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SYMPOSIUM

YOUTH PARTICIPATORY LAW SCHOLARSHIP

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This Essay joins a formally trained legal scholar-practitioner with a grassroots youth activist and advocate to introduce the emerging subgenre of Youth Participatory Law Scholarship (YPLS). YPLS expands on the movement for Participatory Law Scholarship by including youth co-authors whom U.S. legal systems have excluded from democracy and whom legal academia have silenced in scholarship. YPLS works to repair this harm against young people by elevating youth legal knowledge and contributions to law through co-authoring legal scholarship.

This piece makes two contributions to the movement of Participatory Law Scholarship (PLS). In Part I, McRae shares a narrative account of the unique ways that legal professionals have silenced her voice. In Part II, Medina Camiscoli outlines strategies that the co-authors have co-created to build a shared understanding of racial capitalism and adultism in legal institutions and reparative practices to share ownership of the writing process. The piece closes with a series of questions on which future co-authors of YPLS should reflect as they

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work to build scholarly practices that include and elevate the resistance and freedom dreams of mobilized and marginalized youth.

INTRODUCTION

From the inception of the settler-colonial project[1] to present threats of authoritarianism,[2] youth[3] leaders have interpreted, resisted, and enhanced democracy[4] under U.S. law.[5] However, formally trained law practitioners and legal scholars have largely failed to include youth contributions as a source of legitimate knowledge.[6] In fact, scholars rarely acknowledge the

[1] K-Sue Park, The History Wars and Property Law: Conquest and Slavery as Foundational to the Field, 131 Yale L.J. 1062, 1067 (2022) ("The predominant understanding of U.S. law and legal institutions, most simply, is built on a narrative from which the histories of colonization and enslavement—and the ways they shaped the evolution of racial dynamics in this country—have been erased over time.").

[2] Kimberlé W. Crenshaw, This Is Not a Drill: The War Against Antiracist Teaching in America, 68 UCLA L. Rev. 1702, 1725 (2022) ("[T]he relationship between authoritarian tyranny and white supremacy make it abundantly clear that there is no daylight between attacks on democracy and attacks on antiracism.").

[3] "Young" refers broadly to people between the ages of 12–24 years old—the age band when youth have increased capacity for advocacy. See Daniel J. Siegel, Brainstorm: The Power and Purpose of the Teenage Brain 6–9 (2013) (explaining how adolescence spans across the ages of 12–24 years old, during which the frontal cortex develops and people present a higher proclivity for novelty, risk, social cohesion, and intense emotions). The Supreme Court has assumed this interpretation of prefrontal cortex development for youth under the age of 18. See Roper v. Simmons, 543 U.S. 551, 569–71, 578 (2005) (banning the death penalty for minors); Graham v. Florida, 560 U.S. 48, 68, 82 (2010) (banning sentences of mandatory life imprisonment without parole for minors convicted of crimes other than homicide); Miller v. Alabama, 567 U.S. 460, 471–72, 489 (2012) (banning sentences of mandatory life imprisonment without parole for minors convicted of homicide).

[4] Lani Guinier & Gerald Torres, Changing the Wind: Notes Toward a Demosprudence of Law and Social Movements, 123 Yale L.J. 2740, 2745–46 n.12 (2014) (explaining how social movements have created "both constituencies of accountability and alternative and authoritative interpretative communities").

[5] See generally Sarah Medina Camiscoli, Teenage Rebels and the Demand for Due Process, Geo. J. Mod. Critical Race Theory (forthcoming 2024) (on file with authors) [hereinafter Teenage Rebels] (recounting the demosprudence of young women, enslaved youth, kidnapped indigenous youth, immigrant youth, and gender expansive youth). See also Sarah Medina Camiscoli, Youth Movement Law: The Case for Interpreting the Constitution with Mobilized Youth, 26 U. Pa. J. Const. L. (forthcoming 2024) (manuscript at 9, 52–53) (on file with authors) [hereinafter Youth Movement Law] (discussing the strategies of transgender and gender expansive youth leaders to pursue abolition, a Constitution of positive rights, and radical forms of direct democracy).

[6] The Participatory Law Scholarship movement has illuminated the harms of excluding marginalized peoples' voices in legal knowledge productions. See Rachel López & Terrell Carter, If Lived Experience Could Speak: A Legal Method for Repairing Academic Violence, 108 Minn. L. Rev. (forthcoming 2024) (manuscript at 4), https://papers.ssrn.com/sol3/papers.

age of the people who catalyzed, created, and enhanced U.S. laws and legal systems. For example, originalist legal scholars have not yet discussed the oddity that multiple key American Revolution figures took up arms against the British as teenagers, and yet most teenagers today cannot even vote in their school board elections.[7] Similarly, abolitionist legal scholars do not often discuss how enslaved Gabriel Prosser, at 24 years old, led a historic rebellion of enslaved peoples,[8] one of several rebellions which catalyzed the abolitionist movement and signified the struggle for the recognition of civil rights only later realized through the ratification of the Thirteenth, Fourteenth, and Fifteenth Amendments.[9] Likewise, scholars have not seriously considered the significance of the fact that Sitting Bull was only fourteen years old when he participated in

cfm?abstract_id=4741795 [https://perma.cc/KMJ9-AAC7] ("[A]cademics often evoke the stories of [marginalized] communities, but without asking them what they think is best for them or making them the authors of their own stories. Then, their extracted stories are guarded behind paywalls inaccessible to them and in some instances, as will be detailed below, used against them as a matter of law."). See generally Rachel López, Participatory Law Scholarship, 123 Colum. L. Rev. 1795 (2023) (describing the theory and practice of Participatory Law Scholarship).

[7] Todd Andrlik, How Old Were the Leaders of the American Revolution on July 4, 1776?, Slate (Aug. 20, 2013, 5:30 AM), https://slate.com/news-and-politics/2013/08/how-old-were-the-founding-fathers-the-leaders-of-the-american-revolution-were-younger-than-we-imagine.html [https://perma.cc/L38F-ARF9]; see also John S.C. Abbot, Lives of the Presidents of the United States of America, From Washington to the Present Time 210 (Portland, H. Hallett & Co. 1879) ("[T]he first time [Andrew Jackson] took part in active service [was at fourteen years old] . . . . Andrew and his brother were taken prisoners. A British officer ordered him to brush his mud-spattered boots, I am a prisoner of war, not your servant,' was the reply of the dauntless boy."); c.f. Joseph Fishkin, Weightless Votes, 121 Yale L.J. 1888, 1904 (2012) ("'[T]he framers were aware that this apportionment and representation base would include categories of persons who were ineligible to vote—women, children, bound servants, convicts, the insane, and, at a later time, aliens.'" (quoting Garza v. County of Los Angeles, 918 F.2d 763, 774 (9th Cir. 1990)); Julian Roberts-Grmela, A Seat Without A Voice: Student School Board Members Have No Voting Power, Chalkbeat (Jan. 24, 2023, 3:14 PM), https://www.chalkbeat.org/newyork/2023/1/24/23569203/nyc-school-board-panel-for-educational-policy-student-power/ [https://perma.cc/M3AX-YHYA] (featuring students who deal with the "hard lesson" that students cannot vote on the school board even if they win a seat, which further elevates the disconnect between policies and their realities).

[8] See Douglas R. Egerton, Gabriel's Rebellion: The Virginia Slave Conspiracies of 1800 and 1802, at 20, 45, 48, 165, 168 (1993); Darrell A.H. Miller, Estoppel by Nonviolence, 85 Law & Contemp. Probs. 69, 73 (2022) ("In 1800, a blacksmith named Gabriel, [enslaved] by a planter named Prosser, planned a multiracial republican revolution against slavery and merchant oppression in Henrico County, Virginia."); Dorothy E. Roberts, Foreword: Abolition Constitutionalism, 133 Harv. L. Rev. 1, 63–64 (2019) ("The abolitionist Constitution was forged, as well, by ordinary black folks who abandoned plantations, served in the Union Army, and demanded recognition of their equal citizenship.").

[9] See Roberts, supra note 8, at 63–64.

his first war party, beginning his effort to demand land rights and legal sovereignty for indigenous communities.[10] Further, few have credited the Student Nonviolent Coordinating Committee for the birth of the Voting Rights Act in 1965 or migrant youth for the passage of the Agricultural Labor Relations Act (ALRA).[11]

Over the course of the last twenty years, more youth have continued this tradition of resistance and legal interpretation than ever before.[12] These mobilized youth, like those who came before them, have seeded a constitutional renewal in a moment of democratic decay;[13] they demand

[10] Robert M. Utley, The Last Sovereigns: Sitting Bull and the Resistance of the Free Lakotas 3 (2020); B.J. Jones, Welcoming Tribal Courts into the Judicial Fraternity: Emerging Issues in Tribal-State and Tribal-Federal Court Relations, 24 Wm. Mitchell L. Rev. 457, 514 n.255 (1998) (recognizing that "[a]lthough Sitting Bull was not a jurist in the English common law sense," his people called on him to mediate governance disputes and resist injustice regarding indigenous sovereignty).

[11] Guinier & Torres, supra note 4, at 2799 ("Without the MFDP, without SNCC, without the march from Selma to Montgomery, there would have been no Voting Rights Act in 1965 . . . . Similarly, without the UFW—and its capacity to organize allies across the country . . . there would have been no Agricultural Labor Relations Act (ALRA) in California.").

[12] Erica Chenoweth, Zoe Marks, Matthew Cebul & Miranda Rivers, Youth and LGBTQ+ Participation in Nonviolent Action, USAID (Jan. 2023), https://pdf.usaid.gov/pdf_docs/PA00ZSDF.pdf [https://perma.cc/E42J-SHA8] (finding more nonviolent protest activities than ever before, which also include a greater number of LGBTQ+ and youth participants).

[13] See Medina Camiscoli, Youth Movement Law, supra note 5, at 8 (arguing that "mobilized youth play an essential role in transforming the present 'political crisis' into an opportunity to reimagine American democracy" (citations omitted)); Jack M. Balkin, The Cycles of Constitutional Time 44 (2020) (arguing that the United States is experiencing constitutional rot and defining constitutional decay or rot as "[w]hen a republic . . . loses its connection to the joint pursuit of the public good").

commonsense gun laws,[14] abolition,[15] climate justice,[16] racial justice,[17] economic justice,[18] migrant justice,[19] gender justice,[20] education justice,[21] health justice,[22] and housing justice.[23]

[14] Mass shootings present an enormous public health crisis, as they constitute the number one cause of death of children in the United States. James G. Hodge, Jr., Erica N. White, Rebecca Freed & Nora Wells, Supreme Court Impacts in Public Health Law: 2021–2022, 50 J.L. Med. & Ethics 608, 610 (2022) ("Extending Second Amendment rights to include general self-defense outside the home threatens a multitude of public health regulations aimed at reducing firearm-related morbidity and mortality as Congress ponders federal legislative limits after multiple acts of gun violence in Buffalo, Uvalde (TX), and other locales in 2022."); see also German Lopez, It's Official: March for Our Lives Was One of the Biggest Youth Protests Since the Vietnam War, Vox (Mar. 26, 2018, 10:10 AM), https://www.vox.com/policy-and-politics/2018/3/26/17160646/march-for-our-lives-crowd-size-count [https://perma.cc/Y8BN-MKHQ] (detailing how March for Our Lives included over 1.2 million people nationwide and was "one of the biggest rallies for gun control ever in the nation's capital"); Fordham L. Ctr. on Race, L. & Just., Youth Power Not Guns, Vimeo (Oct. 25, 2023), https://vimeo.com/884009211 [https://perma.cc/XN8Q-ADS6].

[15] The United States still incarcerates more young people than any other country in the world. See Alec Karakatsanis, The Punishment Bureaucracy: How to Think About "Criminal Justice Reform," 128 Yale L.J.F. 848, 849–50 (2019) (using the term "human caging" to denormalize the mass incarceration crisis in the United States). See generally Peer Def. Project, Abolish New York City's Youth Punishment Systems (2023) (Anna Milliken & Kailyn Gaines eds.), https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:df106b9c-53a8-34f4-97bc-206923b41449 [https://perma.cc/K2PX-PYJ4] (a youth-authored guide to the legal systems and history of punishing and caging of young people in New York City). See also Matthew Clair & Amanda Woog, Courts and the Abolition Movement, 110 Calif. L. Rev. 1, 7 (2022) (describing how the movement for abolition has impacted the court system through "(1) power shifting, (2) defunding and reinvesting, and (3) transformation").

[16] "Six in ten each of Millennials and Gen Z see climate change as a critical threat to U.S. interests." Emily Sullivan, Millennials and Gen Z Sound the Alarm on Climate Change, Chi. Council on Glob. Affs. (Jan. 18, 2023), https://globalaffairs.org/commentary-and-analysis/blogs/millennials-and-gen-z-sound-alarm-climate-change [https://perma.cc/6ZHV-AK8G]; see Camila Bustos, Movement Lawyering in the Time of the Climate Crisis, 39 Pace Env't L. Rev. 1, 17 (2022) (describing *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020), as "a groundbreaking case where a group of youth plaintiffs filed a constitutional climate lawsuit to challenge the federal government's actions causing climate change, alleging violations to their right to life, liberty, and property").

[17] Larry Buchanan, Quoctrung Bui & Jugal K. Patel, Black Lives Matter May Be the Largest Movement in U.S. History, N.Y. Times (July 3, 2020), https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html [https://perma.cc/7F6Z-ZPHK]; see Rashawn Ray, Black Lives Matter at 10 Years: 8 Ways the Movement Has Been Highly Effective, Brookings (Oct. 12, 2022), https://www.brookings.edu/articles/black-lives-matter-at-10-years-what-impact-has-it-had-on-policing/ [https://perma.cc/5N9K-3UW6] (explaining how Black Lives Matter transformed laws and policies around the United States).

[18] Young workers and mobilized students transformed the landscape of the labor movement. See Leanna First-Arai, Young Workers Are Bridging the Climate and Labor Movements, Teen Vogue (July 25, 2022), https://www.teenvogue.com/story/young-workers-labor-movement [https://perma.cc/4498-P7QT]; see also Zeynep Biyikli, Students Leverage Their University

Instead of building camaraderie with these young visionaries,[24] formally trained legal professionals have participated in epistemic violence by erasing and excluding young people's ways of knowing the law from legal scholarship. Fortunately, the Participatory Law Scholarship (PLS) movement has been developing a framework to "fumbl[e] towards repair"[25] of epistemic violence in the legal academy.

Affiliation to Gain Ground in the Fight Against Starbucks's Union-Busting Efforts, 49 Hum. Rts. 36, 36 (2023) ("[U]niversity students across the country have reconsidered their school's financial relationships with one of the most prolific union-busters in modern history.").

[19] Sylvia R. Lazos Vargas, The Immigrant Rights Marches (Las Marchas): Did the "Gigante" (Giant) Wake Up or Does It Still Sleep Tonight?, 7 Nev. L.J. 780, 788, 790 (2007) (noting the 2006 Los Angeles protest of La Gran Marcha as the largest demonstration for immigrant rights in U.S. history, where "[s]tudents staged 'walkouts' for three consecutive days following '*la Gran Marcha*.'").

[20] See Medina Camiscoli, Youth Movement Law, supra note 5, at 59–77 (outlining over eighty youth organizations resisting laws that target gender expansive youth).

[21] See generally Medina Camiscoli, Teenage Rebels, supra note 5 (elevating the demosprudence of youth movement leaders in Students Engaged in Advancing Texas (SEAT) coalition fighting book bans in and outside of legal institutions).

[22] Months before the Supreme Court struck down constitutional protections for abortion, youth movement leaders began building mutual aid networks to protect access. See Christine Mui, "Thanks for Hating, It Helps the Movement": How a 19 Year Old Used Her Internet Trolls to Raise $2 Million for Abortion Access in Less Than a Week, Fortune (Aug. 6, 2022, 6:00 AM), https://fortune.com/2022/08/06/teenager-fundraiser-abortion-access-gen-z-2-million [https://perma.cc/PCU5-ZQDG]; Dobbs v. Jackson Women's Health Org., 142 S. Ct. 2228, 2284–85 (2022) (abolishing the constitutional right to abortion and allowing states to make independent decisions about regulating abortion access).

[23] Young tenants have organized across communities and college campuses to demand a right to housing in the midst of a housing crisis. See, Youth All. For Hous., About, https://www.y4h.org/about [https://perma.cc/A2UJ-CK9C] (last visited Oct. 13, 2024) ("[E]nvision[ing] a world where housing is de-commodified, houselessness does not exist, and everyone is guaranteed a safe, quality, and permanently affordable home."); Jonathan Franklin, Howard University Students Reach an Agreement with Officials After a Month of Protest, NPR (Nov. 15, 2021, 8:12 PM), https://www.npr.org/2021/11/15/1055929172/howard-university-students-end-protest-housing-agreement [https://perma.cc/5E5U-US42] (describing how students protested uninhabitable housing conditions on Howard University's campus); John Infranca, The New State Zoning: Land Use Preemption Amid A Housing Crisis, 60 B.C. L. Rev. 823, 829 (2019) ("The breadth and depth of the housing crisis in communities throughout the country has made housing affordability a salient issue for a broader swath of the population.").

[24] See López, supra note 6, at 1798 ("[Participatory Law Scholarship] also involves another profoundly human element, one that is fundamental to the ethos and epistemology of Participatory Law Scholarship: *camaraderie*.").

[25] See generally Mariame Kaba & Shira Hassan, Fumbling Towards Repair: A Workbook for Community Accountability Facilitators (2019) (providing tips and educational materials to community accountability facilitators). See also I. India Thusi, Book Review, Feminist Scripts for Punishment, 134 Harv. L. Rev. 2449, 2480 (2021) (discussing Mariame Kaba and

Specifically, PLS practitioners build partnerships between people "academically trained [as] legal scholars" and people "with lived experience confronting the daily realities of injustice and organizing the disenfranchised."[26] By joining these groups of people as co-authors, PLS practitioners reallocate the "time, training, and resources to engage in deep research" away from individual legal scholars and toward partnerships and projects that "develop further support for the episteme of organic jurists, by bolstering it with other empirical evidence, grounding it in legal doctrine, and connecting it with other theories and literature."[27]

In this Essay, we stretch the tradition of PLS to acknowledge and repair what PLS scholars call the "academic silencing"[28] and legal smothering[29] of young people in the legal academy and other legal institutions.[30]

Shira Hassan's workbook *Fumbling Towards Repair*, "which provides facilitation guidance on responding to harm and encouraging people who inflict harm to take responsibility").

[26] See López, supra note 6, at 1800; see also id. ("PLS "shifts power to people who are not lawyers, establishing them as experts in their own legal realities . . . push[ing] the boundaries of how society and the legal academy understand their interventions.").

[27] Id. at 1801.

[28] See The HLS Conference Organizers, Critical Race Theory: Inside and Beyond the Ivory Tower, 69 UCLA L. Rev. Disc. (Law Meets World) 118, 126–27 (2022) (arguing that the recent surge in "anti-CRT" legislation targeted at schools is an example of epistemicide and recognizing that law school spaces fail to critique the "dominant epistemics of law"); see also López & Carter, supra note 6, at 35 (defining "academic silencing" as "using the tools at academics' disposal to suppress or alter [marginalized] knowledge" and observing that "[l]egal academics regularly speak for the marginalized, articulating how the law could better serve them, but rarely ceding space or resources so that the subaltern can speak for themselves").

[29] Legal scholars have argued that legal academia emboldens racial capitalism when historically marginalized people or ideas are included in university spaces to extract value from those marginalized people or ideas for the institution. See Nancy Leong, Racial Capitalism, 126 Harv. L. Rev. 2151, 2171–72 (2013) (arguing that diversity has historically been sanctioned when privileged, White people in the academy decide they can derive social or economic value from nonwhiteness).

[30] See López & Carter, supra note 6, at 22 ("We employ the term *legal smothering* to describe when the subaltern silences themselves either because the law prevents them from speaking for themselves or only recognizes testimony that aligns with the dominant discourse in law."). See generally Guinier & Torres, supra note 4 (elevating the extra-judicial interpretations of law of social movements as a legitimate interpretation of law). See also Medina Camiscoli, Youth Movement Law, supra note 5, at 7 (explaining how gender expansive youth "and their families have fled hostile states to escape skyrocketing rates of harassment, hate crimes, criminalization, suicide, and other efforts to eradicate trans people from public life" such as bans on books, community organizations, and families where young people can exercise their right to bodily autonomy); Benjamin C. Park, Rishub K. Das & Brian C. Drolet, Increasing Criminalization of Gender-Affirming Care for Transgender Youths—A

Specifically, we introduce Youth Participatory Law Scholarship (YPLS) as a method to mitigate the silencing of youth knowledge by including young people as authors on scholarly projects about young people and building practices for *humane governance* of those projects.[31] YPLS facilitates the principles of *humane governance* of legal knowledge with young people through "respect and celebration of difference and an attitude of extreme skepticism toward exclusivist alarms that deny space for expression and exploration of others."[32]

Recognizing the power and bold vision of social movements as sites of legal interpretation,[33] YPLS focuses on elevating youth *demosprudence*—that is, youth interpreting and transforming the law

Politically Motivated Crisis, 175 JAMA Pediatrics 1205, 1205 (2021) (discussing how laws that criminalize gender-affirming care have serious and negative health impacts on transgender and gender expansive youth).

[31] Boaventura de Sousa Santos, Epistemologies of the South: Justice Against Epistemicide 93 (2014) (defining "humane governance" of knowledge as one that "'facilitates communication across . . . nationalist, ethnic, class, generational, cognitive, and gender divides,' but does so with 'respect and celebration of difference and an attitude of extreme skepticism toward exclusivist alarms that deny space for expression and exploration of others'" (quoting Richard Falk, On Humane Governance: Toward a New Global Politics 242 (1995))). The authors acknowledge the recent allegations of sexual misconduct by young, femme academics against Boaventura de Sousa Santos and assert that sexual misconduct in the academy perpetuates its own kind of epistemic injustice. See Lieselotte Viaene, Catarina Laranjeiro & Miye Nadya Tom, The Walls Spoke When No One Else Would, *in* Sexual Misconduct in Academia: Informing an Ethics of Care in the University 208, 208–23 (Erin Pritchard & Delyth Edwards eds., 2003) (detailing the authors' experiences of sexual harassment at an unnamed institution where they were formerly Ph.D. students or postdoctoral researchers and its impact on knowledge production); see also Mariama Correia, Brazilian State Deputy Says She Was Sexually Assaulted by Boaventura de Sousa Santos, Publica (Apr. 14, 2023, 5:55 PM), https://apublica.org/2023/04/brazilian-state-deputy-says-she-was-sexually-assaulted-by-boaventura-de-sousa-santos/ [https://perma.cc/GY8W-ENST] (providing further information on the sexual assault allegations against Sousa Santos). Throughout the remainder of the paper, the authors make efforts to cite interpretations of epistemic violence by women legal academics in solidarity with the movement to investigate the alleged sexual misconduct and elevate the jurisprudence of marginalized women in legal academia.

[32] López, supra note 6, at 1827–29 (describing that the two principles that undergird equitable partnerships in the co-author model are critical self-reflection and combating academic institutionalization).

[33] See Guinier & Torres, supra note 4, at 2756–57 (explaining how activist movements in American history "forge[d] new understandings of the status quo . . . [by] creating an alternative narrative of constitutional meaning"); see also Kempis Songster, Rachel López & Gerald Torres, Participatory Law Scholarship as Demosprudence, 110 Va. L. Rev. Online (forthcoming 2024) (discussing how PLS provides a powerful methodology to democratize the law and legal scholarship and improve democratic institutions).{LXE: Add final pagination.}

outside of gate-kept legal institutions.[34] In doing so, co-authors of YPLS work to enhance democracy and bring *youth* freedom dreams into being.[35] Further, YPLS relies on a theory of *cultural democracy*—a democracy where all people *co-author* "all the shared aspects of their lives . . . [and] can influence one another and potentially change one another's minds" about those shared aspects.[36]

Despite their resistance, youth face unprecedented risks to their access and knowledge of law. Each day, lawmakers ban more books and criminalize more spaces where youth could learn about the democracy-enhancing power of social movements,[37] develop their own interpretation of law, and imagine utopian worlds.[38] To confront this reality, *Youth* Participatory Law Scholarship has emerged with two intentions: (1) *produce scholarship* that includes the youth voice as an authority on their own lived experience with law;[39] (2) *co-create reflective practices* that unlock opportunities to share in knowledge production and release gate-kept legal resources so that young people can wield those resources for power.[40]

In this Essay, we—one formally trained legal scholar-practitioner and one youth organizer trained as a legal worker in grassroots organizing spaces—focus on the practice of building shared social analysis and consent-based decision-making to disrupt the tradition of youth silencing

[34] See Guinier & Torres, supra note 4, at 2750; see also López & Carter, supra note 6, at 5 (arguing that "PLS should be seen as reparation for ongoing epistemic violence at the hands of academics and academic institutions").

[35] See Amanda Alexander, Nurturing Freedom Dreams: An Approach to Movement Lawyering in the Black Lives Matter Era, 5 How. Hum. & Civ. Rts. L. Rev. 101, 102, 123 (2021) (discussing how lawyers are not trained to encourage freedom dreams).

[36] Jonathan Gingerich, Democratic Vibes, 32 Wm. & Mary Bill Rts. J. 1135, 1138 (2024); id. at 1152 ("As the Black Panther Party put it, 'All Power to the People!'" (citing 7eventytimes7, All Power to the People!—The Black Panther Party and Beyond, YouTube (June 8, 2016), https://youtu.be/pKvE6_s0jy0 [https://perma.cc/2UNU-2G8H])).

[37] See Guinier & Torres, supra note 4, at 2803–04 (discussing how the resistance and legal interpretation of grassroots movements have enhanced democracy through the passage of new laws, shifts in jurisprudence, and changes in public opinion).

[38] UCLA Sch. of L. Critical Race Stud., CRT Forward, https://crtforward.law.ucla.edu/ [https://perma.cc/7KEK-DG8Q] (last visited Aug. 21, 2024); Jonathan Friedman & Nadine Farid Johnson, Banned in the USA: The Growing Movement to Censor Books in Schools, PEN America (Sept. 19, 2022), https://pen.org/report/banned-usa-growing-movement-to-censor-books-in-schools/ [https://perma.cc/G8CC-EL8P].

[39] See López & Carter, supra note 6, at 46–47.

[40] See López, supra note 6, at 1827–29 (identifying strategies such as fostering critical self-reflection and combatting academic institutionalization as critical to the process of developing PLS partnerships and projects).

and prefigure utopian arrangements in the academy.[41] Within this context, we use the term "prefigure" as it has been introduced in the context of *prefigurative pedagogy*—"the idea that we have to build . . . our leftist institutions in the model of the world we are seeking to create."[42] While an individual youth co-author publishing in an esteemed law review is not in and of itself revolutionary, it provides opportunities for a "fulfilled moment" of a "better way of being" where young people are credited for their contributions to law and no longer "humiliated, enslaved, forsaken, scorned, estranged, annihilated, and deprived of identity" in a decaying democracy.[43] These fulfilled moments are prefigurative in that they build arrangements in the legal academy for a utopian democracy—one where youth co-author all shared aspects of life and have opportunities to share critiques that enhance democracy at large.

The Essay proceeds in the following way: In Part I, Sa'Real McRae—a 19-year-old Black activist, organizer, and legal worker fighting the erasure of youth knowledge of law under legislative bans—shares her story as a descriptive example of how young people, particularly mobilized young people of color, experience erasure and exclusion in knowledge production when formally trained legal professionals and

[41] Specifically, the two situate their practice within Sameer Ashar's theory of prefigurative pedagogy, arguing that Youth Participatory Scholarship offers a potent practice of prefigurative pedagogy where marginalized and mobilized youth—those with limited to no levers to participate in democracy or resist authoritarianism—disrupt the gatekeeping of legal knowledge that justifies their exclusion. See generally Sameer M. Ashar, Pedagogy of Prefiguration, 132 Yale L.J.F. 869 (2023) (arguing that lawyers should experiment with social analysis, radical imagination, and dialogical relationship with collaborators to prefigure utopian social arrangements with social movement organizations).

[42] Id. at 871 n.8 (citing Prefiguring Border Justice: Interview with Harsha Walia, 6 Critical Ethnic Stud. (Nov. 27, 2019), https://manifold.umn.edu/read/prefiguring-border-justice-interview-with-harsha-walia [https://perma.cc/6MCM-NDXT]).

[43] See also Ruth Levitas, Utopia as Method 5–6 (2013); Balkin, supra note 13, at 44 (arguing that the United States is experiencing constitutional rot and defining constitutional decay or rot as "[w]hen a republic . . . loses its connection to the joint pursuit of the public good"); Jack M. Balkin, A Symposium on Jack M. Balkin's *The Cycles of Constitutional Time*: How to Do Constitutional Theory While Your House Burns Down, 101 B.U. L. Rev. 1723, 1756 (2021) ("Constitutional rot refers to the processes by which governments become increasingly less democratic and less republican. Rot is endemic to republics. A long tradition of political thought holds that republics are delicate institutions that are easily corrupted and hard to keep going. The people lose civic virtue, the institutions break down, and the norms of trust that are necessary for multiparty competition decay."); id. at 1759 ("Issues of race, culture, religion, and identity have only made the problems worse. Over the course of four decades, the Republican Party increasingly has become a White person's party, and politicians have used issues of race, culture, religion, and identity to motivate the Party's base of White voters.").

other privileged advocates silence and smother youth knowledge to bolster their own progressive causes.

In Part II, we pass the pen to Sarah Medina Camiscoli to outline two reparative strategies for YPLS that have emerged through facilitating collaborative projects with mobilized youth and formally trained legal professionals—building a shared social analysis of adultism[44] within racial capitalism and wielding consent-based decision-making to co-own the writing process.[45] We use the term "adultism" to refer to the structures, belief systems, and biases that position young people as inferior to their older counterparts and exclude young people as decision makers in their homes, schools, workplaces, organizations, communities, and legal systems.[46] We use the term "racial capitalism" to refer to the way that formally trained legal professionals only include young people of color when they decide that they can "deriv[e] value from the racial identity of another person."[47]

With an eye towards McRae's concern with erasure and extraction, Medina Camiscoli first explains how building shared social analysis in YPLS requires collaborative study and celebration of accounts of youth resistance as well as shared participation in professional development so that co-authors can share language to reflect on the inevitable

[44] John Wall, Adultism and Voting Age Discrimination, 36 Harv. Hum. Rts. J. 327, 328 (2023) ("A first step toward a systemic understanding of adultism can be found in . . . [c]hildren's mistreatment—for example, their being subject to physical punishment, being banned from public spaces, and lack of real voices in schools—is underwritten by the cultural acceptance of an in-built adult-child hierarchy. In . . . the political sphere, 'adultism refers to all the behaviors and attitudes that flow from the assumption that adults are better than young people, and are entitled to act upon young people in many ways without their agreement.' This concept of a deep-seated disrespect toward children locates the problem in broad systems of historical preconception." (quoting Barry Checkoway, Adults as Allies, Partnerships/Community, 1996, at 14)); see also Sarah Medina Camiscoli, Paige Duggins-Clay, Maryam Salmanova & Ibtihal Chamakh, Youth Dignity Takings: Understanding and Restoring the Involuntary Property Loss of Book Bans and Trans Bans, Loy. Interdisc. J. Pub. Int. L. (forthcoming 2024) (manuscript at 62) (on file with authors) ("Our society, for the most part, considers young people to be inferior to adults. It does not take young people seriously or include them as decision makers in the broader life of their communities. Adultism justifies when attorneys relegate Youth to periphery positions in the legal workplace as interns or community volunteers, where they will often bear the brunt of busy work or outreach for little-to-no compensation.").

[45] Guinier & Torres, supra note 4, at 2746 n.12 ("Democracy-enhancing social change reminds us that *genuine communities of consent* are what justify democracy." (emphasis added)).

[46] See Medina Camiscoli et al., supra note 44, at 62.

[47] Leong, supra note 29, at 2153 n.7.

manifestations of adultism and white supremacy within the context of a PLS project. Further, Medina Camiscoli explains how consent-based decision-making processes set YPLS apart from similar emerging subgenres such as Youth Movement Law[48] and Critical Youth Theory.[49] The Essay closes with a series of questions on which future co-authors of YPLS should reflect as they work to prefigure multiracial, intergenerational, and radically democratic arrangements in the legal academy.

I. REFLECTIONS ON THE SILENCING OF YOUTH VOICES

The last line of my favorite poem reads, "come celebrate / with me that everyday / something has tried to kill me / and has failed."[50] I write this Essay in celebration. Despite the fear and the guilt from experiences where people with institutional power have undermined my knowledge and autonomy, I celebrate by creating critical counter-narratives rooted in Black intellectual traditions that challenge mainstream perspectives.[51] My narrative not only expresses my experiences, but also forms the basis for my theoretical analysis. In this way, my narratives both contribute to and generate new knowledge.

[48] See generally Medina Camiscoli, Youth Movement Law, supra note 5 (arguing for the elevation and inclusion of marginalized youths' experiences in constitutional interpretation).

[49] See generally Sarah Medina Camiscoli & Kia Turner, Critical Youth Theory: Toward the Abolition of Infantilization and Adultification Under Law, https://www.criticalyouththeory.org/ [https://perma.cc/WM7R-WPP9] (last visited Aug. 22, 2024); Kia Turner, Darion Wallace, Danielle Miles-Langaigne & Essence Deras, Toward Black Abolition Theory Within Radical Abolition Studies: Upending Practices, Structures, and Epistemes of Domination, 18 J. Multicultural Educ. 275 (2024) (critiquing the epistemic domination of marginalized communities across generations and calling for new interdisciplinary practices).

[50] Lucille Clifton, Won't You Celebrate with Me, Poetry Found., https://www.poetryfoundation.org/poems/50974/wont-you-celebrate-with-me [https://perma.cc/2LML-Q7JK] (last visited Aug. 22, 2024).

[51] See Monica C. Bell, Police Reform and the Dismantling of Legal Estrangement, 126 Yale L.J. 2054, 2114 (2017) (arguing that that in order to "reduce legal estrangement, counternarratives that focus on respect and value for black and poor lives must emerge and take root"); Rhonda V. Magee, The Master's Tools, From the Bottom Up: Responses to African-American Reparations Theory in Mainstream and Outsider Remedies Discourse, 79 Va. L. Rev. 863, 865 (1993) ("Critical Race Theory's central tenets include the belief . . . that narrative is simultaneously an excellent methodological tool and an antihegemonic analytical device."). See generally Mari J. Matsuda, Looking to the Bottom: Critical Legal Studies and Reparations, 22 Harv. C.R.-C.L. L. Rev. 323, 324–26 (1987) (arguing that legal scholars must "look[] to the bottom" and listen to those directly impacted by law and legal knowledge).

I celebrate that I believe in the power of the people to understand, use, and reimagine the law.[52] I celebrate the power within myself to overcome and prevail against the wiles of the privileged in legal spaces.[53] I celebrate that I have resisted when legal professionals uphold their power and wield it to protect themselves at my expense. I resist legislators,[54] lawyers, legal scholars, and privileged advocates who I believe climb the ranks of racial capitalism and reinforce systemic barriers through the silencing and smothering of young, Black voices through the written word.

I believe that I first experienced the academic quieting of my voice when I served as an intern during my time as a high school student.[55] Despite the opportunity to train and learn as an intern, I worked under an adult attorney who criticized me for lacking knowledge and not being able to follow what he called simple instructions. I did not receive the support I needed to access, understand, and use the new legal knowledge in front of me. I felt no regard for my wellbeing, my learning process, or mentorship. I broke down from the pressure and disappointment of it all.

Ironically, the same attorney who criticized me for my lack of knowledge as a sixteen-year-old intern asked me to co-author an article with him. I agreed, as I was interested in an opportunity to share my voice. I conducted an in-depth interview with the subject of our article, and I worked hard to effectively describe the subject's work ethic, community impact, resilience, and other positive character traits. After several days interviewing and drafting, I sent the article to my co-author, highlighting how the subject of our piece threaded service and optimism into every aspect of his life.[56]

Once the article was published, I found that the most substantial parts of my draft had been omitted. However, my name remained as a co-author. There was no discussion about the edits or mutual, consent-based decision-making as co-authors. Rather, my name was listed on an article that no longer represented my voice as an author.

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[52] See Guinier & Torres, supra note 4, at 2750 (arguing that social movements and ordinary people can influence and change the law).

[53] See Russell G. Pearce, White Lawyering: Rethinking Race, Lawyer Identity, and Rule of Law, 73 Fordham L. Rev. 2081, 2089–90 (2005).

[54] See Lobbyist Registration and Disclosure Reports: Sa'real McRae, Ga. Gov't Transparency & Campaign Fin. Comm'n, https://media.ethics.ga.gov/search/Lobbyist/Lobbyist_Name.aspx?&FilerID=L20230064 [https://perma.cc/G32G-2B84] (last visited Aug. 22, 2024) (showing how McRae is no longer an active lobbyist).

[55] See also López & Carter, supra note 6, at 35 (describing academic silencing).

[56] Draft on file with the authors.

While the information in the published article was not inherently wrong, I felt that almost every sentence of my original article was changed without my input. Further, I felt that the decision not to discuss, explain, or suggest edits before sending for publication exploited the power imbalance of our relationship and obscured my interpretation of what should be celebrated about the subject's career. I believe that if I would have done something like this to his writing, I could have lost my job or been accused of plagiarism.[57] This experience led me to believe that legal spaces normalize a hierarchy of knowledge which assumes that young interns, like young people, do not have much to contribute to how we understand, use, or shape the law.[58] Sadly, I believe that many young interns just accept it.[59]

Formally trained legal practitioners are not the only group with a tendency to exploit power imbalances of race and age, silencing youth knowledge of law. Self-proclaimed progressive activists also contribute to the racist harm that thrives in the bones of this country. Several years after my internship, when I worked as a press surrogate for a grassroots coalition, a white organizer asked me to write an article on voter suppression. I wrote the article and sent it to them.[60] Without consulting me, they deleted and rewrote a substantial portion of my writing and sent the article to be published on my behalf.[61] Again, I felt silenced and used. In this situation, a more privileged advocate published my name to support their cause while silencing my actual voice. Specifically, the organizer deleted *my* critique of the structural barriers that young people

[57] See López & Carter, supra note 6, at 7 (discussing how "intellectual elites perpetuate . . . muting by speaking for the subaltern and presuming that their interests are identical").

[58] I felt that my writing was seriously changed without a conversation about whether I wanted it to be. See López & Carter, supra note 6, at 22, 35 (discussing how formally trained legal scholars use "the tools at [their] disposal to suppress or alter [marginalized] knowledge . . . speak for the marginalized, articulating how the law could better serve them, but rarely ceding space or resources so that the subaltern can speak for themselves").

[59] I feel young interns do not speak up about their work or writing being used in different ways because it seems like they cannot. See López & Carter, supra note 6, at 22 (describing legal smothering).

[60] E-mail from Sa'Real McRae, Press Surrogate, to Coalition Leader (Dec. 3, 2022, 10:43 PM) (on file with authors).

[61] See Maureen Downey, Georgia State Student: Why Does Georgia Make Voting So Hard?, Atlanta J.-Const. (Dec. 6, 2022), https://www.ajc.com/education/get-schooled-blog/georgia-state-student-why-does-georgia-make-voting-so-hard/SJHW3YDYE5BHJGWFMMBEJ4QRBE/ [https://perma.cc/DP9H-DDPU].

face at the polls—yet had the newspaper publish the piece under my name anyway.

Since the article was published, I received online harassment[62] and public criticism[63] from advocates who read "my" article. I was hurt by the incident when it happened, and I feel that the organizer silenced my complex interpretation of law as a Black activist and instead advanced a simplistic celebration of legal reform and put my reputation in the community at risk, compounding the harms of white supremacy. Again, I thought I had been invited to share my understanding of law. However, I now believe that I was invited under false pretenses. This organizer, like the formally trained lawyer, did not want my voice. I believe that they wanted to wield my voice as a tool to push their own narrative as a nonprofit leader. In doing so, I feel that they created a caricature of Blackness to appease a white liberal consciousness and recreated the same systems of racial capitalism that they claimed to fight against.[64]

These examples are not personal attacks. Rather, they are moments in my life that demonstrate my personal experience of how oppressive systems of knowledge are upheld by powerful people who hoard access to knowledge, decision-making power, and opportunities.[65] These examples demonstrate that providing opportunities to young people to learn and interpret the law is not enough. Formally trained legal professionals and privileged advocates must cultivate and share power across groups to break down walls. As Assata Shakur once said, "a wall is just a wall / and nothing more at all."[66]

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[62] Instagram Direct Message to Sa'Real McRae (on file with authors).

[63] Raleigh Morgan, Letter: Student Claims Voter Suppression Despite Getting Extra Day to Vote, Cherokee Trib. & Ledger-News (Canton, Ga.) (Dec. 10, 2022), https://www.tribunenewsgernews.com/opinion/letter-student-claims-voter-suppression-despite-getting-extra-day-to-vote/article_f66cb138-780a-11ed-bd09-9be0d9762d0c.html [https://perma.cc/ZGQ7-EM8K].

[64] See López & Carter, supra note 6, at 29–31 (discussing how "legal smothering by expectation occurs when decision-makers in legal processes uphold certain individuals as more deserving or credible than others, because that individual mirrors what they understand to be the idealized victim or plaintiff[,]" which plays into "unwritten expectation[s]" that marginalized people will perform remorse, ignorance, or neediness to get a favorable result).

[65] In fact, I intend to participate in a restorative mediation to address the conflict with the youth justice coalition out of my commitment to abolition.

[66] Shakur, a member of the Black Panther Party and the Black Liberation Party, escaped prison and sought asylum in Cuba after her conviction for the 1973 murder of a state police officer. She was the first woman to be designated as a Most Wanted Terrorist by the FBI. Shakur's terrorist designation has been denounced as the product of oppressive state surveillance of Black radical leaders. See Justice Hansford, The First Amendment Freedom of Assembly as a Racial Project, 127 Yale L.J. Forum 685, 703–04 (2018).

Despite these experiences, I have reached into my own community to break down the walls that I can take down and create the world that I know is possible. As a lobbyist, I hosted phone banks, email drives, and Capitol action days encouraging young people to confront their representatives and share *their* interpretation about oppressive bans on books and bodies. As a community leader, I created my own organization, Restorative Reading, to break down the walls to knowledge for incarcerated children.[67] Through Restorative Reading, I organized my community to support our mission of bringing books to incarcerated children. Although I received guidance and mentorship during all these endeavors, I did not need a lawyer to tell me what to do or how to do it. I recognized how the law caused problems in my community and worked with community members to solve them. As a writer, I have worked to build YPLS to bring the tenet of self-empowerment into legal academia. By decentering normative legal practices that were constructed to exclude, oppress, and extract value from Black people, I work to center the stories, values, and expertise of mobilized young Black people in our fight for liberation.

Even my co-author and I have discussed the ways that she has had to unlearn some harmful norms in legal scholarship and practice to facilitate participatory youth spaces. For instance, Sarah and I co-lead a project to support youth social movements. Sometimes, to clarify different thoughts and ideas in conversation, she will repeat back what she heard in a different, "professionalized" way that resonates more with nonprofit jargon. I have sometimes felt that the way she repeats things will sanitize my words when I want to express them more bluntly.[68] This connects to racial capitalism in the way that it feels like whitewashing words to make them more palatable to the legal profession or nonprofit industrial complex. This is a tension with which I have been trying to contend—using the nonprofit industrial complex to get to abolition and liberation. While I think there are different roles toward liberation for different

[67] See Amy Beth Sparks, Presidential Scholar Has Sights Set on Justice Career, Ga. State Univ. (Oct. 13, 2022), https://news.gsu.edu/2022/10/13/presidential-scholar-has-sights-set-on-justice-career/ [https://perma.cc/C5L2-N63A] ("Presidential Scholar Sa'Real McRae channeled her love of reading and her passion for social change into action in the summer of 2020 by forming a nonprofit organization called Restorative Reading. The grassroots organization collects books to donate to juvenile detention centers.").

[68] See López & Carter, supra note 6, at 10 ("Reflecting on this experience within Spivak's framework of epistemic violence, I realized that I had pushed myself into the same academic box I had been trying to escape.").

people in the movement, we still must have an inner commitment to create spaces that feel liberatory. Especially for people like lawyers, who are taking on less dangerous roles in our movement—those not putting their bodies on the line—it is important to do more to make people feel empowered and comfortable and enable people to have access to the privilege possessed by lawyers. If you want to fight for liberation with me, you must share your power. That means letting me say things how I want to say them.

For example, during one team meeting ice breaker, I said, "My superpower is that I know how to speak to poor people." Sarah repeated it back at the end of meeting as "Sa'Real's superpower is keeping our organization's mission aligned." Even with her honest intentions, I felt that Sarah sanitized my words to sound "professional" and increase the value of the project. Given the ways that professionalism has long been a tool of white supremacy, moments like this can uphold white supremacy. If moments like this go unaddressed, they can leave young people, especially marginalized young people, feeling like the way that we communicate, contribute, or write is unworthy of traditional legal spaces.

Nevertheless, Sarah's commitment to sharing power has created a safe space for me to express my discomfort without fear of retaliation. For example, each week we have coaching sessions where Sarah checks in on my emotional wellbeing as well as my capacity to work on our shared projects. Every two weeks we have a retrospective, where we give feedback to one another. We also share professional development resources about how white supremacy operates in the workplace. By participating in these spaces, I began to feel comfortable sharing my experiences of academic silencing and legal smothering. The resources and uplifting conversations set a precedent that increased my confidence to later confront Sarah about how I felt that she had sanitized my words.[69] Sarah apologized and asked about how she could do better in the future and how we could restore trust. Lawyers and professors who are committed to bolstering youth power under law must carve out time to discuss difficult issues like these. This disrupts systems of racial capitalism and adultism by shifting power in partnerships instead of using partnership for reputation. If co-authors practice YPLS with these

[69] See id. at 10.

practices, it can become a tool to share knowledge and break down systemic barriers.[70]

However, it is important to remember that academia is not the only or best tool for liberation, nor are lawyers or academics the best equipped to lead the charge. Centering the voices of young Black people in articles about us and our causes is essential, and it is more than writing down our name next to yours. It is an ongoing commitment to working and reworking one's understanding of law, adultism, and racial capitalism and how these systems affect every aspect of our lives. Only by honoring our full autonomy can legal scholarship "celebrate" how every day, something "trie[s] to kill" young Black voices "and has failed."[71]

II. PRAXIS OF YOUTH PARTICIPATORY LAW SCHOLARSHIP

YPLS emerges as part of a web of interconnected subgenres and methods[72] to build a culture of democracy with young people,[73] and "map the contours and contributions" of marginalized and mobilized youth to the "legal academy, the law, and society."[74]

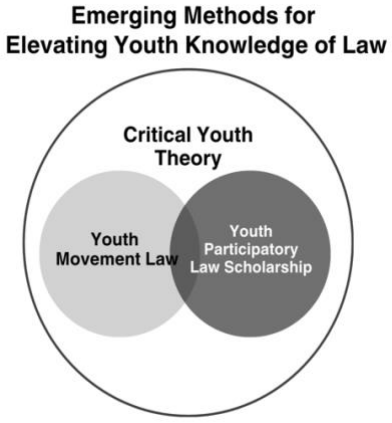
[70] See id. at 15 (discussing Terrell Carter's reflection that "Participatory Law Scholarship . . . makes room for the lived experience of people like me, allowing me to contribute to a vision of the law that is informed by context and appreciates the real-world impact of the law. This brand of scholarship threatens traditional norms of exclusion that create strangers in communities of color throughout the country").

[71] Clifton, supra note 50.

[72] See fig.1. This figure demonstrates the emerging methods for elevating youth knowledge of law, including the interrelationships between the subgenres of Youth Participatory Law Scholarship, Youth Movement Law and Critical Youth Theory. See Medina Camiscoli, Youth Movement Law, supra note 5, at 8 (describing Youth Movement Law as an "an emerging branch of movement law that maps the limits of current jurisprudence for marginalized youth and advances youth movement demands to expand the landscape of law"); see also Medina Camiscoli & Turner, supra note 49; Turner et al., supra note 49.

[73] Gingerich, supra note 36, at 1152 (citing the young voice of the Black Panther Party demanding "'All Power to the People!'" as a demand for cultural democracy).

[74] López, supra note 6, at 1798.



Given the ways in which youth have become the "favorite objects of attack of state legislatures"[75] and a tool for a "Make America Great Again" (MAGA) playbook,[76] each of the emerging subgenres plays a role in an integrated strategy to play defense, play offense, and dream utopian possibilities for youth legal epistemology.[77] Through the subgenre of Youth Movement Law,[78] scholars lend the primacy of legal scholarship

[75] Katie Eyer, Transgender Constitutional Law, 171 U. Pa. L. Rev. 1405, 1505 (2023) ("Currently, transgender people, and especially transgender youth, have become the favorite objects of political attack across many state legislatures in the United States.").

[76] Laura Meckler & Josh Dawsey, Republicans, Spurred by an Unlikely Figure, See Political Promise in Targeting Critical Race Theory, Wash. Post (June 21, 2021, 6:22 PM), https://www.washingtonpost.com/education/2021/06/19/critical-race-theory-rufo-republicans/ [https://perma.cc/2CWN-AR2Z]; see also Zoe Masters, After Denial: Imagining with Education Justice Movements, 25 U. Pa. J.L. & Soc. Change 219, 235 (2022) (citing Benjamin Wallace-Wells, How a Conservative Activist Invented the Conflict over Critical Race Theory, New Yorker (June 18, 2021), https://www.newyorker.com/news/annals-of-inquiry/how-a-conservative-activist-invented-the-conflict-over-critical-race-theory [https://perma.cc/QYY7-AQK2]).

[77] Alexander, supra note 35, at 124–26 (describing a three-part strategy in movement lawyering: defensive strategies in movement lawyering protect the lives and material realities of marginalized people, offensive strategies push the law and democratic institutions in new directions, and dreaming allows formally trained legal professionals to support historically marginalized communities to reimagine a world where all people can thrive on a planet that is well).

[78] See also Amna A. Akbar, Sameer M. Ashar & Jocelyn Simonson, Movement Law, 73 Stan. L. Rev. 821, 826 (2021) (explaining that a goal of movement law is to "approach[] scholarly thinking and writing about law, justice, and social change as work done in solidarity with social movements . . . often beginn[ing] outside of the law as traditionally conceived").

to youth resistance, tactics, and epistemology.[79] Within this ecosystem, Youth Movement Law wields the existing primacy and exclusivity of legal scholarship to defend the demands and knowledge of marginalized and mobilized youth.[80]

While YPLS also works to disrupt the erasure of youth knowledge through co-authorship, the praxis[81] of YPLS differs from Youth Movement Law in that PLS *requires* co-authorship, while Youth Movement Law *prioritizes* a "solidaristic stance"[82] with youth movements through a variety of strategies.[83] For example, when practicing the methodology of Youth Movement Law, scholars may hire

[79] Id. at 881 ("Movement law facilitates cogeneration of ideas necessary for large-scale change. Legal scholars are assimilated into an intellectual universe that assumes its own primacy in debates about the construction and governance of the social. Movement law disrupts our uncritical incorporation into that universe. . . . [Movement law seeks] to integrate movement ideas, strategies, and horizons in our academic work on law and lawyering . . . [naming] movement thinkers and grassroots leaders who have nurtured new ways of knowing and doing.").

[80] See Medina Camiscoli, Youth Movement Law, supra note 5, at 12 ("Drawing on the traditions of movement law, critical legal studies, and youth social movements, [youth movement law] explores the material limitations of focusing only on court interpretations of constitutional law for young marginalized and mobilized people. Further . . . constitutional law scholars working to stop the rise of authoritarianism and promote radical change should employ a framework for constitutionalism that includes youth freedom dreams in addition to litigation and traditional scholarship."); see also Medina Camiscoli, Teenage Rebels, supra note 5, at 10–26 (elevating the demosprudence of mobilized young women, enslaved learners, indigenous warriors, and incarcerated youth who have impacted law without recognition).

[81] López, supra note 6, at 1808 (defining praxis as what "Freire defines as 'reflection and action upon the world in order to transform it'").

[82] Akbar et al., supra note 78, at 821–22, 830 (describing one of the "organically developing methods" as a "solidaristic stance" where "scholars embody an ethos of solidarity, collectivity, and accountability with left social movements rather than a hierarchical or oppositional relationship . . . displac[ing] the legal scholar as an individual expert and center[ing] collective processes of ideation and struggles for social change"); see also López, supra note 6, at 1817 ("PLS thus often involves amplifying the analytical interventions of existing movements. Like [community participatory action research], PLS is often 'in, by, and for movements for justice.' With this focus on movements, PLS can be seen as part of an emerging body of scholarship, which Akbar, Ashar, and Simonson call 'Movement Law.'").

[83] Akbar et al., supra note 78, at 830.

directly impacted research assistants[84] or policy consultants[85] whose work is cited in the article or with whom they have previously worked in social movements. On the contrary, YPLS requires a relationship as co-authors—one where people deemed incapable to vote are recognized as critical interpreters of law who own important legal knowledge.[86] Both subgenres emerge as part of a broader effort to build a discipline for Critical Youth Theory[87]—an interdisciplinary praxis at the intersection of critical legal studies, critical scholarship on children and the law, and education law to elevate, include, and co-author legal scholarship by and about marginalized and mobilized youth.[88] Like PLS, YPLS does not

[84] See Medina Camiscoli, Youth Movement Law, supra note 5, at 21 ("To practice the emerging method of youth movement law in this article, directly impacted research assistants and dialogic collaborative partners selected and examined over 80 organizations, strategies, and campaigns centering Transgender/Gender Expansive Youth. The author then identified and highlighted epistemological critiques, contributions, and visions for constitutional law. The article was then sent back to the research assistants and organizational leaders for review [as community readers] . . . .").

[85] See generally Sarah Medina Camiscoli, Refusing a Colorblind Constitution: How Student Movements Demanded Race Conscious Laws in Spite of the Supreme Court, Nw. U. L. Rev. (forthcoming 2024) (on file with authors) (engaging youth movement leaders from March for Our Lives, Students for Justice for Palestine, #TeachTruth, #PoliceFreeSchools, as policy consultants to review policy research and analysis).

[86] See Medina Camiscoli, Teenage Rebels, supra note 5, at 33 ("Adding insult to injury . . . legislatures tax marginalized working age youth, spend the tax dollars to pass laws for which they cannot vote and then wield those laws to deprive statutory entitlements, without procedures for trans/gender expansive youth voices."). "Conservative lawmakers supporting the deprivation of statutory entitlements from marginalized youth who are taxed but also prohibited from voting directly counters their advocacy to uphold the rallying cry of 'no taxation without representation.'" Id. at 33 n.232 (citing No Taxation Without Representation Act, H.R. 4958, 116th Cong. (2019)). "The phrase 'no taxation without representation' was a rallying cry of many American colonists during the period of British rule in the 1760s and early 1770s. . . . American colonists increasingly resented having taxes levied upon them without having any legislators they elected who were voting in Parliament in London." No Taxation Without Representation Act, H.R. 4958, 116th Cong. § 2 (2019).

[87] See Medina Camiscoli & Turner, supra note 49.

[88] Id. For foundational texts inspiring the Critical Youth Theory framework, see generally Critical Race Theory: The Key Writings That Formed The Movement, at xiii (Kimberlé Crenshaw, Neil Gotanda, Gary Peller & Kendall Thomas eds., 1995) (offering "a representative, though by no means exhaustive, compilation of the growing body of legal scholarship known as Critical Race Theory (CRT)"); Richard Delgado, Liberal McCarthyism and the Origins of Critical Race Theory, 94 Iowa L. Rev. 1505, 1506 (2009) (focusing "on [critical race theory's] early period"); Kristin Henning, The Fourth Amendment Rights of Children at Home: When Parental Authority Goes Too Far, 53 Wm. & Mary L. Rev. 55, 55, 85–107 (2011) (analyzing Fourth Amendment cases and arguing that "parental authority too often prevails over children's rights," even when factors like context and the demonstrated capacity [of the child] would support affirmation of those rights"); Anne C. Dailey & Laura

suggest a rigid "methodology,"[89] but it does require strategies for equitable partnerships with self-reflection and a critical stance towards academic institutionalization and exclusion.[90] Towards this end, YPLS employs the following approaches: (1) produce scholarship that names and disrupts norms of epistemic violence against youth in the legal academy; and (2) employ processes that unlock gate-kept legal resources so that young people can wield those resources for their movement goals. The following Section outlines two strategies emerging from YPLS to disrupt erasure, extraction, and exclusion: shared social analysis, and consent-based decision-making.

A. Sharing a Social Analysis of Racial Capitalism and Adultism

The movement-centered definition of prefiguration requires an understanding of how "[t]he entire logic of capitalism and colonialism, in addition to being extractive and exploitative, is to break communal ways of living . . . and instead generate competitive, individualistic, atomized ways of relating to one another."[91] In the first two published pieces of legal scholarship to include youth co-authors without formal legal training, the youth co-authors demanded a strong analysis of racial

A. Rosenbury, The New Law of the Child, 127 Yale L.J. 1448, 1448 (2018) (setting "forth a new paradigm for describing, understanding, and shaping children's relationship to law"); Martin Guggenheim, The (Not So) New Law of the Child, 127 Yale L.J.F. 942, 958 (2018) (critiquing Dailey and Rosenbury for their vision of the future of the law of the child and outlining a vision that would "include proposed legislation that would help ensure a fairer and just society for children"); Anne C. Dailey & Laura A. Rosenbury, The New Parental Rights, 71 Duke L.J. 75, 75 (2021) (setting "forth a new model of parental rights designed to free children and families from ideals of parent-child unity and family privacy that underlie the law's expansive protection for parental rights"); Alexander A. Boni-Saenz, The Age of Racism, 100 Wash. U. L. Rev. 1583, 1583 (2023) (introducing "the concept of aged racism" to capture the distinct ways that systemic racism shifts with its intersection with age).

[89] López, supra note 6, at 1825; see also López & Carter, supra note 6, at 6 ("PLS is necessarily contextual and relational. There is no one size fits all methodology.").

[90] López, supra note 6, at 1827–36.

[91] See Ashar, supra note 41, at 871 n.8 (citing Prefiguring Border Justice: Interview with Harsha Walia, supra note 42); see also Carmen G. Gonzalez & Athena D. Mutua, Mapping Racial Capitalism: Implications for Law, 2 J.L. & Pol. Econ. 127, 129 (2022) (recognizing that "American scholar Cedric Robinson adopted and further developed the concept of racial capitalism. He argued that all capitalisms were racial—racial capitalism was the rule of capitalist development, not the exception, as the South African example might imply. . . . Robinson grounded this idea in the insights of what he called the Black Radical tradition, in which he included scholars such as W.E.B. Du Bois, Oliver Cromwell Cox, C.L.R. James, and Eric Williams. Each, he suggested, had argued that white supremacy and its technology of race were historically and structurally linked to capitalism." (citation omitted)).

capitalism in legal scholarship and practices and how its processes of extraction of youth epistemology require stratification by race *and* age.[92] Within the context of legal scholarship, prefiguration toward a multiracial radical legal academy that honors young people requires an analysis of how racial capitalism legitimizes and invisibilizes[93] the erasure, extraction, and exclusion of youth knowledge from legal academia to drive profit. To disrupt this process, YPLS employs practices of shared study of racial capitalism, white-body supremacy, and adultism in community to build the trust necessary to collaborate on a disruptive participatory project.[94]

In addition to the shared analysis of racial capitalism, YPLS requires a shared analysis of adultism within the writing context. An analysis of adultism requires both a deep understanding of how scholars have erased historic youth demosprudence[95] and also how an adult co-author's assumptions of youth capacity, particularly the capacity of marginalized youth, disrupt the possibilities of equitable partnership in the project. A first step toward dismantling adultism is sharing in the study of youth resistance. Drawing on the principles of movement law, YPLS encourages shared interdisciplinary study as well as study across

[92] Medina Camiscoli et al., supra note 44, at 8–13 (citing Ashar, supra note 41, at 887 n.85); id. at 61–66 (discussing adultism in legal practice); see also Gonzalez & Mutua, supra note 91, at 128–29 (outlining the logic of racial capitalism as the accumulation of economic wealth and power through processes of profit-making and race-making).

[93] Subini Ancy Annamma & Jamelia Morgan, Youth Incarceration and Abolition, 45 N.Y.U. Rev. L. & Soc. Change 471, 496 (2022) ("First, [Disability Critical Race Theory] recognizes that racism and ableism are interdependent and circulate in invisibilized ways. We draw from the definition of ableism developed by T.L. Lewis with support by Dustin Gibson. Lewis describes ableism as '[a] system that places value on people's bodies and minds based on societally constructed ideas of normalcy, intelligence, excellence and productivity. These constructed ideas are deeply rooted in anti-Blackness, eugenics, colonialism and capitalism.'").

[94] Conversation between Sa'Real McRae and Rachel Zhu (Aug. 11, 2023) (on file with authors); see also Leong, supra note 29, at 2191–94 (discussing the role of racial capitalism in the academy); Resma Menakem, My Grandmother's Hands: Racialized Trauma and the Pathway to Mending Our Hearts and Bodies 15–16, 23 (2017) (defining a "white body" as "shorthand for the bodies of people of European descent who live in America, who have largely shaped and adapted to its culture, and who don't have dark skin" and "white body supremacy" as the race-based discrimination "in the air we breathe, the water we drink, and the culture we share. We literally cannot avoid it. It is part of the operating system and organizing structure of American culture. It's always functioning in the background often invisibly, in our institutions, our relationships, and our interactions").

[95] Demosprudence refers to the way that movements and people shift ideas about constitutional and legal interpretation from the ground up. See Medina Camiscoli, Teenage Rebels, supra note 5, at 7–8 (explaining demosprudence in the context of student movements).

mediums. Given the exclusion of young people from the legal academy, much of their critique and impact of law can be found in historic archives, protest art, social media, and news outlets.[96] By utilizing these multiple forms of media, YPLS leans into a critical stance toward academic institutionalization and creates more opportunities for equity.[97] With a wider range for sourcing knowledge across mediums and disciplines, the youth co-author—who faces bans on critical texts, erasure from legal institutions, and exclusion via WestLaw, Lexis, and JSTOR paywalls—can provide critical knowledge through social media and lived experience,[98] realms where a formally trained co-author lacks access or awareness.

Beyond the shared recognition of historical and current models of youth demosprudence, YPLS requires a reflective relationship where formally trained legal professionals and youth co-authors discuss adultism and the compounded impacts of racial capitalism in context. For example, as Sa'Real shares in her narrative, I have had to unlearn how the legal profession and nonprofit industrial complex have trained me to think in terms of binaries and professionalized standards to drive profits for firms and universities.[99] To address these critical moments, Sa'Real and I have engaged in professional development and reflective circles on movement lawyering,[100] cultural somatics,[101] whiteness in the workplace,[102] and building youth collaboration with a focus on undoing

[96] See Akbar et al., supra note 78, at 848–51.

[97] See López, supra note 6, at 1828–31 ("PLS requires a level of vulnerability and epistemological humility that is not usually rewarded in the legal academy that can only be gained through critical examination of how academics' positionality in law schools frames their understanding of the world.").

[98] See Akbar et al., supra note 78, at 849 ("Because of its utility in organizing campaigns, social media surfaces the work of social movements to a greater degree than ever before.").

[99] See Pearce, supra note 53, at 2089. See generally Michael Haber, The New Activist Non-Profits: Four Models Breaking from the Non-Profit Industrial Complex, 73 U. Miami L. Rev. 863 (2019) (discussing how grassroots organizers have catalyzed a movement to disrupt the nonprofit industrial complex by modeling new models that share power and resources in unique and disruptive ways).

[100] E.g., Movement L. Lab, Politics & Purpose: Movement Lawyering Workshop 09/23/2022, YouTube (Sept. 23, 2022), https://www.youtube.com/watch?v=joMpn6vU6ZE [https://perma.cc/S8ZS-6KUX].

[101] E.g., Cultural Somatics Inst., https://culturalsomaticsinstitute.com/ [https://perma.cc/Q8WE-MQJH] (last visited Aug. 22, 2024).

[102] E.g., Whiteness at Work, Time Isn't Neutral: Time, Power, and the Workplace (2022), https://whitenessatwork.com/wp-content/uploads/2022/09/Free-training-Time-Isnt-Neutral-Resource-Debrief-and-Activity-Guide.pdf [https://perma.cc/XYL4-3BKL].

adultism.[103] Further, we have implemented biweekly reflections where we provide feedback to one another. The normalization of these reflective spaces allows Sa'Real and I to *celebrate* opportunities where a conflict emerges so that we can co-create a new interpretation of law, legal norms, and opportunities to prefigure more liberatory spaces.

B. Facilitating Consent-Based Decision-Making

The various definitions of consent[104] within the context of intergenerational partnerships bring forth critical questions about law, democracy, youth capacity, and legal oppression.[105] While the demosprudence of youth under 18 is included within the wider movement for Critical Youth Theory,[106] YPLS projects to date have only included youth aged 18- to 24-years-old.[107] The formally trained legal professionals have made this decision to focus on deeper prefigurative questions regarding consent-based decision-making before considering more complex questions in terms of the role that guardian consent plays when co-authoring with young people under the age of 18.

The commitment to integrate consent into the praxis of YPLS emerges from broader commitments to: (1) the guiding philosophy of PLS that knowledge and truth are collectively constructed through dialogue;[108] (2) the prefigurative pedagogical method of dialogical engagement;[109] and (3) the norms that many of the youth movements that the co-authors

[103] E.g., HUD Exchange, SNAPS Youth Collaboration 102 Webinar, YouTube, at 35:22–52:08 (Jan. 5, 2021), https://www.youtube.com/watch?v=j1Lttwa9GWY [https://perma.cc/X2BL-PY3L].

[104] Consent-based decision-making structures include new governing bodies and types of agreements that can bring together decision-making in a way that reflects self-determination. See Haber, supra note 99, at 880–88 (explaining consent as "the absence of any 'reasoned objections' to a proposal by members of a decision-making group," which differs from the legal definition of informed consent).

[105] See Dailey, The New Law of the Child, supra note 88, at 1456–67 (discussing the "authorities framework," which obscures youth capacity and interests by relying solely on the authority of the state and parents to make decisions on behalf of minors).

[106] See Medina Camiscoli & Turner, supra note 49.

[107] See Siegel, supra note 3, at 6–9.

[108] López, supra note 6, at 1818 ("PLS's guiding philosophy is that knowledge and truth are collectively constructed through dialogue. Relationships are intrinsic to the PLS approach because PLS is grounded in the belief that knowledge is attained collectively and in dialogue with others. PLS starts from the premise that human knowledge is by its nature, imperfect.").

[109] Ashar, supra note 41, at 872.

partner with require as part of their engagement.[110] Specifically, the co-authors have employed two methods to guide their writing process: "First Five"[111] and the "Fist to Five."[112] First Five is a practice sourced from youth organizing spaces where collaborators review confidentiality, capacity, agenda items, accommodations, and roles *before* starting a meeting. Only after both co-authors consent to these five tenets can the meeting begin. This practice normalizes reflection, shared agreement, and support to respect the various capacities of youth co-authors, share in leadership roles, and build the equitable relationship at the core of YPLS.[113]

Throughout the research, drafting, editing, communications, and publication processes, we employed "fist to five" methodology to share ownership of the scholarship by going through comments and texts and asking for consent level before moving forward. This method builds on the "guiding philosophy . . . that knowledge is attained collectively and in dialogue with others" and provides a safety net to mitigate adultism and racial capitalism in the project.[114] For example, when writing this Essay, Sarah wanted to focus on the epistemic violence of book bans as she has two relevant projects on the topic.[115] However, Sa'Real did not want to focus on book bans and instead felt more interested in speaking about the norms of erasure and extraction of young voices of color.[116] To take

[110] See Medina Camiscoli et al., supra note 44, at 72 (citing the work of the Youth Power Coalition and Peer Defense Project in facilitating consent-based decision-making in order to share ownership).

[111] Christina John, Russell G. Pearce, Aundray Jermaine Archer, Sarah Medina Camiscoli & Aron Pines, Subversive Legal Education: Reformist Steps Toward Abolitionist Visions, 90 Fordham L. Rev. 2089, 2106–07 (2022) (describing the consent-based decision-making practice of "first five" in youth movement lawyer projects).

[112] Medina Camiscoli et al., supra note 44, at 73 (describing Fist to Five in the creation of a youth worker self-directed nonprofit model).

[113] See Haber, supra note 99, at 882 (explaining one consent process, which requires that "no participant give a 'reasoned objection' to a proposal").

[114] López, supra note 6, at 1818.

[115] See generally Medina Camiscoli, Teenage Rebels, supra note 5 (describing the efforts of mobilized youth to respond to book bans and attacks on educational resources); Medina Camiscoli et al., supra note 44 (same).

[116] See López & Carter, supra note 6, at 9 (describing the experience of a formally trained legal scholar working through assumptions and editorial control when their co-author's input "revealed a much different piece" that did "not easily fit" into the scholar's initial vision); id. at 11 (encouraging legal scholars to develop "an ethics of responsibility" to be responsive to co-authors without demanding recognition or resemblance to existing forms in academia (quoting Rita Birla, Postcolonial Studies: Now That's History, *in* Can the Subaltern Speak?: Reflections on the History of an Idea 88, 93 (Rosland Morris ed., 2010)).

control of the direction of the project, Sa'Real "blocked" the idea by rating the proposal to focus on book bans as a one out of five. Since a rating of one in the "Fist to Five" method requires team members to pause and discuss concerns before moving forward, this method shielded Sa'Real from academic silencing or smothering. In this way, requiring consent through the "Fist to Five" decision-making method can empower a youth co-author to own the research, writing, *and* revision processes. Through the "Fist to Five" method, both Sarah and Sa'Real could comfortably reject one another's suggestions and explore the conflict. Similarly, by requiring consent-based decision-making in PLS, the youth co-author can own the research, writing, *and* revision processes.

CONCLUSION

In the spirit of prefiguration, this Essay ends with a series of questions on which co-authors should reflect together to build a way forward in YPLS.[117] McRae drafted these questions to encourage humility and self-reflection from formally trained legal scholars so that they work to build confidence and power with historically marginalized youth co-authors. We discussed these very questions to build the trust and understanding necessary to write this piece.[118]

- *Positionality*. What positions of privilege do I hold as a formally trained legal professional? Scholar? Adult? How do those privileges impact how I consider the capacity of my youth co-author? Write this down and explore professional development opportunities with your co-author or collaborator regarding power sharing in the legal profession.
- *Theory of Change*. What are my core values and my theory of change? How do they align and misalign with those of my co-author?

[117] Alexander, supra note 35, at 138 ("Because the work will change so often, I will close with some questions that may be useful in your practice. When it comes to truly transformative work, it is not about having all the answers, it is about asking better questions. Often, that means listening to those who are asking better questions about what our communities truly need and deserve—listening for freedom dreams.").

[118] López & Carter, supra note 6, at 11 ("As academics we often focus on the injustice 'out there,' without grappling with the injustice that lurks within. This article aims to do precisely the [latter]. We argue that if academics want to rectify epistemic injustice, the process must start within, by re-negotiating their own notions of expertise.").

- *Partnership*. How can I intentionally extend an opportunity for collaboration without exploitation? What distinguishes a co-author from a consultant, contributor, or research participant? What existing accountability mechanisms and tools of research ethics exist for me to integrate into legal scholarship? Write this down and discuss it with your co-author.

By suggesting these questions, we hope for formally trained legal scholars to begin building *camaraderie*[119] with marginalized youth and repairing epistemic harm with practices that prioritize relationships and shared vision.[120] More than ever before, our legal systems need the boldness, creativity, and inclusiveness of youth movements to shift our democracy from one of "dysfunction and . . . discontent"[121] to one of possibility and promise. Youth movement leaders are pushing the bounds of legal knowledge, systems, and practitioners to realize new possibilities and promises. Legal scholars are left with a choice: Do we celebrate those efforts to speak truth to lies? Or do we let something try to kill them?[122]

[119] See López, supra note 6, at 1798.

[120] See Alexander, supra note 35, at 139 (encouraging scholars and practitioners to prioritize "relationships[] and collective visions"): see also López & Carter, supra note 6, at 38–39 ("As the above examples illustrate, the law is informed by narratives, and at times, racist narratives that were manufactured by academics. But through PLS, academics could co-create research and amplify non-dominant interpretations, in order to make the law more democratic.").

[121] Aziz Rana, How We Study the Constitution: Rethinking the *Insular Cases* and Modern American Empire, 130 Yale L.J.F. 312, 333 (2020) ("But in a sense, the present moment—marked by institutional dysfunction and popular discontent—speaks to the need for scholars to approach their work with far greater creativity than simply adding new cases at the margins.").

[122] See Clifton, supra note 50; López & Carter, supra note 6, at 13 ("Freedom is being able to think, to listen, to be critical of yourself and others without fear, to speak truth to lies. Freedom is the mind breaking free of limitations, both imposed by others and ones imposed by the self. Freedom is poetry, it's jazz, it's freestyle rap, it's being authentically you, it's loving unconditionally, and it's standing up against tyranny when death is a likely outcome.").