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Winter 2022

## Teaching Law and Science Fiction at the University of Mississippi

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Publication: *SFRA Review*

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### Recommended Citation

Campbell, Ellie and Eliason, Antonia, "Teaching Law and Science Fiction at the University of Mississippi" (2022). *Faculty Publications*. 530.

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### Teaching Law and Science Fiction at the University of Mississippi



Ellie Campbell and Antonia Eliason

In his 2011 article “Making Space: Law and Science Fiction,” Mitchell Travis argued that greater attention should be paid to science fiction in sociolegal scholarship for two reasons: first, that the law and science fiction are already intertwined (for example, he references a number of judicial opinions comment on science fiction texts or tropes) and second, that science fiction “allows for a space in which alternate social and legal systems, conditions, and variables can be considered” (1). Travis saw these alternate systems as useful because they reflect popular attitudes that influence law. While teaching our class on law and science fiction at the University of Mississippi, we found that science fiction also allows us to consider alternate worlds that do not reflect mainstream attitudes but are particularly good for critiquing the law from a social justice standpoint.

The legal field is currently wrestling with a number of social justice issues that cannot be solved by our current system—these include racial justice, climate change, and the effects of a worldwide pandemic, all topics addressed by three of our Law and Science Fiction modules. When teaching the course, we took a “law and society” approach, where we constructed five modules around different themes and asked students to reflect on how the works helped us think about the law, its work in the world, and how it might be changed. In this essay, we discuss our approach to teaching three of our modules: race and ethnicity, climate change, and disability.

#### **Race and Ethnicity**

Working for the University of Mississippi made it particularly important to talk about race and ethnicity, both because of the history of the institution and the events that happened while we were teaching the class. UM has a long racially fraught history—the school was founded as an alternative to Northern schools for the children of the white elite in the state, who didn’t want their kids learning about abolition. Several buildings on campus bear the fingerprints of the enslaved people who built them. The entire student body quit during the Civil War and joined the Confederate Army to preserve the enslavement of other human beings; almost all were casualties in the conflict and their actions contributed to Lost Cause narratives about the university. The campus famously shut down during a two day long riot when James Meredith desegregated it in 1962. Many buildings on campus are named after white supremacist political leaders. The school’s nickname, “Ole Miss,” was a common term for the mistress of a plantation. In the years while we were teaching the class, students on campus organized to take down the state flag—which previously had the Confederate battle flag as part of its design—and to move the Confederate

statue from the center of campus to the periphery. Those campaigns were ultimately successful, but they were accompanied by racist backlash that included a number of racist incidents on campus, involving everyone from fraternities to major donors.

For our race and ethnicity module, we gave students a chapter from Delgado and Stefancic's *Critical Race Theory: An Introduction* that gave an overview of several key ideas from the field, including the normality of racism, interest convergence, the social construction of race, differential racialization, and voice-of-color thesis, and asked them to apply some those ideas to the fiction we read or watched for the week.

Derrick Bell's short story, "Space Traders," always led to an excellent discussion. Second- and third-year law students could easily pick out the legal references Bell makes in the story, encompassing not only the United States' history of slavery and Jim Crow, but also Indigenous removal and the incarceration of Japanese Americans during WWII. Bell's story always worked to bring our discussions into the present day; many of our students were used to narratives that place racial discrimination in the past, and Bell's story displaces those narratives by bringing that past into a near future scenario, leading us to think about how the United States has and has not changed.

W.E.B. DuBois's short story "The Comet" also worked to situate racism in American history; though it was originally published in 1920, it still resonated with our classes and helped us to discuss when and where race asserts itself in our society, and whether we have any hope of ending racism and the legal structures that uphold it.

We used several different iterations of *Black Panther*—first the comic book, and then the movie, once it was released—to talk about governance and gender issues. Students found the imaginary space of a never-colonized African country fertile ground for thinking about alternatives to the United States and its history. Discussions around *Black Panther* often involved thinking about what a truly different form of governance might look like: Governance by and for only African and African diaspora communities? Governance in which everyone is truly represented? The comic book and movie also touch on, albeit in different ways, issues of gender and colonialism, giving us room to discuss intersectional aspects of governance, and how only focusing on race doesn't guarantee equity.

At the University of Mississippi, our students didn't need us to tell them that racism is common and still exists in the present, or that race is socially constructed but still has material consequences. But giving them speculative fiction and an introduction to critical race theory as a framework helped us analyze our own experiences and begin thinking that other worlds, other social relationships, other campuses, might be possible.

### **Climate Change**

Coming to terms with climate change is a difficult proposition. However much we may understand the science of climate change and its effects on our world, the realities of climate

change are so profound as to manifest in almost inescapable climate grief. In Mississippi, climate change is both visible, particularly in its effects on the Gulf Coast, where sea levels are rising, and where the increasing intensity of hurricanes is being felt, and yet also ignored through climate denial.

With respect to climate change, we engaged students with material that was both speculative in a visionary sense, as in Donna Haraway's "The Camille Stories," which goes far beyond our anthropocentric focus to look outside of our species for solutions, and speculative in a more traditional dystopian sense, as in Sean McMullen's "The Precedent." Apocalyptic futures with extreme legal environments (shaped by the extreme natural environment), as "The Precedent" offers, allow students a jumping point to immediate discussion—a way to point to the legal system established in the story as a way of drawing connection with our legal system and how we deal with climate change. In "The Precedent," people are prosecuted for their past actions—for their use of carbon—for charges such as "squander" or "denial" or "display" (174). For students used to thinking in legal terms, this is an open door for drawing connections to our criminal legal system.

Teaching about climate change requires more than just dwelling on the dystopian, however, even for law students. This is where the visionary writings of Donna Haraway provided a more challenging look to what the future could look like. "The Camille Stories" is a chapter from Haraway's *Staying With the Trouble: Making Kin in the Chthulucene*, in which she outlines a fictional narrative following the creation of alternate social structures designed to bring humans into closer communion with endangered and extinct species. Our class guided students with discussion questions, particularly on "The Camille Stories," as we recognized this might be outside the scope of traditional science fiction formats.

Allowing the imagination of students to move from systems accounting for capitalist destruction of the planet to visions of futures that go beyond capitalism provided a platform for robust discussion of personal concerns as well as larger scale existential questions—an avenue to come to terms, or at least to engage with, climate grief.

These examinations of speculative fiction and their interpretations of our future also opened the door to fascinating discussions about actual legal instruments that are being used as tools in the fight to change our course—the public trust doctrine, for instance, which says that countries must hold in trust certain resources for future generations. This ancient Roman doctrine recognized the sea, shores, air, and water as being in the public trust. With respect to climate change, lawsuits have been brought, sometimes successfully, that a lack of action with respect to climate change is violating this doctrine by endangering future generations. This doctrine is a perfect example of where the speculative meets the law—where what may happen in the future is taken seriously in the present.

In 1972, Christopher Stone published a monograph, *Should Trees Have Standing?: Law, Morality, and the Environment*. This work, which imagined giving legal rights to natural objects, sparked a lot of discussion at the time, but was dismissed by most as being somewhat fanciful.

Today, we are seeing efforts to give rights to natural bodies, from rivers to mountains, sometimes as a response to violent acts of colonialism, such as those in New Zealand, sometimes as a means of trying to protect the environment.

Introducing our students to these areas of law, intertwined with our discussions of the speculative, was a springboard for incredible discussions that left our students, and ourselves, feeling as hopeful as one could feel in a world of climate change and destruction.

Climate change also intersects with labor. In teaching the film *Sleep Dealer* as part of our unit on labor in our course, while we centered our discussion on issues of labor rights, climate change drives the narrative in that film, and discussion of water shortages, industrial agriculture and the effects of climate change on migration were an important part of the conversation on law and labor.

### **Disability**

Speculative fiction, much like our society and its laws, often falls short in discussing disability. Many works of speculative fiction that depict disability treat it as a problem to be solved with a technological or magical fix, rather than recognizing disability as a state of being, a process of becoming, or a part of a person's identity and worldview. In our unit on disability and science fiction, we focused on works that recognize disability as a quality or a process rather than a problem in need of a solution, without minimizing the impact of disability in different contexts.

Several of the short stories we taught came from the anthology *Accessing the Future*, which at the time of the course (Spring 2018) was one of the few disability-themed collections of speculative fiction to focus on disabled voices. Since then, *Uncanny Magazine* has published a special issue, "Disabled People Destroy Science Fiction!" in the fall of 2018, featuring many of the contributors and editors from *Accessing the Future*, and a few more collections have been published or are in the works. Speculative fiction that treats disability as something more than just a problem to be solved, however, remains rare, as does critical work that examines the connections between disability studies and speculative fiction.

Nicole Barischoff's "Pirate Songs" is the first story in *Accessing the Future*. The main character, Margo, the daughter of a wealthy ambassador, has been captured by space pirates. Margo cannot walk and struggles on the ship without her mechanical chair, though she comes to identify with her captors as she realizes that many of them also have physical disabilities resulting from the harsh life in space. She ultimately aids them in demanding her ransom and gains a greater sense of agency in her life. Barischoff's story helped our class unpack how class, labor, and disability can intersect; Margo can afford technology that makes her daily life easier, while the pirates have missing limbs from industrial accidents and harsh labor conditions, and have to live without being able to afford augmentation.

Aliette de Bodard's 2012 short story, "Immersion," won the Nebula and Locus awards for best short story and was a finalist in that category for several others, including the Hugo. Though

not a story about disability in the classic sense, the narrative follows Agnes, a character from the Rong culture, who wears an “immerser” that augments her brain and allows her to speak and think in Galactic, a culture that has colonized the Rong. De Bodard uses her fictional technology to examine colonial encounters, and this story aided our class in reconceptualizing disability and technological “fixes.”

The story in “Screens,” by Samantha Rich, takes place a few years after a civil rights victory was won by the Visibility Movement, which resulted in everyone being required to wear monitors that show their emotions. The tension in the story between the legal victory that resulted in invisible impairments being made visible and the right to privacy that the protagonist, a high school student, grapples with reflects our reality, where legal victories are often more complicated than they appear at first glance. In our discussion, we asked students to reflect on the nature of cures and impairments, and what visibility entails.

The short-lived near-future science fiction legal drama TV series *Century City* provided a different look at disability in the context of its episode “Love and Games.” Featuring a young baseball player with a bionic eye, the episode asks whether certain adaptive technologies could act as unfair physical enhancements. Classic science fiction stories often constructed disabilities as a “problem” that needed to be “cured” with some sort of scientific or technological fix. As Kathryn Allan writes, “technology is often positioned as a solution to overcome the physical or mental limitations of the human body, but the quest to transcend the body ignores the lived realities of laboring, feeling, and suffering bodies, and is generally the luxury of the healthy and able-bodied” (11).

We also experimented with having our students read parts of the American with Disabilities Act (ADA); the first time we taught this module, they read the preamble from the Federal Register, explaining how the agencies had applied the ADA when creating regulations to enforce the statute. The technical language proved to be less interesting for our discussion than the short stories and television episode, so the next year we had them read the “Findings and Purpose” section of the ADA itself, which was both shorter and more useful for discussion. Bringing primary law into the discussion let us think through how American law conceptualizes disability, and pairing that with fiction led us to think about how the law and our society might be changed if we did not think of disability as a problem to be solved, but rather as a quality, state of being, or process. Our students often brought their own experiences with illness and disability to the discussion, reinforcing the idea that these experiences are often invisible, very common, and affect our lives in a wide variety of ways. Giving our students space to speak about their own experiences and how they were addressed—or not addressed—by our laws gave us ways to imagine very different worlds.

### **Conclusion**

Our Law and Science Fiction course was often too relevant to our daily lives: one year, we taught our gender and sexuality module one week before #MeToo and stories about Harvey Weinstein broke in the news. Concerns over race and ethnicity were always present on our campus

in particular. Race and ethnicity week often coincided with instances of police brutality or other race-related events in the news. Climate change followed a similar trajectory. And COVID-19 has only made discussions about disability and health more relevant.

Law and Science Fiction is a course that can be continuously reorganized to incorporate new materials, reflecting a greater diversity of voices. With many of the topics we initially covered only gaining in relevance, the breadth of material to incorporate into the classroom will continue to grow. The challenge lies in finding a balance between the legal and the fictional and ensuring that students aren't overwhelmed with too much material. Our course has its limitations: ultimately, it only serves as the first step in moving students towards praxis, described by Paulo Freire as "reflection and action upon the world in order to transform it" (133). Our Law and Science Fiction course engaged students in conversation that will hopefully lead to action in their future legal careers.

In our course, we addressed various social and political topics. Throughout, students responded positively to the space for exploration of difficult topics that was given to them. Law school can be very rigid; you learn rules and are expected to conform to certain narratives. The law itself is not—or more importantly—should not be that. Law is subject to change and to imagine a better world requires imagining better ways of approaching the law. Speculative fiction gives us an avenue to explore radical reimaginations and hopefully will gain more acceptance as a means of teaching students to think more broadly about the issues of the day.

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