
**“NON-REFORMIST REFORMS” IN RADICAL SOCIAL
CHANGE: A CRITICAL LEGAL RESEARCH
EXPLORATION**

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INTRODUCTION

The contemporary Critical Legal Research (“CLR”) project exhibits much diverse and vital thought.¹ However, this Essay draws, in particular, on CLR strains in the explicit Marxist- and socialist-steeped traditions.² Such a CLR framework posits that a transformative approach to the legal and broader socio-legal research and analysis regime—i.e., as operationalized through praxis modes like CLR-influenced “radical cause lawyering”—can help achieve true systemic reformations beyond the white patriarchal capitalist paradigm, as necessarily coordinated from local to global scales.³

Part I of this Essay outlines the tenets of such a CLR framework. Thereafter, Part II introduces the concept of “non-reformist reforms,” which, unlike traditional reforms, are explicitly designed to help transcend the hegemonic liberal capitalist paradigm while simultaneously building the “people power” required for such genuinely emancipatory transformations of the ecological political economy.⁴ Part II next puts forth an exploration of how CLR-influenced radical cause lawyering could support such non-reformist reforms through theory, practice, and praxis—and concludes by utilizing an ecosocialist-

¹ See generally Richard Delgado & Jean Stefancic, *Why Do We Ask the Same Questions? The Triple Helix Dilemma Revisited*, 99 LAW LIBR. J. 307 (2007); Julie Krishnaswami, *Critical Information Theory: A New Foundation for Teaching Regulatory Research*, in THE BOULDER STATEMENTS ON LEGAL RESEARCH EDUCATION 175 (Susan Nevelow Mart ed., 2014); Sarah Lamdan, *When Westlaw Fuels ICE Surveillance: Legal Ethics in the Era of Big Data Policing*, 43 N.Y.U. REV. L. & SOC. CHANGE 255 (2019); Grace Lo, “Aliens” vs. Catalogers: Bias in the Library of Congress Subject Heading, 38 LEGAL REFERENCE SERVS. Q. 170 (2019); Nicholas Mignanelli, *Critical Legal Research: Who Needs It?*, 112 LAW LIBR. J. 327 (2020) [hereinafter Mignanelli, *Critical Legal Research*]; Yasmin Sokkar Harker, *Legal Information for Social Justice: The New ACRL Framework and Critical Information Literacy*, 2 LEGAL INFO. REV. 19 (2016-2017); Nicholas F. Stump, *Following New Lights: Critical Legal Research Strategies as a Spark for Law Reform in Appalachia*, 23 AM. U. J. GENDER SOC. POL’Y & L. 573 (2015) [hereinafter Stump, *Following New Lights*]; Nicholas F. Stump, *Mountain Resistance: Appalachian Civil Disobedience in Critical Legal Research Modeled Law Reform*, 41 ENVIRONS 69 (2017) [hereinafter Stump, *Mountain Resistance*]; Ronald E. Wheeler, *Does WestlawNext Really Change Everything? The Implications of WestlawNext on Legal Research*, 103 LAW LIBR. J. 359 (2011); Nicholas Mignanelli, *Legal Research and Its Discontents: A Bibliographic Essay on Critical Approaches to Legal Research*, 113 LAW LIBR. J. (forthcoming 2021).

² See Nicholas F. Stump, *Critical Legal Research and Contemporary Crises: Climate Change, COVID-19, and the Mass Black Lives Matter Uprising*, 14 UNBOUND: HARV. J. LEGAL LEFT (forthcoming 2021) (manuscript at 4), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3689064 [<https://perma.cc/T2E7-5F6J>] (asserting that article broadly “draws on law and political economy precepts in addition to class-critical work in the explicitly materialist Marxian tradition”).

³ *Id.* (positing that a radical CLR “approach foregrounds, among other things, class conflict and modes of systemic reformations beyond mere law reform—or genuinely emancipatory transformations of the ecological political economy”).

⁴ Amna A. Akbar, *Demands for a Democratic Political Economy* 134 HARV. L. REV. F. 90, 102 (2020).

influenced Green New Deal as a concrete illustration of potential CLR-supported non-reformist reforms in action.

I. CRITICAL LEGAL RESEARCH FRAMEWORK

This Essay explores CLR vis-à-vis four constituent dimensions. These include deconstructing the legal research regime, an intensive practitioner reliance on critical legal theory-steeped resources, the cultivation of a non-hegemonic grassroots approach (i.e., as involves radical cause lawyering and related praxis modes), and an ultimate focus on true systemic reformations of the ecological political economy over mere intrasystemic law reform. This Part provides a synopsis on each dimension: note, however, that such condensed coverage is necessarily intended for introductory purposes only.

A. *Deconstructing Legal Research*

Deconstructing legal research is perhaps the most robustly developed CLR dimension.⁵ Most basically, critical commentators assert that the legal research and analysis regime is not normatively neutral but instead insidiously reflects and indeed perpetuates hegemonic societal interests along lines of class, race, gender, LGBTQ+ status, Indigenous status, the Global South and North divide (i.e., as implicating neo-imperialist and neo-colonialist structures), and so forth: or the fundamental values of white patriarchal capitalism.⁶ Such dominant societal interests are reified through mechanisms including centuries' old legal classification systems embedded within legal research platforms—as embodying hegemonic legal categories (e.g., the West classification system).⁷ Other reification mechanisms include search algorithm biases⁸ and, increasingly, related biases in artificial intelligence as incorporated within legal research technology.⁹

Additionally, deconstructing legal research extends beyond legal research platforms per se—i.e., as practitioners are indoctrinated with hegemonic legal categories through U.S. institutional training and norms.¹⁰ As a prime example, the West classification system, in fact, informed the structural underpinnings of the Langdellian law school curriculum as developed in the late nineteenth

⁵ See, e.g., Steven M. Barkan, *Deconstructing Legal Research: A Law Librarian's Commentary on Critical Legal Studies*, 79 LAW LIBR. J. 617, 617-19 (1987).

⁶ Stump, *Following New Lights*, *supra* note 1, at 604.

⁷ See Lo, *supra* note 1, at 173-74. As Duncan Kennedy observes: “[A]ll such schemes are lies.” Barkan, *supra* note 5, at 631 (quoting Duncan Kennedy, *The Structure of Blackstone's Commentaries*, 28 BUFF. L. REV. 205, 215 (1979)).

⁸ Wheeler, *supra* note 1, at 366.

⁹ Mignanelli, *Critical Legal Research*, *supra* note 1, at 336 (arguing that “AI-powered legal research” can “conceal the legal research process” and can “further entrench[] the biases of society's dominant interests”).

¹⁰ Richard Delgado & Jean Stefancic, *Why Do We Tell the Same Stories?: Law Reform, Critical Librarianship, and the Triple Helix Dilemma*, 42 STAN. L. REV. 207, 225 (1989).

century.¹¹ Consequently, regardless of the research platform utilized, problematic legal categories are “inscribed in our minds” and thus insidiously homogenize research outcomes towards hegemonic ends¹²—in effect, essentially “predetermin[ing] research outcomes.”¹³ And, as a final point, note that all contemporary work discussed above on deconstructing legal research has been deeply influenced by the foundational “triple helix dilemma” framework developed by Professors Richard Delgado and Jean Stefancic.¹⁴

B. *Reliance on Critical Legal Theory Resources*

Beyond deconstructing legal research—as positively operationalized, for instance, vis-à-vis educational efforts aimed at unveiling the insidious biases of the U.S. legal research regime¹⁵—numerous critical commentators have put forth accompanying “reconstruction” methods designed to catalyze genuinely emancipatory legal and broader socio-legal research outcomes. One such reconstruction method is an intensive reliance on theoretical resources.¹⁶ More specifically, CLR commentators advocate for reformist-minded lawyers to reach beyond traditional primary and secondary legal resources (e.g., treatises) and to instead rely on critical legal theory and related critical-theoretical resources from other disciplines, such as sociology, to pursue true doctrinal and systemic change.¹⁷ Such methodologies ultimately allow practitioners to “look outside of the system box in which we are conceptually housed.”¹⁸ This approach initially was grounded in notions relating to legal indeterminacy, the myth of legal reasoning, problematic legal categories, and other core insights from the 1980s Critical Legal Studies movement and from schools such as post-structuralism.¹⁹ That said, an approach in the Marxist-steeped tradition implicates more societal-transformative theoretical analyses such as those in the context of “radical cause lawyering” theory, practice, and praxis²⁰—as discussed below.

¹¹ Robert C. Berring, *Collapse of the Structure of the Legal Research Universe: The Imperative of Digital Information*, 69 WASH. L. REV. 9, 22 (1994) (chronicling that as the West classification and accompanying “digest system became universally accepted, and as all law schools adopted the Harvard method, these categorizations became internalized in American law to the point where they now seem only natural”).

¹² Delgado & Stefancic, *supra* note 1, at 318.

¹³ Stump, *Following New Lights*, *supra* note 1, at 579.

¹⁴ See generally Delgado & Stefancic, *supra* note 10.

¹⁵ See, e.g., Mignanelli, *Critical Legal Research*, *supra* note 1, at 342; Sokkar Harker, *supra* note 1, at 20; Krishnaswami, *supra* note 1, at 177.

¹⁶ Stump, *Mountain Resistance*, *supra* note 1, at 85.

¹⁷ Jill Anne Farmer, *A Poststructuralist Analysis of the Legal Research Process*, 85 LAW LIBR. J. 391, 403-04 (1993).

¹⁸ *Id.* at 403.

¹⁹ See *id.* at 403-04; Barkan, *supra* note 5, at 618.

²⁰ See generally Stump, *supra* note 2.

C. *Non-Hegemonic Grassroots Approach*

A third CLR dimension—which also constitutes a “reconstruction” method—entails a collectivist approach to legal and broader socio-legal research and analysis, as embedded in a bottom-up, grassroots approach to transformative social change. Liberal public interest lawyering, for instance, often is grounded in atomistic-individualist lawyering modes (i.e., as involves traditional legal research and analysis practices).²¹ A prime example is liberal attorneys engaging in public interest litigation, as steeped in hierarchal attorney-client relationships with the attorney serving as the institutional-elite “champion.”²² In contrast, alternatives such as community lawyering involve attorneys fundamentally *supporting* those grassroots movements actually driving the social change process.²³ Moreover, Marxist- and socialist-steeped “radical cause lawyering” entails such a grassroots-supportive role in the explicit context of more revolutionary social change efforts steeped in class conflict—as necessarily coordinated from local to global scales.²⁴ Accordingly, the CLR influence on radical cause lawyering involves a “collectivist” legal research and analysis approach wherein lawyers eschew individualist research modes—and instead collaboratively engage with organizers, grassroots movements, the broader citizenry, and other parties (e.g., academics) as an inherently collective and emancipatory project.²⁵

²¹ Stump, *Mountain Resistance*, *supra* note 1, at 90 (articulating, in the alternative, a “collective, grassroots approach to legal research and analysis”).

²² Caroline Bettinger-Lopez, Davida Finger, Meetal Jain, JoNel Newman, Sarah Paoletti & Deborah M. Weissman, *Redefining Human Rights Lawyering Through the Lens of Critical Theory: Lessons for Pedagogy and Practice*, 18 *GEO. J. ON POVERTY L. & POL’Y* 337, 353 (2011).

²³ *Id.*

²⁴ Stuart Scheingold & Anne Bloom, *Transgressive Cause Lawyering: Practice Sites and the Politicization of the Professional*, 5 *INT’L J. LEGAL PRO.* 209, 215 (1998) (detailing how “[r]adical cause lawyering is all about making major changes in the basic structures of society” and “joining forces with social movements, which have transformative interests and values” (emphasis omitted)). Antonio Gramsci’s Marxist-steeped work on “organic intellectuals” also can inform explicitly materialist approaches to radical cause lawyering—i.e., attorneys supporting those communities and social movements that those attorneys actually arise *from* and with whom they share genuine solidarity. See ANTONIO GRAMSCI, *SELECTIONS FROM THE PRISON NOTEBOOKS* 157 (Quintin Hoare & Geoffrey Nowell Smith trans., 1999).

²⁵ See Stump, *supra* note 2 (manuscript at 14) (detailing how the “CLR influence on radical cause lawyering emphasizes a collectivist approach to legal research and analysis”). Note that while careful research collaborations can occur even under the current rules of professional ethics, ultimately, more sweeping research collaborations—i.e., as envisioned by “collectivist” CLR practices—would require holistic rules transformations along emancipatory lines. *Id.*

D. *Systemic Reformations over Intrasystemic Law Reform*

A radical CLR approach aims for true systemic reformations, or transformative change of the ecological political economy, and thus eschews mere intrasystemic change (including “law reform”) as an end in and of itself;²⁶ such an approach ultimately is grounded in Marx’s influential distinction between the economic “base” and the legal and political “superstructure” that merely supports that base.²⁷ Contemporary ecosocialist systemic reformations—i.e., ecosocialism constituting a leading Left school in the Capitalocene era²⁸—involve discussions on various collective ownership modes of the means of production and democratic economic planning from local to global levels.²⁹ Moreover, ecosocialist approaches demand ending perpetual economic growth—as is functionally required under the capitalist mode of production, which subordinates both nature and labor through its logic of ceaseless accumulation of capital and “deliberate progressive commodification of everything” (thus producing a “metabolic rift” in natural processes).³⁰ In contrast, strongly ecologically sustainable post-growth ecosocialist modes,³¹ for instance, center on production for “use value” rather than “exchange value” in the market.³² And such Left thought as materialist ecological socialist feminism³³ and the Black Radical Tradition³⁴ target other intertwined subordination systems under white patriarchal capitalism providing related yet distinctive approaches to systemic reformations.³⁵

²⁶ *Id.* (manuscript at 18-23).

²⁷ KARL MARX, A CONTRIBUTION TO THE CRITIQUE OF POLITICAL ECONOMY 11 (N.I. Stone trans., Charles H. Kerr & Co. 1904) (1859).

²⁸ See Jason W. Moore, *Introduction* to ANTHROPOCENE OR CAPITALOCENE?: NATURE, HISTORY, AND THE CRISIS OF CAPITALISM 6 (Jason W. Moore ed., 2016) (arguing that “the Capitalocene signifies capitalism as a way of organizing nature—as a multispecies, situated, capitalist world-ecology”).

²⁹ MICHAEL LÖWY, ECOSOCIALISM: A RADICAL ALTERNATIVE TO CAPITALIST CATASTROPHE 26-27 (2015).

³⁰ STEFANO B. LONGO, REBECCA CLAUSEN & BRETT CLARK, THE TRAGEDY OF THE COMMODITY: OCEANS, FISHERIES, AND AQUACULTURE 26, 32 (2015).

³¹ This Essay discusses “post-growth” transformations, but note that the explicit “degrowth” discourse closely parallels and indeed intersects with ecosocialism. See generally GIORGOS KALLIS, SUSAN PAULSON, GIACOMO D’ALISA & FEDERICO DEMARIA, THE CASE FOR DEGROWTH (2020).

³² See, e.g., NICHOLAS F. STUMP, REMAKING APPALACHIA: ECOSOCIALISM, ECOFEMINISM, AND LAW 191-192 (2021); MARIA MIES & VANDANA SHIVA, ECOFEMINISM 319 (1993); LÖWY, *supra* note 29, at 20.

³³ Ariel Salleh, *How the Ecological Footprint Is Sex-Gendered*, in ECO-SOCIALISM AS POLITICS: REBUILDING THE BASIS OF OUR MODERN CIVILISATION 141, 146 (Qingzhi Huan ed., 2010).

³⁴ See generally CEDRIC J. ROBINSON, BLACK MARXISM: THE MAKING OF A BLACK RADICAL TRADITION (Univ. of N.C. Press 2d ed. 2000) (1983); RUTH WILSON GILMORE, CHANGE EVERYTHING: RACIAL CAPITALISM AND THE CASE FOR ABOLITION (2021).

³⁵ See Stump, *supra* note 2.

As discussed above in Sections I.B and I.C, the CLR influence on such systemic reformations entails, through “reconstruction” methodologies, an exploration of how legal and broader socio-legal research methods can intersect with such collected Left theory, practice, and praxis. Thus, intensive practitioner reliance on critical theory resources and praxis-oriented work such as CLR-infused radical cause lawyering modes—of course, as combined with rich allied organizing work beyond legal and socio-legal dimensions singularly—can help catalyze such truly transformative futures.³⁶

II. REFORMISM IN RADICAL SOCIAL CHANGE?

As this Essay has thus far demonstrated, the critical approach favors systemic reformations over mere intrasystemic reform, including classic law reform projects that either explicitly or implicitly accept the limitations of the current paradigm.³⁷ That said, Left commentators and activists nevertheless explore niche strains of reformism as steeped in a transformative approach. This Part details that such radical reformism approaches—i.e., as explored in leading discourses like “non-reformist reforms”—indeed constitute worthwhile emancipatory projects.³⁸ Such reforms, however, must be explicitly designed to help transcend the liberal capitalist paradigm and must simultaneously be mass mobilization-focused—in ultimately serving to organize and empower the citizenry to pursue transformative social change.³⁹ This Part concludes with an exploration of how CLR might support non-reformist reforms and utilizes, as an illustrative example, potential CLR support for an ecosocialist-influenced Green New Deal.

A. *Non-Reformist Reforms: Transformative Futures*

Numerous Left frameworks posit that select, radically conceived reformism strains might help achieve transformative futures beyond white patriarchal capitalism.⁴⁰ However, notions of “non-reformist reforms” constitute a leading such Left framework—and have recently been summarized aptly by Professor Amna A. Akbar vis-à-vis three constituent dimensions.⁴¹ The first is that “non-reformist reforms advance a radical critique and radical imagination” and that

³⁶ *Id.*

³⁷ *Id.*

³⁸ Akbar, *supra* note 4, at 103.

³⁹ *Id.* at 103-06.

⁴⁰ *Id.* at 100. For instance, in the explicit ecosocialist and ecofeminist “ecological recommoning” context—i.e., or the people taking back the land from private ownership to thereafter hold in common as part of post-liberal capitalist reformations—the author has explored the targeted “systemic stepping stone measure” of the critical legal theory-informed public trust doctrine as entwined with radically conceived environmental human rights. STUMP, *supra* note 32, at 225-29.

⁴¹ Akbar, *supra* note 4, at 103-06.

thus “[r]eform is not the end goal; transformation is.”⁴² Non-reformist reform advocates therefore put forth a “framework for demands that will undermine the prevailing political, economic, social system from reproducing itself and make more possible a radically different” ecological political economy.⁴³ Of course, for those seeking socialist transformations, “the underlying system is capitalism and the horizon socialism.”⁴⁴

Non-reformist reforms, second, “draw from and create pathways for building ever-growing organized popular power.”⁴⁵ More specifically, this approach entails transcending “liberal legal frameworks that tend to obscure power relations” and to instead engage in “building the power of people to wage a long-term struggle of transformation.”⁴⁶ Third, and finally, non-reformist reforms are grounded in the “dialectic between radical ideation and power building,” because as “the end goal is building power rather than identifying a policy fix, non-reformist reforms can only be effective when pursued in relation to a broader array of strategies and tactics for political, economic, social transformation.”⁴⁷

B. *CLR-Infused Non-Reformist Reforms*

1. CLR Praxis: Radical Cause Lawyering

The CLR project potentially could support transformative reformism approaches such as those proffered by the “non-reformist reform” framework. Recall that radical CLR commentators, like non-reformist reform advocates, ultimately aim to transcend white patriarchal capitalism in its entirety.⁴⁸ As Akbar notes, a non-reformist reform is one that specifically “does not comport with ‘capitalist needs, criteria, and rationales,’” as transformative change is the “end goal.”⁴⁹ Non-reformist reforms simply offer niche strategies in achieving such revolutionary ends—i.e., in proposing reforms that explicitly serve to “undermine the prevailing order in service of building a new one.”⁵⁰ Such a non-reformist reform strategy is perfectly compatible with the CLR project, which is indeed a procedurally heterogeneous school, or an “an inherently creative project” that “by its very nature resists a formulaic application” in exploring transformative change approaches to the ecological political economy.⁵¹

⁴² *Id.* at 103.

⁴³ *Id.* at 104.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.* at 105.

⁴⁷ *Id.* at 106.

⁴⁸ See Stump, *supra* note 2.

⁴⁹ Akbar, *supra* note 4, at 101 (quoting ANDRÉ GORZ, STRATEGY FOR LABOR: A RADICAL PROPOSAL 7 (Martin A. Nicolaus & Victoria Ortiz trans., 1967)).

⁵⁰ *Id.* at 103.

⁵¹ Stump, *Following New Lights*, *supra* note 1, at 618 (emphasis omitted).

CLR also comports with non-reformist reforms due to the focus on building grassroots “people power” as compared to traditional, elite-driven social change efforts.⁵² That is, as compared to “reforms formulated by expert elites, non-reformist reforms come from social movements, labor, and organized collectives of poor, working-class, and directly impacted people making demands for power over the conditions of their lives and the shape of their institutions.”⁵³ As discussed above in Section I.C, the CLR framework likewise cultivates a bottom-up, grassroots approach, wherein such modes as radical cause lawyering fundamentally *support* those social movements actually driving the transformative change process.⁵⁴ Consequently, CLR-infused radical cause lawyers could proffer unique legal and broader socio-legal knowledge and expertise to those social movements engaged in non-reformist reforms.

What is more, non-reformist reforms potentially could bridge an important gap recognized in preexisting CLR theory and praxis, in that more revolutionary-focused social change efforts face political practicality concerns in the United States and beyond (i.e., as there does not currently exist the mass of political will required to achieve such reformations on a swift timescale).⁵⁵ Non-reformist reforms, then, may constitute one important strategy through which CLR advocates could help support transformative change on a more immediate timescale (i.e., through collectively working to mobilize “people power”).⁵⁶

2. Illustration: Ecosocialist-Influenced Green New Deal

The Green New Deal, as recently popularized in the United States and globally, constitutes a concrete example of a potentially CLR-supported non-reformist reform project.⁵⁷ In particular, grassroots-led efforts to organize around and articulate more radical iterations of the Green New Deal are most aligned with the non-reformist reform framework.⁵⁸ Such grassroots articulations—such as an explicitly ecosocialist-influenced Green New Deal

⁵² Akbar, *supra* note 4, at 102.

⁵³ *Id.* at 105.

⁵⁴ See Stump, *supra* note 2.

⁵⁵ Stump, *Mountain Resistance*, *supra* note 1, at 75 n.17 (discussing fact that “radical systemic reformation is of course” required but that we “lack[] the requisite sociopolitical conditions for such change”).

⁵⁶ Akbar, *supra* note 4, at 102.

⁵⁷ Natasha Heenan & Anna Sturman, *To Fight Fascism, We Need an Ecosocialist Green New Deal*, PROGRESS IN POL. ECON. (July 9, 2019), <https://www.ppesydney.net/to-fight-fascism-we-need-an-ecosocialist-green-new-deal> [<https://perma.cc/DW4N-8S33>].

⁵⁸ See, e.g., *DSA’s Green New Deal Principles*, DSA ECOSOCIALISTS (Feb. 28, 2019), <https://ecosocialists.dsausa.org/2019/02/28/gnd-principles> [<https://perma.cc/6NAE-RY4C>]; *The People First*, MOVEMENT FOR BLACK LIVES, <https://m4bl.org/policy-platforms/the-people-first> [<https://perma.cc/96VL-9TZ4>] (last visited Apr. 5, 2021); *The Red Deal: Indigenous Action to Save Our Earth*, RED NATION, <http://therednation.org/about-maisha> [<https://perma.cc/EP3P-2LJN>] (last visited Apr. 5, 2021).

steeped in class conflict⁵⁹—indeed build non-reformist reform-centered “people power” while simultaneously challenging “capitalist needs, criteria, and rationales.”⁶⁰ With an ecosocialist-influenced Green New Deal, then, “[r]eform is not the end goal; transformation is,” as this approach eschews reforms that accept the limitations of the ecologically unsustainable white patriarchal capitalist paradigm—and instead necessarily demands post-capitalist transformations.⁶¹

Ultimate end-transformations envisioned by a genuinely ecosocialist Green New Deal⁶² would entail such crucial modes as broader collective ownership of the means of production and democratic economic planning at all geographic levels—i.e., as part and parcel of more comprehensive post-capitalist reformations.⁶³ For instance, in the energy sector context, this would involve the state nationalizing and immediately eliminating the fossil fuel sector and a corresponding transition to a diverse public- and cooperative-owned clean energy system, as democratically planned from local to global scales and steeped in post-growth precepts—and as necessarily pursued in tandem with related systemic reformations such as those targeting capitalist agriculture production modes.⁶⁴ CLR-influenced radical cause lawyers, then, could occupy a vital role in *supporting* those grassroots movements mobilizing for an ecosocialist-influenced Green New Deal that, in the explicit non-reformist reform tradition, would help lead towards such broader transformative change.

⁵⁹ See, e.g., DSA’s *Green New Deal Principles*, *supra* note 58; see also STUMP, *supra* note 32, at 232; Heenan & Sturman, *supra* note 57.

⁶⁰ Akbar, *supra* note 4, at 101-02 (quoting GORZ, *supra* note 49, at 7).

⁶¹ *Id.* at 103.

⁶² The author differentiates here between an ecosocialist-*influenced* Green New Deal (i.e., in the non-reformist reform context) and a *genuinely ecosocialist* Green New Deal—which would operate not as a non-reformist reform but rather as part and parcel of a more wholly achieved (post-capitalist) ecosocialist society. This is an imperfect differentiation, but it is one that is worth articulating for the limited purposes of this Essay. Note that the Green New Deal can be conceived of vis-à-vis numerous permutations even within the explicit standpoint of the broad Left. See, e.g., Natasha Heenan & Anna Sturman, *Five Orientations to the Green New Deal*, PROGRESS IN POL. ECON. (Mar. 30, 2020), <https://www.ppesydney.net/5-orientations-to-the-green-new-deal> [<https://perma.cc/94KY-XR68>].

⁶³ STUMP, *supra* note 32, at 232. Ecological socialist feminist precepts, among numerous other discourses and grassroots work (e.g., environmental justice, decolonial frameworks, and Indigenous studies), also are vital for discussions on an ecosocialist Green New Deal but beyond the scope of this condensed Essay. See Heenan & Sturman, *supra* note 57.

⁶⁴ See LÖWY, *supra* note 29, at 23-24; HANS A. BAER, GLOBAL CAPITALISM AND CLIMATE CHANGE: THE NEED FOR AN ALTERNATIVE WORLD SYSTEM 220-21 (2012); STUMP, *supra* note 32, at 232.

CONCLUSION

Extraordinary recent events demonstrate aptly the adage that our choice is between “socialism or barbarism,”⁶⁵ as now commonly rephrased as divergent paths leading towards either ecosocialism or ecofascism.⁶⁶ The far-right, white supremacist seizure of the U.S. Capitol constitutes the latest such crisis, but to this violent insurrection—and accompanying presidential impeachment⁶⁷—we can add such phenomena as COVID-19 and its accompanying social and economic catastrophe, the mass Black Lives Matter uprising against racial state violence, and the intensification of the global ecological crisis (i.e., all of which are ultimately rooted in intertwined oppressions wrought by white patriarchal capitalism).⁶⁸ Consequently, more than ever, we must mobilize towards true transformative change. CLR-infused radical cause lawyering modes constitute a potent praxis that can further such change—and, as this Essay has demonstrated, such CLR modes could support non-reformist reforms as one crucial strategy, as leading to broader emancipatory systemic reformations.⁶⁹

⁶⁵ Jedediah Britton-Purdy, *Solidarity and Crisis*, DISSENT (Winter 2020), <https://www.dissentmagazine.org/article/solidarity-and-crisis> [https://perma.cc/NG7R-2KWB] (noting that “[w]hen Rosa Luxemburg defined the options for the future as socialism or barbarism, she was envisioning war, imperialism, and some combination of social collapse and unrelenting exploitation” and that moreover, “[t]hat bleak disjunctive prophecy feels apt for a world in which the prospect of unprecedented mass migrations is arising alongside politicized racism, and the imperative of growth is further tightening the ecological bottleneck everywhere”).

⁶⁶ See Heenan & Sturman, *supra* note 57.

⁶⁷ See Alex Pareene, *An Impeachment Trial Will Be Good Practice for Actual Oversight*, NEW REPUBLIC (Jan. 15, 2021), <https://newrepublic.com/article/160944/impeachment-trial-will-good-practice-actual-oversight>.

⁶⁸ See Stump, *supra* note 2.

⁶⁹ Akbar, *supra* note 4, at 102.