
ABOLITION, EXPERTISE, AND THE LAW

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ABSTRACT

This Essay brings together two kinds of experts—the scholarly expert and the “expert witness” in the criminal courtroom—to examine the relationship between abolition, expertise, and the law. When it comes to abolition of prisons, police, and the carceral state, communal knowledge and grounded experience play an integral role in the creation of expertise. In other words, abolition does have experts. But their expertise cannot be separated from collective wisdom born from struggle, from the insights of direct experience with criminalization, or from the radical horizons that are only visible when people organize together to create structures of collective care. Understanding these aspects of expertise in relation to abolitionist praxis holds important lessons for legal scholars engaging with abolition, whether as fans, participants, critics, or some combination of all three. The Essay concludes with thoughts on how those of us in the legal academy can and have been infusing forms of communal knowledge and grounded expertise into what we do.

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INTRODUCTION

Ruth Wilson Gilmore teaches that “abolition requires that we change one thing, which is everything.”¹ Abolitionist thought presents an expansive understanding of the need for, and the possibility of, a world in which people can thrive without using prisons, police, or criminalization.² At the horizon of this world, we will have created the conditions for collective flourishing without capitalism and for collective accountability for harm without criminalization.³ This is daunting and exhilarating all at once. The everything-ness of the abolitionist project can also be frustrating, especially for someone accustomed to traditional understandings of the creation of expert or specialized knowledge. How do we figure out, as abolitionists try to do, “[w]ho works and what works, for whom, and to what end?”⁴ To answer these questions, there is no singular path or prescription. To paraphrase Andrea Ritchie: There is no Ph.D. in Abolition.⁵

In this contribution to the Law and Expertise Symposium, I explore what abolitionist praxis can tell us about expertise in general and legal expertise in particular. Abolition is about communal action, ideation, and experimentation: engaging in group practices of support, restoration, and transformation; creating structures of care and mutual aid; engaging in collective analyses of the legal and social structures around us and the functions they serve.⁶ The collective ideation and praxis that are so central to abolition pose a direct challenge to traditional notions of legal expertise and its corresponding understandings of

¹ Ruth Wilson Gilmore, *Making Abolition Geography in California’s Central Valley*, FUNAMBULIST (Dec. 20, 2018), <https://thefunambulist.net/magazine/21-space-activism/interview-making-abolition-geography-california-central-valley-ruth-wilson-gilmore> [<https://perma.cc/X52M-2C2L>].

² See MARIAME KABA, *So You’re Thinking About Becoming an Abolitionist*, in WE DO THIS ’TIL WE FREE US: ABOLITIONIST ORGANIZING AND TRANSFORMING JUSTICE 2, 2 (2021) (“[Prison-Industrial Complex] abolition is a vision of a restructured society in a world where we have everything we need: food, shelter, education, health, art, beauty, clean water, and more things that are foundational to our personal and community safety.”).

³ See Amna A. Akbar, *An Abolitionist Horizon for (Police) Reform*, 108 CALIF. L. REV. 1781, 1787 (2020) (“The horizon metaphor grounds today’s efforts in our imaginations for the world we want to live in tomorrow.”).

⁴ RUTH WILSON GILMORE, *Terror Austerity Race Gender Excess Theater*, in ABOLITION GEOGRAPHY: ESSAYS TOWARDS LIBERATION 154, 157 (2022).

⁵ *Episode 19 – Practicing New Worlds with Andrea J. Ritchie*, ONE MILLION EXPERIMENTS (Dec. 14, 2023), <https://millionexperiments.com/podcast/season-2/podcast-episode-19>; see also Derecka Purnell (@dereckapurnell), X (June 17, 2020, 6:01 PM), <https://twitter.com/dereckapurnell/status/1273375358298009601> [<https://perma.cc/94YU-AKA9>] (“[T]he idea of being an abolitionist expert feels counter to the communal politics of abolition.”).

⁶ For legal academics’ accounts of this expansive abolitionist project, see, for example, Akbar, *supra* note 3, at 1817-25; Allegra M. McLeod, *Envisioning Abolition Democracy*, 132 HARV. L. REV. 1613, 1649 (2019); and Dorothy E. Roberts, *Foreword: Abolition Constitutionalism*, 133 HARV. L. REV. 1, 51 (2019).

how to go about being an expert: what to measure, who measures it, how it's measured, and how to analyze what is uncovered. It seems abolition requires that we change everything in the realm of legal thinking, too. As a result, in recent years a number of legal academics have engaged with abolitionist thought as a way to reassess our own understandings of sources of expertise,⁷ of evidence of what works in law and policy,⁸ and of legal meaning more generally.⁹ At the same time, some critics of abolition contend that abolition is too utopian or unrealistic—at least, when what is realistic is measured using the traditional tools of the scholarly expert.¹⁰

In this Essay, I engage with the relationship between abolition and expertise by examining two different types of what we might call abolitionist experts. For the first category of experts, scholarly experts, I look to the work of two luminaries, Angela Y. Davis and Ruth Wilson Gilmore, to consider the sources of their knowledge and the generation of their expertise. I then turn to a very different example, recounting how participatory defense hubs are reclaiming communal expertise through expert testimony in criminal courtrooms, using the example of participatory defense organizer Marcel Woodruff in Fresno, California. Looking at these two forms of abolitionist expertise together, a clear theme emerges: Abolitionist expertise comes from collective struggle, generated alongside groups of people who are subject to the harms of criminalization.¹¹

Abolitionist expertise is a concept in tension with itself, for abolition calls into question so many of our traditional ideas of experts and expertise. But I

⁷ See, e.g., Benjamin Levin, *Criminal Justice Expertise*, 90 FORDHAM L. REV. 2777, 2790 (2022); Seema Tahir Saifce, *Decarceration's Inside Partners*, 91 FORDHAM L. REV. 53, 59 (2022); Jocelyn Simonson, *Police Reform Through a Power Lens*, 130 YALE L.J. 778, 849-59 (2021); M. Eve Hanan, *Invisible Prisons*, 54 U.C. DAVIS L. REV. 1185, 1189-91 (2020).

⁸ See, e.g., Erin Collins, *Abolishing the Evidence-Based Paradigm*, 48 BYU L. REV. 403, 450-52 (2022); Ngozi Okidegbe, *Discredited Data*, 107 CORNELL L. REV. 2007, 2046 (2022); Jessica M. Eaglin, *Constructing Recidivism Risk*, 67 EMORY L.J. 59, 61 (2017).

⁹ See, e.g., Amna A. Akbar, Sameer M. Ashar & Jocelyn Simonson, *Movement Law*, 73 STAN. L. REV. 821, 843-45 (2021); Adam Davidson, *Criminal Procedure in a Time of Abolition*, 72 UCLA L. REV. DISCOURSE 246, 260 (2024); Sean A. Hill, *A Move Toward Abolitionist Horizons? A Review of Devon W. Carbado's Unreasonable*, 72 UCLA L. REV. DISCOURSE 268, 275 (2024) (book review); Jamelia Morgan, *Responding to Abolition Anxieties: A Roadmap for Legal Analysis*, 120 MICH. L. REV. 1199, 1202 (2022); Monica C. Bell, *Safety, Friendship, and Dreams*, 54 HARV. C.R.-C.L. L. REV. 703, 707 (2019).

¹⁰ Compare Tommie Shelby, *The Lessons and Limits of Prison Abolition: Replies to Critics*, CRIM. L. & PHIL. 3 (Nov. 29, 2024), <https://link.springer.com/article/10.1007/s11572-024-09741-8> (defending his claim that abolition is “worthy long-term goal,” but that in current society, “imprisonment is a socially necessary” means to control violent crime), with Jocelyn Simonson, *The Idea and the Practice of Prison Abolition*, CRIM. L. & PHIL. 5-12 (Nov. 25, 2024), <https://link.springer.com/article/10.1007/s11572-024-09742-7> (describing abolitionist practices such as community bail funds and collective defense to rebut idea from Shelby that abolition is “unempirical or divorced from reality”).

¹¹ Cf. Micah Herskind, *Abolition Requires Struggle*, DEFECTOR (Feb. 15, 2023, 12:46 PM), <https://defector.com/abolition-requires-struggle> [<https://perma.cc/K274-DJLU>].

hope to show that the wisdom generated from lived experience and communal ideation can be brought into the realms occupied by more traditional experts, including courtrooms, scholarship, and classrooms. This Essay therefore concludes by naming some ways that legal scholars can and have been weaving this sort of communal, grounded knowledge into what we do with our own expertise. These lessons are as important for abolition's critics as they are for its proponents, for it also means that to engage with abolitionist thinking in any form means contending with the challenges to traditional forms of knowledge and expertise that abolition presents.

I. THE CONTRADICTIONS OF ABOLITIONIST EXPERTISE

One way to think about the contradictions of abolitionist expertise is to look at two kinds of individual experts whose expertise on abolition comes from communal knowledge and collective struggle. In both examples, there is no question that we are dealing with individual people—geniuses, even—with knowledge and credentials that give them a real kind of specialized expertise. But in each case, the content of the expert's wisdom is inseparable from the communal struggle that helped generate it.

A. *Scholarly Experts*

The contemporary abolitionist movement may be a collective effort, but it does have key figures whose work make up a canon of abolitionist thought. This includes but is not limited to people with traditional markers of expertise—advanced degrees, professorships, and decades of experience writing, thinking and leading. These abolitionist thought leaders show us that their wisdom and analysis come from deep engagement with, and participation in, the generation of collective knowledge from those directly impacted by mass criminalization. Consider Angela Y. Davis and Ruth Wilson Gilmore, two of the most prominent figures in abolitionist theory today, and two thinkers for whom scholarship and activism cannot be disentangled from each other.

Ruth Wilson Gilmore's 2007 book *Golden Gulag* begins on a bus.¹² It is a bus full of people, mostly women of color, travelling hours through the winding highways of California to the state capitol in Sacramento to lobby for reform of the state's punitive sentencing laws. Or, as Gilmore describes them, "[a] dream crowd [riding] for freedom."¹³ *Golden Gulag* goes on to provide a seminal analysis of the political economy of the carceral state in California, mapping the shifting dynamics of capital, racism, labor, incarceration, and power that led to

¹² RUTH WILSON GILMORE, *GOLDEN GULAG: PRISONS, SURPLUS, CRISIS, AND OPPOSITION IN GLOBALIZING CALIFORNIA* 1-4 (2007). The book ends on a bus, too. Its epilogue is entitled "Another Bus," and this time Gilmore follows a group of activists travelling to a conference at which two constellations of activists—environmental justice and against prisons—were joining forces, demonstrating the power of multiracial coalition-building in the fight against prison expansion. *Id.* at 249-51.

¹³ *Id.* at 1.

and sustain mass incarceration there.¹⁴ But *Golden Gulag*'s opening passage on the bus is a key to its analysis for a number of reasons. First, the book's analysis traces the collective energy of the group travelling through the state, past sprawling prisons where their loved ones are held, past rural farms that have contributed to a labor surplus in cities, and to a place of concentrated power: the state capital.¹⁵ The movement of the bus through the state echoes how the politics of the criminal system cannot be separated from the state's economy, its forced racial segregation, or the geography and infrastructure of prisons themselves.

The movement of the bus through the state not only maps onto a political geography of the prison system, but it also presents a challenge to that very system. This challenge emerges via the collective analysis the group generates when they come together and the power the group builds by organizing in the face of their loved ones' criminalization. As Gilmore explains later in the book,

[T]hese territorial and discursive regions constituted the system's political geography that the mothers were trying to find their way through. Their techniques of mothering . . . extended past the limits of household, kinship, and neighborhood, to embrace the political project to reclaim children of all ages whose mothers were losing them, at a net rate of fifty-five statewide per business day, into the prison system.¹⁶

By beginning her scholarly opus on this bus of mothers, Gilmore also underscores the inseparability of her own theoretical analysis from the experience of being a part of this collective. This is no secret. Gilmore is clear, in this book and elsewhere, that she considers herself to be an "activist-scholar"—one who was an active participant in the group she describes, the Los Angeles-based Mothers Reclaiming Our Children ("ROC").¹⁷ Gilmore explains, "the questions and analyses driving this book came from the work encountered in everyday activism 'on the ground.'"¹⁸ It is what to do once we reach these analyses that differ for scholars and activists. "[I]n scholarly research, answers are only as good as the further questions they provoke, while for activists, answers are as good as the tactics they make possible."¹⁹ The bus of mothers travelling to Sacramento bring the reader of *Golden Gulag* into a shared understanding that all of the analysis that will follow is intertwined with the organizing and activism of this group. And this is true of all of Gilmore's

¹⁴ *Id.*

¹⁵ *Id.* at 1-4.

¹⁶ *Id.* at 221.

¹⁷ See *id.* at 181-90; cf. RUTH WILSON GILMORE, *Scholar Activist in the Mix*, in ABOLITION GEOGRAPHY, *supra* note 4, at 92. See generally RUTH WILSON GILMORE, *You Have Dislodged a Boulder: Mothers and Prisoners in the Post-Keynesian California Landscape*, in ABOLITION GEOGRAPHY, *supra* note 4, at 355 (describing Gilmore's work and involvement in Mothers Reclaiming Our Children).

¹⁸ GILMORE, *supra* note 12, at 27.

¹⁹ *Id.*

trenchant theoretical analyses: They are simultaneously theoretical and grounded; they come from praxis.

Angela Y. Davis is also a singular voice and an undeniable expert on prison abolition, having cofounded Critical Resistance in 1998 and written the classic *Are Prisons Obsolete?* in 2003, among other accomplishments within her decades of organizing, teaching, and writing.²⁰ Like Gilmore, Davis's profound theoretical work cannot be separated from her own experiences, especially her experiences of collective organizing against criminalization from both inside and outside of prison.²¹ I have expanded on this aspect of Davis's work elsewhere,²² but it is worth emphasizing here just how much Davis's arguments about the function of prisons—that they preserve racial, gender, and class hierarchies and that they perpetuate rather than reduce harm—are intertwined with Davis's experiences of communal resistance to imprisonment through acts of collective care.

As Davis and her coauthors describe in their recent work on the genealogy of abolition feminism, communal practices like bail funds, mutual aid, and collective defense campaigns generate meaning when they “challenge[] the ideological conceptualization of safety and protection as achievable through the state's punitive authority.”²³ By showing that other configurations of support are possible, abolition feminism “creates new terrains of struggle: for access to resources for community development, mutual aid, or healing, and it creates new analytical and material spaces to imagine and experiment with more authentic forms of safety.”²⁴ When an analysis of abolition expands to include these practices of organizing and collective care, it is no longer possible to argue that criminalization is the only way to address harm. Instead, one must grapple with the creation of alternatives by people who have experienced the ways that criminalization *causes* harm. These grounded contradictions, once unearthed, are what open up our thinking toward the abolitionist horizon.²⁵

If abolition has experts, Gilmore and Davis are clearly two of them. I have focused especially on the grounded nature of their expertise, generated from organizing and communal practices of activism and care. They are also experts in much more traditional ways: They both have doctoral degrees, university positions, published books, and more official honors than I could possibly list.

²⁰ See ANGELA Y. DAVIS, GINA DENT, ERICA R. MEINERS & BETH E. RICHIE, ABOLITION. FEMINISM. NOW. 36-39 (2022) (describing founding of Critical Resistance). See generally ANGELA Y. DAVIS, *ARE PRISONS OBSOLETE?* (2003).

²¹ See ANGELA Y. DAVIS, *ANGELA DAVIS: AN AUTOBIOGRAPHY* 56 (Haymarket Books, 3d ed. 2021); DAVIS, DENT, MEINERS & RICHIE, *supra* note 20, at 109-11.

²² See Simonson, *supra* note 10, at 3.

²³ DAVIS, DENT, MEINERS & RICHIE, *supra* note 20, at 111.

²⁴ *Id.*

²⁵ Cf. *id.* at 162 (“[T]he dominant and mainstream understanding of history . . . is intentionally narrowed, whitewashed and straightened, and always in search of individuals and not collectives . . .”).

But they are both unequivocal in their claims that their insights come from experiences of organizing on the ground, and in Davis's case, being criminalized herself. Many abolitionist thought leaders echo this idea. Dylan Rodríguez, for example, focuses us on how abolition is a praxis made possible by "genealogies of collective genius," what Rodríguez summarizes as "a radically imaginative, generative, and socially productive communal (and community-building) practice."²⁶ Abolition begins with collective practice, and then through self-reflexivity about that practice, wisdom and expertise emerge. It is historical, it is collective, and it is about struggle. And, as long as it remains those things, it can also be a part of any number of more traditional practices of lawmaking.

B. *Courtroom Experts*

I turn now to a very different form of abolitionist expert: the courtroom expert, one who brings communal knowledge into criminal courtrooms by channeling the wisdom generated by participatory defense hubs. This happens when members of participatory defense hubs—groups that organize to support people with pending criminal cases and other forms of criminalization—work to qualify hub members as legal experts in ongoing cases.²⁷ In order for someone to give an expert opinion in court, evidence law requires that the person be officially qualified to do so by a judge, often by describing the specialized education, training, and experience that solidifies their expertise.²⁸ Participatory defense hubs, bolstered by a collective sense of deep knowledge of policing and criminalization, are able to intervene in the traditional process of "expert" testimony in criminal courtrooms and bring what Raj Jayadev, founder of Silicon Valley De-Bug,²⁹ describes as an "infusion of community knowledge" into criminal courtrooms.³⁰ Like the scholarly experts described above, these courtroom experts combine traditional qualifications with an insistence that the expertise they are contributing comes from ongoing community struggle and collective ideation.

²⁶ Dylan Rodríguez, *Abolition as Praxis of Human Being: A Foreword*, 132 HARV. L. REV. 1575, 1575-76, 1612 (2019).

²⁷ See RAJ JAYADEV, PROTECT YOUR PEOPLE: HOW ORDINARY FAMILIES ARE USING PARTICIPATORY DEFENSE TO CHALLENGE MASS INCARCERATION 57-74 (2024); JOCELYN SIMONSON, RADICAL ACTS OF JUSTICE: HOW ORDINARY PEOPLE ARE DISMANTLING MASS INCARCERATION 165-72 (2023).

²⁸ See, e.g., FED. R. EVID. 702.

²⁹ See SILICON VALLEY DE-BUG, <https://www.siliconvalleydebug.org/> [<https://perma.cc/SR7K-UR54>] (last visited May 10, 2025); SIMONSON, *supra* note 27, at 100-01.

³⁰ JAYADEV, *supra* note 27, at 54. See generally Alexis Hoag-Fordjour, *Defining Expertise: A Critical Approach to Police Officer Testimony*, in CRITICAL EVIDENCE (I. Bennett Capers, Jasmine Harris & Julia Simon-Kerr eds.) (forthcoming 2026) (describing community experts, people with intimate knowledge of a defendant's community and who can give nuanced opinions about the defendant in court).

One participatory defense hub in Fresno, California, has been leading the way in this work. Marcel Woodruff is an organizer with the Fresno Boys and Men of Color Hub, a participatory defense group affiliated with the community organization Faith in the Valley.³¹ Woodruff and his fellow hub members observed through their organizing with the hub, and especially through their time observing court for each other's cases, that police officers were routinely qualified as gang experts in preliminary hearings based on having participated in "a two-week gang module in the academy."³² These law enforcement experts would then testify in criminal cases about a young person's involvement in a gang, sometimes using only social media posts as a basis for their expert opinions.³³

Members of the Fresno Boys and Men of Color Hub came to the courtroom audience with a contrasting kind of expertise. Their expertise was based on knowing the person appearing before the judge, their family members, and their community. Their expertise came from years of organizing together on other criminal cases, coming to understand the ways that the criminal court system flattened real lives into caricatures of gang members. And their expertise was solidified by doing violence prevention work in the community, seeing how the binaries between gang member and ordinary person dissolved when people came together to support each other.³⁴

In 2019, Marcel Woodruff and his fellow hub members first began to take that communal expertise and translate it into literal "expert testimony" by testifying in the cases of young participatory defense hub members.³⁵ Woodruff's testimony usually comes during preliminary hearings to determine whether a young person charged with a crime acted for the benefit of a street gang, which in turn decides whether a court will transfer the case from juvenile to adult court. Where historically it had only been a police officer who would qualify as an expert and testify as to the youth's gang membership, now Woodruff would also take the stand, and provide a contrasting expert opinion. In one case, for example, Woodruff testified how a seventeen-year-old's involvement with a gang did not come from his own choices, as much as his family situation. After Woodruff's formal "expert opinion" that this teenager had the potential to be integrated into a nongang lifestyle, the judge determined that the case would not be transferred to adult court—a win for the young person and for the hub.³⁶ Not only has this practice been replicated in other California

³¹ What's Good in the Neighborhood, 06. *A Bigger Imagination for Southwest Fresno, with Marcel Woodruff*, EVERY NEIGHBORHOOD PARTNERSHIP (May 31, 2024), <https://everyneighborhood.org/blog/a-bigger-imagination-for-southwest-fresno-with-marcel-woodruff/>.

³² JAYADEV, *supra* note 27, at 58.

³³ *See id.*

³⁴ SIMONSON, *supra* note 27, at 166-69.

³⁵ *Id.*

³⁶ *Id.*

courts, participatory defense hubs around the country have also developed courtroom experts in other areas of criminal law, ranging from resisting arrest to conditions of confinement in prison.³⁷

Like Davis and Gilmore, Marcel Woodruff's "expertise" is backed up by some traditional markers of an expert: Woodruff has undergraduate and master's degrees and has engaged in years of violence prevention work. But when Woodruff testifies as a gang expert in court, he also speaks of a deeper kind of experience that gives him expertise: from his own participation in a gang from age eleven to age eighteen, to living through his father's incarceration, and including his current experiences organizing as part of a participatory defense hub and working with others to learn about the criminal court system. It is all of these experiences which give him the credibility to be able to speak with family members of both victims and people accused of crimes, and to generate nuanced and reliable opinions about gang membership in specific cases.³⁸

Experts like Woodruff bring an idea of justice into the courtroom that clashes with the very idea of punishing people when they harm others. Woodruff has said to me that his idea of justice requires looking back. When confronted with someone who has harmed someone else, "justice looks backwards and says: where did that initial harm begin, and how do we restore, repair, and realign that."³⁹ For Woodruff, this justice happens in multiple ways—through bringing communal wisdom into the courtroom, through violence prevention work inside and outside of prisons, through testifying in city budget hearings, and in the everyday work of the participatory defense hub, each of them efforts to "reimagine a new and different way of belonging and existing together that doesn't rely on dominance, exploitation, and oppression."⁴⁰ And, for Woodruff, each of these reimaginings is made possible only by looking back and struggling forward, collectively.

CONCLUSION: COMMUNAL EXPERTISE IN THE LEGAL ACADEMY

Abolition does have experts. But their expertise cannot be separated from collective wisdom born from struggle, from the insights of direct experience with criminalization, or from the radical horizons that are only visible when people organize together to create structures of collective care. Understanding these aspects of expertise in relation to abolitionist praxis is important for legal scholars who engage with abolition, whether as fans, participants, critics, or some combination of all three. I conclude with a few brief thoughts on how those of us in the legal academy can and have been infusing forms of communal knowledge and grounded expertise into what we do.

In a broad sense, legal scholars might take from the relationship between expertise and abolition an understanding of our own expertise as something that

³⁷ See JAYADEV, *supra* note 27, at 57-74.

³⁸ SIMONSON, *supra* note 27, at 166-69.

³⁹ *Id.* at 169.

⁴⁰ *Id.* at 169-70.

can be enhanced and expanded by engaging with communal knowledge born from experience with criminalization and even by engaging in collective struggle and organizing ourselves. Take law school teaching. Whether in clinics⁴¹ or doctrinal classes,⁴² there are opportunities to expand everything from who the expert is at the front of the classroom, to what sources of knowledge are used to generate meaning in class, to how our students relate to each other and to their community. At Brooklyn Law School, for example, we are entering the fourth year of our “Rethinking Justice” project, in which student fellows spend a year working with partners who are formerly incarcerated to generate teaching modules. Our directly impacted partners then become the teachers at the front of the classroom in 1L Criminal Law classes.⁴³ At other schools, law professors coteach entire doctrinal courses with formerly incarcerated experts,⁴⁴ or base their clinics on the cogeneration of knowledge with community groups.⁴⁵

The recognition of communal expertise can also play a part in how legal scholars generate knowledge—and show our work—in our own scholarship. Critical Race Theorists and other critical legal scholars have been demonstrating to us how this is done for decades, using outsider narratives and the experiences of the oppressed to bring epistemic challenges to the generation of legal meaning.⁴⁶ In doing so, many have focused on the power of collective knowledge generated by organizing against oppression.⁴⁷ This is “movement

⁴¹ Nicole Smith Futrell, *The Practice and Pedagogy of Carceral Abolition in a Criminal Defense Clinic*, 45 N.Y.U. REV. L. & SOC. CHANGE 159, 186 (2021); Vincent M. Southerland, *Public Defense and an Abolitionist Ethic*, 99 N.Y.U. L. REV. 1635, 1642 (2024); Angelo Petrich, *Counseling Oppression*, 104 B.U. L. REV. 1895, 1901 (2024) (advocating for critical counseling in which defenders are explicit with clients about systemic injustice and draw from clients as sources of knowledge).

⁴² See, e.g., Teresa Novellino, *Rethinking Justice: Not a Textbook Case*, BROOK. L. NOTES, Fall 2023, at 24, 26-27, <https://lawnotes.brooklaw.edu/issue/fall-2023/rethinking-justice-not-a-textbook-case/> [<https://perma.cc/JFK7-Z5VT>] (describing Rethinking Justice Project at Brooklyn Law School).

⁴³ *Id.* at 27.

⁴⁴ See, e.g., Rachel López, *Critical Curriculum Design: Teaching Law in an Age of Rising Authoritarianism*, 109 MINN. L. REV. HEADNOTES 81, 107-09 (2025) (describing coteaching Criminal Law classes with formerly incarcerated teachers).

⁴⁵ See, e.g., Sameer M. Ashar, *Pedagogy of Prefiguration*, 132 YALE L.J.F. 869 (2023).

⁴⁶ Cf. Mari J. Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320, 2322 (1989) (describing “outsider jurisprudence — jurisprudence derived from considering stories from the bottom”); Francisco Valdes, *Identity Maneuvers in Law and Society: Vignettes of a Euro-American Heteropatriarchy*, 71 UMKC L. REV. 377, 382 (2002) (describing “continuing evolution of outsider jurisprudence”); see also PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 319 (30th anniversary ed. 2022) (describing power of Black feminist epistemology).

⁴⁷ Cf. Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22

law”—cogenerating ideas alongside, and in solidarity with, social movements and other groups engaging in collective resistance from which radical horizons emerge.⁴⁸ Other scholars lift up communal knowledge through social scientific research, or a larger analysis of the importance of collective ideation.⁴⁹ And still others coauthor legal scholarship with writers who have been involved in projects of collective resistance while incarcerated or otherwise criminalized, sometimes known as participatory law scholarship.⁵⁰

There is no one right way to engage with abolitionist expertise, just as there is no one right way to engage in abolition itself.⁵¹ But there are wrong ways. We must be self-reflexive in recognizing the potential harms of what we do when we write for law reviews or teach from the front of the room or give opinions in public in the voice of a professor. Each of these acts carries with it harms of co-optation and exploitation as we reiterate what we have learned from those who are organizing with less power and privilege than us.⁵² In addition to self-reflexivity, guarding against co-optation requires a certain humility, if in nothing else than in the recognition that we cannot do this work alone. No one academic, nor any single person, will “solve” the problem of criminalization or come up with an abolitionist “answer” for what to replace it with. As Mariame Kaba has wondered, “[H]ow much hubris must we have to think that we, as individuals, will have all the answers for generations’ worth of harm built by millions and millions of people?”⁵³ With this humility in mind, perhaps the role of scholars

HARV. C.R.-C.L. L. REV. 323, 325-26 (1987); Lani Guinier & Gerald Torres, *Changing the Wind: Notes Toward a Demosprudence of Law and Social Movements*, 123 YALE L.J. 2740, 2743 (2014).

⁴⁸ See Akbar, Ashar & Simonson, *supra* note 9, at 825.

⁴⁹ See generally sources cited *supra* notes 8-9.

⁵⁰ See, e.g., Rachel López, *Participatory Law Scholarship*, 123 COLUM. L. REV. 1795, 1797, 1803 (2023) (“[Participatory Law Scholarship] is legal scholarship written in collaboration with authors who have no formal training in the law but rather expertise in its function and dysfunction through lived experience.”); Sarah Medina Camiscoli & Sa’Real McRae, *Youth Participatory Law Scholarship*, 110 VA. L. REV. ONLINE 313, 320 (2024).

⁵¹ Cf. adrienne maree brown & Andrea Ritchie, *Practicing New Worlds with adrienne maree brown and Andrea Ritchie*, YES! SOLS. JOURNALISM (Dec. 18, 2023), <https://www.yesmagazine.org/social-justice/2023/12/18/practice-new-world-andrea-ritchie-adrienne-maree-brown> [<https://perma.cc/UDG4-VASP>] (explaining of abolitionist collective practices, “there’s . . . rigor to this idea of experimenting, iterating, adapting”); Morgan, *supra* note 9, at 1203 (“[A]bolitionist praxis offers not a blueprint but a process of experimentation that is accessible to all of us . . .”).

⁵² See Akbar, Ashar & Simonson, *supra* note 9, at 875 (“The praxis [of movement law] requires constant self-reflexivity Because of our position as elites within powerful institutions, we risk reinforcing hierarchies even as we name them and try to dismantle them.”); cf. Pierre Bourdieu, *The Scholastic Point of View*, 5 CULTURAL ANTHROPOLOGY 380, 381-88 (1990) (explaining how factors like power, position, and prestige interact with forces and stakes unique to academic community and influence outcome of academic scholarship).

⁵³ KABA, *supra* note 2, at 181.

is not to give hard and fast answers, or to hold ourselves out as experts in one expansive concept of “abolition,” but rather to open up questions, possibilities, and yes, critiques, that others can engage and struggle with collectively. For, as Adam Davidson reminds us, “Abolition is a group project.”⁵⁴

⁵⁴ Davidson, *supra* note 9, at 267.