

Now?

Bennett Capers

This essay brings Afrofuturism, and its notion of the plasticity of time, to imagine how we will think of the past in the future and, more specifically, to consider what will “enrapture, haunt, and/or plague thinkers in the future.” Although many answers come to mind, including this country’s original sin – slavery – ultimately this essay turns to our current technologies, especially policing technologies. And this essay turns the question around to ask, “How should we in the present think about the future? And what can we do now to change it?”

How will we think about the past in the future? The central question of this *Dædalus* issue led me to think about Afrofuturism, Greek mythology, labyrinths, technology, and so much more. Perhaps especially about labyrinths. But already, I’m getting ahead of myself.

My answers to this question are bound up in provocation, Afrofuturism, and time. Here’s the question again: “How will we think about the past in the future?” Or as this issue’s guest editor Ayanna Thompson also put it in her invitation: “What aspects of the past (or the current present) will enrapture, haunt, and or/plague thinkers in the future?” These are provocative questions. And for me, a Black legal scholar who believes “subject position is everything in my analysis of the law,” who writes about policing and equality and critical race theory and Afrofuturism and the law, the question is not merely provocative.¹ It is a provocation, in the best sense of the word. And all the more so since Afrofuturism itself frequently engages with time and its nonlinearity, its plasticity. Allow me to elaborate. Afrofuturism is more than simply “speculative fiction that treats African-American themes and addresses African-American concerns in the context of twentieth-century technoculture,” as claimed by cultural critic Mark Dery in 1994 when he coined the term “Afrofuturism.”² It is also more than “African-American signification that appropriates images of technology and a prosthetically enhanced future.”³ It is more than the fiction of N. K. Jemisin and Nnedi Okorafor and Octavia Butler and Samuel R. Delaney, and more than the pop music of Janelle Monáe and Outkast and the jazz of Flying Lotus and Sons of Kemet. It is more than the visual art of Wangechi Mutu and Nick Cave and the blockbuster films *Black Panther* and *Wakanda Forever*. And as much as Afrofuturism is committed to “the disruption of hierarchies based on race, gender, sexuality, and class” and poses “a progressive question: What would

a positive future for Africa's citizenry and diaspora actually *look* like?" this too fails to capture an important aspect of Afrofuturism.⁴ Because Afrofuturism, like the theme of this *Dædalus* issue, is at bottom interested in time.

Afrofuturism rejects, or at least distances itself 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."⁵ Indeed, one could even say that the Western view of time – one that relies on "a linear system of time to mark progress – progress that situates whiteness as the primary subject of history and contributes to ongoing progressiveness, goodness, and modernity" – should also be thought of as "colonial time."⁶ Literature scholar Juliana Hu Pegues makes a similar point in her book *Space-Time Colonialism*.⁷

By contrast, Afrofuturism sees time as more fluid and indeed plastic. "Time, as contemplated through Afrofuturism, is malleable, ever changing, non-linear."⁸ Moreover, "time can be created, reclaimed, resourced, and redeemed."⁹ Afrofuturism also "embraces the notion that past, present, and future co-exists and are always in flux."¹⁰ Or as Octavia Butler's novel *Kindred* demonstrates with its protagonist Dana, a Black woman in 1976 – notably the year of the country's bicentennial – who becomes unstuck in time, all of us contain the past and future.¹¹ In short, Afrofuturism encourages us to think more expansively about time and the very notion of a fixed past, or knowable present, or unknowable future. This is especially true of the future, which legal scholar Folúkẹ́ Adébísí argues can be rethought: "To rethink the future is to seek legal epistemologies, ontologies, teleologies and axiologies that break from the past and present."¹² But it is also true of the past. Afrofuturism at its best not only revisits the past to reclaim it and ask the *what if?* It also holds out the possibility that the past can be changed, and in turn change the present and the future. All of this is to say Afrofuturism embraces these slippages between past and present and future.

In her invitation, Thompson also asked the contributors to this volume "to conjure up the methodologies, theories, and scholarly and artistic practices we will need not only to rectify past harms, but also to usher in more equitable futures." It should come as no surprise that I offer, as one such methodology, Afrofuturism's engagement with collapsing time, with reclaiming the past, often symbolized by the image of Sankofa, a mythical Akan bird with its feet planted forward as it also looks backward. And with reconstituting the past to change the present and the future. In the legal sphere, the field with which I am most familiar, Paul Gowder uses this Afrofuturist methodology of time travel to both recover the Constitution and to map a "route to the Constitution's future – a future that envisions the empowerment and inclusion of subordinated and excluded and minoritized groups."¹³ He does so by going through "an aggressive reinterpretation of the past, one which is inspired by the common law tradition as well as Black intellectual history."¹⁴ His goal is nothing less than "blackening the Constitution," but in a positive way.¹⁵

So, back to the provocation. “What aspects of the past (or the current present) will enrapture, haunt, and or/plague thinkers in the future?” Even knowing that Afrofuturism could have a lot to say about this topic, I was left pondering what to focus on in this essay. Or more specifically, how to narrow the answer down to one aspect. Or for that matter, a handful of aspects. Since I am a Black man writing in a country where race has always mattered, and where for some, there is a “racial tax,” and for others, a “racial privilege,” I naturally thought of slavery. Slavery, after all, is the country’s original sin, enshrined into its Constitution by, among other things, its clause describing Blacks as three-fifths of a person, its fugitive slave clause (entitling slaveholders to recover escaped slaves, even from free states), and its clause guaranteeing the states the right to continue to import slaves.¹⁶ To be sure, the country used “coded language and purposeful restriction to deal with the racial disingenuousness and moral frailty at its heart,” but so be it.¹⁷ Even the electoral college owes its origin to the protection of slavery.¹⁸ We are still living with this country’s founding contradiction, that the “most radical claims for freedom and political equality were played out in counterpoint to chattel slavery, the most extreme form of servitude,” and that the “equality of political rights, which is the first mark of American citizenship,” was “proclaimed in the accepted presence of its absolute denial.”¹⁹

And slavery, in turn, depended on race-making, attributing intelligence and ability and value and even humanness to race. It depended on a race-making that continued through the Supreme Court’s decision in *Dred Scott*, which essentially held that a Black man suing for his freedom lacked standing for his suit in federal court because, as a Black man, he was not a “citizen.” Instead, he was a being “of an inferior order . . . unfit to associate with the white race.”²⁰ This race-making continued post-Emancipation and the passage of the Fourteenth Amendment. It is there in the Supreme Court’s decision in *Plessy v. Ferguson*, giving its imprimatur to the fiction of “separate but equal.”²¹ And we are living with this race-making still, which explains why schools and neighborhoods continue to be segregated along lines of race, and why the “median Black household in America has around \$24,000 in savings, investments, home equity, and other elements of wealth. The median White household: around \$189,000.”²² Why, even now, Black-white marriages are rare. African American studies scholar Saidiya Hartman has written that we are all still living in the “afterlife of slavery.”²³ It might be more accurate to say we are still living in the “afterlife of race-making.” There is a reason why critical race theory scholar Kendall Thomas argues that we should think of race not only as a noun, but also as a verb, since we make and remake race every day.²⁴

As such, it seemed the natural choice to focus on slavery, that “peculiar institution,” and its connection to race-making, as something that will “enrapture, haunt, and or/plague thinkers in the future.” Especially given the time-traveling work of another critical race theory scholar – and honorary Afrofuturist – Derrick Bell, who

in one of his well-known legal essays uses a fictional interlocutor, Geneva Crenshaw, to time-travel to the constitutional convention in an effort to change history and hence the present by warning the founders of the harm they will cause to future generations if they enshrine slavery – and really race – into the Constitution.²⁵ Unlike Afropessimism, which views anti-Black subordination as permanent and inescapable, perhaps an Afrofuturist would say all this could change if we could simply go back and get things right.²⁶ Again, because of its engagement with time, Afrofuturism is itself marked by big *what-ifs*. If, as W. E. B. Du Bois stated, “The problem of the Twentieth Century is the problem of the color line” – a problem that obviously continues into the twenty-first century – then perhaps stepping back in time to undo harm is the answer.²⁷ Even if we cannot undo slavery, or the great compromises engrained in the Constitution, perhaps we can undo the race-making that persisted, and persists still. Perhaps we can, while looking back, lay the groundwork for a third Reconstruction to finish the unfinished work of the first and second Reconstructions, as many critical race theorists and Afrofuturists and law scholars have called for.²⁸ Even if, as Butler’s *Kindred* makes clear, going back is, well, complicated. In any event, American slavery and its twin, race-making, as well as its enshrinement in the Constitution, certainly constitute “aspects of the past (or the current present) [that] will enrapture, haunt, and or/plague thinkers in the future.”

But then I thought of Daedalus. Not the wonderful journal. But Daedalus, the OG from Greek mythology, the science fiction of its time.²⁹ As some readers may recall, Daedalus was the father of Icarus, who famously flew too close to the sun despite his father’s warnings, and plummeted to his death, a story that Toni Morrison combines with the myth of the Yoruba folktale of the Flying African in her novel *Song of Solomon*.³⁰ But it is an earlier Daedalus story I want to begin with. The earlier story involves King Minos, the ruler of Crete, and the Minotaur. The Minotaur was a “monster,” was half-bull and half-human but also King Minos’s stepson, which is perhaps why King Minos was unwilling to kill the Minotaur when it was born. Instead, the king turned to Daedalus, the renowned architect and inventor who had already designed an architectural wonder in the Minoan Palace of Knossos, and asked him to create a structure that would hold the Minotaur. Daedalus responded by building a labyrinth, one so elaborate that it came to be known as *the* Labyrinth, “famous throughout the world. Once inside, one would go endlessly along its twisting paths without ever finding the exit.”³¹ Still later, it became a place where Athenian maidens and youth were taken and sacrificed to the Minotaur. As Edith Hamilton writes: “There was no possible way to escape. In whatever direction they ran they might be running straight into the monster; if they stood still he might at any moment emerge from the maze.”³²

Except, in a further display of his brilliance, Daedalus showed Theseus, who had secretly vowed to kill the Minotaur, how to enter the Labyrinth and find his

way out. It is this earlier story of the Labyrinth that set in motion the story for which Daedalus is more well-known. Convinced that Theseus could only have killed the Minotaur and escaped the Labyrinth with Daedalus's help, King Minos had both Daedalus and Daedalus's son Icarus arrested and imprisoned in the very Labyrinth Daedalus had created. Knowing he had designed the Labyrinth to make escape nearly impossible without advanced planning – like Theseus had had – Daedalus came up with another brilliant invention. He gathered branches of osier and connected them with wax to create two pairs of wings so that he and his son could fly out of the Labyrinth to safety. Unsurprisingly, the next part is the part often taught to schoolchildren. Or at least impressed upon them. Just before taking off, Daedalus warned his son not to fly too close to the sun, since the heat might melt the wax. But Icarus failed to heed the warning and flew too high. His wings came off, and Icarus fell into the sea and perished. Distraught, Daedalus flew on, and eventually was given sanctuary in Sicily.

There is a final story of Daedalus's technological ingenuity that I want to recount. King Minos, incensed that Daedalus had escaped, devised a plan to find and recapture him. He offered an enormous award to anyone who could pass a string through a spiral seashell, believing that Daedalus would be unable to resist the challenge and, in coming forward, would reveal himself. Daedalus was unable to resist. He bore a tiny hole at one end of the seashell, tied a string to an ant, and dropped the ant into the hole. When the ant came out of the other end of the spiral shell, the shell was threaded. In solving the challenge, Daedalus revealed himself. In the end, however, he managed to escape King Minos again.

It was because of this coincidence – that I was being asked to ruminate on “what aspects of the past (or the current present) will enrapture, haunt, and or/plague thinkers in the future” for a journal called *Daedalus* – that my topic suddenly began to tug at me, one that I thought I could do more justice to than slavery. Because certainly in the future – whether it be the distant future or near future – our descendants will look back at this moment when technology is expanding exponentially, faster than regulation can even keep up, and wonder, *what if?* They may even be haunted and plagued, to return to Ayanna Thompson's phrasing. And might even think too of race. When I say our descendants might be haunted and plagued by this burst of technological innovation – dizzying, not just captivating but capable of complete capture, and viral in both its positive and negative senses – it is not because I fear “AI will replace us,” though perhaps that would have been a more apt concern from the Charlottesville protesters. Nor is my concern a dystopian future à la *Terminator* or numerous other science fiction disaster flicks. Perhaps these futures are possible, but they are not the futures I'm worried about. At least not yet.

Rather, the technology that I fear may come to haunt and plague us is our policing technology. Even in its most benign forms, policing, and by implication the

Now?

state, defines what is law and what is order. Who is compliant, who is not. And who is a good citizen. And technology should trouble us because, well, it is technology. Just consider. We have already become a world where there is nearly perfect surveillance, where video cameras are everywhere – New York City alone has access to over three thousand surveillance cameras; Washington, D.C., five thousand – and where facial recognition technology means that anonymity is all but impossible.³³ My favorite is “eye in the sky” technology, which essentially uses one camera to conduct surveillance of an entire city.³⁴ Even without cameras, our movements are traceable in public every time we use an E-ZPass, or a subway or bus card. And, of course, we are traceable through our smartphones, themselves so ubiquitous and all-knowing that the Supreme Court, in *Riley v. California*, changed its Fourth Amendment search-incident-to-arrest jurisprudence to exempt smartphones.³⁵ Consider what this nearly ubiquitous surveillance means in states that, emboldened by the Court’s reversal of *Roe v. Wade* with *Dobbs v. Jackson Women’s Health Organization*, have criminalized abortion access.³⁶

What else? The state has access to our browsing history without a warrant, and with the growing obsolescence of cash, the state has access to every purchase we make. And all of this is before we get to the technology that the state employs once it really gets going. For years now, states have deployed predictive policing technology – essentially data analytics – to “anticipate, prevent and respond more effectively to future crime.”³⁷ It is not quite on the level of the precrime depicted in the film *Minority Report*, but still. The use of technology then continues when the state makes an arrest, whatever the arrest is for, whether it’s for DUI or selling drugs or tax evasion or something else. More and more states are using pretrial risk assessment algorithms to “assist” with bail determinations. And sentencing determinations. It is not hard to imagine, once comfortable with the use of AI to help determine bail and sentencing, that we might use it to help determine guilt itself, a possibility to which the Court’s recent decision in *Diaz v. United States* potentially opens the door.³⁸ And very little of generative AI is transparent or accessible; instead, much of it is “black box” technology, protected by trade secrets such that the state itself may never understand how it works. To make matters worse, all of this technology has troubling race effects. There is reason sociologist Ruha Benjamin coined the phrase the “New Jim Code” to highlight how so much of the current technology perpetuates inequality.³⁹ Indeed, it may even exacerbate it.⁴⁰

So, now: I offer our turn to policing technologies as something that may haunt future generations. I imagine them looking back at all the red flags at every turn, wondering how we didn’t see them. All the alarms going off, and they will wonder how we didn’t hear them. Because certainly there have been red flags and alarms about so much when it comes to technology. The end of privacy. The inaccuracy. The perpetuation and calcification of biases.

Except I suspect our descendants, looking back, will also see what I've argued in my own work on Afrofuturism: that it isn't technology that was the real problem. After all, a "core tenet of Afrofuturism is that we embrace technology, especially technology that can disrupt hierarchies and contribute to the public good."⁴¹ Think of the vibranium in *Black Panther*, and the way Shuri, Black Panther's sister, champions technology.⁴² Or think of Earthseed in *Parable of the Talents*, which encourages "technological creativity."⁴³ Indeed, it is useful to remind ourselves that Blacks not only come from "sturdy, peasant stock" and a "long line of great poets," if I may borrow from James Baldwin, but also from a long line of inventors and technologists.⁴⁴ The problem has always been us writ large. Us as a society. This is especially true when it comes to technology and the perpetuation of biases. Indeed, AI should really be thought of as the laundering of biases – bias in, bias out – since the transfer of biases to AI also functions to relieve us of responsibility for biased outcomes. A way to wash our hands and say, "It's not us. It's the machines."

I suspect our descendants will look back and wonder how different things might have been had technology been democratized, as my friend Ngozi Okidegbe advocates for in her work on the racially inequitable outcomes in pretrial risk assessment algorithms.⁴⁵ How might the arc of justice have bent quicker had those who experience the brunt of policing had a say in what technology they wanted? What technology would benefit them? I have already suggested ways in my own work to harness technology to reduce crime and deracialize policing, and even aid in reducing police violence.⁴⁶ But these are just my musings. What harm-reduction and equality-furthering technologies might have been created had there been more diverse people at the table saying what technology would benefit them, and how technologies could be "appropriated and reimagined for more liberatory ends"?⁴⁷ Even better, if they had the tools to create new technologies themselves? How might things have been different had people of color and those currently in the bottom quartile socioeconomically not just been the objects of technology but its wielders, able to code, record, and drop a remix?

Except even as I write this, I wonder if I am being too narrow in postulating that our descendants will look back at this moment in time and be haunted by the decisions we made, or more specifically allowed to be made, with respect to policing technologies. Maybe they will view the problem with technology as closer to home, indeed in the home. Recently, I was listening to a podcast interview with the writer Zadie Smith, in which she lamented the way smartphones, social media, and the internet have "modified" and "captured" us in a way that is totalizing. She asked what happens when everyone is glued to their phones. When their consciousness is "colonized." What happens to our ability to focus or attend? I think of myself as a writer. Zadie Smith asks, are we losing readers as people develop shorter attention spans?⁴⁸ So perhaps I am getting everything wrong by focusing on policing technologies. But allow me to return to policing, an area I know best.

Thompson asks, “How will we think about the past in the future?” But of course, the question invites its counterpart: How should we in the present think about the future? Part of my work has been about imagining a better future, and one full of brighter suns. As Octavia Butler once wrote, “There is nothing new / under the sun, / but there are new suns.”⁴⁹ There is an Afrofuturist future “where white supremacy holds no power,” and where hierarchies based on race, gender, sexuality, and class have been eradicated.⁵⁰ Central to my imagining has been technology, especially in the area of policing. But more recently, I have begun to think even more ambitiously, specifically about Afrofuturism’s conception of time. I have been thinking that, just as we made race and erected scaffolding to maintain it – through slavery, anti-miscegenation laws, Jim Crow laws – we can also bend time to unmake race if we choose. To strip race of its power to trick us into beliefs about value and character and intellectual ability and athletic ability and notions of superiority and inferiority and difference. That is what I have been thinking about recently. About using Afrofuturism to finally escape from the labyrinth of racial thinking, a labyrinth that after all was manmade, a labyrinth that even if it seems to “go endlessly along its twisting paths,” in fact, has an exit.

The question for all of us is what we can do now – with respect to technology, with respect to everything – to map a way to a more emancipatory future, keeping our North Star in sight so we don’t lose track and so we recognize wrong turns. How can we think about technology today so we can escape the labyrinth of the present while also being cognizant of technology’s dangers, so we in fact escape rather than plunge to our deaths? And since the goal for many of us is a world where race is celebrated, but comes with neither a tax nor a privilege, how do we imagine technologies now that can make that happen? As we turn toward creating more AI and eventually a race of machines, might that help us rethink race itself, and its very constructedness? Throughout it all, how do we, like Sankofa, go forward while looking backward at the same time? How do we, knowing that what we do today will impact the world tomorrow, strive for a better world? These are the challenges. Which is one reason I want to end with the words of Angela Y. Davis, another honorary Afrofuturist, who famously said in a 2014 lecture at Southern Illinois University, “You have to act as if it were possible to radically transform the world. And you have to do it all the time.”⁵¹

ABOUT THE AUTHOR

Bennett Capers is the Stanley D. and Nikki Waxberg Chair, Professor of Law, Associate Dean for Research, and Director of the Center on Race, Law, and Justice at the School of Law at Fordham University. He is the author of a forthcoming book about prosecutors, *The Prosecutor's Turn*, and the editor of *Criminal Law: A Critical Approach* (with Roger A. Fairfax, Jr. and Eric J. Miller, 2023), *Critical Race Judgments: Rewritten U.S. Court Opinions on Race and Law* (with Devon Carbado, R. A. Lenhardt, and Angela Onwuachi-Willig, 2022), and *Feminist Judgments: Rewritten Criminal Law Opinions* (with Sarah Deer and Corey Rayburn Yung, 2022).

ENDNOTES

- ¹ Patricia Williams, *The Alchemy of Race and Rights* (Harvard University Press, 1991), 3.
- ² Mark Dery, "Black to the Future: Interviews with Samuel R. Delany, Greg Tate, and Tricia Rose," in *Flame Wars: The Discourse of Cyberculture*, ed. Mark Dery (Duke University Press, 1994), 180.
- ³ Ibid.
- ⁴ I. Bennett Capers, "Afrofuturism, Critical Race Theory, and Policing in the Year 2044," *New York University Law Review* 94 (1) (2019): 113; and Amah-Rose McKnight-Abrams, "The New Afrofuturism," *Vice: Garage*, February 9, 2018, https://web.archive.org/web/20230804050738/https://garage.vice.com/en_us/article/437wq3/the-new-afrofuturism.
- ⁵ Carol J. Greenhouse, *A Moment's Notice: Time Politics Across Cultures* (Cornell University Press, 1996), 20.
- ⁶ For "a linear system of time to mark progress," see Tinesha Zandamela, "'There Are [Disabled] Black People in the Future,'" *Georgetown Law Journal* (forthcoming 2025). For "colonial time," see Folúkẹ Adébíṣí, "Black/African Science Fiction and Imaginative Resistance," in *Cultural Legal Studies of Science Fiction*, ed. Alex Green, Mitchell Travis, and Kieran Tranter (Routledge, 2024), 62–63.
- ⁷ Juliana Hu Pegues, *Space-Time Colonialism: Alaska's Indigenous and Asian Entanglements* (University of North Carolina Press, 2021), 12–13.
- ⁸ Zandamela, "'There Are [Disabled] Black People in the Future.'"
- ⁹ Rasheedah Phillips, "Race Against Time: Afrofuturism and Our Limited Housing Futures," *Critical Analysis of Law* 9 (1) (2022): 16.
- ¹⁰ I. Bennett Capers, "Afrofuturism and the Law: A Manifesto," *Georgetown Law Journal* 112 (6) (2024): 1368.
- ¹¹ For a summary of the novel, see Folúkẹ Adébíṣí, "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?" *Law, Technology and Humans* 4 (2) (2022): 32–33.
- ¹² Ibid., 27.
- ¹³ Paul Gowder, "Constitutional Sankofa," *Georgetown Law Journal* 112 (6) (2024): 1437.
- ¹⁴ Ibid.

- ¹⁵ Paul Gowder, *Constitutional Democracy for Time Travelers: A Critical Race Afrofuturist Manifesto* (Cambridge University Press, forthcoming 2026).
- ¹⁶ See U.S. Const. art. I, § 2, cl. 3, amended by U.S. Const. amend. XIV, § 2, which apportions representatives to the states based on “the whole Number of free persons” and “three fifths of all other Persons.”
- ¹⁷ Toni Morrison, *Playing in the Dark: Whiteness and the Literary Imagination* (Vintage Books, 1992), 6.
- ¹⁸ Akil Reed Amar, “The Troubling Reason the Electoral College Exists,” *Time* magazine, November 8, 2016 (updated October 29, 2020), <https://time.com/4558510/electoral-college-history-slavery>.
- ¹⁹ Judith N. Shklar, *American Citizenship: The Quest for Inclusion* (Harvard University Press, 1991), 287.
- ²⁰ *Dred Scott v. John F. A. Sandford*, 60 U.S. 393, 407 (1856).
- ²¹ *Homer A. Plessy v. John H. Ferguson*, 163 U.S. 537, 537–538 (1896). See also at 552 (John Marshall Harlan, dissenting).
- ²² Doug Irving, “What Would it Take to Close American’s Black-White Wealth Gap,” RAND, May 9, 2023, <https://www.rand.org/pubs/articles/2023/what-would-it-take-to-close-americas-black-white-wealth-gap.html>.
- ²³ Saidiya Hartman, *Lose Your Mother: A Journey Along the Atlantic Slave Route* (Farrar, Strauss and Giroux, 2007), 6.
- ²⁴ Kendall Thomas, “The Eclipse of Reason: A Rhetorical Reading of *Bowers v. Hardwick*,” *Virginia Law Review* 79 (7) (1993): 1806–1807.
- ²⁵ Derrick Bell, “The Supreme Court, 1984 Term, Foreword: The Civil Rights Chronicles,” *Harvard Law Review* 99 (4) (1985): 4–83.
- ²⁶ Frank B. Wilderson III, *Afropessimism* (Liveright Publishing Corporation, 2020).
- ²⁷ W. E. B. Du Bois, *The Souls of Black Folk* (A.C. McClurg & Co., 1903), 1.
- ²⁸ Capers, “Afrofuturism, Critical Race Theory, and Policing in the Year 2044,” 157.
- ²⁹ Ovid, *Metamorphoses*, trans. David Raeburn (Penguin Books, 2004).
- ³⁰ Manuela López Ramírez, “Icarus and Daedalus in Toni Morrison’s *Song of Solomon*,” *Journal of English Studies* 10 (2012): 105.
- ³¹ Edith Hamilton, *Mythology* (Little, Brown and Company, 1942), 151.
- ³² Ibid.
- ³³ Capers, “Afrofuturism, Critical Race Theory, and Policing in the Year 2044,” 138; Cara Buckley, “Downtown Surveillance Network Proceeds,” *The New York Times*, July 9, 2007, <https://www.nytimes.com/2007/07/09/nyregion/09ring.html>; and Lynn Neary, “Surveillance Cameras Draw Mixed Reaction in DC,” NPR, April 13, 2008, <https://www.npr.org/2008/04/13/89598503/surveillance-cameras-draw-mixed-reaction-in-dc>.
- ³⁴ Radiolab, podcast, season 13, episode 14, “Eye in the Sky,” NPR, June 18, 2015, <http://www.radiolab.org/story/eye-sky>; and Craig Timberg, “New Surveillance Technology Can Track Everyone in an Area for Several Hours at a Time,” *The Washington Post*, February 5, 2014.

- ³⁵ *David Leon Riley, Petitioner v. California; United States, Petitioner v. Brima Wurie*, 573 U.S. 373 (2014) changed a long-standing precedent that had permitted unfettered searches incident to arrest to exclude smartphones.
- ³⁶ *Jane Roe, et al. v. Henry Wade, District Attorney of Dallas County*, 410 U.S. 113 (1973); and *Thomas E. Dobbs, State Health Officer of the Mississippi Department of Health, et al. v. Jackson Women's Health Organization, et al.*, 597 U.S. 215 (2022).
- ³⁷ Beth Pearsall, "Predictive Policing: The Future of Law Enforcement?" *NIJ Journal* 266 (2010): 16, <https://www.ojp.gov/pdffiles1/nij/230414.pdf>.
- ³⁸ Diaz was found guilty of importing drugs from Mexico to the United States following testimony from a Homeland Security agent who said most couriers carrying large amounts of substances (Diaz's car had over fifty-four pounds of methamphetamine) are aware they are transporting drugs. Diaz appealed, but the Court affirmed that the agent's general knowledge could be applied to Diaz's situation. Could the "general knowledge" of AI models be applied in the same way? *Delilah Guadalupe Diaz v. United States*, 602 U.S. ____ (2024).
- ³⁹ Ruha Benjamin, *Race After Technology: Abolitionist Tools for the New Jim Code* (Polity Press, 2019).
- ⁴⁰ Lorena O'Neil, "These Women Tried to Warn Us about A.I.," *Rolling Stone*, August 12, 2023, <https://www.rollingstone.com/culture/culture-features/women-warnings-ai-danger-risk-before-chatgpt-1234804367>.
- ⁴¹ Capers, "Afrofuturism, Critical Race Theory, and Policing in the Year 2044," 142.
- ⁴² For example, when Agent Ross seems surprised that his bullet wound has healed and notes that bullet wounds "don't just magically heal overnight," Shuri responds, "They do here, but not by magic, by technology." Ryan Coogler, dir. *Black Panther* (Marvel Studios, 2018).
- ⁴³ Octavia Butler, *Parable of the Talents* (Seven Stories Press, 1998), 340.
- ⁴⁴ James Baldwin, *The Fire Next Time* (Dial Press, 1963), 10.
- ⁴⁵ Ngozi Okidegbe, "To Democratize Algorithms," *UCLA Law Review* 69 (6) (2023): 1688–1743.
- ⁴⁶ Capers, "Afrofuturism, Critical Race Theory, and Policing in the Year 2044."
- ⁴⁷ Ruha Benjamin, "Introduction: Discriminatory Design, Liberating Imagination," in *Captivating Technology: Race, Carceral Technoscience, and Liberatory Imagination in Everyday Life*, ed. Ruha Benjamin (Duke University Press, 2019), 4.
- ⁴⁸ "Zadie Smith on Populists, Frauds and Flip Phones," *The Ezra Klein Show*, September 17, 2024, https://www.youtube.com/watch?v=id_k43ZU8t4.
- ⁴⁹ On the discovery of Octavia Butler's unpublished manuscript *Parable of the Trickster* and its epigram, see Gerry Canavan, "'There's Nothing New / Under the Sun, / But There are New Suns': Recovering Octavia E. Butler's Lost Parables," *Los Angeles Review of Books*, June 9, 2014, <https://lareviewofbooks.org/article/theres-nothing-new-sun-new-suns-recovering-octavia-e-butlers-lost-parables>.
- ⁵⁰ Aissa Dearing, "Going 'Black to the Future,'" *JSTOR Daily*, April 4, 2024, <https://daily.jstor.org/going-black-to-the-future>.
- ⁵¹ Quoted in Dorothy E. Roberts, "The Supreme Court, 2018 Term—Foreword: Abolition Constitutionalism," *Harvard Law Review* 133 (1) (2019): 3.