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THE MEDIUM IS THE MESSAGE: A SUMMER BOOK CLUB ON ABOLITION

Sarah J. Schendel*

In my Professional Responsibility class last semester, we talked about the challenge—and ethical obligation—of saying “I don’t know.” Admitting you don’t have the answers feels vulnerable, scary, potentially disempowering. Will your client lose faith in you? Will opposing counsel pounce during this moment of perceived weakness? Will you be met with the chilling, disapproving stare of a judge? Saying “I don’t know” can be especially scary if you’re a new attorney, if you appear young, or if you’re a woman or a person of color: anyone who might already be faced with bias, disbelief, or skepticism when operating in the legal world. In emphasizing its importance and its difficulty, I admitted to my students that saying “I don’t know” can also be hard to do as a professor. This was the first time I’d ever admitted this to a class, and it took seven years of teaching (four of those full time) to say it aloud in a classroom.

Admitting I don’t have all the answers—as both a lawyer and a professor¹—has been a powerful journey for me, one that continues to bear fruit. Recently, this journey led me to be part of an inspiring experience with a small group of incredible students. This past summer, together with six law students, I participated in a small book club around Mariame Kaba’s essential collection of pieces on prison and police abolition, *We Do This ‘Til We Free Us*.² This was a small group and a limited experience, so I’m not offering any definitive findings, but rather a reflection on why we did it and why I think it’s worth doing. The idea started when a student and I shared an interest in learning more about abolition. I chose Kaba’s book because I followed Kaba on Twitter, respected her work, and was interested in the book. Importantly, the book seemed accessible because it’s a collection of short pieces; it was on discount at the time through Haymarket Press; and there was a reading group guide available with questions to direct us if needed. The group of rising 2Ls and myself (along with another professor who joined for two of the meetings) met via Zoom once a month from May through August.

The students were self-selecting, but I think it’s notable that they had all recently finished their 1L year and therefore had not yet gotten

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¹ And a parent!

² MARIAME KABA, *WE DO THIS ‘TIL WE FREE US: ABOLITIONIST ORGANIZING AND TRANSFORMING JUSTICE* (2021).

to choose their own classes or reading materials. For many law students, 1L year is challenging not only academically but personally, and it can lead students to feel disconnected from their reasons for attending law school and the personal experiences that brought them there. I've found that the 1L focus on "thinking like a lawyer" can make some students feel like their own lived experiences and opinions are not part of "being a lawyer." Due to the pandemic, these 1Ls also took many (if not all) of their classes online. Wanting to find connection, especially with people who cared about the same issues they did, was a recurring reason students gave for participation. As one student said in anonymous feedback provided afterwards, "I . . . wanted to challenge myself to read more for pleasure, and not just for school assignments. Lastly, I was interested in the subject matter. I wanted to meet more folks at SULS who were interested in this type of social justice work."

Each month, I led an hour-long discussion and then left the Zoom meeting to go tend to my toddler, while the students talked among themselves. I could often hear them still talking while I was in the kitchen making dinner, and it thrilled me that they were so engaged. Our discussion was focused on the content of the book but also extended to the structure and format and decisions made in its creation. In the Editor's Introduction, Tamara K. Nopper notes that Kaba is "well known for not wanting her face to appear in photos or videos," and that she declined numerous, previous requests to publish her writings.³ The Foreword, written by Naomi Murukawa, discusses Kaba's hesitance to center herself and Kaba's insistence that the book include other authors and selected interviews, creating a conversation with others.⁴ We discussed this choice, and the way it made us reflect on ownership and ego, and the role of ego in legal practice.

Some of what we read was directly applicable to discussions of 1L classes in law school, and not only criminal law. When distinguishing between crime and harm, for example, Kaba applies this distinction to civil law as well:

Research and common sense suggest that economic precarity is correlated with higher crime rates. Moreover, crime and harm are not synonymous. All that is criminalized isn't harmful, and all harm isn't necessarily criminalized. For example, wage theft by employers isn't generally criminalized, but it is definitely harmful.

³ Tamara K. Nopper, *Editor's Introduction*, *id.* at xxiii.

⁴ Naomi Murukawa, *Foreword*, *id.* at xvi.

Even if the criminal punishment system were free of racism, classism, sexism, and other isms, it would not be capable of effectively addressing harm.⁵

For an interested professor, these ideas might lead to fruitful discussion in employment law, torts, or a movement lawyering classroom. Kaba's observations about interactions between people of color and the police implicate issues of property law, land use, and urban design:

Public spaces in urban and suburban towns are contested. Residents collude with law enforcement to police and enforce boundaries. Young people of color are criminalized not only by the police but also by community members.⁶

Kaba's probing, thoughtful critiques address privacy, civil liberties and surveillance;⁷ the limitations of "justice" within our current system;⁸ and the adultification of Black children,⁹ an issue with serious impact on family, education, and of course criminal law. Her book is both accessible and deeply challenging.

When I started teaching as an adjunct, without any training in pedagogy or education, I primarily planned my classes around content. "Here is what we will cover and, therefore, what the students will learn," I thought. What I didn't think – I'm now horrified to say – was whether I was teaching them *how* to learn, whether I was giving them the opportunity to *practice* the skills they would be tested and graded on. While our book club fell short of the definition of abolitionist education,¹⁰ it did achieve some subtle moments of anti-

⁵ KABA, *supra* note 2, at 3-4.

⁶ *Id.* at 5.

⁷ *Id.* at 9-10; see also Kaba, *I Live in a Place Where Everybody Watches You Everywhere You Go*, *id.* at 70-72.

⁸ Kaba's analysis of the Shkreli case, *id.* at 17-18, led to powerful book club discussions about when it feels "good" to see "bad" people be sentenced, and how to work through those feelings. See also Kaba, *Whether Darren Wilson Is Indicted or Not, the Entire system is Guilty*, *id.* at 44-46 ("If we are to take seriously that oppressive policing is not a problem of individual 'bad apple' cops, then it must follow that a singular indictment will have little to no impact on ending police violence."); Kaba, *The Sentencing of Larry Nassar Was Not 'Transformative Justice.' Here's Why*, *id.* at 47-49.

⁹ *Id.* at 7.

¹⁰ Abolitionist teaching is not a teaching approach: It is a way of life, a way of seeing the world, and a way of taking action against

hierarchy in structure, content, and pedagogy. All students and faculty were welcome, it was free of charge (other than purchasing the book), and I did a poll each month and adjusted the day and time to make it as convenient and accessible for students as possible. The book club's existence itself was not tied to any administrative or departmental approval.¹¹ Being able to explore outside my assigned classes and in response to student interest felt personally exciting and important to me as a non-tenured (and non-tenure track) member of the faculty. Despite existing outside the formal structure of the curriculum, the students seemed excited and heartened that another professor joined us for two of our meetings, and that I told the Dean about our book club. Having these small moments of connection to the more established law school structure felt like a promising communication between more formal and informal spaces of learning.

There are, of course, things I would do differently now that I've been through the experience once. Primarily I wish I had thought more about who might moderate the group or rotated among students who were interested. During the first meeting I talked too much (old professor habits die hard), so I asked students to take over introductions and getting the meetings started in subsequent months. I also would think more about how to establish rules for discussion—though this group was fantastic and seemed to self-regulate, we did often discuss personal and challenging issues and I could always improve on how to create the best spaces for all.

After our last book club meeting, I asked students for their (anonymous) feedback on the experience. One question I asked was how the book club felt similar to or different than the law school classroom. Students said the space felt “a lot smaller” and “safer” than classrooms, partially because they knew that even if not all students agreed, we at least shared an interest in the discussed topics and had chosen to be there. One student said it was “one of the most direct

injustice. It seeks to resist, agitate, and tear down the educational survival complex though teachers who work in solidarity with their schools' community to achieve incremental changes in their classrooms and schools for students in the present day, while simultaneously freedom dreaming and vigorously creating a vision for what schools will be when the educational survival complex is destroyed.

BETTINA L. LOVE, *WE WANT TO DO MORE THAN SURVIVE: ABOLITIONIST TEACHING AND THE PURSUIT OF EDUCATIONAL FREEDOM* 89 (2019).

¹¹ Although I did check with the Deans to make sure there were no rules against it.

experiences I've had talking about racism, oppression and violence. I think those issues are underlying themes of many courses, and I appreciated that it felt like we were directly grappling with those issues." As I did very little moderating and am not an expert in this area,¹² the bulk of the credit for the engagement with these issues must go to Kaba and to the students. While we may not have reached the level of "[b]eing intentionally in relation to one another, a part of a collective"¹³ as required to deeply transform society through abolitionist spaces and actions, our voluntary presence there and the willingness of participants to share their own opinions, experiences, and doubts led to an unusually frank discussion.¹⁴ I was thrilled to read that one student "felt free to fully speak my mind in this group. I wasn't afraid to ask questions or simply present ideas." I asked students if they would recommend other professors and students do a similarly informal, unstructured book club. In answering yes, students noted specifically that it would provide students "an opportunity to truly explore a topic without a rigid time commitment / syllabus of topics to cover" and also "allow students an opportunity to dive into a subject they are interested in / that might not be covered in a core / bar prep class." As these students enter their 2L year they will have more choice over the classes they take, but lack of control is a predominant feature of most 1L programs and perhaps why a book club such as this can be most powerful for those new to law school.

One idea we returned to over the months was Kaba's assertion that those of us advocating for abolition are not solely responsible for proposing solutions.¹⁵ This simple but powerful idea was new to many of us and felt daring coming from a context of legal education where an adversarial system places an emphasis on winning, on one solution, on a burden of proof. Having a space to say, "This system isn't working and is harming people" without the pressure of fixing all the issues or responding to every counterargument felt revolutionary.

¹² And, I will note, I am a cis, queer, white woman.

¹³ KABA, *supra* note 2, at 3.

¹⁴ While I don't want to share details of the participants, I will share and do think it is worth noting that the group was more diverse (with regard to race, sexual orientation, gender identity, ethnicity, and intended career path) than my classrooms as a whole.

¹⁵ Kaba addresses this multiple times, and in numerous, powerful ways. *See, e.g.*, KABA, *supra* note 2, at 20 ("Questions like 'What about the really dangerous people?' are not questions a prison abolitionist must answer in order to insist the prison-industrial complex must be undone."); *id.* at 49 ("Granted, our vision is incomplete. There is no road map for justice, because under this system we have never seen it. But the current system has been thoroughly mapped, and it has already failed.").

It felt new and uncomfortable and powerful to me, personally. As a young woman—and even as a not-so-young person—I’ve often felt scared to state my opinions (even or perhaps especially when they are based on my own experience) for fear of not being able to withstand every critique or counterargument. The legal world, focused on “gotcha” moments and the ever-present devils’ advocates, is notorious for encouraging this guardedness. It felt revolutionary for many of us in the club to step back from that adversarial framework

And while acknowledging the validity of different emotional responses to decisions around justice, violence, and community, Kaba also pushes us to not confuse our experiences and emotions with our visions for policy change and movements. Or, as she succinctly puts it, “Abolition is not about your fucking feelings.”¹⁶ It felt important and unusual to share an experience with the students where we could say we didn’t have all the answers, remove the pressure to persuade or cleanly conclude, and create space for internal conflicts, questioning and doubt. This space also held anger and hope. “When asked what exactly a world without police and prisons would look like, Kaba returns the question to us, saying ‘We’ll figure it out by working to get there.’”¹⁷

I have some of the book club students in my Professional Responsibility class now, where they are seeing a more formal, hierarchical, suit-jacket version of me and my teaching. I trust in their ability—and in my own—to hold a multitude of experiences and educations. I hope the students carry with them into the larger, more formal doctrinal classrooms not only knowledge about abolition and the prison-industrial complex, but also knowledge that their experiences in the world and their opinions about and critiques of the systems around us matter. I hope they see in their professors fellow learners who are curious about the world and open to stepping out from behind the podium, admitting we don’t always know, and learning alongside them. I hope I can be brave enough to be that professor.

I am reminded of a quote we discussed multiple times as a group this summer when the problems seemed too daunting, the solutions too idealistic, or when we needed, as Kaba reminded us, to take the

¹⁶ *Id.* at 120. She continues, “The concept of the personal being political as a basis for feminist organizing in the past is so true, and yet it is so fraught at the same time. What it’s not saying . . . is that how I personally feel then should be made into policy. And we can’t operate in a world where that’s true. We shouldn’t codify our personal feelings of vengeance to apply to the entire world.” *Id.*

¹⁷ Murukawa, *supra* note 4, at xviii.

long view because our “timeline is not the timeline on which movements occur.”¹⁸ As Eduardo Galeano, the Uruguayan journalist, writer and novelist, wrote:

Utopia lies at the horizon.
When I draw nearer by two steps,
it retreats two steps.
If I proceed ten steps forward, it
swiftly slips ten steps ahead.
No matter how far I go, I can never reach it.
What, then, is the purpose of utopia?
It is to cause us to advance.¹⁹

¹⁸ KABA, *supra* note 2, at 22.

¹⁹ Eduardo Galeano, *Las Palabras Andantes* 310 (1993). The English translation is widely available on the Internet without attribution. *See, e.g.*, <https://gerryco23.wordpress.com/2015/04/15/eduardo-galeano-enemy-of-lies-indifference-and-forgetfulness/> [<https://perma.cc/5CLY-GDMV>]; <https://taleof2worlds.tumblr.com/post/71892456085/utopia-lies-at-the-horizon-when-i-draw-nearer-by> [<https://perma.cc/T357-UC2T>].