/uploads/2019/09/McLeod_6.2015.pdf.

Meiners, Erica R. *For the Children?: Protecting Innocence in a Carceral State*. Minneapolis: University of Minnesota, 2016.

Meiners, Erica R. "Never Innocent: Feminist Trouble with Sex Offender Registries and Protection in a Prison Nation" *Meridians* (2009): 31-62.

Moten, Fred, and Stefano Harney. *The Undercommons: Fugitive Planning and Black Study*. (New York: Minor Compositions, 2013).

Moten, Fred, and Stefano Harney. *All Incomplete*. (New York: Minor Compositions, 2021).

Muhammad, Craig and Noah Gimbel. "Are Police Obsolete? Breaking Cycles of Violence Through Abolition Democracy." *Cardozo Law Review*, Vol. 44, no. 4 (2019) available at <http://cardozolawreview.com/are-police-obsolete-police-abolition/>.

Muhammad, Khalil Gibran. *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. Cambridge: Harvard University Press, 2011.

Purnell, Derecka. *Becoming Abolitionist*. New York: Astra, 2021.

Purnell, Derecka. "What Does Police Abolition Mean?" *Boston Review*, August 23, 2017, available at <http://bostonreview.net/law-justice/derecka-purnell-what-does-police-abolition-mean>.

Purnell, Derecka. "How I Became a Police Abolitionist." *The Atlantic*, July 6, 2020, available at <https://www.theatlantic.com/ideas/archive/2020/07/how-i-became-police-abolitionist/613540/>.

Purnell, Derecka. "Reforms are the Master's Tools." *Level*, October 19, 2020, available at <https://level.medium.com/the-system-is-built-for-power-not-justice-c83e6dc4dd6>.

Oakland Power Projects, The. "Know Your Options Workshops." <https://oaklandpowerprojects.org/know-your-options-workshops>.

Reidy, Joseph P. *Illusions of Emancipation: The Pursuit of Freedom and Equality in the Twilight of Slavery*. University of North Carolina Press, 2020.

Richie, Beth. *Arrested Justice: Black Women, Violence, and America's Prison Nation*. New York: NYU Press, 2012.

- Ritchie, Andrea. *Invisible No More: Police Violence Against Black Women and Women of Color*. Boston: Beacon Press, 2017.
- Roberts, Dorothy. "Abolition Constitutionalism." *Harvard Law Review* 133, no. 1 (2019): 1-122. https://harvardlawreview.org/wp-content/uploads/2019/11/1-122_Online.pdf.
- Roberts, Dorothy. *Shattered Bonds: The Color of Child Welfare*. New York: Basic Books, 2002 ([excerpts](#)).
- Roberts, Dorothy. *Fatal Invention: How Science, Politics, and Big Business Re-create Race in the Twenty-First Century*. New York: The New Press, 2011.
- Roberts, Dorothy. *Killing the Black Body*. New York: Pantheon, 1997.
- Roberts, Dorothy. "[Prison, Foster Care, and the Systemic Punishment of Black Mothers](#)." *UCLA Law Review* 59 (2012): 1474-1500.
- Roberts, Dorothy. "[Abolishing Policing Also Means Abolishing Family Regulation](#)." *The Imprint*. June 16, 2020.
- Roberts, Dorothy. *Torn Apart: How the Child Welfare System Destroys Black Families— and How Abolition Can Build a Safer World*. New York: Basic Books, 2022.
- Segura, Liliانا. "[Another Failed Execution: The Torture of Doyle Lee Hamm](#)." *The Intercept*, March 3, 2018. <https://theintercept.com/2018/03/03/doyle-hamm-alabama-execution-lethal-injection/>.
- Simonson, Jocelyn. *Police Reform Through a Power Lens*, 130 *Yale L. J.* ___ (forthcoming 2021).
- Spade, Dean. *Solidarity not Charity: Mutual Aid for mobilization and survival*, 142 *Social Text* 38, no. 1 (March 2020): 131-33.
- Spade, Dean. *Mutual Aid*. New York: Verso, 2020.
- Spivak, Gayatri Chakravorty. "Righting Wrongs." *The South Atlantic Quarterly* 103, no. 2/3 (Spring/Summer 2004): 523-581.
- Stanley, Eric A., Dean Spade, and Queer (In)Justice. "[Queering Prison Abolition Now](#)." *American Quarterly* (2012): 115-127.
- Taylor, Keeanga-Yamahtta, ed. *How We Get Free: Black Feminism and the Combahee River Collective*. Chicago: Haymarket, 2017.
- Thomas, Kendall. "Racial Justice: Moral or Political?." In *Looking Back at Law's Century*, ed. Austin Sarat, Bryant Garth, Robert A. Kagan. Ithaca: Cornell University Press, 2002.
- Thomas, Kendall. "[Envisioning Abolition: Sex, Citizenship, and the Racial Imaginary of the Killing State](#)." In *Sensible Politics: The Visual Culture of Nongovernmental Activism*, ed. Meg McLagan and Yates McKee, 257-275. New York: Zone Books, 2012.
- Trujillo, Josmar. "No BackSpace: The Case for Abolishing the Police," *City Limits*, August 16, 2016, <https://citylimits.org/2016/08/16/no-backspace-the-case-for-abolishing-the-police/>.
- Vitale, Alex S. *The End of Policing*. New York: Verso, 2017.
- Walia, Harsha. *Border & Rule*. Chicago: Haymarket, 2021.
- Walia, Harsha. "There is No Migrant Crisis." *Boston Review*, November 16, 2022. <https://www.bostonreview.net/articles/there-is-no-migrant-crisis/>.
- Wilderson, Frank, III. *Incognegro*. Durham: Duke University Press, [2008] 2015.
- Wilderson, Frank, III. *Red, White, and Black*. Durham: Duke University Press, 2010.
- Wilderson, Frank, III. *Afropessimism*. New York: Liveright, 2020.

Wilkerson, Isabel. *Caste: The Origins of Our Discontents*. New York: Random House, 2020.

Wolfe, Christopher Paul. "Sir, I Never Thought I'd See the Day I'd Work for a Colored Officer" *New York Times Magazine*, February 9, 2019,
<https://www.nytimes.com/2019/02/07/magazine/army-racism-west-point.html>.

Woodfox, Albert. *Solitary: Unbroken by Four Decades in Solitary Confinement*. New York: Grove Press, 2019.