UCLA
UCLA Criminal Justice Law Review

Title
Abolitionisms

Permalink
https://escholarship.org/uc/item/7gj6t5wg

Journal
UCLA Criminal Justice Law Review, 10(1)

Author
Levin, Benjamin

Publication Date
2026-11-16

DOI
10.5070/CJ8.70316

Peer reviewed

eScholarship.org Powered by the California Digital Library
University of California

ABOLITIONISMS

Benjamin Levin

Abstract

From leading academic journals to popular press outlets, abolitionist activism and scholarship have earned airtime in national debates about criminal justice reform. But what is "abolition?" When scholars, lawyers, and activists talk about abolition, they seem to mean very different, even conflicting, things. In this Essay, I focus on a core question that might divide different abolitionists—and different critics of abolition: what is to be abolished? Abolitionists argue that it's critically important to abolish *something*, while critics of abolition insist that *something* is necessary to a well-functioning society. Yet, it's not always clear what that something is—both for abolitionists and their critics. Defunding police is different than defunding prisons, and defending police is different than defending prisons.

In this Essay, I argue that contemporary debates about abolition would benefit from greater clarity. I lay out a range of different targets for abolitionists—prisons, police, the prison industrial complex, and a number of broader cultural and structural phenomena. In explaining how these different targets might make for different abolitionisms, I raise what I take to be the core theoretical and practical questions for each abolitionist project. I hope to drill down on different understandings of "abolition"—what might they entail, and what questions do they raise? More precision won't necessarily resolve increasingly common debates about "abolition versus reform." Nevertheless, more precision might make those debates more productive. To the extent that academic engagement with abolitionist activism and theory continues to increase, it's worth stepping back to make sure that we aren't talking past one another.

About the Author

Professor of Law, Washington University in St. Louis.

For helpful comments, conversations, and criticisms, thanks to Zohra Ahmed, Amna Akbar, Shirin Bakhshay, Heather Berg, Josh Bowers, Jenny Bran, Adrienne Davis, Sheldon Evans, Dan Farbman, Chad Flanders, Thomas Frampton, Trevor Gardner, Aya Gruber, Carissa Byrne Hessick, Kate Levine, Jamelia Morgan, Jocelyn Simonson, Carol Steiker, Gregg Strauss, Will Thomas, India Thusi, Lisa Washington, Kate Weisburd, Chris Williams, and the members of the Criminal Law Colloquium at the University of Virginia School of Law and the

© 2026 Benjamin Levin. All rights reserved.

Abolish the Criminal Legal System? Colloquium at Cardozo School of Law. Many thanks as well to the students in my Criminal Justice Reform Movements seminar at Washington University School of Law and my Advanced Criminal Justice seminar at the University of Colorado Law School. Their insights and complicated relationship to abolitionism(s) helped inspire this Essay. For exceptional research assistance, thanks to Marissa Cripe, Elia Despradel, and Charlotte Morse.

Table of Contents

Introduction 2
I. Prisons 9
II. Police 14
III. The Prison Industrial Complex 20
IV. Something Else? 22
A. *Discrete Problems* 22
A. *Broad Phenomena* 24
B. *Everything* 27
V. Conclusion 28

Introduction

From the *New York Times*,[1] to the *Harvard Law Review*,[2] to *Teen Vogue*,[3] discussions about abolishing the prison industrial complex have earned airtime as necessary components of the national discourse on criminal justice reform. On the public stage, the rise of the Movement for Black Lives helped shift narratives about race and criminal policy.[4] In the wake of George Floyd's murder and the nationwide protests of 2020, abolitionism received a new platform, with mainstream news outlets debating the pros and cons of abolishing (or defunding) the police.[5]

1. *See* Rachel Kushner, *Is Prison Necessary? Ruth Wilson Gilmore Might Change Your Mind*, N.Y. Times (Apr. 17, 2019), https://www.nytimes.com/2019/04/17/magazine/prison-abolition-ruth-wilson-gilmore.html.
2. *See* Allegra M. McLeod, *Envisioning Abolition Democracy*, 132 Harv. L. Rev. 1613 (2019); Dylan Rodríguez, *Abolition as Praxis of Human Being: A Foreword*, 132 Harv. L. Rev. 1575, 1580 (2019); Angel E. Sanchez, *In Spite of Prison*, 132 Harv. L. Rev. 1650 (2019).
3. *See* Kim Kelly, Opinion, *What the Prison-Abolition Movement Wants*, Teen Vogue (Dec. 26, 2019), https://www.teenvogue.com/story/what-is-prison-abolition-movement.
4. *See* Elizabeth Hinton, America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s 285–304 (2022).
5. *See* Ruairí Arrieta-Kenna, *The Deep Roots—and New Offshoots—of 'Abolish the Police*,' Politico (June 12, 2020), https://www.politico.com/news/magazine/2020/06/12/abolish-defund-police-explainer-316185; Mariame Kaba, Opinion, *Yes, We Mean Literally Abolish the Police*, N.Y. Times (June 12, 2020), https://www.nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html.

In the U.S. legal academy, abolition also has taken the stage by storm.[6] In 2015, law professor Allegra McLeod published "Prison Abolition and Grounded Justice" in the *UCLA Law Review*.[7] While many scholars had previously levelled radical critiques at criminal legal institutions, McLeod's article was the first piece to bring the language of abolition to the pages of a highly selective mainline U.S. law review. Today, I regularly attend academic workshops where fundamental critiques of criminal legal institutions have become—if not the norm—then certainly a dominant strand.[8] For an increasing number of scholars and activists committed to dismantling the carceral state, abolition has gained ground as a means to frame both theory and praxis.[9]

This moment and this movement are not lost on law students. As Thomas Frampton observes, "Today's law students (who, of course, are partially responsible for generating, editing, and promoting [abolitionist] scholarship) seem curious about, and receptive to, abolitionist interventions."[10] Just a few years ago, when I taught scholarship on abolition, students—even my dyed-in-the-wool aspiring public defenders—often responded skeptically. Today, at least a handful of students each semester—including aspiring prosecutors, curiously enough—come into my classes boldly declaring that they are abolitionists.

Certainly, critics of abolitionism abound. Outside of the academy, the defund movement of 2020 has been met with fierce backlash and a renewed emphasis on tough on crime politics in many jurisdictions.[11] Media narratives about post-pandemic crime surges are often framed as a direct refutation of abolitionists' arguments.[12] Not only did former President Biden publicly denounce demands to defund the police but, but President Trump in his return to office has embraced a host of new punitive policies. In the academy, many

6. *See* Christopher Lewis & Adaner Usmani, *Abolition of What?*, 114 J. Crim. L. & Criminology 525, 527 (2024) ("Today, it is common to hear students, academics, and activists call for the abolition of prisons and policing." (footnotes omitted)).a
7. Allegra M. McLeod, *Prison Abolition and Grounded Justice*, 62 UCLA L. Rev. 1156 (2015).
8. *Cf.* Christopher Slobogin, *The Minimalist Alternative to Abolitionism: Focusing on the Non-Dangerous Many*, 77 Vand. L. Rev. 531, 533–34 (2024) (making a similar observation).
9. *See id.*; I. India Thusi, *The Racialized History of Vice Policing*, 69 UCLA L. Rev. 1576, 1578 (2023); *see also* Aya Gruber, *Policing and "Bluelining"*, 58 Hous. L. Rev. 867, 933 (2021) ("[A]bolitionist ideology . . . is currently experiencing a renaissance in progressive scholarly circles.").
10. Thomas Ward Frampton, *The Dangerous Few: Taking Seriously Prison Abolition and Its Skeptics*, 135 Harv. L. Rev. 2013, 2016 (2022).
11. *See* Rick Su, Anthony O'Rourke, & Guyora Binder, *Defunding Police Agencies*, 71 Emory L.J. 1197, 1214–16 (2022) (describing this backlash).
12. *See, e.g.*, Emma Colton, *Massive Increase in Black Americans Murdered was Result of Defund Police Movement: Experts*, Fox News (Apr. 19, 2022), https://www.foxnews.com/us/black-americans-paid-enormous-price-for-defund-the-police-movement [https://perma.cc/5EC9–53FN].

scholars have pushed back against abolitionism—critiquing the movement as starry-eyed, incoherent, misguided, and counterproductive.[13]

The rise of abolitionism may have shifted the Overton window for left, critical, and radical scholarship on the carceral state. But like other rhetorical frames or approaches, abolitionism can conceal points of disjuncture among left activists and criminal law scholars.[14] The critical response to abolition suggests other, deeper fissures in how people understand criminal legal institutions and their value.

Some of these conversations and debates about abolition have struck me as productive. Some conversations home in on important disagreements about first principles and highlight foundational questions about the role of criminal law in society. But increasingly, I have found discussions about abolition frustrating and less productive than they could be. The same critiques are levelled, and the same defenses are offered. Critics frequently point to some issue, and abolitionists often respond that the critic doesn't understand or has mischaracterized abolition.[15] Sometimes, I think this response is fair and well-founded, but sometimes I wonder if it reveals a recurring challenge—there are different abolitionisms.[16] Different movements, theories, or practices might be critiqued or defended on different terms.[17] And these distinctions matter.

---

13. *See, e.g.*, Tommie Shelby, The Idea of Prison Abolition (2022); Trevor George Gardner, *The Conflict Among African American Penal Interests: Rethinking Racial Equity in Criminal Procedure*, 171 U. Pa. L. Rev. 1699, 1722 & n.85 (2023) (arguing that minimalism is a more desirable "normative position" than abolition); Máximo Langer, *Penal Abolitionism and Criminal Law Minimalism: Here and There, Now and Then*, 134 Harv. L. Rev. F. 42 (2020); Slobogin, *supra* note 8; Rachel E. Barkow, *Promise or Peril?: The Political Path of Prison Abolition in America*, 58 Wake Forest L. Rev. 245, 266, 284 (2023).

14. *See generally* Benjamin Levin, *The Consensus Myth in Criminal Justice Reform*, 117 Mich. L. Rev. 259 (2018).

15. *Compare* Roger Lancaster, *How to End Mass Incarceration*, Jacobin (Aug. 18, 2017) https://jacobin.com/2017/08/mass-incarceration-prison-abolition-policing [https://perma.cc/V7DK-A2X5], *with* Dan Berger, Mariame Kaba & David Stein, *What Abolitionists Do*, Jacobin (Aug. 24, 2017) https://jacobin.com/2017/08/prison-abolition-reform-mass-incarceration [https://perma.cc/CMB9-W26C].

16. *See* Micah Herskind, *Some Reflections on Prison Abolition*, Medium (Dec. 7, 2019) https://micahherskind.medium.com/some-reflections-on-prison-abolition-after-mumi-5197a4c3cf98 ("[N]ot everyone in the abolitionist movement—is on the same page, and that there's no need to pretend otherwise.").

17. Put differently, some of these exchanges might result from critiques that are offered in bad faith, are misguided, or mischaracterize abolition. But some might reflect a "no true Scottsman" fallacy—a claim that any self-described "abolitionist" who takes a given position can't be a real abolitionist.

    There's good reason to question whether all self-described abolitionists or commentators who deploy abolitionist rhetoric really are abolitionists. *See* Mariame Kaba & Rachel Herzing, *Transforming Punishment: What Is Accountability Without Punishment?*, *in* We Do This 'Til We Free Us: Abolitionist Organizing and Transforming Justice *132*, *134* (Tamara K. Nopper ed., *2021*) ("[P]rinciples matter. One may advocate for radical reform of surveillance, policing, sentencing, and imprisonment without defining oneself as a prison abolitionist.") In this Essay, though, I make no effort to assess who is a *real* abolitionist and who isn't. Regardless of whether that's

As abolitionist scholar Dorothy Roberts explains,

> It is hard to pin down what prison abolition means. Activists engaged in the movement have resisted "closed definitions of prison abolitionism" and have instead suggested a variety of terms to capture what prison abolitionists think and do—abolition is "a form of consciousness," "a theory of change," "a long-term political vision," and "a spiritual journey" . . . "a practice, an analytical method, a present-tense visioning, an infrastructure in the making, a creative project, a performance, a counterwar, an ideological struggle, a pedagogy and curriculum, an alleged impossibility that is furtively present."[18]

This lack of a clear, agreed-upon definition of abolition necessarily makes any discussion about its virtues or shortcomings difficult.[19] I see the distinctions as worth unpacking and exploring.

In this Essay, I focus on a core question that might divide different abolitionists—and different critics of abolition: what is to be abolished? (And, for abolitionism's critics, what is to be reformed or preserved?) Contemporary abolitionist movements speak the language of abolition in homage to the movement to abolish chattel slavery.[20] The allusion suggests a similar urgency and moral clarity. In the present, abolitionists argue that it is critically important to abolish *something*, while critics of abolition insist that *something* is necessary to a well-functioning society—or, at the very least that abolishing *something* would lead to a host of unintended and undesirable consequences. Yet, it's often quite difficult to figure out what that *something* is—both for abolitionists and their critics.[21]

As Roberts notes,

---

a worthwhile distinction to draw, I don't consider myself particularly well situated to draw it. I also think there is an interesting follow-up question of whether such an inquiry is theoretical (i.e., are someone's commitments or beliefs abolitionist?) or focused on movement orientation (i.e., is someone a member of abolitionist organizations and engaged in abolitionist activism/organizing?). *Cf.* Amna A. Akbar, *Demands for A Democratic Political Economy*, *134* HARV. L. REV. F. *90*, *102* (*2020*) ("[W]hether something is non-reformist or reformist is about more than the nature of the demand and its particulars: it is also a question of how the campaign is waged."); Ruth Wilson Gilmore & James Kilgore, *The Case for Abolition*, THE MARSHALL PROJECT (Jun. *19*, *2019*) *https://www.themarshallproject.org/2019/06/19/the-case-for-abolition* [https://perma.cc/*3*KAG-SRLB] ("Ultimately, abolition is a practical program of change rooted in how people sustain and improve their lives, cobbling together insights and strategies from disparate, connected struggles.").

18. Dorothy E. Roberts, *Foreword: Abolition Constitutionalism,* 133 HARV. L. REV. 1, 6–7 (2019) (footnotes omitted).
19. *See infra* notes 128–30.
20. *See* Rodríguez, *supra* note 2, at 1576 ("The long historical praxis of abolition is grounded in a Black radical genealogy of revolt and transformative insurgency against racial chattel enslavement and the transatlantic trafficking of captive Africans.").
21. *Cf.* Grace Y. Li, *What Is A Prison?*, 122 MICH. L. REV. 1137, 1138 (2024) ("I have long identified as a prison abolitionist, but I came to Shelby's book to refine my stance. Was I a prison abolitionist—or also an abolitionist of other things, like carceral punishment, punishment more generally, penal law, or the state—and *why*?" (footnotes omitted)).

> [M]ovements that refer to themselves as abolitionist are working to dismantle a wide range of systems, institutions, and practices beyond criminal punishment (such as "the wage system, animal and earth exploitation, [and] racialized, gendered, and sexualized violence") and forms of oppression beyond white supremacy (such as "patriarchy, capitalism, heteronormativity, ableism, colonialism," imperialism, and militarism).[22]

Abolishing prisons, the wage system, and heteronormativity all might be worthwhile goals. But they are different goals—implicating different questions and critiques. In turn, *opposing* the abolition of prisons, the wage system, and heteronormativity are very different projects that require articulating principled defenses of each institution or ideology.[23]

In this Essay, I argue that contemporary debates about abolition and criminal justice reform would benefit from greater clarity. My goal is to lay out a range of different targets for abolitionists—prisons, police, the prison industrial complex, and a number of broader cultural and structural phenomena (which I will try to define later).[24] In explaining how these different targets might make for different abolitionisms, I raise what I take to be the core theoretical and practical questions for each abolitionist project. Just as a debate about whether to abolish the wage system might differ dramatically from a debate about whether to abolish heteronormativity, debates about whether to abolish police and prisons implicate different questions—of theory, of politics, and of institutional design.[25]

This Essay is part of larger project of examining the language of criminal justice reform. From describing reform district attorney candidates as "progressive prosecutors,"[26] to identifying penal policy as "mass incarceration,"[27] or rebranding the criminal justice system as the "criminal legal system,"[28] language and labels play a significant role in contemporary scholarship and advocacy. Common language and common labels can conceal deeper

---

22. Roberts, *supra* note 18, at 7 (footnotes omitted).
23. To be clear, the projects still might be related. *Cf.* Daniel Fryer, *Idealizing Abolition* 17 Crim. L. & Phil. 553, 555 n. 5 (2023) ("The recent police abolitionists are building on arguments from the prison abolition movement in the 1960s and 1970s—and extending it to an area where reform has been lagging. By highlighting police abolition in this essay, I do not intend to suggest that these problems are not interconnected." (citations omitted)).
24. *See infra* Part IV.C.
25. In this respect, my approach resembles Jessica Eaglin's mapping of possible meanings of "defund" in debates about defunding the police. *See* Jessica M. Eaglin, *To "Defund" the Police*, 73 Stan. L. Rev. Online 120, 123 (2021) ("adopt[ing] a literal interpretation of defunding to clarify and distinguish four alternative, substantive policy positions that legal reforms related to police funding can validate").
26. *See generally* Benjamin Levin, *Imagining the Progressive Prosecutor*, 105 Minn. L. Rev. 1415 (2021) (laying out different possible definitions of "progressive prosecution").
27. *See generally* Levin, *supra* note 14 (discussing debates about the definition of "mass incarceration").
28. *See generally* Benjamin Levin, *After the Criminal Justice System*, 98 Wash. L. Rev. 899 (2023) (describing this shift in labeling).

ideological and theoretical disagreements.[29] So, I argue that there's real value in examining the content of rhetorical claims and frames. My goal is not to identify a single correct definition of abolition; rather, it's to unpack the different possible meanings and their social and political significance in different contexts.[30] Focusing on language has its limitations, but language also matters when we are considering the fraught relationship between law and justice.[31]

Before I proceed, a few caveats are in order. First, I don't mean to suggest that the question of what to abolish is the only one—or even the most important one—that might divide different visions of abolition. Abolitionists hold different views on the proper role of the state, on the relationship between theory and practice, on the role of legal advocacy and electoral democracy, on the relationship between long-term goals and short-term agendas, and on how to deal with individuals who commit egregious harm or pose serious risks to the rest of the public.[32] Many debates between abolitionists and their critics might boil down to disagreements about strategies just as much as debates about goals. But in this Essay, I focus exclusively on the question of what to abolish—or, what the target of the abolitionist project is. I see this as an important threshold question because those other disagreements might play out differently in the context of each distinct abolitionist project.[33] For example, arguments about the potential costs and benefits of abolishing prisons are different than arguments about the costs and benefits of abolishing police. Additionally, critics of abolition would benefit from greater clarity in identifying what they find objectionable. Defunding prisons is different than defunding police. And *defending* prisons is different from *defending* police. Debates about abolition might be more fruitful if this threshold question were resolved—or at least, if it were addressed more explicitly.[34]

Second, I do not aim to provide an exhaustive list of abolitionisms. Nor is this Essay intended to operate as an ethnographic or sociological field guide—a description of the diverse universe of abolitionist movements, their

29. *See generally* Benjamin Levin, *Criminal Law Minimalisms*, 101 Wash. U. L. Rev. 1771 (2024) (making this argument in the context of debates about "criminal law minimalism").

30. *See infra* note 38, and accompanying text (discussing this of contingent and contextual theory of interpretation).

31. *Cf.* Robert M. Cover, *Violence and the Word*, 95 Yale L.J. 1601, 1601 (1986) ("Legal interpretation takes place in a field of pain and death. . . . Legal interpretive acts signal and occasion the imposition of violence upon others: A judge articulates her understanding of a text, and as a result, somebody loses his freedom, his property, his children, even his life.").

32. *Cf.* Herskind, *supra* note 16 (noting disagreement across a range of issues within abolitionist movements).

33. My focus on the question of what to abolish also reflects my broader interest in what I think of the "boundaries of criminal justice"—what institutions comprise the "criminal justice system" and what makes those institutions and their pathologies distinct. *Cf.* Michel Foucault, Discipline and Punish 297 (Alan Sheridan trans., Penguin Books 2d ed. 1995) (identifying institutions "which, well beyond the frontiers of criminal law, constitute[] what one might call the carceral archipelago").

34. *Cf.* Eaglin, *supra* note 25, at 123 (offering a typology of meanings of "defund" in order to "to clear the air and thus to facilitate public discourse").

commitments, and their approaches to social change. While this Essay draws heavily from the work of abolitionist activists and scholars, some of my discussions of different abolitionist projects or commitments might come closer to ideal types.[35] Indeed, some of the possible abolitionist positions that I articulate here are not well-represented in either organizing circles or theoretical literature.[36] So, I don't want readers to get the impression that I claim to offer an exhaustive account of what abolitionists really believe.[37] Such a project would be valuable. Other scholars and activists are currently engaged in that work, cataloging movements, their tactics, and their philosophies.[38] Indeed, much abolitionist scholarship focuses on the approaches associated with specific organizations or movements.[39]

This Essay comes out of years of conversations with colleagues, friends, and students about what it means when someone says they are or aren't an abolitionist—what ground the speaker wishes to claim, what challenges or questions should come next, and how those questions might be answered. In taking on these questions, my goal is neither to defend nor critique abolition as a theory or as an advocacy strategy. Instead, I hope to drill down on different understandings of abolition—what might they entail, and what questions do they raise? Understanding what abolition means requires grappling with the "real circumstances" and "different and important points of view" that inform the language of abolition.[40] More precision won't necessarily resolve increasingly common debates about "abolition versus reform."[41] Nevertheless, more precision might make those debates more productive.[42] To the extent that aca-

35. For an example of a similar methodological approach, *see* Levin, *supra* note 26.
36. For example, some versions of "transformational prison abolition" that I describe in Part II drift quite far away from what I think most police abolitionists would recognize as abolition. *See infra* note 79, and accompanying text. Similarly, the hypothetical "narrow PIC abolition" that I describe in Part III is primarily hypothetical and not well reflected in the literature. *See infra* notes 87–88 and accompanying text.
37. As should be clear, there are many different abolitionists, and they believe many different things.
38. *E.g.*, Jocelyn Simonson, Radical Acts of Justice: How Ordinary People Are Dismantling Mass Incarceration 179–84 (2023); Amna A. Akbar, *Non-Reformist Reforms and Struggles over Life, Death, and Democracy*, 132 Yale L.J. 2497, 2507 (2023).
39. *E.g.*, Amna A. Akbar, *An Abolitionist Horizon for (Police) Reform*, 108 Cal. L. Rev. 1781, 1828 (2020); Amna A. Akbar, Sameer M. Ashar, Jocelyn Simonson, *Movement Law*, 73 Stan. L. Rev. 821, 862 (2021); Rachel Foran, Mariame Kaba, Katy Naples-Mitchell, *Abolitionist Principles for Prosecutor Organizing: Origins and Next Steps*, 16 Stan. J. Civ. Rts. & Civ. Liberties 496, 522 (2021); Jamelia Morgan, *Lawyering for Abolitionist Movements*, 53 Conn. L. Rev. 605, 614 (2021).
40. *See* Raymond Williams, Keywords: A Vocabulary of Culture and Society 24 (2nd ed. 1983) (describing a theory of language grounded in an ongoing process of "shaping and reshaping[] [meaning] in real circumstances and from profoundly different and important points of view").
41. *Cf. id.* at 24 ("I believe that to understand the complexities of the meanings of *class* contributes very little to the resolution of actual class disputes and class struggles.").
42. *Cf.* Benjamin Levin, *Criminal Justice Expertise*, 90 Fordham L. Rev. 2777 (2022) (making a similar claim regarding competing definitions of "expertise" the criminal policy context).

demic engagement with abolitionist activism and theory continues to increase, it's worth stepping back to make sure that we aren't talking past one another.

In mapping these different abolitionisms, this Essay proceeds in four Parts, each addressing a different target for abolition. The first three Parts address prisons, police, and the prison industrial complex, respectively. Part Four describes some other less-prominent or trickier-to-define-abolitionisms: those aimed at discrete problems in the criminal system; those aimed at broader social pathologies (racism, inequality, etc.); and those that are almost limitless in their scope of critique.

The Essay travels from narrow to broad—from the call to abolish a distinct form of punishment (incarceration) to the call to abolish everything and engage in revolution. Each of these projects or theories is radical. Ultimately, though, I hope to emphasize how different these arguments might be. For critics of abolition, it's important to distinguish and to be explicit about what they wish to preserve. And, for scholars who might casually deploy abolitionist arguments, it's important to take seriously the weight and implications of those arguments.

I. Prisons

Prison abolition certainly is controversial. In a country with nearly two million people incarcerated,[43] it's hard to imagine a world without prisons. But I actually see prison abolition as the most straightforward—and perhaps the most easily defensible—form of contemporary abolition. On some level, prison abolition needn't necessarily require a broader vision of political economy or a compelling causal story about the relationship between prisons and other legal or social institutions. It simply would require rejecting the use of carceral punishment.

In its most basic form, prison abolition would require that one does not believe in carceral punishment. In this respect, prison abolition has an easy analog in the criminal policy realm: death penalty abolition. Or perhaps prison abolition might be analogized to the abolition of solitary confinement, life without parole, shaming punishment, or corporal punishment. That is, prison abolition—like these other abolitionisms—is focused on a single objectionable model of state action or penal sanction, which can be eliminated and replaced with another mechanism to respond to harm or wrongdoing.[44]

---

43. *See* Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2024*, Prison Pol'y Initiative (Mar. 14, 2024), https://www.prisonpolicy.org/reports/pie2024.html [https://perma.cc/272D-ZG2V].

44. Notably, Amna Akbar distinguishes death penalty abolition from contemporary abolitionist movements on exactly this ground. She contends that conventional death penalty abolitionism "aims to shrink the state's carceral power in one particular way but does not question mass human caging. As the campaign attempts to undermine the death penalty, its logic shores up the legitimacy, righteousness, and necessity of life sentences." Akbar, *supra* note 17, at 102. She distinguishes this approach from a radical one that "would frame the problem of the death penalty as stemming from the larger violence of prisons and policing and its historical continuities with lynching and enslavement." *Id.*

Significantly, this sort of abolition could be paired with a host of other ideological or methodological commitments.[45] For example, one could believe that prisons are an unacceptable form of punishment while still believing that criminal punishment and criminal law are both important and necessary. One might even believe in extremely brutal or burdensome forms of punishment but oppose incarceration as such.[46]

Figure 1: Narrow and Broad Prison Abolitionisms

Narrow	Broad
Supports the elimination of incarceration as the punishment for crime	Supports the elimination of punishments that resemble incarceration or have incarceration-like properties

On a programmatic level, this sort of narrow abolitionist position targeted at prisons needn't implicate a specific politics or critique of political economy.[47] Certainly, prison abolition could be a part of a broader transformative or revolutionary political project.[48] Indeed, much contemporary U.S. prison abolition is. Think here of Marxist prison abolitionists who understand the prison as a tool of capitalist domination,[49] of antiracist prison abolitionists who understand prisons as a tool of white supremacy and racial subordination,[50] and of many contemporary prison abolitionists who explicitly endorse prison abolition as a piece of a socialist or even an anarchist project.[51] But those politics aren't a necessary component of being a prison abolitionist—in the sense of seeking to do away with carceral punishment.[52] For example, one could be a conservative Christian and favor prison abolition for religious reasons or a libertarian and favor prison abolition for cost-related reasons.[53]

45. To be clear, I am not making a claim about the broader politics or positions adopted by contemporary U.S. abolitionists. Rather, my claim is focused on different possible versions or interpretations of an abolitionist argument.
46. *But see* Akbar, *supra* note 17, at 102 (critiquing this approach).
47. *See supra* note 44.
48. *See generally* Angela Y. Davis, Are Prisons Obsolete? (2003).
49. *See, e.g.*, Jordan T. Camp, Incarcerating the Crisis: Freedom Struggles and the Rise of the Neoliberal State 147 (2016) (describing the idea of "abolition democracy" as an alternative to capitalism).
50. *See, e.g.*, Thusi, *supra* note 9, at 1584 (discussing the significance of link between contemporary abolition and the historical movement to abolish slavery).
51. *See, e.g.*, Anthony J. Nocella II, Mark Seis & Jeff Shantz, *Introduction: The Rise of Anarchist Criminology*, *in* Contemporary Anarchist Criminology: Against Authoritarianism and Punishment 1, 1–8 (Anthony J. Nocella II, Mark Seis & Jeff Shantz eds., 2018) (articulating an anarchist approach to abolition).
52. *See* Kate Levine, *The Progressive Love Affair with the Carceral State*, 120 Mich. L. Rev. 1225, 1244 (2022) ("These movements and rhetoric beg the question of whether prison abolition relies on the abolition of rent, the protection of students accused of campus assault, and the reordering of our system of government. It is possible that it does. But it is also possible that an abolitionist message suffers when its message, 'prison and jails are exceptionally dehumanizing,' lacks clarity.").
53. *Cf.* Langer, *supra* note 13, at 50 ("Non-American penal abolitionists have presented a different range of social theories that have varied from author to author and that

Figure 2: Even Broader Prison Abolitionisms

Narrow	Broad	Broader
Supports the elimination of incarceration as the punishment for crime	Supports the elimination of punishments that resemble incarceration or have incarceration-like properties	Supports the elimination of social, political, cultural, and economic forces that might result in prisons or prison-like punishments

In this respect, prison abolition could be quite narrow, and the scope of its critical gaze could be quite limited. Of course, calling for the end of prisons is hardly a simple request—it is radical given the centrality of prison to contemporary penal policy and given the entrenchment of that institution. But in its own fascinating way, the demand might be rather modest.

That's not to say that prison abolition would be easy or straightforward—as both a theoretical and a practical matter. There remain a host of follow-up questions that the prison abolitionist would need to answer. Some of those questions are familiar and for our purposes less interesting. The questions of what to do with the so-called "dangerous few" (i.e., people who pose a grave danger to society that cannot be reduced to an acceptable level),[54] how to respond to interpersonal violence, and the like are extremely important follow-up policy questions.[55] These questions remain a staple of the literature on abolition (both supportive and critical).

That said, there is another set of questions that I see as a necessary component of a discussion about prison abolition. These questions go to how we understand the breadth of the prison abolitionist project. Thus far, I've described prison abolition as relatively straightforward—at least in theory. Yet the deeper we wade into this set of questions, the less clear it is that such a characterization is accurate.

The challenge arises when we ask what makes prisons objectionable or in need of abolishing. For example, if you object to prisons because of the way they restrict people's liberties or entail some degree of brutality, are other forms of punishment that don't involve cages or carceral confinement but that restrict liberty or brutalize similarly objectionable? Is the prison abolitionist

---

have included Marxism, humanist phenomenology, localism combined with a position against professionals and their expertise, and Christian thought and categories." (footnotes omitted)).

54. *See generally* Frampton, *supra* note 10. For a classic treatment of this issue, *see* Jim Thomas & Sharon Boehlefeld, *Rethinking Abolitionism: "What Do We Do with Henry?" Review of de Haan, The Politics of Redress*, *in* WE WHO WOULD TAKE NO PRISONERS: SELECTIONS FROM THE FIFTH INTERNATIONAL CONFERENCE ON PENAL ABOLITION 14 (Brian D. MacLean & Harold E. Pepinsky eds., 1993) (book review).

55. *See, e.g.*, Elisabeth Houston, "*The Difference Between Prison and America Unsettles Me": A Conversation with Reginald Dwayne Betts*, L.A. REV. BOOKS (July 2, 2020), *https://lareviewofbooks.org/article/the-difference-between-prison-and-america-unsettles-me-a-conversation-with-reginald-dwayne-betts* [https://perma.cc/4V46-GSC9] (statement of Reginald Dwayne Betts) ("We need to figure out how to have the abolition conversation in a way that is not downplaying the actual harm of selling crack in 1988, of stealing a car, of raping a woman, of murdering anyone.").

(or should the prison abolitionist be) opposed to shaming punishment or corporal punishment?

As an empirical matter, the answer may often, or almost always, be yes. But as a theoretical matter, the answer may be more complex—in part because it requires asking both what a prison is and also what makes prisons objectionable.[56] For some commentators, these questions may appear obvious and straightforward—not worth asking or overcomplicating. When confronted with the brutal realities of mass incarceration, this sort of analysis may seem like an out-of-touch retreat to the theoretical. That said, these theoretical questions have significant practical stakes. Supporting radical efforts to decarcerate requires grappling with what decarceration is and what sorts of decarceration are desirable. When we think about the challenges of scaling back prisons, what would fall in the "prison" category? Would all reforms that involve sanctions *other than prison* be acceptable? Or might some noncarceral sanctions raise the same objections as incarceration?

This uncertainty and this broader concern find purchase in contemporary debates about alternatives to incarceration. As advocates and academics have pushed for nonpunitive responses to harm and risk, a growing chorus of commentators on the left (broadly conceived) have raised concerns, arguing that the alternatives might actually be worse than incarceration; or even if not worse, they may replicate troubling aspects of incarceration.[57]

For example, it is common for judges to impose electronic monitoring as an alternative to pretrial detention, and the use of GPS tracking has become widespread.[58] On the one hand, this might be seen as a positive development: GPS monitoring has many downsides (invasions of privacy, economic costs, restrictions on liberty, physical discomfort of a monitor, and psychological and social harms of surveillance),[59] but it also might be a way of keeping a person out of jail, in their community, and with their loved ones.[60] To the extent one

56. Abolitionist scholar Grace Li helpfully explains the challenge of describing prisons as institutions:

> Prison is many things. A prison is a building. To be in prison is a condition of "captivity," "confinement," and "deprivation." Prison is an idea: for Michel Foucault, "an exhaustive disciplinary apparatus," and for Ruth Wilson Gilmore, a "partial geographical solution[] to political economic crises, organized by the state, which is itself in crisis." Prison is an institution, which, as Angela Davis describes, "has stockpiled ideas and practices." These include acting as a "last resort social service" and a site of punishment.

Li, *supra* note 21, at 1139 (footnotes omitted).

57. *See, e.g.*, Noah D. Zatz, *Better Than Jail: Social Policy in the Shadow of Racialized Mass Incarceration*, 1 J.L. & Pol. Econ. 212, 214–15 (2021); Maya Schenwar & Victoria Law, Prison by Any Other Name: The Harmful Consequences of Popular Reforms (2020).

58. *See, e.g.*, Kate Weisburd, *Sentenced to Surveillance: Fourth Amendment Limits on Electronic Monitoring*, 98 N.C. L. Rev. 717, 730–31 (2020) (describing the increasing prevalence of electronic monitoring in the bail context).

59. *See id.* at 752–70.

60. *See* Samuel R. Wiseman, *Pretrial Detention and the Right to Be Monitored*, 123 Yale L.J. 1344, 1364–65 (2014); *cf.* Kate Weisburd, *Monitoring Youth: The Collision of Rights and Rehabilitation*, 101 Iowa L. Rev. 297, 308 (2015) ("Electronic monitoring

sees incarceration as exceptionally or uniquely brutal, then the rise of electronic monitoring might be seen as a victory. On the other hand, scholars and activists have decried "e-carceration," describing GPS monitoring as unduly punitive and the source of a range of dignitary harms.[61] So, should the prison abolitionist oppose GPS monitoring or see it as deeply imperfect improvement that is worth supporting in some situations? I don't think the answer is clear.

Indeed, this set of questions raised by prison abolition sounds similar to questions raised by death penalty abolition or any other movement to end a given form of punishment.[62] For example, does opposing the death penalty necessitate opposing life without parole because it is functionally the same as the death penalty?[63] What about other very long sentences or forms of brutal punishment?[64] In short, the clarity of messaging that drives some of these abolitionist projects might fracture when abolitionists are presented with alternatives or a universe of possible reforms. U.S. penal policy critics of many different stripes may unite under a critical banner, but when it comes time to articulate alternatives, the coalition might fracture—different critiques ultimately will yield different policy solutions and different visions of a more just society.[65]

To be clear, such fracturing might be inevitable in any movement and an inevitable consequence of trying to test the limits of any theory. In other words, these questions hardly undercut prison abolition as a theory or political project. But they do complicate it.

---

in juvenile court emerged against the backdrop of a shift in policy from locking up youth to recognition that juvenile incarceration may be doing more harm than good.").

61. *See, e.g.*, Chaz Arnett, *From Decarceration to E-Carceration*, 41 Cardozo L. Rev. 641, 644–45 (2019); Kate Weisburd, *Punitive Surveillance*, 108 Va. L. Rev. 147, 173 (2022) ("Punitive surveillance, like prison, curtails free speech and association, as well as freedom of movement."); Sara Zampierin, *Mass E-Carceration: Electronic Monitoring As A Bail Condition*, 2023 Utah L. Rev. 589, 606 (2023) ("Moreover, pretrial bail decisions, including imposing electronic monitoring conditions, are plagued by the same bias that permeates the criminal and immigration systems, thus subjecting Black and other marginalized communities to higher degrees of mass surveillance.").
62. *See* Carol S. Steiker & Jordan M. Steiker, Courting Death: The Supreme Court and Capital Punishment 299–305 (2016).
63. *See, e.g.*, Michelle Miao, *Replacing Death with Life? The Rise of LWOP in the Context of Abolitionist Campaigns in the United States*, 15 Nw. J. L. & Soc. Pol'y 173, 214 (2020) ("[M]any of the criticisms toward and concerns about the death penalty may be extended to the analysis of LWOP."); *cf.* Carol S. Steiker & Jordan M. Steiker, *The Death Penalty and Mass Incarceration: Convergences and Divergences*, 41 Am. J. Crim. L. 189, 197 (2014) ("LWOP was fueled by opposition to the death penalty, which made LWOP appear to be a lesser evil." (emphasis omitted)).
64. *See* Akbar, *supra* note 17, at 102–03 (describing these debates and arguing that for abolitionists committed to ending the death penalty, "[l]ife without parole . . . is not the solution, it is illegitimate carceral violence: what abolitionist organizers in Pennsylvania have dubbed 'death by incarceration.'" (footnote omitted)).
65. *See generally* Levin, *supra* note 14 (discussing how the purported "consensus" on criminal justice reform actually rests on distinct critiques that identify different flaws and policy solutions).

II. Police

Where prison abolition is at least potentially straightforward and relies on a potentially bounded logic, police abolition is much more complex as both a practical and a theoretical matter. This is in large part because of a fundamental and foundational question: what is/are the police? As noted above, we might ask similar questions of incarceration (i.e., what makes incarceration distinct from other forms of punishment or restrictions on liberty?).[66] Nevertheless, I see the question as more challenging when it comes to police—in part because of the contested definition of police as an institution, and in part because of the complicated relationship between police and the state.[67]

Figure 3: Narrow and Broad Police Abolitionisms

Narrow	Broad
Supports the elimination of an armed police force with greater rights and legal protections than civilians and the authorization to use force, arrest suspects, etc.	Supports the elimination of actors and institutions who resemble the police or have police-like powers

There are lively theoretical and philosophical debates about how to define police.[68] And, how we define police necessarily will do a lot of work in shaping the contours of police abolition. If "police" are defined in relatively narrow terms, police abolition still would be a sweeping and radical project. But it would be a project with definite limits. If we define police in broader terms—as actors, institutions, and agencies that carry out policing or police-like functions—police abolition becomes much more difficult to conceptualize, and, in turn, becomes harder to imagine implementing.

Put simply, I'm skeptical that one could have a state without police.[69] Let's say that we understand police in broad terms as an institution or collection of individuals who are in some way empowered to enforce the law, the will of the state, or the will of society. That's certainly a broad definition, but I also think it captures police in their modern incarnation as well as some broader police power. Assuming I'm right, or at the very least assuming that this is a defensible or workable definition, then I don't know that there could be a state without police. If the state is tasked with keeping order, is empowered to enforce the law, and retains a monopoly on violence (a central component of

66. *See supra* note 56 and accompanying text.
67. Even if commentators might debate the prevalence of "carceral logics" in institutions outside of jails and prisons, defining "incarceration" doesn't strike me as terribly difficult. For example, one could argue that "e-carceration" comes to resemble actual incarceration, but noting resemblance does not involve challenging an actual definition of incarceration as forced confinement. For an important argument that complicates this claim, though, *see* Li, *supra* note 21.
68. On the contested nature of the police, see Eric J. Miller, *The Concept of the Police*, 17 Crim. L. & Phil. 573 (2023).
69. On the fraught relationship between the state, police, and the police power, see Markus Dirk Dubber, The Police Power: Patriarchy and the Foundations of American Government (2005), and Bernard E. Harcourt, The Illusion of Free Markets: Punishment and the Myth of Natural Order (2011).

many definitions of the state), then the police—or an analogous institution—seems central to what it is that the state does.

To be clear, the institutions that wield the police power or execute the policing function could look very different. Police needn't resemble the departments that predominate in the U.S. context. For example, it is not clear to me that police would always have to be armed—indeed, they aren't in all jurisdictions.[70] Similarly, it's hardly inevitable that police would need to have the authorization to use force in the way that they do in the United States. Further, it is not clear to me that arrest powers or other special legal privileges would need to be doled out to police as indiscriminately as they currently are in most U.S. jurisdictions.[71]

Nevertheless, the presence of law- (or rule- or norm-) enforcers strikes me as central to most models of social organization and to most theories of the state. If the state requires a compliance mechanism, then something like police is a necessary component of any state-governed society. Assuming I'm correct, then, police abolition in its truest form would need to involve the abolition of the state. Police abolition would need to be an anarchist project—whether left, right, or otherwise inclined. Rejecting police as an institution appears synonymous with embracing statelessness—even if statelessness would include institutions or practices designed to ensure public safety.[72]

I realize that this is a bold claim, and many police abolitionists would disagree with the vision of police abolition that I am articulating here. First, some police abolitionists (or scholars of police) certainly might have a different and narrower definition of police—a definition that wouldn't include all state institutions designed to achieve compliance or to enforce the law.[73] Indeed, it's worth noting that much contemporary abolitionist activism and scholarship calls for socialism or at least greater state involvement in the provision of social services.[74] In such accounts, then, police abolition couldn't be premised on statelessness. Instead, drawing from the Defund movement, police abolition might focus on a reconfiguration of state resources and priorities—the problem isn't the state as such; rather it's the state actors and institutions that have taken on a greater role in race-class marginalized communities.

---

70. On the movement to disarm police, see D.D. Guttenplan, *It's Time to Disarm the Police*, Nation (June 25, 2020), *https://www.thenation.com/article/society/disarm-police-nypd-slavery* [https://perma.cc/ECT8-AXK7], and Alex S. Vitale, The End of Policing 25–27 (2017).
71. On potentially limiting police powers to arrest, see Rachel A. Harmon, *Why Arrest?*, 115 Mich. L. Rev. 307, 359–64 (2016).
72. *Cf.* Eaglin, *supra* note 25, at 127 ("Importantly, abolitionists neither seek to eliminate police tomorrow nor to exist in a world without replacements." (footnote omitted)); Kaba, *supra* note 5 ("[D]on't get me wrong. We are not abandoning our communities to violence. We don't want to just close police departments. We want to make them obsolete . . . . We can build other ways of responding to harms in our society.").
73. Put differently, they would draw a clearer distinction between police as a specific institution and the police power as a larger constellation of institutions and actors.
74. *See* Jordan T. Camp, Incarcerating the Crisis 147 (2016).

Additionally, some police abolitionists might have a different understanding of what the word abolition actually means,[75] such that abolition would get us further from the actual elimination of an institution and closer to what Amna Akbar describes as a "transformation" of that institution.[76]

We might think of this second point as reflecting a distinction between abolition as *elimination* and *transformation*. By way of analogy, imagine an oil company called Big Oil. Imagine that we were to discover that Big Oil had engaged in widespread abuses—they had violently suppressed worker dissent and unionization efforts, knowingly exposed workers earning substandard wages to toxic chemicals and hazardous working conditions, lobbied for a host of undesirable policies, disregarded the environmental consequences of its policies, and generally acted in ways that clearly fell afoul of the public interest (however defined).

From an eliminationist perspective, we might look at Big Oil and say the objectionable behaviors are features of an oil company as such. Perhaps because of the logic of extraction, because of the profit motive, or because of the harms of fossil fuels to the environment, there's no way to have an oil company that does not do objectionable things or things that we find fundamentally inexcusable. The problem, then, wouldn't be Big Oil as a discrete entity (led by a particularly objectionable board of directors or defined by a particularly immoral corporate charter). The problem actually would be the very institution of oil companies. No matter how well-intentioned the leadership, an oil company couldn't help but do harm. In that case, one might argue we should abolish oil companies. There simply couldn't be an entity called "oil company" that would have a place in a just or well-ordered society.

On the other hand, if what one means by "abolition" is more transformation than elimination, Big Oil might need to be abolished, but there still might be space in society for a better oil company. That is, we might conclude that Big Oil should cease to exist—it was corrupt or corrupted past any point of possible reform or redemption. Concluding that Big Oil must be abolished, though, wouldn't mean that there couldn't be another oil company—another institution that has the same fundamental purpose, but that is so different in affect, commitment, and leadership that we would say the institution has been transformed. Even if the core foundational objective remains the same for our new company as it was for Big Oil, the way of doing business would be worlds apart.

Perhaps, we might even imagine a more radical transformative project that replaces Big Oil with an alternative energy source—say, Big Solar. Here,

75. *Cf.* Eaglin, *supra* note 25, at 140 ("To defund the police can mean many things. As a substantive policy, it provides a path to abolition for some, and a path to police transformation for others. For still others, it provides a pathway to continue transforming governance by making police more effective or, at least, by saving constrained public resources.").

76. *See* Movement for Black Lives, A Vision for Black Lives: Policy Demands for Black Power, Freedom, and Justice 4 ("We reject false solutions and believe we can achieve a complete transformation of the current systems, which place profit over people and make it impossible for many of us to breathe.").

we might do away with the entity of oil companies entirely, perhaps drawing closer to elimination. Nevertheless, Big Solar might have a similar business model to Big Oil. For example, its board might remain focused on shareholder profits, leading to similar lobbying efforts. Further, similar priorities might lead to similarly objectionable labor practices. We might do away with the oil company, mollifying critics particularly concerned about fossil fuels or climate change. But we wouldn't address all of the issues that critics might have identified with Big Oil in the first place.[77]

Returning to police, we might look at the concrete example of the Camden, New Jersey police force. In 2013, the city formally disbanded the Camden Police Department.[78] The city had been ranked the "most dangerous in America," and politicians and community members believed that the Department was costly and ineffective.[79] But, Camden isn't an eliminationist story. The city actually built a larger police force, using the disbanding as a way to break the police union and get out of a collective bargaining agreement. The new department was larger, but officers were often paid less. Police Chief Scott Thompson "moved to remake the ethos of the department."[80] The Department sought to "improve community relations" and "all new recruits were told on their first day that their jobs would more closely resemble those of Peace Corps members than Special Forces operatives."[81] Reviews have been mixed. The city and some reformers have touted a significant drop in homicide rates and argued that the new Department better reflects and responds to the interests of the community. Others have criticized intrusive policing tactics and argued that the real problems of racism and poverty in the city haven't been addressed.

For eliminationists, Camden isn't an attractive model and couldn't possibly reflect police abolition in any meaningful sense.[82] If you visit Camden

77. Some readers might view the distinction between transformation and reform as a distinction without a difference—unlike an eliminationist approach, a transformationist or reformist approach ultimately leaves space for or accepts police. *Cf.* Langer, *supra* note 13, at 3 (arguing that many abolitionists aren't actually abolitionists at all because they would retain incarceration for some people). In abolitionist scholarship and organizing, though, a distinction tends to be drawn based both on both the specific policy demands, but also the broader political orientation of the movement. *See* Akbar, *supra* note 17, at 102 ("[W]hether something is non-reformist or reformist is about more than the nature of the demand and its particulars: it is also a question of how the campaign is waged."), 103 ("[N]on-reformist reforms advance a radical critique and radical imagination. Reform is not the end goal; transformation is." (footnote omitted)).

78. *See* Joseph Goldstein, *Changes in Policing Take Hold in One of the Nation's Most Dangerous Cities*, N.Y. Times (Apr. 2, 2017), https://www.nytimes.com/2017/04/02/nyregion/camden-nj-police-shootings.html.

79. *See* Brenda Breslauer, Kit Ramgopal, Kenzi Abou-Sabe & Stephanie Gosk, *Camden, N.J. Disbanded its Police Force. Here's What Happened Next*, NBC News (June 22, 2020), https://www.nbcnews.com/news/us-news/new-jersey-city-disbanded-its-police-force-here-s-what-n1231677 [https://perma.cc/C828–7MSL]..

80. *Id.*

81. *Id.*

82. *See* MPD150, Enough Is Enough: A 150 Year Performance Review Of The Minneapolis Police Department 48 (2020) ("We (and so many others in this movement) don't want to just rebrand cops, or privatize cops, or make cops 'nicer.' The goal is a city without

today, you will see members of the Camden Police Department in uniform carrying guns and conducting arrests. Even if the ethos and contract terms changed, the institution remains. To be clear, you'd be hard-pressed to find self-identified abolitionists who are particularly enthusiastic about Camden. While the initial disbanding may have felt dramatic or been framed in dramatic terms, many of the changes—viewed from a radical perspective—appear superficial. In the parlance of abolitionist writing, what happened in Camden was the classic "reformist reform"—that is, it was a reform that propped up the institution of policing.[83]

For transformationists, it's more complicated. Whether Camden is a success story depends on how much transformation we believe occurred—how much of the old Camden Police Department remains and how much has been excised. But even if Camden's transformation were insufficient and unsatisfactory, a transformation that went further might mean that the abolition of the old department accomplished the transformationist's aims.[84] (That said, I would question both the utility and accuracy of describing such a project—replacing one police force with a new one—as abolition.)[85]

As a general matter, my argument about statelessness or anarchy wouldn't apply to transformational abolitionists—a transformative approach to policing would accept that police are desirable (or, at least, necessary), but it would focus on reconceptualizing how police are governed and how policing works. So, the transformative abolitionist would accept some form of compliance, law enforcement, or—to be clear—policing, but would be looking for a new approach. Perhaps police should be disarmed, limited in their authorization to use force, or restricted in their arrest powers. Or perhaps police should be reimagined as civil servants or social workers—service workers or "guardians," rather than "warriors." One could imagine transformative visions of

police, and defunding police is one tool we have to reach that goal.").

83. *See, e.g.*, Thomas Mathieson, The Politics of Abolition Revisited 231 (2015) ("[T]he short-term reforms which you work for . . . as a road to the long-term goal of abolition . . . must also consistently be of an abolishing kind."); Ruth Wilson Gilmore & Craig Gilmore, *Restating the Obvious*, in Indefensible Space: The Architecture of the National Insecurity State 141, 145 (Michael Sorkin ed., 2008) (describing non-reformist reforms as "systemic changes that do not extend the life or breadth of deadly forces such as prisons") Such a reformist reform is often contrasted with "non-reformist reforms." *See, e.g.*, André Gorz, Strategy for Labor: A Radical Proposal 7–8 (Martin A. Nicolaus & Victoria Ortiz trans., 1967) (outlining this distinction); Akbar, *supra* note 38, at 2527 ("[A] non-reformist reform aims to undermine the political, economic, and social system or set of relations as it gestures at a fundamentally distinct system or set of relations in relation or toward a particular ideological and material project of world-building." (footnotes omitted)).

84. *Cf.* Eaglin, *supra* note 25, at 129 ("Both [abolitionists and recalibrationists] seek to build alternative ways to ensure safety in communities, yet recalibrationists seek to explicitly change police organizations as well. Because abolitionists envision a long-term end to policing, such transformations are, at best, a side effect. For recalibrationists, the effect on policing is the point.").

85. *See supra* note 79, and accompanying text.

police abolition that seem quite similar to conventional reformist proposals,[86] but one also could imagine a transformative vision that goes further.

Figure 4: Eliminationist and Transformationist Police Abolitionisms

	Narrow	**Broad**
Eliminationist	Supports the elimination of an armed police force with greater rights and legal protections than civilians and the authorization to use force, arrest suspects, etc.	Supports the elimination of actors and institutions who resemble the police or have police-like powers
Transformationist	Would support the continued use of police only if the nature of policing and its governing logics were fundamentally transformed	Would support the continued use of actors or institutions that resemble police or have police-like properties only if the nature of these institutions and their governing logics were fundamentally transformed

Of course, these questions of elimination versus transformation aren't unique to the policing context; they certainly could apply in the prison context as well.

Figure 5: Eliminationist and Transformationist Prison Abolitionisms

	Narrow	**Broad**
Eliminationist	Supports the elimination of incarceration as the punishment for crime	Supports the elimination of punishments that resemble incarceration or have incarceration-like properties
Transformationist	Would support the continued use of incarceration as the punishment for crime only if the nature of incarceration and their governing logics were fundamentally transformed	Would support the continued use of punishments that resemble incarceration or have incarceration-like properties only if the nature of these punishments and their governing logics were fundamentally transformed

Regardless, questions remain. Proponents of police transformation must reckon with whether, how, and why they think these new police would be able to avoid the problems of the old police—for example, if policing is infected with raced or classed biases, why should we think that the new police or a social work or public health model of governance wouldn't as well?

Nevertheless, I see these questions as different from the ones faced by eliminationist police abolitionists. Eliminationists would need to grapple with common objections from critics who believe that policing is necessary to preserve public safety or to ensure accountability for people who do harm—conventional objections to many different flavors of abolition.[87] But,

86. *But see supra* notes 78-79.

87. For an example of this debate, compare Gardner, *supra* note 13, at 1730 (describing policing as potentially consistent with—and important to advancing—the "African American security interest"), with India Thusi, *Policing Is Not A Good*, 110 Geo. L.J.

eliminationists also would need to deal with a range of critiques commonly leveled against anarchists and proponents of mutual aid. If we were to do away with the state, why should we think that the powerful members of a community wouldn't simply prey upon the weak? That is, even if police reinforce hierarchy or harm marginalized communities, why should we think that a world without police (and the state) wouldn't be hierarchical as well? Or why should we think that public police wouldn't be replaced with vigilantes, posses, or other forms of private violence? To be clear, there might be a range of answers to these questions. Indeed, a certain amount of organizing and literature on police abolition grapples with these questions. And these are important questions to grapple with for anyone drawn to police abolition (or to stateless forms of social ordering).

III. The Prison Industrial Complex

Much contemporary U.S. abolitionist writing and organizing sets its sights higher than simply prisons or police. Abolitionists frequently articulate a sweeping vision of radical social change. Notably, many abolitionist organizers identify the target of their critique as something more than prisons or police—the prison industrial complex (PIC).[88] So, what should we make of PIC abolition? Again, we encounter a host of important and difficult definitional questions. First and foremost, what exactly is the prison industrial complex?

Based on the academic and the activist literature, there are different possible definitions.[89] The PIC might refer to a narrow, economically motivated relationship between prisons industry and government. Abolitionist scholars Angela Y. Davis, Ruth Wilson Gilmore, and others have argued that references to the PIC are intended to invoke the military industrial complex—a web of interrelated, political and economic forces that drive the country to war and, in some way, preserve or necessitate the continuation of a standing military and the incentives to engage in widespread conflict. PIC abolitionists and critics who use the PIC as a label seek to identify a similar logic in U.S. criminal policy. As Davis argues, "[t]aking into account the structural similarities and profitability of business-government linkages in the realms of military production and public punishment, the expanding penal system can now be characterized as a 'prison industrial complex.'"[90]

Under this narrower view, PIC abolition needn't actually necessitate abolishing prisons or a range of other criminal justice institutions. Rather, the goal would be limited to identifying and eliminating these financial motives

Online 226, 249 (2022) (arguing that policing doesn't advance the security interests of marginalized communities).

88. *See What is the PIC? What is Abolition?*, Critical Resistance , https://criticalresistance.org/mission-vision/not-so-common-language/ [https://perma.cc/795L-L23K] (last visited Apr. 7, 2026).

89. For an extended discussion of different definitions, see Levin, *After the Criminal Justice System*, *supra* note 28, at 931–38

90. Angela Davis, *Masked Racism: Reflections on the Prison Industrial Complex*, Colorlines (Sept. 10, 1998), *https://www.colorlines.com/articles/masked-racism-reflections-prison-industrial-complex* [https://perma.cc/9F4H-RGCB].

or limiting these ties in order to break the "vicious cycle of punishment which only further impoverishes those whose impoverishment is supposedly 'solved' by imprisonment."[91]

By way of analogy to the military, if what one actually means by military industrial complex is something discreet or at least relatively discreet—the relationship between industry and the military—one could continue to support a draft, a standing army, or the widespread use of the US military to engage in foreign conflicts. But one would need to be concerned about or devoted to eliminating the potential for economic incentives for industry to drive military policy—as opposed to voter will or something else. Restricting lobbying, regulating private military contracting, and keeping a close watch on who benefits from interventionist foreign policy would be important components of addressing (or abolishing?) the military industrial complex. We could imagine a politics of criminal law with similar aims and commitments.

Again, this is a narrow definition of PIC, not necessarily the definition deployed in all abolitionist or radical circles. Indeed, most radical activists and academics seem to suggest the PIC has a significantly broader definition.[92] Abolitionist organizers Rachel Foran, Mariame Kaba, Katy Naples-Mitchell argue that "Abolitionists recognize that many state systems and public-private partnerships comprise the PIC—that beyond the police department or the prosecuting office, other actors take on the mission of policing and prosecuting conduct through racialized social control."[93] Similarly, the abolitionist collective Critical Resistance defines the "prison industrial complex" as:

> a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social and political problems . . . . Through its reach and impact, the PIC helps and maintains the authority of people who get their power through racial, economic and other privileges. There are many ways this power is collected and maintained through the PIC, including creating mass media images that keep alive stereotypes of people of color, poor people, queer people, immigrants, youth, and other oppressed communities as criminal, delinquent, or deviant. This power is also maintained by earning huge profits for private companies that deal with prisons and police forces; helping earn political gains for "tough on crime" politicians; increasing the influence of prison guard and police unions; and eliminating social and political dissent by oppressed communities that make demands for self-determination and reorganization of power in the US.[94]

On some accounts, then, the PIC is nearly boundless in scope—it encompasses a mutually reinforcing network of institutions, impulses, and ideologies.[95] It is cultural, social, legal, and political. As Kaba describes it, "[t]he

91. *Id.*
92. *See The Prison Industrial Complex* (illustration), *in What is the PIC? What is Abolition?*, Critical Resistance, https://criticalresistance.org/mission-vision/not-so-common-language/ [https://perma.cc/795L-L23K] (last visited Apr. 7, 2026).
93. Foran et al., *supra* note 39, at 532.
94. *What is the PIC? What is Abolition*?, *supra* note 88 (emphasis omitted).
95. *See The Prison Industrial Complex* (illustration), *supra* note 92.

PIC is linked in its logics and operations with all other systems . . . ."[96] In other words, the PIC in certain contexts might operate as the articulation of the gestalt of US penal policy and also U.S. punitive impulses. If one adopts this broader definition, then abolishing the PIC would entail an even bolder and more sweeping project than abolishing the police—the target would be even larger than the state, and would transcend the line between public and private, criminal and civil, legal and cultural, etc.

Figure 6: Broad and Narrow PIC Abolitionisms

Narrow	Broad
Supports the elimination of a set of economic and political relationships that incentivize the continued use and expansion of carceral institutions	Supports the elimination of a broader social, political, and economic climate that might lead to prisons, police, or institutions that resemble prisons and police

For proponents of the narrow version of PIC abolition, it would be important to consider how one could disentangle the public functions of criminal justice administration from private interests. There certainly would be clear targets for critique and reform—the private prison is the easy example. But, actually abolishing financial interests would be tricky in part because even purportedly public institutions can't be disentangled from private interests—public prisons benefit private corporations via prison contracting for telecommunications, food services, and uniforms; pretrial services often rely on private companies to provide testing, treatment, or tracking technology.[97] Even trying to get rid of privatization doesn't address financial incentives that might drive or entrench punitive politics—think here of the interests of correctional workers' unions or communities that rely on prisons for jobs. In short, I am not sure that we ever could extricate public punishment from financial interests.

IV. Something Else?

Of course, abolition could refer to—and has been used to refer to—the abolition of a range of other institutions, laws, practices, and phenomena associated with the administration of criminal justice. Rather than simply listing all of those other targets, I think it's worth identifying larger patterns or styles of argument. Abolition might focus on discrete institutions, on broader phenomena, or perhaps on everything.

A. *Discrete Problems*

As the language of abolition has entered the mainstream, a range of modest—or at least discrete—reforms have been framed in terms of abolition.[98] So,

96. Kaba, *supra* note 17, at 5.

97. None of this is to mention that some critics of U.S. penal policy argue that the characterization of a "prison industrial complex" is inaccurate in its account of the political economy of punishment. *See* Loïc Wacquant, *Deadly Symbiosis: When Ghetto and Prison Meet and Mesh*, 3 Punishment & Soc'y 95, 97 (2001) (arguing that the "prison industrial complex" mischaracterizes the political economy of U.S. criminal policy).

98. *See* Michael Serota, *Strict Liability Abolition*, 98 N.Y.U. L. Rev. 112, 135 (2023)

abolition might come to mean doing away with a specific rule of evidence, a police practice, or a range of specific practices. Such proposals can and should be considered on their merits. That is, the arguments for and against such proposals stand on their own terms and have less to do with discussing broader radical projects; they strike me as conventional policy proposals couched in language that evokes (and perhaps also invokes) contemporary radical social movements.[99] Whether abolishing impeachment of testifying witnesses based on prior convictions or felon-in-possession laws would be good policy strikes me as worthwhile conversations to have. But, it's less clear to me that anyone would confuse an argument for abolishing one of these policies with "being an abolitionist."[100]

That said, abolition also might be deployed in more explicitly radical terms to apply to specific institutions. Consider the rise in critical literature calling for the abolition of the child welfare or "family policing" system.[101] Or, consider calls to abolish criminal courts.[102] Such abolitionist projects strike me as different than—say—abolishing a specific rule of evidence and much more akin to prison or police abolition.[103] As in those contexts, it is important to identify the objectionable features of the given institution (i.e., what it is about the institution that leads the critic to believe that the institution must be abolished). Having identified those features or dynamics, it's important to determine what

("[T]here is also an important thread running through many contemporary reform discussions: What penal institutions and policies can we safely do without? Abolish the police. Abolish prison. Abolish mandatory minimum sentences. Abolish the death penalty. Abolish cash bail. Abolish misdemeanors.").

99. The positive reading of "abolition" language in more conventional doctrinal scholarship is that it is building off the energy generated by contemporary abolitionist movements and is considering bolder reforms because abolitionists have shifted the Overton window. The negative reading would be that conventional normative criminal policy scholarship has been repackaged in radical terms as a means of capitalizing on the appetite for abolitionist writing. And, the less provocative framing (perhaps also the most accurate one) would be that there's nothing remarkable about non-abolitionist scholars advocating for abolishing some rules, practices, and institutions—scholars made such proposals long before the current moment; the similarity between the language of abolition in the narrow sense and in the broader radical social movement context is merely coincidental.

100. Although abolitionists (however defined) certainly might support abolishing such rules or laws.

101. For leading examples in this literature, see Dorothy Roberts, Torn Apart: How the Child Welfare System Destroys Black Families—and How Abolition Can Build a Safer World (2022), and S. Lisa Washington, *Fammigration Web*, 103 B.U. L. Rev. 117, 178 (2023).

102. *See, e.g.*, Zohra Ahmed, *Bargaining for Abolition*, 90 Fordham L. Rev. 1953, 1981 (2022); Matthew Clair & Amanda Woog, *Courts and the Abolition Movement*, 110 Cal. L. Rev. 1, 45 (2022); *Beyond Criminal Courts*, Beyond Crim. Cts., https://beyondcourts.org/en [https://perma.cc/TD44-VPWF] (last visited Apr. 7, 2026);; Brendan D. Roediger, *Abolish Municipal Courts: A Response to Professor Natapoff*, 134 Harv. L. Rev. F. 213, 227 (2021).

103. I don't mean to suggest that there's a bright line here. For example, abolishing cash bail might be a part of a broader abolitionist project, *see* Christopher Williams, *Abolition in the Real World: A Case Study of Cash Bail Abolition in Illinois*, 60 Harv. C.R.-C.L. L. Rev. 443, 448 (2025)., or it might not.

other institutions might share those features—raising the question of whether all of those institutions should be abolished. If the answer is "no," how should we go about distinguishing among institutions that must be abolished and institutions that remain problematic but aren't in need of abolishing?

For example, the movement to abolish cash bail might also necessitate abolishing pretrial incarceration or even other pretrial restrictions on liberty. But it needn't—it would depend on what makes cash bail objectionable in the first place (e.g., that it discriminates on the basis of wealth and often race rather than dangerousness, that it's inefficient, that it leads to pretrial detention, and so forth). Similarly, should calls to abolish U.S. Immigration and Customs Enforcement (ICE) necessitate calls to abolish all immigration regulations?[104] Borders? Police? Of course, the answers will vary, but asking these questions strikes me as essential.

A. Broad Phenomena

Following from this last point and from the discussion of the PIC, abolition could target or refer to larger social and cultural phenomena. The abolitionist could be committed not only to abolishing police or prisons, but to abolishing whatever it is that makes police or prisons objectionable.[105] Abolition could be structural or cultural rather than institutional. Indeed, that's how I read and understand much contemporary U.S. abolitionist scholarship and organizing.[106] That's not to say abolition doesn't focus on discrete institutions—the prison, the police, etc.[107] It's that abolition might (and often does) refer to a broader project and more diffuse set of targets. As abolitionist scholars Fred Moten and Stefano Harney describe this position, abolitionists seek "[n]ot so much the abolition of prisons but the abolition of a society that could have prisons."[108]

Abolition, then, might have a structural emphasis—abolition could focus on capitalism, racial capitalism, neoliberalism, or modes of government and of distributing resources.[109] Prisons and police would be objectionable features of an unjust or undesirable political economy. As explicit sites of state violence, criminal legal institutions would stand as the ultimate target of a larger critique of structural racism, unequal distribution of resources, etc. But on this view, the real targets of abolition are less the actual institutions of the criminal system than the political economy in which those institutions are embedded.

104. On the movement to abolish ICE, see César Cuauhtémoc García Hernández, *Abolishing Immigration Prisons*, 97 B.U. L. Rev. 245, 292–300 (2017); Julianne Hing, *What Does It Mean to Abolish ICE?*, Nation (July 11, 2018), https://www.thenation.com/article/mean-abolish-ice.

105. *Cf.* Jonathan Simon, *Rise of the Carceral State*, 74 Soc. Rsch. 471, 499–500 (2007) ("If the carceral state is much more than a state that builds and fills prisons as part of its performance of government, it will take more than an antiprison movement to reverse it.").

106. *See infra* notes 119–22, and accompanying text.

107. *See infra* notes 119–22, and accompanying text.

108. Stefano Harney & Fred Moten, The Undercommons: Fugitive Planning & Black Study 42 (2013).

109. For a classic version of this broader abolitionist argument, *see* Davis, *supra* note 48.

Alternatively (or additionally), abolition might have a cultural emphasis—abolition could focus on punitive impulses, racism, sexism, homophobia, etc.[110] Again, because of its visibility, brutality, and violence, criminal policy might become the focus of such abolitionism. But this abolitionism would oppose those institutions because of the troubling cultural pathologies that they reflect.[111] Criminal legal institutions wouldn't be exceptional in their objectionableness or in their need for abolition.[112]

These broader visions of abolition raise questions of overinclusiveness and underinclusiveness.[113] If the real problem is underlying structural or cultural inequality, then abolishing criminal legal institutions wouldn't abolish the underlying problems.[114] Abolishing these institutions presumably would be an important or necessary component of that larger abolitionist project,[115] but so would abolishing a host of other legal and political institutions.[116] On the flipside, if the real problem is underlying structural or cultural logics, is it conceivable that there might be aspects of criminal law that don't reflect those logics or might even reject those logics? For example, just because you see the War on Drugs or the widespread prosecution of crimes of poverty

110. *See The Prison Industrial Complex* (illustration), *supra* note 92 (identifying these ideologies or impulses as essential to the functioning of the PIC); *Manifesto for Abolition*, ABOLITION: A J. OF INSURGENT POL., https://abolitionjournal.org/frontpage [https://perma.cc/2NCG-JFVT] (last visited May 22, 2026) ("Rather than just seeking to abolish a list of oppressive institutions, we aim to support studies of the entanglement of different systems of oppression . . . .").

111. *See, e.g.*, Dean Spade, *Keynote Address*, 19 COLUM. J. GENDER & L. 1086, 1107 (2010) ("Prison abolition activists have offered an important analysis of how the norms and values that uphold practices of mass imprisonment in the US also impact the interpersonal and activist realms.").

112. *See* Benjamin Levin, *Criminal Law Exceptionalism*, 108 VA. L. REV. 1381, 1441 (2022) ("Is the project *ending criminal punishment*, or is the project *ending the inequities and punitiveness associated with the U.S. criminal system*?").

113. This concern applies to other critical approaches to criminal policy, not just abolition. Levin, *Criminal Law Minimalisms*, *supra* note 29, at 19 ("For those of us concerned with inequality, minimizing (or abolishing) criminal institutions might be both over- and under-inclusive. On the one hand, criminal policy is hardly the exclusive driver of inequality in the United States, and it's worth asking whether minimizing or abolishing criminal institutions is the best place to start in reversing centuries of structural inequality.").

114. *See* SHELBY, *supra* note 13, at 195 ("It is somewhat puzzling, then, why abolitionists organize around dismantling prisons when their greater concerns seem to be broader questions of social or global justice."); Paul Butler, *The System Is Working the Way It Is Supposed to: The Limits of Criminal Justice Reform*, 104 GEO. L.J. 1419, 1470 (2016) ("Activists should consider how much of their focus should be on improving the criminal justice system versus ending white supremacy. It is possible to do the former without the latter.").

115. *See* LIAT BEN-MOSHE, DECARCERATING DISABILITY: DEINSTITUTIONALIZATION AND PRISON ABOLITION 274 (2020) ("[C]losure of carceral institutions . . . is a necessary but not sufficient action on the road to abolition.").

116. *Cf.* Eaglin, *supra* note 25, at 136 ("[T]o the extent that public discourse orients around what to do about policing, it is too narrow in scope. The place to start is with the structural marginalization of black people that we all have been conditioned not to question.").

as objectionable because of their distributive consequences, is it necessary to oppose the criminal prosecution of violent police officers or corporate executives? If the opposition or abolitionist rationale were grounded in a first-principles objection to police, prisons, or criminal punishment, then the answer would have to be yes. Prison is prison, after all, even if the incarcerated person is rich powerful, and from a socially or culturally dominant group.[117] If the objection or abolitionist rationale were grounded in these structural or cultural claims, the answer might be no.[118]

These broader visions of abolition also raise important questions about the order of operations. If the problem of mass incarceration is the use of the criminal system to monitor and warehouse race-class subordinated populations, is the first step to abolish prisons (or other criminal legal institutions) en route to abolishing concentrated poverty and racial subordination? Or is the first step to abolish concentrated poverty and racial subordination,[119] with the hope that this will ultimately lead to an end to mass incarceration?[120] Maybe

117. We might think of this position as reflecting a deontological preference for abolition. *See* Benjamin Levin & Kate Levine, *Redistributing Justice*, 124 Colum. L. Rev. 1531, 1587 (2024); Benjamin Levin, *Decarceration and Default Mental States*, 53 Ariz. St. L. J. 747, 766 (2021). As abolitionist activist Elisabeth Epps argues, "If you champion abolition for certain people and situations but not others, then yours is not a call for abolition . . . . [Y]ou don't want fewer people in prison, you just want different people in prison." Elisabeth Epps, *Amber Guyger Should Not Go to Prison*, The Appeal (Oct. 7, 2019), https://theappeal.org/amber-guyger-botham-jean [https://perma.cc/FC6S-G2T9].

118. Assuming, of course, that criminal legal institutions actually could be designed to advance these desired redistributive or antisubordination ends. *See* Deborah Tuerkheimer, *Criminal Justice and the Mattering of Lives*, 116 Mich. L. Rev. 1145, 1147 (2018) (advocating for an "antisubordination approach to criminal justice" that "presses for a state response that alleviates, rather than exacerbates, the disempowerment of vulnerable populations"); Hadar Aviram, *Progressive Punitivism: Notes on the Use of Punitive Social Control to Advance Social Justice Ends*, 68 Buff. L. Rev. 199, 202 (2020) ("Progressive punitivism is a logic that wields the classic weapons of punitive law—shaming, stigmatization, harsh punishment, and denial of rehabilitation—in the service of promoting social equality."). That said, there's good reason to be skeptical about claims that criminal legal institutions actually could achieve such redistributive ends; instead, left or progressive criminalization projects simply might come to harm the same marginalized populations or legitimate the same unjust practices. *See* Benjamin Levin, *Wage Theft Criminalization*, 54 U.C. Davis L. Rev. 1429, 1481–86 (2021) (making this argument in the context of progressive support for criminal enforcement of wage theft laws); Stephanie Holmes Didwania, *Regressive White-Collar Crime*, 97 S. Cal. L. Rev. 299, 330 (2024) (applying the concept to white-collar crime); Kate Levine, *Police Prosecutions and Punitive Instincts*, 98 Wash. U.L. Rev. 997, 1033 (2021) (applying to police prosecutions); Aya Gruber, *Race to Incarcerate: Punitive Impulse and the Bid to Repeal Stand Your Ground*, 68 U. Miami L. Rev. 961, 1021 (2014) (applying to stand-your-ground laws); Aya Gruber, *A Provocative Defense*, 103 Cal. L. Rev. 273, 333 (2015) (applying to the provocation defense); Benjamin Levin, *Guns and Drugs*, 84 Fordham L. Rev. 2173, 2193 (2016) (applying to criminal gun regulation); Benjamin Levin, Note, *A Defensible Defense?: Reexamining Castle Doctrine Statutes*, 47 Harv. J. on Legis. 523, 545 (2010) (applying to the castle doctrine).

119. *See* Lewis & Usmani, *supra* note 6, at 577–78.

120. *See* Shelby, *supra* note 13, at 195.

we can't really disentangle the two goals.[121] And, maybe it doesn't make sense to suggest that there's a choice between the two—that the two objectives can't coexist. But I see some version of this question bubbling up in the literature (particularly among critics of abolition),[122] so I think it's worth considering and addressing at greater length.

B. Everything

As should be clear by this point, many forms of abolition reach well beyond institutions commonly associated with the criminal system.[123] So, discussions and questions about abolition might leave criminal law behind.[124] A certain amount of abolitionist literature focuses on world making.[125] If we look to the foundational texts of much contemporary U.S. abolitionist thought, they reflect a sweeping vision—or disparate sweeping visions. Abolitionist scholar and activist Ruth Wilson Gilmore is often quoted as calling to abolish not only the PIC, but everything.[126] Of course, follow-up questions abound—what is everything?[127] How would one implement such a revolutionary project? What features of society could or should be preserved? What would take the place of the social and political structures that shape our lives?

These are very, very big questions. And, answering—or at least grappling with them—is a component of any radical or revolutionary project.[128] For Gilmore, Davis, and other abolitionists calling for a radical reimagining of everything, many of these questions are quite familiar,[129] even if the answers remain difficult, uncertain, or contested. In short, these are radical questions for radical thinkers and radical movements. These questions strike me as very

121. *Cf.* AUDRE LORDE, SISTER OUTSIDER: ESSAYS AND SPEECHES 138 (1984) ("There is no such thing as a single-issue struggle because we do not live single-issue lives.").
122. *See, e.g.*, SHELBY, *supra* note 13, at 201 ("What is needed now is not so much to abolish prisons but to redress the systemic injustices that too often lead to crime and to the imprisonment of the oppressed. Or to put it in a slogan: abolish the ghetto."); Gardner, *supra* note 13, at 1704 n.6 ("[P]enal abolitionists appear unwilling to establish a linear policy agenda such that the group's economic policy goals are understood to be a precondition to the elimination of penal administration.").
123. *See, e.g.*, Angela Y. Davis & Dylan Rodriguez, *The Challenge of Prison Abolition: A Conversation*, 27 SOC. JUST. 212, 215 (2000) ("The call for prison abolition urges us to imagine and strive for a very different social landscape.").
124. *See, e.g.*, BEN-MOSHE, *supra* note 115, at 111 (describing abolition as opposed "not only to physical spaces of containment but to particular logics and discourses").
125. *See, e.g.*, DERECKA PURNELL, BECOMING ABOLITIONISTS: POLICE, PROTESTS, AND THE PURSUIT OF FREEDOM 281–84 (2022) (describing abolition as a project of imagining and creating a world where police and prisons wouldn't be necessary).
126. *See, e.g.*, Jamelia Morgan, *Lawyering for Abolitionist Movements*, 53 CONN. L. REV. 605, 609 (2021) ("It would be an understatement to say that abolition is an ambitious and long-term project. Leading abolitionist theorist Ruth Wilson Gilmore captures this ambition in her famous quote, which, to paraphrase, is that to create an abolitionist society, abolitionists have to change one thing: everything.").
127. *See* Li, *supra* note 21, at 1139.
128. *See Overview: Critical Resistance to the Prison-Industrial Complex*, 27 SOC. JUST. 1, 5 (2000) (describing the argument that "fundamental challenges to racialized state violence necessitate radical opposition to the general legitimacy of state institutions").
129. *See* Gilmore & Kilgore, *supra* note 17.

different than the ones that predominate in most conversations about criminal policy.[130]

V. Conclusion

Ultimately, the question of what to abolish has many different answers for many different people.[131] When my student tells me that they want to abolish police, are they speaking in eliminationist or transformative terms? Are they invoking movement goals or their own personal commitments? Do they believe we need state services, or do they imagine a society grounded in mutual aid? When my colleague tells me that abolition will fail to provide public safety, is that because they think we need prisons to deter or incapacitate? Or because they believe that we need police? Or both?

On the one hand, some abolitionist organizers, groups, or movements might appreciate or embrace this ambiguity, as it allows for a broader coalition or draws more people to the cause.[132] On the other hand, some abolitionist organizers, groups, or movements might fight this ambiguity, as it waters down the radical project, distracts from a clear message, or invites misguided critiques.[133] For academics seeking to engage with abolition—whether supportively, critically, ambivalently, or simply descriptively—this ambiguity poses challenges.

"[I]n scholarly research," argues abolitionist scholar Ruth Wilson Gilmore, "answers are only as good as the further questions they provoke, while for activists, answers are as good as the tactics they make possible."[134] My goal in this Essay, then, is to offer some clarity—in the questions that should be asked about abolition, even if not in the answers.

130. *Cf.* Eaglin, *supra* note 24, at 134 ("[T]he demand to defund the police emerged as part of a critique of the structural marginalization of race- and class-vulnerable people and its enforcement through criminal law. Because activists use words central to the historical shift in government practices as the means to critique that marginalization, the entire discourse challenges existing worldviews. *The intersection of this discursive critique with debates about police reform creates genuine confusion*." (emphasis added)).

131. *Cf.* Raymond Williams, Keywords: A Vocabulary of Culture and Society 24 (2d ed. 1983) (articulating a theory of language rooted in "shaping and reshaping[] [meaning] in real circumstances and from profoundly different and important points of view . . . ").

132. *See Overview: Critical Resistance to the Prison-Industrial Complex*, *supra* note 128, at 5 ("Refusing closed definitions of prison abolitionism, the conversation instead suggests several points of political departure for opposing . . . 'logic of incarceration.'").

133. *See* Kaba & Herzing, *supra* note 17, at 134.

134. Ruth Wilson Gilmore, Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California 27 (2007).