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INTERVIEW

'Mutual aid is present in every crisis': An Interview with Dean Spade

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Abstract

The Covid-19 pandemic unravelled a crisis of the modern state, and its legal institutions on the one hand, and on the other hand of our interpretive frames—both philosophical and scientific. It is here that the idea and practice of mutual aid gains significance, both to think about how we can respond to acute crises of planetary scales as well as to the crisis of critique in the discipline of law. The task of mutual aid is not to rehabilitate law out of its crisis or to restore conditions and systems back to a state prior to a crisis. This is because, as Dean Spade says in this interview, 'they are not broken systems needing to be fixed. They are working exactly as they were designed to work, constantly sharpening violence against targeted populations and enriching a very few people.' Spade—Wismer Professor of Gender and Diversity at the Seattle University School of Law and a founder of the Sylvia Rivera Law Project—is a key scholar-activist voice on mutual aid in North America and Europe. He is author, most recently, of *Mutual Aid: Building Solidarity During this Crisis (And the Next)*. In this conversation with Oishik Sircar, Spade discusses his theoretical and political influences, how he relates the idea of crisis to critique, his sobering assessment of the limitations not only of law reform but of the role of legal education in radical transformation, his own understandings of mutual aid, his favourite words, why and how he does not see himself only as a legal scholar-activist, and his vision of hope and hopelessness in times of acute and intense crises.

Keywords Mutual aid · Crisis · Critique · Solidarity · Law · Legal education · Anarchism

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1 Introduction

The commonsense relationship between modern law and crisis in a liberal polity is one where crisis disturbs and destroys, and law restores and repairs. In this relationship, the law is considered the virtuous tool deployed by states and demanded by citizens and corporations to end a crisis or compensate for damages it has caused. A paradoxical dimension of this relationship between law and crisis is one where the law is called on to perform its promise even when the crisis is an outcome of the law's willed betrayals.

Despite this paradox, our faith in the law's continuously failed and failing promises comes from the ways in which as subjects of modernity we have been trained to understand the state as the most legitimate political authority and the law—even when it is violent—as its foundational validating norm. This is a relationship of vicious circularity: the law validates the state, the state authorises the law, the state uses the law to authorise legitimate forms of violence, citizens consent to the state's monopoly over legalised violence, the state authorises the law…

Discourses of liberal constitutionalism try hard to unsettle the locked-in logic of this relationship by offering ways of thinking about the relationship between the state and constitutional law as one where the latter imposes limits on the exercise of violence by the former. But such liberal attempts do not escape the aforementioned paradox. Even when it comes to hallowed documents like the constitution, we see how exceptions are written into that document—like emergency provisions[1]—to keep the state entity perpetually weaponised against manufactured illusions of threats—secession, dissensus, sedition—to its sovereignty by so-called enemies (named terrorists, anti-nationals, infiltrators, outsiders, among many others, as would suit the state).

These illusions of threat remain intact, even gain in strength, in situations, conditions and events of acute and intense crisis like a pandemic, the climate catastrophe, military occupation, mass exodus, economic meltdown, genocide, apartheid—where the law's conceit of being virtuous cannot any longer mask its violence. The unmasking of the law's conceit becomes the reason for our faith in the imaginary promises of the law in the face of crisis. Why else would there be such unrelenting faith invested in reforming a failed law or legal system, judicial recognition of rights, and incarceration or annihilation of adjudicated perpetrators? Why else would radical voices like that of Arundhati Roy demand Covid trials at an international court to hold the Indian government accountable for its treatment of migrant workers as refuse in the wake of the world's strictest lockdown in 2020?[2] In normalising this faith in the law, have we been, in fact, enacting a crisis of our collective imagination?

[1] Nasser Hussain, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (University of Michigan Press 2003).

[2] Arundhati Roy, 'After the lockdown, we need a reckoning' (*Financial Times*, 24 May 2020). https://www.ft.com/content/442546c6-9c10-11ea-adb1-529f96d8a00b. Accessed 06 June 2022.

Histories of crises have produced interpretive frameworks of analysis that try to unravel their causes and consequences. Of such frameworks, the ones that have focused not only on the crisis at hand, but also on the failures and limitations of the very frameworks used to understand the crisis, can be called critical. Crisis, then, has been the generative force behind a knowledge tradition called critique that attends to not only interpreting a crisis but also the politics and ethics of the interpretive frames that enable the classification of what qualifies as a crisis and the knowledge practices associated with it.[3]

The tradition of critique has had a powerful influence on the discipline of law, as it has on many others, giving rise to forms of scholarship, especially in North America and the UK, that have variously—sometimes interchangeably—been called critical legal studies, critical legal theory, critical legal thinking or critical jurisprudence.[4] The broad pre-occupations of this form of legal scholarship have been to consider law *as* political rather than being a neutral discourse insulated from politics; to understand the law's intimate relationship to everyday life and sociality; and to reveal the ways in which the law's entanglements with politics and society enables the law to reproduce hierarchies of power. In performing its task, critical legal scholarship pursues two broad paths: to show how the law's internal contradictions and indeterminacies cannot sustain claims to doctrinal neutrality, and to produce narratives of lived experiences that hold up a mirror to the structural and hidden violence of the law.

Some of the influences that critical legal scholars draw on—Marxism, post-modernism, psychoanalysis, postcolonial theory, feminisms, queer theory, crip theory, indigenous wisdom, Black radicalism—to challenge the orthodoxy of conventional legal scholarship have not been received well in the legal academy both by legal positivists and natural lawyers.[5] Consequently, despite years of attempts to foreground critical legal perspectives, legal education in the common law world (including in the Global South), primarily under the influence of a renewed version of legal positivism after World War II,[6] has become technocratic and expertise-driven working under the influence of global institutions of capitalist power like the World Bank and the Ford Foundation.[7]

[3] Reinhart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society* (The MIT Press 1988); Didier Fassin and Axel Honneth (eds), Crisis Under Critique: How People Assess, Transform, and Respond to Critical Situations (Columbia University Press 2022).

[4] Mark Kelman, *A Guide to Critical Legal Studies* (Harvard University Press 1987); Ian Ward, *Introduction to Critical Legal Theory* (Cavendish Publishing 1998); Costas Douzinas, Illan rua Wall, Matthew Stone (eds), *New Critical Legal Thinking: Law and the Political* (Taylor & Francis 2012); Costas Douzinas, Adam Geary, *Critical Jurisprudence: The Political Philosophy of Justice* (Hart Publishing 2005).

[5] Denise Meyerson, 'Fundamental Contradictions in Critical Legal Studies' (1991) 11(3) *Critical Legal Studies* 439–451; J.M. Finnis, 'On "The Critical Legal Studies Movement" (1985) 30(1) *The American Journal of Jurisprudence* 21–42.

[6] Mauro Barberis and Giorgio Bongiovanni, 'Legal Positivism in the Postwar Debate' in Enrico Pattaro and Corrado Roversi (eds), *A Treatise of Legal Philosophy and General Jurisprudence* (Springer 2016) 1307–1326.

[7] David M. Trubek, Mark Galanter, 'Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States' (1974) *Wisconsin Law Review* 1062–1102; Jayanth K. Krishnan, 'Professor Kingsfield Goes to Delhi: American Academics, the Ford Foundation, and the

After its initial phase of troubling the law, critical legal scholarship has by and large remained a particularly minor and marginalised body of work within law schools in North America, the UK and Australia, at best disregarded by mainstream legal scholars, and at worst considered a nuisance.[8] There have been three responses to this condition of critical legal scholarship's own crisis. Some scholars have considered this marginality as the strength of critical legal scholarship, that it has given rise to its multiple lives outside its original named form, even if it has been 'decapitated'.[9] This approach is strongly influenced by the 'post-critical' turn in humanities scholarship that has shifted legal critique's focus[10]—at the risk of oversimplifying—from the material to the affective, from the political to the cultural, from the conscious to the unconscious, from the paranoid to the reparative, from dialectics to dialogics, from the streets to the text.

In opposition, critical legal work that carries a structuralist—Marxist, socialist, feminist, anti-colonial—orientation continues to repose faith in the law's transformative role even as such scholarship continues to subject law, legal institutions and the state to scrutiny. This response to the crisis of critical legal scholarship—which is sometimes considered reformist in nature—is interested in using the processes available through institutions to make the law work for the oppressed and marginalised through the recognition of subaltern identities and equality rights. Traditions of street lawyering or radical lawyering that align with this approach of critical legal thinking argue that the decline of critical work in the law school is an outcome of the increasing dissonance between legal critique and resistance movements. If legal education can restore this link that was key to the founding concerns of the critical legal studies movement, legal critique might still be rehabilitated.[11]

Both these approaches have some converging characteristics: they continue to locate the work of critique within the law school even when proposing to build solidarity with other disciplines and/ or movements; they maintain some fidelity to the law's conventions, methods and institutions whose paradoxes, contradictions and indeterminacies become the conditions that enable critique; and their primary objective turns to rehabilitating the law's transformative potential from decline. It is here that the third response to the crisis of critique in the wake of acute forms of crises

Footnote 7 (continued)

Development of Legal Education in India' (2004) 46 *American Journal of Legal History* 447–499; John Harrington and Ambreena Manji, 'Legal Education and the End of Empire: Renewing Cosmopolitan Kinship' (2017) 17/17 *UCD Working Papers in Law, Criminology & Socio-Legal Studies*. https://ssrn.com/abstract=3065996. Accessed 06 June 2022.

[8] Richard Michael Fischl, 'The Question That Killed Critical Legal Studies' (1992) 4 *Law & Social Inquiry* 779–820.

[9] Margaret Davies, *Asking the Law Question* (3rd edn, Sydney Law Book Company 2008) 30.

[10] Janet Halley, 'Paranoia, Feminism, Law: Reflections on the Possibilities for Queer Legal Studies' in Elizabeth S. Anker and Bernadette Meyler (eds), *New Directions in Law and Literature* (Oxford University Press 2017) 123–143; Rita Felski, *The Limits of Critique* (University of Chicago Press 2015); Bruno Latour, 'Why Has Critique Run Out of Steam? From Matters of Fact to Matters of Concern' (2004) 30(2) *Critical Inquiry* 225–248.

[11] Ian Grigg-Spall and Paddy Ireland (eds), *The Critical Lawyers' Handbook* (Pluto Press 1992); Paddy Ireland and Per Laleng (eds), *The Critical Lawyers' Handbook 2* (2nd Edn, Pluto Press 1997).

diverges. This response displaces state law's centrality to questions of justice, and foregrounds collective forms of negotiation, struggle and reciprocity that are mobilised outside of the academic scripts and interpretative frameworks of critique or post-critique.

A name for this third approach is 'mutual aid', a long-standing anarchist practice that argues that '[r]eliance on the state prevents us placing reliance on ourselves and from forming co-operative relations with others'.[12] Instead, mutual aid proposes a way of re-imagining the law's relations with life as one that is 'a design, an experiment, and a learning experience'[13] that 'could be created and enforced by consensus and with the co-operation of all members of a society.'[14] A society that mobilises mutual aid in the wake of crises is more interested in working out ways of making collective life possible under conditions where living is not entirely predicated upon the generosity of the state, the constitution, international law, philanthropy or non-governmental charity. This makes mutual aid resilient—even if vulnerable—to the failures of institutions and the betrayals of the law's promises.

This simultaneous resilience and vulnerability of mutual aid was powerfully borne out in the ways in which the expression became the mobilising tool for organising emergency help through social media during the Covid-19 pandemic in many parts of the world, including during the devastating second wave in India.[15] We have also been witness to the way mutual aid was foundational to the Shaheen Bagh and farmers' protests that responded to the intensification of state apathy and violence in contemporary India. These protests were people-led, leader-less and politically radical spaces of care, community and reciprocity.[16] The entry of this expression into the vocabulary of the social media and social movement worlds in the wake of the pandemic is also evidence of the resilience of the political tradition of anarchism that was being inherited—almost unknowingly—by so many groups and individuals. And perhaps, therein lies its strength, that there are no gatekeepers—unlike most other traditions of critique—determining who gets to inherit and do mutual aid work.[17]

[12] Peter Kropotkin, 'Law and Authority' in Roger N Baldwin (ed) *Kropotkin's Revolutionary Pamphlets: A Collection of Writings* (Dover Publications 1970) 196–197 in Davies, *Asking the Law Question* (n 9) 28.

[13] T Holterman, 'Anarchist Theory of Law and the State' in Holterman and van Maarseveen (eds), *Law and Anarchism* (Black Rose Books 1984) 20 in Davies, *Asking the Law Question* (n 9) 29.

[14] Davies, *Asking the Law Question* (n 9) 29.

[15] Riddhi Dastidar, 'How it feels: A mutual aid movement emerges to fight the pandemic in India' (*The Baffler* 22 June 2021). https://thebaffler.com/latest/how-it-feels-dastidar. Accessed 06 June 2022.

[16] D. Asher Ghertner and Stuti Govil, 'Infrastructures of Care in the Battle for Indian Citizenship' (*Society and Space* 19 May 2020). https://www.societyandspace.org/articles/infrastructures-of-care-in-the-battle-for-indian-citizenship. Accessed 06 June 2022; Pranav Jeevan P, 'Anarchism, Mutual Aid, And Self-Organization: From The George Floyd Uprising To India's Farmer Rebellion' (*It's Going Down* 05 March 2021). https://itsgoingdown.org/anarchism-mutual-aid-and-self-organization-from-the-george-floyd-uprising-to-indias-farmer-rebellion/. Accessed 06 June 2022.

[17] Kimberly Bender, Danielle Maude Littman, Annie Zean Dunbar, et al 'Emergent media scan of digital mutual aid organizing during the COVID-19 pandemic' (2021) 29(3) *Journal of Community Practice* 280–298; Nils Cartensen, Mandeep Mudhar, Freja Schurmann Munksgaard, ''Let communities do their work': the role of mutual aid and self-help groups in the Covid-19 pandemic response' (2021) 45(S1) *Disasters* 146–173.

The Covid-19 pandemic unravelled a crisis of the modern state and its legal institutions on the one hand,[18] and on the other hand of our interpretive frames—both philosophical and scientific.[19] It is here that mutual aid as a third response gains significance, both to think about how we can respond to acute crises of planetary scales as well as to the crisis of critique in the discipline of law.[20] The task of mutual aid is not to rehabilitate law out of its crisis or to restore conditions to a state prior to a crisis. Rather, as Dean Spade writes in his 2020 book *Mutual Aid: Building Solidarity During This Crisis (And the Next)*: 'Mutual aid work plays an important role in helping us get through crises, but it also has the potential to build the skills and capacities we need for an entirely new way of living at the moment when we must transform our society or face intensive, uneven suffering followed by species extinction.'[21]Spade is not being alarmist here. Mutual aid's response to the crisis is not about fixing a broken system: 'Those systems, in fact, have often created the crisis or are making things worse'[22] and in response, mutual aid work help 'build new ways of surviving that are based on our principles of liberation and collective self-determination.'[23]

Dean Spade—Wismer Professor of Gender and Diversity at the Seattle University School of Law and founder of the Sylvia Rivera Law Project—is a key scholar-activist voice on mutual aid in North America and Europe. The publication of Spade's book couldn't be more serendipitous, coming out when the pandemic had already gripped the world leaving states, international institutions, legal and health systems completely unmoored. In the short period since its publication, the book has already been translated into Italian, Spanish, Catalan and Czech, and the ones in Portuguese, German, Korean and Thai are on their way.

Mutual Aid is written as a user's manual or a training handbook for social movements and community organisers. Its brevity is its strength—written in the tradition of the political pamphlet.[24] It's a radically pragmatic call to action that clearly lays down a manifesto for consensus-based decision-making practices within movements. It is categorical and conversational in style. It is politically prescient and historically aware. Spade writes not as an expert—and purposefully so—but as a member of a community of mutual aid workers that he is learning from and contributing to. Following the publication of the book, Spade has curated a host of pedagogical

[18] Judge Jose Igreja Matos, 'Access to Justice in Times of Judicial Lockdown' https://www.unodc.org/dohadeclaration/en/news/2020/03/access-to-justice-in-times-of-judicial-lockdown.html. Accessed 06 June 2022; Alexandre Zouev, 'COVID and the Rule of Law: A dangerous Balancing Act' https://www.un.org/en/coronavirus/covid-and-rule-law-dangerous-balancing-act. Accessed 06 June 2022.

[19] Fernando Castrillon and Thomas Marchevsky, *Coronavirus, Psychoanalysis, and Philosophy: Conversations on Pandemics, Politics and Society* (1st Edn, Routledge 2021); Sheila Jasanoff, '"Preparedness" Won't Stop the Next Pandemic' (*Boston Review* 08 December 2021). https://bostonreview.net/forum/preparedness-wont-stop-the-next-pandemic/. Accessed 06 June 2022.

[20] Ben Golder, 'From the Crisis of Critique to the Critique of Crisis', (2021) 92(4) *University of Colorado Law Review*.

[21] Dean Spade, *Mutual Aid: Building Solidarity through Crisis (and the Next)* (Verso 2020) 148.

[22] Ibid. 7.

[23] Ibid.148.

[24] Jane Tormey and Gillian Whiteley (eds), Art, Politics and the Pamphleteer (1st Edn, Bloomsbury Publishing 2020).

tools that can be used as supplementary material within formal (law school) classrooms and in community-based training settings.[25] To make grassroots wisdom-informed, politically radical, praxis oriented, aesthetically creative, and theoretically grounded knowledge available outside the conventional academic journal or monograph is also a key mutual aid principle that Spade's intertextual works that use video and zine making exemplify.[26]

While *Mutual Aid* is not a book on the law, it takes ahead many of Spade's abiding concerns and arguments about the limits of 'legal recognition and equality claims' that are prioritised by left movements, even with a critical legal sensibility.[27] His 2011 book *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* advanced an understanding of a critical trans politics 'that demands more than legal recognition and inclusion [for trans persons], seeking instead to transform current logics of state, civil society security, and social equality.'[28] *Mutual Aid* gives us tools and illustrations for achieving this—or at least trying to—and offered me, as a critical legal scholar, a re-invigorated sense of the issues at stake when we are planning/ contemplating responses to the crises of our times and the crisis of our interpretive frames.

In this detailed conversation with Spade, which was conducted over email, we discuss his theoretical and political influences, how he relates the idea of crisis to critique, his sobering assessment of the limitations not only of the law but of the role of legal education in radical transformation, his own understandings of mutual aid, his favourite words, why and how he does not see himself only as a legal scholar-activist, and his vision of hope and hopelessness in times of acute and intense crises. Both Dean and I have annotated the text of the interview with references that interested readers can follow up on.

2 Interview

Oishik Sircar (OS): *Crisis and critique are closely related. In the context of the discipline of law, one can say that legal critique—or in named form what can be called Critical Legal Studies (CLS) —emerged in response to a crisis in the way conventional legal theory considered law to be a self-contained and self-referential*

[25] Dean Spade and Ciro Carrillo, 'What is Mutual Aid? (Classroom Version)' (*YouTube* 26 March 2021). https://www.youtube.com/watch?v=rYPgTZeF5Z0. Accessed 06 June 2022; Dean Spade, *Teaching Guide-Mutual Aid: Building Solidarity During This Crisis* (Verso 2020) http://v.versobooks.com/Mutual_Aid_Teaching_Guide.pdf; August Devore Welles (author) and Gari De Ramos, Katya Zabelski, and Worcester Free Fridge (eds), 'Mutual Aid: A study guide of Dean Spade's 2020 book 'Mutual Aid: Building Solidarity During This Crisis (and the Next)'' (*Radical in Progress*). https://www.radicalinprogress.org/spade-2020-1. Accessed 06 June 2022; Dean Spade, 'Workshop Series: Building Capacity for Mutual Aid Groups' (20 December 2021). http://www.deanspade.net/2021/12/20/workshop-series-building-capacity-for-mutual-aid-groups/. Accessed 06 June 2022.

[26] Natalie Oswin, 'On Normal Life: Dean Spade, interviewed by Natalie Oswin' (*Society and Space* 15 January 2014). https://www.societyandspace.org/articles/on-normal-life. Accessed 06 June 2022.

[27] Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and The Limits of Law* (Duke University Press 2015) 1.

[28] Ibid.

body of knowledge that made legal doctrines appear neural, objective and apolitical. Can you tell us how you came to the idea of critique or thinking critically in your work as a legal scholar and activist? In your first book Normal Life, you develop the idea of a 'Critical Trans Politics' which 'draws from the insights of Critical Race Theory [CRT], women of color feminism, queer theory, and critical disability studies'. Absent from this repertoire is CLS, which one would assume will be the inaugural site of critique for law students in North America. Was CLS already a failed project when you went to law school? Do you find CLS to be limited in helping you think about law critically in your work? Does Critical Trans Politics inherit CLS in any form?

Dean Spade (DS): I have to say that the list of influences there is not exhaustive, more just perhaps the loudest influences impacting the way I was framing the work at the time I wrote *Normal Life*. CLS has, indeed, been influential to me. This question makes me think of scholars like Alan Freeman, who is considered both a CLS and CRT scholar. His article 'Legitimizing Racial Discrimination through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine' was so very influential to me when I first read it in the late 1990s and gave me a very useful way to think about the limits of passing anti-discrimination laws and hate crime laws as tactics for trans liberation.[29] I think that CLS and CRT both have limitations, but I find them immensely useful in questioning the purported neutrality of law. That still needs doing. Law schools, from what I have seen, still teach law as if these systems are mostly neutral and objective, or slightly flawed in ways that can be handled with reform. The fundamental insights of CRT and CLS remain radical and, in the US, most law students do not encounter CLS or CRT in law school unless they choose to take certain elective courses which aren't even offered at all schools.

I do think that CLS is relevant to Critical Trans Politics, especially because a fundamental argument I am making is that US law will not liberate trans people, or any group of people facing the impacts of systems of criminalisation, immigration enforcement, and the management and disposal of poor people. Getting a hated group named as 'protected' or 'included' by US law does not change the living conditions of people in that group in the ways that people are encouraged to imagine. Critical Trans Politics builds from the ways that so many critical intellectual traditions have exposed the failure of rights to redistribute life chances, and it relies heavily on the wisdom of abolitionists, women of colour feminists, disability justice theorists and activists, anarchists, and anti-colonial struggles who have shown how conditions on the ground actually change when people redirect energy away from reforming laws and convincing elites and towards building new social relations based in care and disobedience to authority. I think that *Mutual Aid* expands on the critiques of non-profitisation (or NGOisation) that *Normal Life* explored to show what grassroots organising to meet people's basic needs and build a new society looks like.

[29] Alan David Freeman, 'Legitimizing Racial Discrimination through Antidiscrimination law: A Critical Review of Supreme Court Doctrine' (1978) 62 *Minnesota Law Review* 1049–1119.

OS: *I have taught your powerful piece* 'For those Considering Law School' *in my critical jurisprudence course.*[30] *Even if written in the context of legal education in North America, it offers a provocation to students in India—especially at the elite university where I teach—that makes them confront, with a fair amount of sobering discomfort, the crisis at the heart of modern law and how we are complicit in it. The piece echoes, with a sharper focus, many of the key observations that Duncan Kennedy made in his classic piece* 'Legal Education and the Reproduction of Hierarchy'.[31] *A particularly important sentence from the Kennedy piece that pithily captures the perverse logic of reproduction of hierarchy through legal education is: 'Training for subservience is a training for domination as well.'*[32] *You repeatedly make this point in* Mutual Aid *as well about what you call 'learned dominant behaviour' that requires active training to unlearn. Do you think the crisis of the law comes from something particular about legal education that makes it antithetical to cultivating mutuality, reciprocity, collaboration and care—practices that gain acute significance in the face of ongoing and impending crises that valorise individuation and responsibilisation? Can the law school classroom be a place for caring and healing from the burnout and overwork wrought by toxic forms of competition that the system imposes on students? I think this question might apply to teachers as well, especially under conditions of the pandemic, where we were expected to keep up with as much of our regular academic and administrative load while taking on an unprecedented amount of care work at home, and also for our students. And this remained almost completely unrecognized by the institutions we were working in.*

DS: I think about this a lot—about how law school both attracts people who are likely to have a lot of fidelity to systems and methods of hierarchy, and how law school increases those qualities in how it trains students in professionalism and 'thinking like a lawyer'. As you mention, I think internalisation of dominance and obedience behaviours is a problem for people more generally, not just people who go to law school, which is why it's a key point of discussion in my *Mutual Aid* book, which is for a general audience. We are all living in systems organised by hierarchy and domination. We learn in these systems to mostly keep our heads down and try not to get 'in trouble' with higher-ups. Some people also learn to try to climb up enough to dominate others, even if it's only dominating a few people who are just below them in some hierarchy. Feedback in these systems generally only goes one way. Decisions come from the top, and people below are supposed to implement them whether they are wise or not. People on top give feedback to those under them but do not need to listen to the feedback of people under them.

[30] Dean Spade, 'For those Considering Law School' (2010) 6 *Unbound* 111–119.

[31] Duncan Kennedy, 'Legal Education and the Reproduction of Hierarchy' (1982) 32(4) *Journal of Legal Education* 591–615.

[32] Ibid. 607.

These conditions produce a very particular set of skills about how to get by. For example, we learn how to numb out or suppress feelings of anger or frustration about not having decision-making power about our work, or how to take it out on someone besides the people above us (many people vent their frustration on lovers, family members or children since they can't express it to their landlords or bosses). Some of us learn how to be *in* but not *of* institutions, like by dragging our heels at work or stealing things, including stealing our own time by doing pleasurable things during our work time. We learn how to numb ourselves to the impacts of our actions on people beneath us in hierarchies because to notice those would make us feel bad. Some of us learn how to over-identify with people in power, imagining we are like them so that we can feel good when we see them dominating instead of having to feel how bad it feels to be under them in a hierarchy. To do that, some of us internalise mythologies about the hierarchy being meritocratic. We learn to live in a context of scarcity, where it makes sense to individualize and try to climb a hierarchy, stepping on whomever we need to, hoarding power and resources when we can get some, and taking credit where we can.

If we want to build a different set of social relations not based on extraction and domination, which we absolutely must do if any humans are to survive the crisis that 'racial capitalism' has created for the world,[33] we need a different set of skills. We need to be good at sharing. We need to be good at caring about projects we are working on and feeling 'all-in' with others rather than individualizing and looking for short term good outcomes just for ourselves. We need to learn how to give and receive direct feedback in order to create relationships where people can work together collaboratively for a long time on big, difficult projects and both prevent and address conflict.

We need to care about everyone, especially people who have been targeted and stigmatised, instead of only caring what people on top think of us. We need to denumb and deeply feel the impact of systems and conditions on all kinds of people, including ourselves. We need to move away from passive obedience or hoping that elites (courts, politicians, corporate media, philanthropists) will fix things or save us, and into active engagement in producing the conditions of survival on the ground, collectively, with the people around us. Most people have only ever interacted in hierarchical institutions—schools, families, jobs, religions—and many believe that is the only way to do things, or that people cannot collaborate to produce a survivable world and instead need to keep relying on the very structures that are killing us. Margaret Thatcher told us that 'There is no alternative' and many people believe that, whether they know it explicitly or not.[34] It is often clear in conversations about abolishing prisons, police, borders, landlords and bosses. People reveal that they

[33] Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition* (3rd Edn, The University of North Carolina Press 2020); Robin D. G. Kelley, 'What Did Cedric Robinson Mean by Racial Capitalism?' (*Boston Review* 12 January 2017). https://bostonreview.net/articles/robin-d-g-kelley-introduction-race-capitalism-justice/. Accessed 06 June 2022.

[34] Daniel Rodgers, 'The Uses and Abuses of "Neoliberalism" (*Dissent* 2018). https://www.dissentmagazine.org/article/uses-and-abuses-neoliberalism-debate. Accessed 06 June 2022.

can't imagine life without those structures of domination and extraction, and are scared to consider it.

In my experience, law schools are places where people get further training in the hierarchy rather than in dismantling hierarchies or building horizontal social relations. One part of law school in the US is a bullying atmosphere in which students are dismissed by professors when they make arguments or raise points that are not within the narrow confines of what is considered a legitimate legal argument. The result is a narrowing of the imagination and often a further step toward obedience and numbing. To think about broader consequences than the law tells you to consider, or to think about broader remedies than are possible under law, is to think incorrectly in the law school classroom. Furthermore, students often experience being corrected for this wrong thinking as humiliation in an educational context that is highly competitive and individualistic, with classes being graded on a curve where someone must end up at the top, and someone must end up at the bottom. This trains students in individualism and scarcity.

I have been interested to try to combat this in my teaching, where possible. I have insisted on students doing group assignments, aiming to teach collaboration skills. I teach critical concepts, hoping to help them undo some of the narrowness of analysis that is pushed in most classes. In my Legal Ethics class,[35] I explicitly teach about some of the ways the legal profession leads many lawyers to being unhappy in their careers, and vulnerable to addiction, mental illness, and malpractice because of harmful norms. We study methods of identifying and addressing overwork, learning to give and receive direct feedback, engaging with conflict in generative ways, listening, working with people in crisis, and other skills that law school either does not address or actually impairs. As you can imagine, about half the students love this content and find it relieving to hear concepts like 'imposter syndrome', trauma stewardship and work addiction discussed, and the other half think it is nonsense and would prefer the class only focus on questions that will be tested on the Legal Ethics portion of the Bar exam.

I will note that since the start of the Covid-19 pandemic and the 2020 uprising against anti-Black racism and police violence in the US, I find more students interested in the content I am teaching. I think this is because the critical political ideas and resistance frameworks I teach are more legitimate in the face of the crises they are living through and the uprising. Also, many are feeling isolated and desperate and are open to these ideas in ways I have never seen before in 18 years of law teaching. However, I will say that I still find teaching in law school to be a limited realm for doing this kind of work. People who choose law school and are in law school are very rarely radical, unconventional thinkers ready to upend the colonial, patriarchal, capitalist, racist foundations of the profession's institutions and norms. Taking one class with me in the mix of all the classes where they are learning the opposite of what I am teaching, and where they are being shamed and policed into what I would consider to be dominance behaviour, is unlikely to drastically change that. I enjoy

[35] 'Professional Responsibility Syllabus Spring 2021'. http://www.deanspade.net/professional-responsibility-syllabus/. Accessed 06 June 2022.

trying, and I enjoy seeing some students engage deeply with the critical ideas I bring to class, but in terms of my efforts to change the world, I think the organising I do outside my job is a more important contribution. We can never know the results of our actions, but I do not imagine that teaching in law school, no matter how much I enjoy trying to do it in transformative ways, is the most significant way I can contribute to liberation struggles. My life's central work is not as a law professor but as a participant in social movements.

OS: *Despite the thorough critiques of the ideas of legal expertise and law reform that you advance in* Normal Life *and* Mutual Aid*, you have maintained a contingent fidelity with the law both as a scholarly discipline and a transformative tool. I would think that your founding of the Sylvia Rivera Law Project (SRLP) in 2002 is an enactment of this contingent fidelity. Can you tell us what role you think mutual aid work through legal aid and clinical legal projects play in both confronting and transforming the crisis of law or law's promises of social transformation? What are the challenges that initiatives like SRLP face under conditions of neoliberal crisis where we are forced to imagine sustenance of solidarity networks through the models of institutionalisation and philanthropic funding?*

DS: I have not practised law in any way in over a decade, though I do engage with some policy work in fights to stop the expansion of police, prisons and jails and in fights to defund such infrastructure.[36] The skills I use in those fights, I would say, are not things I learned from being a lawyer but from working with organisers. In fact, I think those fights are particularly interesting and effective because people are doing them in ways that recognise the limits of using traditional legal advocacy tools that lead to limited reforms, and instead use community organising to build resistance tactics that put pressure on legal systems and actors through direct action and people power. Lawyers can still have roles in these fights. Sometimes we bring lawsuits aimed at stopping a new prison building project, knowing that it probably will only slow it, but it gives time to build the organising and get the opposition to the project in the headlines. Sometimes we help with public records requests to expose how the police operate or are funded. Sometimes we do research that helps organisers figure out where certain decisions are coming

[36] Some examples of campaigns I have been part of in recent years along these lines include: the fight to stop a new youth jail from being built in King County, WA, the fight to stop Washington State from expanding the Western State Hospital, a psychiatric prison, the fight to defund the Seattle Police Department and the campaign to stop US law enforcement from training with the Israeli military and police. See, 'No New Youth Jail'. https://nonewyouthjail.com/. Accessed 06 June 2022; Kim Ambrose, Angélica Cházaro and Dean Spade, 'Politicians should abandon Youth Jail Project as a Year-end gift to King County's Children' (*South Seattle Emerald* 20 December 2016). https://southseattleemerald.com/2016/12/20/politicians-should-abandon-youth-jail-project-as-a-year-end-gift-to-king-countys-children/. Accessed 06 June 2022; 'No New Washington Prisons: Build Community, Dismantle Prisons'. https://www.nonewwaprisons.com/western-state. Accessed 06 June 2022); '2020 Blueprint for police divestment/Community Reinvestment: Decriminalize Seattle and King County Equity Now'. https://decriminalizeseattle.com/wp-content/uploads/2020/07/2020-BLUEPRINT-FOR-POLICE-DIVESTMENT.pdf. Accessed 06 June 2022; *The Demand is Still #DefundPolice* (Interrupting Criminalization June 2020) https://www.interruptingcriminalization.com/defundpolice-update. Accessed 06 June 2022; 'Deadly Exchange'. https://deadlyexchange.org/about-deadly-exchange/. Accessed 06 June 2022.

from in complex administrative processes. Sometimes poverty lawyers who are serving many clients facing particular conditions can report how those conditions are changing or what particular conditions are developing within courts or administrative processes that might be impacting vulnerable people.

So, there are certainly roles for lawyers in organising work. However, the more traditional idea that lawyers will win solutions to our biggest problems strictly with legal advocacy such as lawsuits, legislation, or by individually representing people is a myth that puts most lawyers who want to 'do good' in roles that are ultimately unsatisfying and ineffective. Most direct service poverty lawyers are seeing the same case over and over again, not able to fundamentally change conditions, just helping the system process poor people into the same mostly bad outcomes.[37]

Much impact litigation work or policy reform work produces reforms that make insufficient change and/or are never implemented. I have always been interested in finding ways for legal work to be deeply tied into community organising work, and to be guided by community organising principles. SRLP is an example of trying to do that. SRLP was created to directly support trans people living with the crises of poverty, criminalisation, immigration enforcement and the like, but not based on a belief that we could just win cases and solve those problems. Instead, from its start in 2002, SRLP aimed to provide direct legal help to people in those crises and work closely with community organising groups to plug those clients into community organising aimed at getting to the root causes of the conditions they were facing by taking collective action with others. Social movements typically use mutual aid projects this way as an entry point to mobilisation in organising.

SRLP was also designed as a collective with a non-hierarchical structure in an attempt to mobilise people. Rather than just having a staff, SRLP was designed to be run by a collective that included the small staff but also a broader set of community members, so that the organisation would be a people power-building machine and be accountable to community needs rather than just a small group of lawyers working on impossibly big problems with the limited system-affirming tools of lawyering, which is what most legal non-profits are. SRLP has been around for 20 years, as you mentioned, and I was a staffer there for the first five years and a non-staff collective member there from 2007-2019. I think it is a very beautiful experiment and very complex. It is difficult to work in the non-profit form and resist all of its norms. For people interested in these questions and SRLP's specific experimental efforts, there are a couple of interesting documents about how the group has tried to approach these questions and practice this politics.[38]

[37] See Dean Spade, 'What Every Activist Should Know Before Going to Law School' (*DeanSpade.net* 24 April 2020). http://www.deanspade.net/2020/04/24/what-every-activist-should-know-before-going-to-law-school/. Accessed 06 June 2022.

[38] Rickke Mananzala, 'The Nonprofit Industrial Complex and Trans Resistance' (2008) 5(1) *Sexuality Research & Social Policy* 53–71; Ezra Berkley Nepon, Elana Redfield, Dean Spade, Alex West (eds), *From The Bottom Up: Strategies and Practices for Membership-Based Organizations* (Sylvia Rivera Law Project 2013). https://srlp.org/from-the-bottom-up-strategies-and-practices-for-membership-based-organizations/. Accessed 06 June 2022.

I think that one of the essential tasks for doing mutual aid work that includes legal services is to de-professionalise legal work as much as possible. The way that legal aid is set up now is designed to fail. Most people in need of legal help can't get it. Legal aid workers and law school clinics are overrun with people seeking help, and most poor people who need legal help do not get it. And even if we guaranteed legal help to everyone facing certain conditions, as is currently being proposed regarding people facing deportation in the US, there is no reason to believe it would alleviate injustices.[39] Legal representation has been guaranteed to poor people in the US criminal system for a long time and that system remains wildly unjust. I believe it is important to have people accompanied and supported through the dehumanising legal and administrative systems that process poor people, people with disabilities, and people of colour in the US, but I don't think we should expect that we will ever have a system that does that by providing lawyers to everyone in all those systems, or that even if it did those systems would become fair or that legal representation would be good. Instead, I think we should be simultaneously focusing on dismantling those systems (I am excited about current proposals to close municipal courts that process misdemeanors, primarily crimes of poverty and homelessness, for example) and building mutual aid projects where people within communities accompany each other through those systems while they still exist, such as by helping out with eviction defence, benefits hearings and the like, being trained to do legal advocacy that can be done by non-lawyers. This would mean that many more people would get legal help than get help now, and many people would be learning about how these systems work which feeds the possibility of bolder tactics, like shutting down courts,[40] or groups physically stopping people from being arrested or deported,[41] or people clogging courts by demanding hearings for everyone or doing plea strikes, or breaking people out of jails and prisons.[42]

[39] See Angelica Chazaro, 'Due Process Deportations' (2022) *New York University Law Review, Forthcoming*.

[40] 'Tenant Advocates Rally Outside Brooklyn Housing Court To Stop Evictions During Pandemic' (*CBS News* 11 December 2020). https://www.cbsnews.com/newyork/news/tenant-advocates-rally-brookly-housing-court-eviction-moratorium/. Accessed 06 June 2022.

[41] Julia Jacobo, 'Tennessee neighbors form human chain to prevent ICE from arresting father in driveway' (*ABCNews* 24 July 2019). https://abcnews.go.com/US/tennessee-neighbors-form-human-chain-prevent-ice-arresting/story?id=64508277. Accessed 06 June 2022; 'Supporters oppose paralysed Sikh's deportation' (*Hindustan Times* 19 August 2007). https://www.hindustantimes.com/india/supporters-oppose-paralysed-sikh-s-deportation/story-mu7C4bf8YOPsegitwutHVM.html. Accessed 06 June 2022; The Stream Team, 'Immigration rights activists in Tucson block deportation buses' (*Aljazeera* 11 October 2013). http://america.aljazeera.com/watch/shows/the-stream/the-stream-officialblog/2013/10/11/activists-in-tucsonblockdeportationbuses.html. Accessed 06 June 2022.

[42] Many people in contemporary movements in the US take inspiration from the prison break of Assata Shakur. AfroMarxist, 'The Escape of Assata Shakur (11/2/1979)' (*YouTube* 2 November 2016). https://www.youtube.com/watch?v=hsWwXnD9psM. Accessed 06 June 2022; Since during disasters like hurricanes and fires, people living in prisons of all kinds are often abandoned, anti-prison organisers also discuss the possibilities for rescuing people from prisons during the coming climate change-induced disasters. ACLU National Prison Project, *Abandoned & Abused: Orleans Parish Prisoners in the Wake of Hurricane Katrina* (ACLU 2006); Thomas Fuller, 'California Says Nursing Homes Abandoned Elderly after Fire' (*The New York Times* 7 September 2018). https://www.nytimes.com/2018/09/07/us/california-wildfires-nursing-homes-abandonedelderly.html. Accessed 06 June 2022.

As I talk about in *Mutual Aid*, doing this kind of direct support work moves people who are mad and care about current conditions but are primarily directed to wait to vote or post on social media into active engagement with their communities, changing conditions on the ground and learning much more about how systems work and how they impact people. Doing this kind of unpaid mutual aid work teaches people the skills I was talking about above—how to make decisions together, care about others, put a collective project first over individual gains, share, communicate, and act on values and principles. No doubt, there are some kinds of legal work that lawyers still need to do, but I think that if more lawyers put efforts toward de-professionalising legal services and organising with communities to build mutual aid projects to provide immediate help to people with legal problems, more people would get help and we would be building the kinds of movements we need to fight the conditions we are facing. Some examples we might look to of this kind of de-professionalizing are the Parole Preparation Project in New York,[43] where some lawyers and many non-lawyers work to help people through the parole process, the tradition of cop watching, peer legal help in the welfare rights movement, jailhouse lawyering, and the tradition of legal observing at protests.

I am concerned that I see even the students who have the most interest in changing the world, who want to serve people in crisis and be part of movements to end poverty, racism, criminalisation, border enforcement, war and colonialism, end up in poverty law jobs where they are miserable and feel like they are not making a very big difference. They report feeling like cogs in the machine that is still grinding up targeted populations. Professionalisation processes, having a high debt load after school, wanting to climb a professional ladder, and other factors seem to push them into traditional kinds of legal advocacy work, even if they have more creative ideas. Decades of that kind of advocacy work has not made a dent in poverty. In fact, the wealth gap, the number of people locked in cages, the amount of dollars spent on cops and border enforcement have all gotten worse in our lifetimes. It seems important for us to drastically reframe what it would mean to do legal work to change these conditions. I don't see that reframing happening in law schools. I see the same conversation going on that has been going on for a long time, which suggests that 'public interest' work is a tiny part of the legal field that a few do-gooders pursue, and that it is complementary with rather than adversarial to legal work that supports extraction. I am interested in counterexamples and enjoy meeting other law professors and students trying to do something different, but I think that law schools are designed to be law enforcement schools and I'm not counting on that drastically changing soon—certainly not as soon as it would need to for law schools to take on a significant role in responding to the crisis conditions we are facing.

OS: *One of the key threads running through your work is your commitment to 'process'. In* Normal Life *you write: 'We need a critical trans politics that is about practice and process rather than the arrival at a singular point of "liberation".' You take this ahead in* Mutual Aid *where you write: 'Many of us think "process is boring." […] everyone wants a selfie with Angela Davis to post but*

[43] 'Parole Preparation Project'. https://www.paroleprepny.org/. Accessed 06 June 2022.

many people do not want to take the time to visit prisoners, go to court with people, wait in long lines at welfare offices, write letters to people in solitary confinement, deliver groceries to an elderly neighbor, or spend many hours in meetings about how to coordinate care for people in need.' There is a compelling ordinariness to the unglamorous work of social action in what you say, and yet that's what seems most difficult to consistently commit to in a progressive political discourse saturated by wokeness, virtue signalling and privilege Olympics. How do you see this commitment to the process in organising work translates into the ways in which you think about theory-work? Generally, we see a disdain for theory or the theoretical—and sometimes for the right reasons—in activist circles and a valorisation of theory among academics who do critique. Strangely enough, we see a similar aversion to theory, especially critical theory, becoming de rigueur within the law school space. Here subjects that are theoretically oriented or bring in critical theoretical perspectives, like jurisprudence, feminist legal theory, postcolonial legal theory, crip theory, or Critical Race Theory, are considered lesser in value in comparison to, say, corporate law, international trade law or tax law. I don't mean to overstate or oversimplify the theory/ practice divide, but it is a vexed relationship that cannot always be bridged using the Marxian understanding of 'praxis' as their conceptual amalgam.[44] *New kinds of fractures between theory and practice emerge based on the location of their articulation. But we know well that this is a false divide kept in place, for example, by alt-right forces that want CRT to be banned from being taught at US schools on the one hand,*[45] *and captivity that is imposed on theory by academic conventions of expertise that tie it to the university as its only worthy site of production.*[46] *Your work refuses the imposition of either expulsion or captivity on theory through the use of art and infographics and videos and zines and pamphlets. You make theory accessible for mutual aid pedagogy. But how do you negotiate the relationship between theory and practice in the way you do your scholarship and teaching inside the formal university space? What is your process of theorising (the law) as a legal scholar who is publishing in law reviews alongside zines to push against the obsession with citation metrics in the neoliberal university?*

DS: There is so much in this question. I so appreciate your thoughtful, generous engagement with my work. I will say that I think the term 'theory' is used in so many different ways that it can be hard to tell what people are talking about. Sometimes it seems like people are just identifying something as 'theory' if it is written in academic language and does not have a lot of illustrative examples. The main question that all of my work addresses is: how does transformative, liberatory change happen? A part of that question, of course, is: what are the pitfalls, distractions, false steps in social movement work that we can learn about from

[44] Joel Wainwright, 'Praxis' (2022) 34(1) *Rethinking Marxism* 41–62 ; Bernard E. Harcourt, *Critique and Praxis* (Columbia University Press 2022).

[45] Hani Morgan, 'Resisting the Movement to Ban Critical Race Theory from Schools' (2022) 95(1) *The Clearing House: A Journal of Educational Strategies, Issues and Ideas* 35–41.

[46] Sara Ahmed, *Living a Feminist Life* (Duke University Press 2017).

studying the moments when social movement work has been co-opted, repressed, undermined, captured? These questions animate my commitment to, for example, abolitionism. Abolitionist theory and practice—the assertion that police, prisons and borders must be eliminated rather than reformed for liberation to be possible, and the commitment to doing work that never expands those apparatuses in any way and instead seeks to dismantle them—is based on things people have learned trying to address the harms of those systems and seeing how vigorously those systems use resistance efforts and critiques to mobilise expansion.[47] We can see abolitionist theory and practice described in all kinds of writing and in oral transmissions between organisers (especially criminalised and imprisoned organisers whose insights are less likely to be formally published). What, of all that work, gets called theory and what gets understood as testimony or storytelling or other categories of knowledge production often has to do with academic elitism, rather than the significance of theoretical insights being produced. So much of what has come to be valued in critical theory is the result of people studying and/or participating in social movement work and then writing about it in academic publications and terms.

I am interested in ideas of all kinds. I like reading things that we might readily call 'theory'. As we discussed above, I have been influenced by the work of Critical Race Theory, the work of Michel Foucault, critical disability studies, and other texts that people consider theoretical. But I also read, listen to, and watch accounts of social movement tactics on the ground. I want to know what people are trying and have tried, and why they decided to try one thing over another, how they were analysing conditions to believe that some particular tactics were more likely to work than others in their context. Most of my own writing is about this—advocating for and against particular tactics and explaining why I think particular approaches are more or less generative. These are the questions that animate my life. My favourite conversations are ones in which we talk in detail about how a local mutual aid group is organising their direct support to people inside a prison or detention centre, for example, and how that relates to what they have learned about how people in there are being harmed, how the opposition (prison administrators, judges, prosecutors, corrections officers, private prison companies, or whoever) is reacting to the resistance work, how their immediate strategies relate to their efforts to dismantle the facility and decriminalise the people in it and get rid of the laws and policies that structure criminalisation and immigration enforcement, how to mobilise people outside prisons to work together on mutual aid in long-term projects, how to prevent and address conflict in groups, and so much more. Their day-to-day plans for doing the work reveal complex theoretical debates and assertions about the nature, histories and structures of the systems they are contending with, power dynamics between and among organisers, the role of legal systems and law enforcement mechanisms in

[47] Dean Spade, 'The Only Way to End Radicalized Gender Violence in Prisons is to End Prisons: A Response to Russell Robinson's "Masculinity as Prison"' (2012) 3 *California Law Review Circuit* 182.; Ruth Wilson Gilmore, *Abolition Geography: Essays Towards Liberation* (Verso 2022).

society, and the benefits and costs of various resistance tactics. I am interested in how people do this critical theoretical work on the ground in the day to day. I am also, of course, interested in places and moments where we are insufficiently critical, such as where people do advocacy that uncritically assumes that legal systems are or could be neutral, that government apparatuses can be reformed to become caregiving and equitable, that appealing to elites will generate well-being for people on the bottom of hierarchies, or that educating the general public to vaguely care about some hated group or some urgent issue will produce a change in material conditions. Understanding these patterns of unwise action is important and useful.

As a writer, I want to make critical ideas more accessible and helping particular critical ideas about how change happens to circulate more widely among people who care about making a change or might be mobilised toward that. My first published writing was in self-published zines. For about a decade I published things in law reviews sometimes, but still focused on putting things in magazines, zines, blogs, anthologies, videos and other more accessible formats. It has always seemed somewhat pointless to write the kinds of things I write in law reviews, to me, since most people doing social movement work do not have access to law review articles which live behind paywalls and are written in a format that is unappealing to most readers—long, heavily footnoted, repetitive, formal. Most of the law review articles I ever wrote, I wrote because someone invited me to write and I used it as an opportunity to work out my ideas in a longer form, which helped me sharpen them in my mind and become more able to write shorter, more readable versions of them. I find that the more deeply I understand critical ideas, the better able I become at writing them in short, clear ways.

I am aware that my friends who write denser, long-form, suggestive work that often has less illustrative examples sometimes produce work that is more nuanced and smarter than my work. An example of this is Chandan Reddy's excellent book *Freedom with Violence: Race, Sexuality, and the US State*.[48] That book has a critique of hate crime laws in it that is so brilliant, so much smarter and deeper than what my work contains. It is beautiful and I learn so much every time I read it again. I could not write like Chandan Reddy if I wanted to. His thinking is far more complex than mine, he is vastly more well-read, his frames of reference are far more global than mine (I am forever digging myself out of the very US-centric frame that shaped so much of my studies and my reference points). My work on hate crime laws has been focused more on getting people, especially other trans activists and people who think they are our allies, to stop advocating for hate crime laws and adopt abolitionist approaches to addressing violence.[49] For me, being in conversation with scholar-activists like Chandan Reddy and learning from their more nuanced accounts, I hope, improves my work. At the same time, I know my work is different from theirs. I am intentionally trying to make work (videos, zines,

[48] Chandan Reddy, *Freedom with Violence: Race, Sexuality, and the US State* (Duke University Press 2011).

[49] Dean Spade and Craig Willse, 'Confronting the Limits of Gay Hate Crimes Activism: A Radical Critique' (2000) 21 *Chicano-Latino Law Review 38–52*.

visual art projects, short articles) that will reach a lot of organisers or potential organisers.

I say this to say that I think we need all kinds of expressions of critical theoretical interventions—conversations, correspondence, all kinds of art, dense academic texts, toolkits, facilitation guides, journalistic writing, children's literature, and more. As a writer, facilitator and videomaker, I just try to make things that I think I am suited to make that might be useful, never knowing which ones will end up being helpful to people, always experimenting. I have mostly tried to not let the demands of my job as a law professor get in the way. I think academia often pushes critical or radical thinkers to focus on making work that is less accessible in a variety of ways.

When I first got a job as a law professor, some of my senior colleagues discouraged me from writing *Normal Life*, saying I should be focused on law review articles and not a book. They asked, 'how many footnotes will it have?' because the number of footnotes is still in the first sentence written in evaluations of scholarship for purposes of promotion in my law school (and I would expect at many such institutions). I told them I planned to publish with a radical press, that there would be very few footnotes, and that my audience was primarily other social movement participants. I declined to take their advice about what to write in hopes of keeping my university job.

I felt great urgency about what I wanted to say in that book, which I believed could be significant to movements I was part of right at that moment, and which I believed would be better circulated in a book form than as law review articles. I did not want to wait to write those ideas in that form until after writing a set of law review articles to get tenure. Who knows how long I will live? Who knows whether I will be able to keep this job, anyway? So many radicals are ejected from the university, and as the first openly trans person hired as a tenure-track law professor in the US, I felt aware that I might encounter any number of obstacles to keeping the job. I chose to pursue the project I felt most compelled by over the advice of my colleagues. It worked out and I have been able to keep my job so far, but my general guideline over the course of my work there has been to do what I think most needs doing in my work, rather than orient myself to the inevitably conservatizing norms and advice available inside the institution.

OS: *In* Mutual Aid*, you make a compelling case for not conflating mutual aid with charity. This becomes imperative in the context of crises in neoliberal times, because charity depoliticizes mutual aid by absorbing it into the sophisticated machinations of philanthrocapitalism.*[50] *The way in which charity works under neoliberal conditions, as you point out, has older roots in Christianity. 'The charity model we live with today', you write 'has origins in Christian European practices of the wealthy giving alms to the poor to buy their own way into heaven.' Is*

[50] Dean Spade, 'Solidarity Not Charity: Mutual Aid for Mobilization and Survival' (2020) 38(1(142)) *Social Text* 131–151.

mutual aid, then, a secular idea for you? I ask this question from a postcolonial location like India,[51] *where the idea of secularism does not follow the strict divi-*

[51] This lengthy footnote has been added after the completion of the interview. As an interviewer from India, I've had two concerns with the idea and practice of mutual aid that were generated due to some specificities related to the political conditions prevalent here. I'm taking the opportunity to share these concerns for interested readers. These concerns are not directed at any of Dean Spade's responses to my questions. The first is about the ways in which the same methods that mutual aid workers use, can also be used by right-wing groups to mobilise their cadres and strengthen their grassroots base. This concern has to do with the history of the Hindu supremacist group Rashtriya Swayamsevak Sangh's long-term mobilisation and pedagogical strategies through its teeming *shakhas* or branches across India that use the ethos of community, solidarity and reciprocity among Hindus to build a pure Hindu nation. Of course, principles of mutual aid can be defended against a possible right-wing appropriation because mutual aid work is neither conditional upon the identities or ideologies of the people coming together nor is mutual aid aimed at achieving violent exclusionary outcomes. And still, in the quotidian life of fascism in India, there might be some blurring of lines that those mobilising to oppose to Hindu supremacy might need to be vigilant about. The second and related concern is how mutual aid's anarchist roots might be in conversation with India's constitutional cultures of protest and resistance. B.R. Ambedkar's last speech to the Constituent Assembly delivered on November 25, 1949 was titled 'The Grammar of Anarchy'. In this speech, Ambedkar argued against the use of strategies like revolution, non-cooperation and civil disobedience, now that India has a constitution. He said that these unconstitutional methods should be abandoned in favour of using the methods of achieving social and economic justice enshrined in the constitution. Ambedkar's argument can be appreciated in light of the existence of the caste system in India with its own legal strictures that organise all aspects of social life that reproduce and maintain the violent hierarchy between different castes. The influence of the caste system was entrenched even within socialist groups that would otherwise appear progressive in their stand against colonialism and capitalism. For him, the constitution would now be the bulwark against the violence of caste that is reified through extra-constitutional forms of collective claims. In other words, in a society steeped in caste, mutual aid might only mean mutuality between caste Hindus. This reading of Ambedkar's argument can suggest that in the wake of the new constitution, he stands against the ideology and practice of anarchist traditions (that he had used in his own political work earlier)—which might also include forms of mutual aid work. However, the story might be a little more complicated than that. Within the Indian constitution, whose drafting committee Ambedkar chaired, the use of the word 'fraternity' maps on to two other words found in Ambedkar's writings: '*maitri*' (fellowship/ friendship), that Ambedkar has used in 'Buddha or Karl Marx' and 'Buddha and His Dhamma' and 'associated living' that he used in 'Annihilation of Caste'. In his understanding of democracy, Ambedkar described the relation between associated living and fraternity in this way: 'Democracy is not merely a form of Government. It is primarily a mode of associated living, of conjoint communicated experience.' About *maitri*, Ambedkar says that it 'must never be abandoned' and that 'one owes it even to one's enemy.' A combination of these three words in the Ambedkarite anti-caste pantheon then suggests a re-imagination of mutual aid outside its anarchist genealogy (something that Spade's response to my next question attests to). One could argue that mutual aid, thus, is part of India's 'constitutional morality'. This re-imagined version can help us do mutual aid work in a deeply unequal and violent place like India where such anti-caste and anti-Hindu supremacist political imagination is rooted in the constitution. I think there is much that social movements and critical legal scholarship in India can learn from the vibrant and radical anti-caste movement about the practice of *maitri* as mutual aid. And yet, this faith in the constitution confronts its own limitations when we see how the document legitimizes state violence through emergency and preventive detention provisions against whoever the state deems to be 'anti-national'. Recent incidents have demonstrated how these provisions in the constitution have been weaponised against dissenters who are Muslim, Dalit or Adivasi. See generally, A.G. Noorani, *The RSS: A Menace to India* (LeftWord Books 2020); B.R. Ambedkar, 'Why BR Ambedkar's three warnings in his last speech to the Constituent Assembly resonate even today' (*Scroll. in* 26 January 2016). https://scroll.in/article/802495/why-br-ambedkars-three-warnings-in-his-last-speech-to-the-constituent-assembly-resonate-even-today; B.R. Ambedkar, 'The Annihilation of Caste: An undelivered speech' https://ccnmtl.columbia.edu/projects/mmt/ambedkar/web/readings/aoc_print_2004.pdf; Aishwary Kumar, 'Force and adoration: Ambedkar's maitri' (2013) 641 *Seminar*; Christine Keating, 'Towards the Well-being of All: B.R. Ambedkar, Maitri, and Non-Fraternalist Democratic Solidarity' (2021) 1(2) *Comparative Political Theory* 273–278; Pratap Bhanu Mehta, 'What is constitutional morality?' (2010) 615 *Seminar*; Anurag Bhaskar, ''Ambedkar's Constitution': A Radical Phenomenon in Anti-Caste Discourse?' (2021) 2(1) *CASTE: A Global Journal on Social Exclusion* 109–131; Arvind Narrain, 'What would an Ambedkarite Jurisprudence look like?' (2017) 29(1) National Law School of India Review 1–20; Anand Teltumbde and Suraj Yengde (eds) *The Radical in Ambedkar: Critical Reflections* (Penguin 2018).

sion—at least in constitutional terms—between the church and the state.[52] *And during events and experiences of acute crisis like the Covid pandemic, we've seen the kind of remarkable mutual aid work that faith-based charities—especially those run by minority religious groups—have carried out.*[53] *And this has happened under conditions where you have a Hindu supremacist government that at the beginning of the pandemic, as a conceit for its utter incompetence, blamed an already oppressed Muslim population for the spread of the virus.*[54] *The other motivation for this question is to think with the kind of arguments that scholars like Talal Asad or Saba Mahmood have advanced with regard to the forced secularisation imposed on the idea of critique in the west.*[55] *If mutual aid is a critique of charity, and charity inherits Christianity, is mutual aid also a critique of Christianity in particular and of religion in general?*

DS: My reference to the Christian roots of charity is less of a universal framing and more a reference to how charity and social services are structured in the US specifically. The broadest, most common ideas about 'helping people' in the US, which shape social services, the non-profit sector and philanthropy, come from that Christian European charity framing. My aim in *Mutual Aid* is to point out the system-sustaining functions of that charity model and distinguish it from how mutual aid works. This is important because people engaged in mutual aid projects who have been raised in a culture with the dominant charity model are likely to accidentally reproduce charity model behaviours, such as moralizing crisis, establishing eligibility criteria for aid that reproduce stigma, saviourism, and the like, unless we actively cultivate efforts to not do that. People engaged in mutual aid have to build critical conversations in our collaborations about what charity is, how it works to sustain dominant social relations, why mutual aid is different and how we are going to practice those differences to avoid our work becoming charity.

I do not believe that mutual aid needs to be secular. The point of mutual aid work is to mobilise people to help each other survive existing conditions and take bold action to end extractive systems and build new social relations based in care and liberation. That work can be done and is done in faith communities of many kinds. It can be done wherever we already are gathering with others, and for many of us, faith communities are a site of connection. No doubt, many faith communities or religions are organised to keep people in their places and many faith communities do charity work that is moralizing. However, it is entirely possible for people who have

[52] Rajeev Bhargava (ed), *Secularism and its Critics* (Oxford University Press 1998).

[53] Lounge Team, 'Humanity over hate: Religious organizations help out with covid-19 relief' (*Mint* 27 August 2021). https://www.livemint.com/news/business-of-life/humanity-over-hate-religious-organizations-help-out-with-covid-19-relief-11587041257785.html. Accessed 06 June 2022.

[54] Hannah Ellis-Petersen and Shaikh Azizur Rahman, 'Coronavirus conspiracy theories targeting Muslims spread in India' (*The Gaurdian* 13 April 2020). https://www.theguardian.com/world/2020/apr/13/coronavirus-conspiracy-theories-targeting-muslims-spread-in-india. Accessed 06 June 2022.

[55] Talal Asad, Wendy Brown, Judith Butler and Saba Mahmood, *Is Critique Secular? Blasphemy, Injury, and Free Speech* (Fordham University Press 2013).

come together around their faith and who are taking up critical liberatory approaches to their faith traditions (and from what I can tell there seem to be at least some people doing that in every faith tradition I hear about) to work together on mutual aid projects and also be part of coalitional work that takes bolder action to dismantle existing extractive systems and build new ways of life-based in mutuality, care, and regeneration. For some people I talk to, faith communities are the only places they see people organising unpaid care work that supports vulnerable people and protects from isolation. Faith communities are often good at making sure people who are in the hospital get visited, or money is raised for an emergency need, or people who have lost a loved one are not alone. Granted, in many faith communities this happens in a context of harmful exclusion and dominance ideologies. But, nonetheless, I have often heard people who are learning about mutual aid say that experiences of generosity and care in faith communities have at least some things in common with mutual aid practices. People in faith communities often make long-term commitments to care for others, regardless of whether they like the person in need or not. The sense of shared purpose and belonging that sometimes happens in faith communities, and the practices that build those sensibilities, are no doubt worth studying for people building mutual aid projects.

We are all part of many different groups and constituencies. We are part of ethnic, language or religious groups, we are part of age groups, part of subcultures, part of neighbourhoods or other geographical groups, we are part of groups with a shared purpose or a shared need—like people needing childcare or eldercare or people needing a particular medication or assistive device. When I imagine a world built on mutual aid in which we have collective self-determination over the conditions of our lives, I imagine that we would all be part of multiple spaces of aid and infrastructure building and decision making, and none of it would be run through a boss, by a government, or for a profit. One person might be part of a childcare collective in their neighbourhood, doing a childcare shift per month at the place where their kids go every day. They might also be part of the energy project that electrifies the neighbourhood and take shifts at the farm that feeds the area. They might also be part of a faith group that practices their faith and also supports some neighbourhood elders with particular chores. They might also be in a music group or participate in a sexual health project that supports people in the region's needs for sexual health information and supplies. They might visit a local health clinic when they are sick or need preventative care, but not participate in that project actively because other people are focusing on that. They might not be part of the water utility work happening in their area, but they would know how to get involved if they want to, and they would have access to water through that utility's work. Someone else might focus a lot of their time on the transit system. Someone else might be occupied mostly with a project retrofitting an area to be more accessible to wheelchair, stroller, scooter, and walker users. Others might be working on expanding housing or developing vaccines.

When I think about that kind of way of living, I imagine that those people's lives would be different from ours in many ways. Their 'work' would be more mixed than ours. Most of us have no role in creating any of the infrastructures that make our lives possible. We go to a job for wages that makes money for someone else, and

then we spend those wages on food, energy, transportation, health care, childcare, clothing and other necessities through a system that makes a profit for someone else. All of our needs are organised to extract profit from labourers and from the planet. We don't get to make decisions about how the childcare or health care or housing or energy will be made or administered, we just have to buy what we can afford.

In the world I am imagining, it's not as if every single person does every single job, but people participate in more parts of the reproduction of life, and what is being made is available to everyone without anyone having to pay. People still specialize and some people do highly skilled work like engineering or certain kinds of medicine or art or education, but decision-making processes about how things will work are accessible to the people impacted by the decisions, rather than locked down by owners and elites as they are now. I say all this to point out that faith communities are no different from all the other subgroups we might be in where such mutuality, care, and stewardship might be practiced. And in the present world, faith communities can also be a space for mobilisation and politicization, like any other sub-group we are based in on any of our identities or principles or practices. Faith communities can even have particularly strong capacity to build a sense of shared purpose or belonging that is needed to mobilise people for long-term commitment to mutual aid efforts and to take up risky and bold strategies for fighting the current systems.

OS: *While your book cites Peter Kropotkin, who also wrote a book called* Mutual Aid: A Factor of Evolution *in 1902,*[56] *you don't explicitly connect the idea of mutual aid to the tradition of anarchism.*[57] *Of course, your discussions on the need for cultivating leaderless movements and the caution against saviourism, paternalism and hierarchies of deservingness in social movement work are markers of an anarchist inheritance. Similarly, your consistent critique of law reform and recognition politics in your larger corpus of work is also a commitment to an anarchist tradition that does not want to cede authority to the state-market-military nexus as the ultimate legitimizing triad that violently regulates and annihilates subaltern lives in the language of rights, rule of law, freedom and sovereignty. In this context, could you tell us about the theoretical traditions of mutual aid that you draw on and the idea's valence for thinking about law in times of crisis? Is mutual aid compatible with democracy that is by default predicated on the existence of the nation-state as the most legitimate political and legal authority? Might mutual aid envisage a future where the idea of citizenship itself stands abolished given how it has become the fundamental legal category of othering and exclusion in the post-Westphalian world? Much like the way in which Marxism imagines utopia to render the idea of justice redundant,*[58] *what is mutual*

[56] Peter Kropotkin, *Mutual Aid: A Factor of Evolution* (The University of Chicago Press 1989).

[57] Ruth Kinna, 'Kropotkin's Theory of Mutual Aid in Historical Context' (1995) 40(2) *International Review of Social History* 259–283.

[58] 'Justice is not a virtue for communists. Marx thus quite explicitly takes an anti-justice and anti-rights stance. With genuine communism, there would be no classes, no coercion, no conflict, and no private ownership; in consequence, there would be no need for justice or right claims.' Andrew Vincent, 'Marx and Law' (1993) 20(4) *Journal of Law and Society* 385.

aid's imagination of its own anarchic utopia? What is that world, as you write in closing, that 'we are fighting for… the world we can win'?
DS: This is exactly what I was starting to get at in the last answer—that world I am imagining. I think many people would differ from me on this. Many people are trying to build a socialist state and believe that mutual aid has a significant role in mobilising people and taking care of people both during this period where we are living under racial capitalism and imperialism, and even perhaps even in a future world they imagine where they take over the state form and build a world of greater care and collectivity where nation-states still exist to participate in redistribution and coordination. I disagree with that vision, and believe that the nation-state form was built to facilitate extraction and does so using the violence of policing, border control and other technologies of exclusion and domination. I want us to build mutual aid to replace the state form, not complement it.

I did not start out thinking of anarchism as a central political lineage that I am part of. I now understand myself to be an anarchist, but I got here through feminist, queer, anti-racist and anti-colonial analysis, my own experiences of systems of state violence, particularly experiences of growing up on welfare and of being a trans person, and through my day-to-day work as a poverty lawyer. These political lineages and experiences showed me that the US in particular was founded to facilitate extraction and constituted through white supremacy, colonialism and heteropatriarchy. The obviously violent infrastructure of the US, such as its police, prisons, borders and military, are constitutively white supremacist, colonial, and patriarchal, as is its purported 'caring' infrastructure, such as its healthcare, public benefits, and education systems.

Abolitionist analysis and my own experiences in efforts to address the harms of the policing and prison systems helped me come to understand that these kinds of systems cannot be fixed to become sources of well-being for all.[59] They are not broken systems needing to be fixed. They are working exactly as they were designed to work, constantly sharpening violence against targeted populations and enriching a very few people. With study, I learned that although the US has some particular features that are not shared by all countries, like being a settler colonial nation and being built through chattel slavery, the nation state form operates everywhere to dominate and pacify most people for the benefit of elites.[60] With further study, much of which is heavily influenced by the critiques of institutionalization and universalism developed in Black feminist theory and various women-of-colour feminist analysis, I came to believe that centralized authority—small groups making decisions and rolling out rules and systems for lots of other people—is a relation of domination. I came to value experiments where people engage in participatory processes of shared governance and stewardship, and I came to understand that

[59] See William C. Anderson, *A Nation on No Map: Black Anarchism and Abolition* (AK Press 2021).
[60] See Nikhil Pal Singh, *Race and America's Long War* (University of California Press 2019); Peter Gelderloos, *Anarchy Works: Examples of Anarchist Ideas in Practice* (Ardent Press 2010).

representative democracy does not benefit liberation and collective self-determination.[61] I am now increasingly studying contexts, historical and contemporary, where people are engaged in governance and stewardship, particularly in large groups or across regions, where people are directly participating in deciding things together, not through electing representatives but through consensus-based horizontal structures that may include rotating representation to bodies where various collectives meet to collaborate.

Mutual aid is by no means something that belongs only to anarchists. All social movements that become large and in which many people participate include mutual aid—lots of people working with each other to address immediate crises. Mutual aid is present in every crisis or disaster. Mutual aid is fundamental to all the movements I have been part of—its visible in all the work abolitionists do to support people currently in prisons and to build transformative justice projects that seek to address harm and violence without using the police, its visible in queer and trans organising ranging from people helping each other fight for medicine and go through the process of dying during the height of AIDS activism to people fundraising for trans health care not covered by insurance, its visible in feminist efforts to help people access abortions that are illegal or prohibitively restricted where they live, and in welfare organising where people are accompanying each other through Byzantine bureaucratic systems designed to stigmatise, punish, exhaust and demoralise people in crisis.

Mutual aid happens because people want to address the immediate conditions of suffering, and share an analysis that the suffering is unjust and is created by current systems. Sometimes when people are doing mutual aid work together, they have an immediate vision of change they want—they want abortion restrictions lifted, people released from prisons, an end to deportation, or housing for all. Rarely, in my experience in the US, do people doing those collaborations have a developed shared theory about the role of the state in the world they are fighting for. I wish we more frequently had conversations together in grassroots movement work about what we think about the nation-state form. I think we need them to prevent co-optation of our work by political parties, governments, and elected officials.

Anarchism is intensely stigmatised and most people do not know what anarchist thought is. Most people think ‘anarchy’ is just a synonym for ‘chaos’. This is an effect, at least in part, of the criminalisation of anarchists for centuries and centuries of efforts to delegitimize all alternatives to racial capitalism and colonialism.[62] My experiences living under current US systems and working in solidarity with others trying to survive various attacks by those systems, and of studying resistance struggles of various kinds, have convinced me that the goal of liberatory movements

[61] One of the most influential feminist books of the last 20 years for thinking about the co-optation of feminist movements, institutionalisation and resistance is INCITE! Women of Color Against Violence (ed) *Color of Violence: The INCITE! Anthology* (South End Press 2006). On large groups of people experimenting with direct decision making, see Cindy Milstein (ed), *Deciding for Ourselves: The Promise of Direct Democracy* (AK Press 2020).

[62] Peter Marshall, *Demanding the Impossible: A History of Anarchism* (PM Press 2009); Ruth Kinna, *The Government of No One: The Theory and Practice of Anarchism* (Pelican 2020).

should not be to take over nation-states but to abolish them and practice other social relations that are not based in centralizing power over the many by the few.

This is unusual, in particular, for a legal scholar, since most legal scholarship is about trying to improve law and to create legal regimes that will more fairly distribute violence and well-being through the nation-state form. My interest in legal work is not about improving the legal system of the country I live in, but about dismantling law enforcement systems that are devouring people, and about doing immediate harm reduction and mutual aid work in that system to stop as much suffering as possible while we fight to abolish the system and build other ways of living together.

OS: *'Bold' seems like your favourite word that appears several times in both your books. Isn't it? You've also used it multiple times in your answers to my questions in this interview as well. For responding to crisis, in* Mutual Aid*, you make a call for 'bold tactics'. You argue that mutual aid 'generates boldness' for collective action, building pressure, fighting the police, and doing survival work. In* Normal Life*, you write about 'bold direct-action tactics', 'bold leadership' and 'boldly' resisting. Given how important the role of rhetoric is in the practical processes of social justice work, especially mobilisation and organising, as well as in the processes of thinking up the activist vocabulary for imagining 'the world we can win', what kind of affective intensity does the word 'bold' carry both as matter and metaphor? Do you have other such favourite words?*

DS: I had not noticed my love of 'bold' until you pointed it out! It is true. I think for me this word is a way to signal that if we are to actually make transformative change, we need to not only do care work, but also to actively fight back against our opponents in militant and risky ways. We need to garden and take care of children and build health care systems and learn how to make decisions together and the like, but we also need to break people out of prison, sabotage pipeline projects, defeat and dismantle the US military, restore land to indigenous people by actually kicking colonizers off, take over factories, tear down border walls, and the like. That is a lot to imagine for most of us.

For many people, even being involved in a local mutual aid project supporting prisoners or helping people facing eviction is a huge stretch because we are so pacified and isolated, we do little besides go to wage jobs and consume entertainment. To imagine being part of dangerous fights against terrifying opponents who have us outgunned is, of course, difficult. However, we must begin to try to imagine such horizons and to think about how our mutual aid projects become onramps to that kind of power building, coordination, shared purpose and capacity, and militancy if we are to build toward that. If we don't, we can be certain of defeat, in the sense that our opponents are firmly committed to a path that is not only causing harm to most people on earth now, but is endangering the possibility of human life continuing on earth. When I say 'bold', it is a push back against the widespread messaging that our resistance should be done through proper channels and should be committed to

pacifism despite the fact that our opponents are more than happy to use any means necessary to dominate and pacify us.[63]

I think two other favourite words in this work are 'participatory' and 'mobilize'. The central claim I am making and that I am hoping people will try imagining is that we need a lot more people—almost everyone, perhaps?—to get actively engaged in fighting against the systems that dominate our lives. Our opponents have all the money and the guns, all the surveillance technology and most of the propaganda technology. The only thing we have on our side is people power—the fact that most, or arguably all people on earth stand to lose if things don't drastically change right away. In fact, we will already be dealing with the catastrophes that have already been set in motion by climate change, but if we are confronting them under current systems, we can be certain the suffering will be even more unevenly distributed than it needs to be, because of 'disaster capitalism'.[64] The Covid-19 pandemic demonstrated this clearly, with the world's wealthiest people getting wealthier while the world's poorest people are being disproportionately killed by the disease, denied access to the vaccine, and suffering under lack of access to other health care treatments.[65] I am talking about how we might mobilise people to take up a role in care and resistance work, and how we might build structures where lots of people can participate in decision making together, because the only possible way we can defeat our opponents is through our numbers.

OS: *I want to close with a question on the relationship between resistance, hope and failure. A key learning from traditions of critical theory in the face of crisis, has been to show how social movements fail because of their own complicities with the very structures they resist. These failures are covered up through the processes of vanguardism and gatekeeping especially in leftist formations. For example, despite its long history of self-reflectivity, particular strands of feminism like 'radical feminism' and what has been called 'governance feminism' have made vanguardism and gatekeeping a key method of maintaining their epistemological power over how gender, sexuality and desire are defined, understood and lived.*[66] *You caution us against such epistemological booth-capturing in your work and argue that mutual aid and Critical Trans Politics offer alternative and transformative possibilities in the face of a crisis that emerges not outside but from within social movements. Where does hope lie in the wake of such crises from within? Does it emerge from the promise of transcendence, that we will protest through the crises because 'everything is at stake and we're fighting to win'? Does it come from a shift in tactics where suspend, even if temporarily, our paranoid attachment to structural analysis? Or is there some possibility of hope in*

[63] See Peter Gelderloos, *How Nonviolence Protects the State* (South End Press 2007).

[64] Antony Loewenstein, *Disaster Capitalism: Making a Killing Out of Catastrophe* (Verso 2015); Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (Macmillan Publishers 2008).

[65] Nabil Ahmed, Anna Marriott, Nafkote Dabi, et al, *Inequality Kills* (Oxfam 2022).

[66] Janet Halley, Prabha Kotiswaran, Rachel Rebouche, and Hila Shamir, *Governance Feminism: An Introduction* (UP Press 2018).

becoming hospitable to the idea of failure where we consider complicity, not as a lack or compromise but the paradoxical condition of our politics?

DS: Whenever we talk about hope, I always think first of Mariame Kaba's words, 'Hope is a discipline'.[67] In the context of neoliberal politics, we are steeped in false progress narratives that sustain brutal violence. In the US, this looks like the relentless anti-Black national narrative that says that the US overcame anti-Black racism and became a country whose laws make Black people equal and free. Similar stories are told about sexism, homophobia, ableism, racism against non-Black people-of-colour—that these things have been resolved and that the state and corporations now protect and include formerly hated groups.

These progress narratives are obsessively repeated, and people are trained to look for evidence anywhere and everywhere that things are getting better. Advocacy groups, especially non-profits seeking funding support, are trained to tell stories about how their work is making things better and solving problems. Industry constantly tells us that our biggest problems are being resolved by new technologies like electric cars, renewable energy technology and the like. This broad training in progress narration makes people desperate for hopeful narratives and is complicit in widespread denial about worsening conditions—spiralling climate change, quickly expanding global wealth concentration that is racialized and gendered, increasing militarization and warfare. It is also very unfortunate because it trains people to deny failure. People are incentivized to say that change strategies are working whether they are or not rather than to publicly evaluate failures. This means most people remain uncritical of important strategic and tactical questions, and we can easily be sold false victories. We can be told that things are getting better because trans people can serve in the military, or cops are being trained about mental health, or corporations and institutions are making statements about Black lives or hiring diversity specialists. We are simultaneously prevented from digesting how bad things really are, how dire and urgent, and from applying the rigorous study we need to figure out what is and is not working to beat back the worsening conditions and actually build the world we need.

So, whenever we talk about hope, I always want to first think about how we need more grief. We need to rigorously study how bad things are and have been, not to assume we already know. This is vital if we want to build solidarity beyond our own experiences or immediate zones of awareness. The more we can soberly assess conditions, the more we can collectively strategize action, and the more motivation we feel for immediate and sustained bold action.

I work on cultivating a kind of hope that is not a pat, easy belief that we will win liberation or that things will get better. There are actually no guarantees about this. Instead, I try to notice when people do collaborate in beautiful ways or help each other, even while being aware that most human life is right now organised for

[67] Mariame Kaba, 'Hope is a Discipline: Mariame Kaba on Dismantling the Carceral State' (*The Intercept* 17 March 2021). https://theintercept.com/2021/03/17/intercepted-mariame-kaba-abolitionist-organizing/. Accessed 06 June 2022.

extraction and toward extinction. For me, 'hope' is a decision to spend the rest of my life fighting for transformative change, taking stock of and being honest about what is and is not working and what our opposition's countermoves are doing to our efforts, and continuing to experiment and fail in public with people I am collaborating with.

I continue to do mutual aid and other organizing work because I want to reduce suffering as much as I can in this lifetime, in my little ways, and because I want to have a good life and my life is much better when I am part of groups that are doing things based on shared values than if I were sitting at home either worrying or numbing out about the conditions happening around us all. The closest friendships, the most support, the best sex, the best experiences of creativity I have ever had all came from connecting with people in social movement spaces. I want to feel alive, to have other people's backs and have people have my back when things are rough. I want to have people I trust and be trustworthy to others. I get that through being part of social movement work, especially mutual aid projects. So, for me, hope is that set of practices. Not always fun or easy. Not a light feeling that comes in from reading some headline about a new technology or some new tokenization strategy being used by an institution.

For the rest of our lives, it's going to be a non-stop crisis because of climate change and because of the ongoing crises caused by the way human lives are organised right now—imprisonment, border control, wage economies, hierarchies of valuation of human life, imperialism and war. The greater clarity we can foster together about the causes of our suffering, the less likely we might be to act in complicity with them, and the more likely we might be to build ways of gaining autonomy from them. None of this can be about absolutism, but rather about relentless criticism, experimentation, sustained effort, and often particularly bold action in moments of rupture. No one has a blueprint for how we get out of these conditions, though study of histories of resistance can teach us a lot about what people have tried and how it has turned out. Most of us have very little accurate information about that, and instead are pacified with narratives that encourage passivity, complicity, and false hope. At the same time, things are shifting quickly and the disasters that are unfolding are likely to produce more moments of rupture and disorganisation, and inroads for resistance. None of us can know what is going to happen, and we should distrust anyone who is handing out standardized blueprints for liberation or salvation. At the same time, as Kaba suggests, we can be dedicated and disciplined in practicing hope by working with others to generate experiments in creating the world we want and need. We can do that all the time, there is nothing to wait for.[68]

OS: *There couldn't have been a more affective and evocative note to end on. Thank you, Dean for your words, ideas and work.* A luta continua!

[68] Eve L. Ewing, 'Mariame Kaba: Everything Worthwhile Is Done With Other People' (*Adi Magazine* 2019). https://adimagazine.com/articles/mariame-kaba-everything-worthwhile-is-done-with-other-people/. Accessed 06 June 2022.

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