Abolition Economics

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ABOLITION ECONOMICS

Jessica Wolpaw Reyes* and René Reyes**

ABSTRACT

Over the past several decades, Law & Economics has established itself as one of the most well-known branches of interdisciplinary legal scholarship. The tools of L&E have been applied to a wide range of legal issues and have even been brought to bear on Critical Race Theory in an attempt to address some of CRT’s perceived shortcomings. This Article seeks to reverse this dynamic of influence by applying CRT and related critical perspectives to the field of economics. We call our approach Abolition Economics. By embracing the abolitionist ethos of “dismantle, change, and build,” we seek to break strict disciplinary habits of modelling and identification, destabilize value systems implicit in mainstream economics, model society more fully as made up of interconnected humans, and develop a richer and more realistic understanding of racialized economic inequality, hierarchy, and oppression. We argue that, contrary to accepted disciplinary conventions, such an endeavor does not introduce new (inappropriate) ideological content into (objective) economics; rather, this endeavor is necessary to fully reveal the ideological content already embedded in mainstream economics as it is currently practiced, and the consequences of that embedding in supporting the functioning of systems of racial capitalism and racial injustice. We believe that imagining the possibility of a different economics—an Abolition Economics—can be an act not only of resistance but, crucially, of freedom-making.

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INTRODUCTION

The influence of economic analysis on legal scholarship is longstanding, widespread, and well-known. Indeed, in the ninth iteration of a treatise that he first published more than fifty years ago, Richard Posner asserts that “[e]conomic analysis of law is the foremost interdisciplinary field of legal studies,” as demonstrated “by the number of journals devoted to the field, by the amount of encyclopedic coverage of it, and by the number of books . . . blanketing the field.” One of the reputed virtues of the Law & Economics (L&E) movement that has helped to build its influence is its purportedly neutral and scientific methodology. For example, economic analysis of law often focuses on the concept of efficiency—“an objective and scientific concept, [which] inoculat[es] L&E adherents against the tendency to substitute personal normative priors for cold-blooded logic.”

To be sure, L&E’s methodologies and claims of objectivity have long been subject to trenchant criticism. Commentators have described L&E’s focus on efficiency as “incoherent,” lamented that the movement is “sick and spreads sickness,” and argued that its supposedly objective approach is actually inherently subjective, “permit[ting] conservative jurists to make all-things-considered and ideologically laden value choices and then use L&E . . . to offer post hoc rationalizations for those choices.” Criticisms such as these have often been accompanied by declarations or predictions of L&E’s demise. Yet despite the frequency and forcefulness of critiques against L&E and neoliberal economics more broadly, the influence of

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8. Buchanan & Dorf, supra note 4, at 596.
9. See Bernstein, supra note 5, at 303-04.
economic analysis on law has endured.\textsuperscript{10} L&E continues to be applied to a broad range of legal issues,\textsuperscript{11} including areas in which its assumptions and methods might seem to be incongruously out of place. As a striking illustration, L&E has even been brought to bear on Critical Race Theory (CRT) in an effort to “cure some of the deficiencies” in CRT’s approach to analyzing racial diversity in the workplace.\textsuperscript{12}

This Article seeks to destabilize and reverse this dynamic of influence in several ways. Specifically, just as the tools of neoliberal economics have been applied to give rise to a distinctive approach to legal analysis, we endeavor to apply the tools of CRT and related Critical perspectives to give rise to a distinctive approach to economic analysis. We call this approach Abolition Economics. Our approach is abolitionist in at least two senses. First, it seeks to apply the abolitionist ethos of “dismantle, change, and build”\textsuperscript{13} to the discipline of economics itself. Rather than applying ostensibly “objective” methods, we employ unabashedly critical insights from CRT, stratification economics, and feminist economics to break strict disciplinary habits of modelling and identification, destabilize value systems implicit in economic analysis, and develop a more realistic understanding of racialized economic inequality and hierarchy. Second, our approach applies this rebuilt understanding to expose the role that mainstream economics plays in legitimizing and perpetuating racial capitalism, racial injustice, and interwoven systems of power and oppression. Exposing those contributions and exploring ways in which a rebuilt understanding of economics can combat them is an incremental but important step in the long-term abolitionist movement.

We pursue these goals in the following way. Part I begins by defining key terms such as “abolition” and “economics” as used in this Article, and by providing an overview of what the practice of Abolition Economics might look like. Part II turns to the process of revealing and dismantling the assumptions and methods of mainstream neoliberal economics. This Part pays particular attention to what we term the Mathematical Industrial Complex, or the use of mathematics and statistics to create, invisibilize, and

\textsuperscript{10} See Buchanan & Dorf, \textit{supra} note 4, at 602 (“[T]his particular orthodoxy has the remarkable ability to come out on the short end of virtually all such debates but somehow never to ‘lose’ in the sense of being jettisoned due to its flaws.”).

\textsuperscript{11} See Posner, \textit{supra} note 2, at xxii (explaining that his book applies economic analysis to “almost the entire legal system”).

\textsuperscript{12} Devon W. Carbado & Mitu Gulati, \textit{The Law and Economics of Critical Race Theory}, \textit{112 Yale L.J.} 1757, 1761 (2003). This is not to suggest that Carbado and Gulati are dismissive of the value and insights of CRT. To the contrary, the authors also apply CRT to address deficiencies in L&E, and use their analysis of workplace diversity to demonstrate the collaborative potential of the two schools of thought. See \textit{id.} at 1761–62.

\textsuperscript{13} See \textsc{Critical Resistance, How We Organize}, https://criticalresistance.org/how-we-organize/.
distort “facts” about economic problems, and to devalue and dehumanize people and their communities. Part III takes up the challenge of changing and building. This Part focuses on the importance of listening, seeing, and imagining—listening to the narratives of lived experience, seeing the realities of racism and racial capitalism, and imagining a radically different and more humane approach to economic analysis. Finally, the Article concludes with some tentative observations about the prospects of Abolition Economics as an intellectual movement and its relationship to the broader abolitionist struggle.

I. DEFINITIONS AND PRACTICES

The scholar-activist Ibram X. Kendi, an architect of antiracist theorizing and practice, begins his How To Be an Antiracist with definitions. He does this because “[d]efinitions anchor us in principles.”14 In laying out a vision for an Abolition Economics, we believe it is crucial that we follow this same discipline, that we be “tangible and exacting”15 in how we use words to say precisely what we mean. These definitions will in turn contribute to the “radical reorientation of our consciousness”16 that is an essential part of abolition movements.

A. Abolition

The first term to define is abolition itself. As Dorothy Roberts has observed, activists have resisted adopting a rigid understanding of abolition and have instead used the term to capture a range of goals and ideals.17 One such goal that has received particular emphasis in recent years is prison abolition—i.e., “the movement to abolish the prison industrial complex . . . [which] functions to oppress black people and other politically marginalized groups in order to maintain a racial capitalist regime.”18 But abolition undoubtedly encompasses broader goals as well. Ruth Wilson Gilmore emphasizes that “[a]bolition is a movement to end systemic

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14. IBRAM X. KENDI, HOW TO BE AN ANTIRACIST 17 (2019).
15. Id. at 18.
16. Id. at 23.
violence, including the interpersonal vulnerabilities and displacements that keep the system going. In other words, the goal is to change how we interact with each other and the planet by putting people before profits, welfare before warfare, and life over death.”

Perhaps more lyrically, Dylan Rodriguez describes abolition as “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.” These broader conceptions include efforts to abolish “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).”

Importantly, abolition in all of these forms is as much a positive endeavor of creation as it is a negative endeavor of destruction. For instance, Professor Roberts stresses that in the context of prison abolition, “eliminating current carceral practices must occur alongside creating a radically different society that has no need for them,” and calls on us to “imagine and build a more humane and democratic society that no longer relies on caging people to meet human needs and solve social problems.”

Professor Gilmore similarly maintains that “[a]bolition is about presence, not absence. It’s about building life-affirming institutions.” The abolitionist organization Critical Resistance embraces these constructive ideals in its “theory of change” framework that seeks to dismantle, change, and build. It is a vision that includes “build[ing] models today that can represent how we want to live in the future. It means developing practical strategies for taking small steps that move us toward making our dreams real and that lead us all to believe that things really could be different.”

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20. Rodriguez, supra note 18, at 1578. See also Roberts, supra note 17, at 6-7 (quoting Rodriguez’s account of abolition and observing that he describes it “lyrically”).
22. Id. at 43.
23. Id. at 7-8.
Thus, as used in this Article, abolition means a process of dismantling, changing, and building understandings of economics with a goal of abolishing systems of oppression, exploitation, and white supremacy with which mainstream economics is intertwined. However, before the process of destruction and reconstruction can commence, we must start with revelation. This is the stage of abolition to which we now turn: revealing economics as an intertwined ideology of neoliberalism, capitalism, globalism, and racism. We will once again begin with definitions.

B. Economics

In defining economics, we start with the definition offered by the American Economic Association (AEA), a self-described “non-profit, non-partisan, scholarly association dedicated to the discussion and publication of economics research.” The AEA explains:

Economics can be defined in a few different ways. It’s the study of scarcity, the study of how people use resources and respond to incentives, or the study of decision-making. It often involves topics like wealth and finance, but it’s not all about money. Economics is a broad discipline that helps us understand historical trends, interpret today’s headlines, and make predictions about the coming years.

This definition is very much in keeping with L&E’s claims to neutrality, objectivity and methodological rigor. But self-definitions can often be self-serving, and can obscure as much as they reveal. Moreover, the act of definition can be a central part of domination. It is therefore vital to probe more deeply into just what “economics” means as understood and utilized by its modern neoliberal adherents.

The importance of unpacking conventional definitions in this way has been powerfully demonstrated by Cheryl Harris. In Whiteness as Property, her classic article that helped shaped the CRT movement,
Professor Harris explains how the law defines key terms and concepts in ways that enshrine white power and privilege:

The law expresses the dominant conception of “rights,” “equality,” “property,” “neutrality,” and “power”: rights mean shields from interference; equality means formal equality; property means the settled expectations that are to be protected; neutrality means the existing distribution, which is natural; and, power is the mechanism for guarding all of this. These definitions serve and protect whiteness as a property interest—the core characteristic of which is “the legal legitimation of expectations of power and control that enshrine the status quo as a neutral baseline, while masking the maintenance of white privilege and domination.” Harris thus illustrates that definition is the skeleton, the foundation, on which racial inequality and racial exploitation rely. This process of imposing ostensibly neutral but functionally racist definitions, coupled with the simultaneous disavowal that anything unneutral or racist is actually happening at all, is crucial to maintaining a system that claims to be about possibility and freedom but is, in reality, about constraint and unfreedom. And all of the concepts that Harris identifies—rights, equality, property, neutrality, power—are not only central to law, but also to economics.

Thus, exposing and analyzing the way in which economics has defined these terms is central to the project of dismantling the neoliberal ideology that lies beneath the purportedly neutral science of economics. For just as CRT insists that the law is never neutral, Abolition Economics will insist that economics is never neutral, and that the existing distribution of resources and opportunities is planned, purposeful, and jealously guarded. And just as prison abolitionists aspire “to denaturalize the carceral state,” we will aspire to denaturalize the assumptions and methods of neoliberal economics. We pursue these goals by highlighting the central role of economics in the ideological project that maintains systems of power and oppression, including the prison industrial complex, capitalism, and social hierarchy. Doing so requires a closer look at historical definitions of economics as a discipline.

1. Historical Definitions

Economics is a social science. On that, economists would generally agree, even if what it means to be both social and science is somewhat

33. Harris, supra note 30, at 1778.
34. Id. at 1715.
35. Davis et al., supra note 24, at 8.
perplexing. Beyond that, definitions may diverge, and they have certainly evolved over time. At the beginning of his book *What’s Wrong with Economics?*, Robert Skidelsky presents a series of definitions that also effectively summarizes the historical development of the field:

Historically, there are two main definitions of the subject. The first makes it the study of wealth; the second the study of choice. The first dates from Adam Smith . . . Wealth is a means to comfort . . .

Alfred Marshall [wrote that] . . . economics was the science which studies the ‘material requisites of well-being.’ Money . . . was a means to an end. But he did not define ‘well-being’ . . .

Lionel Robbins . . . defined economics as the science which ‘studies human behaviour as a relationship between ends and scarce means which have alternative uses . . . Robbins made scarcity the central, and indeed only, topic of economics . . . [I]t was not the materiality but the scarcity of goods which made them economic.\(^{36}\)

Starting with a concise history of the subject is important because it helps us understand that economics is not and never has been a fixed science: while it may aspire to be like physics (subject to “physics envy”\(^{37}\)), economics will never be in a position to uncover fundamental laws of nature. Acknowledging this accomplishes two important tasks for us. First, it makes the definition of economics a topic worthy of discussion rather than a settled fact to be taken for granted. Second, it opens up the possibility that other “economicses” beyond the mainstream one might be imagined. We address each of these in the next two subsections.

2. The Contemporary Mainstream Definition

As noted above, the AEA defines economics as “the study of scarcity, the study of how people use resources and respond to incentives, or the study of decision-making.”\(^{38}\) While this definition is clear in some ways, it is opaque in others. It hides, for example, the axioms to which, according to the scholars Christian Arnsparger and Yanis Varoufakis, neoclassical (mainstream) economics adheres: methodological individualism,


\(^{37}\) See id. at 50; Tushnet, * supra* note 3; Horwitz, * supra* note 3.

Methodological optimization, and methodological equilibration. Methodological individualism is the “idea that socio-economic explanation must be sought at the level of the individual agent.” Individual behavior is the fundamental locus of action, and it is gathered up into a societal outcome in a mechanistic additive manner. Methodological optimization further asserts that individual behavior is “preference-driven,” “a means for maximizing preferential satisfaction.” These individuals optimize something—their preferences—and even if these preferences may be endogenous or complex, “homo economicus is still exclusively motivated by a fierce means-ends instrumentalism.” Lastly, methodological equilibration closes the model by requiring that “agents’ instrumental behavior is coordinated in such a manner that aggregate behavior becomes sufficiently regular to give rise to solid predictions.” This is a decidedly circular argument: by first assuming behavior hovers around an equilibrium, economists then show that it will stay there. It says little about whether or how equilibrium will be reached in the first place. In total, these three axioms make for an unrealistic, incoherent, and fiercely defended neoclassical economics.

We will not engage here in a comprehensive philosophical consideration of economics; for now, it suffices to say that there is an extensive literature considering and critiquing the claimed naturalness, rationality, and objectivity of economic thought and practice. The core problem can be shown by noting economics’ failure to be either logically coherent or practically correct: it is both incoherent and wrong. For example, the First Fundamental Welfare Theorem essentially says that market competition will lead to an efficient (read: good) societal outcome: “Greed became the power which wills evil, but does good.” This is Adam Smith’s “invisible hand,” which is both a key article of faith for economists and an inexplicable logical leap in the original text. To be clear: it is not, as claimed, logically coherent or empirically accurate.

40. Id. at 15.
41. Id. at 16.
42. Id. at 17. For further discussion of homo economicus (“economic man”), see infra Section II.C.
43. Id. at 18.
45. SKIDELSKY, supra note 36, at 27.
46. ADAM SMITH, THE THEORY OF MORAL SENTIMENTS 215 (Knud Haakonsen, ed., 2002). Smith elaborates:

The rich only select from the heap what is most precious and agreeable. They consume little more than the poor, and in spite of their natural selfishness and rapacity, though they mean only their own conveniency, though the sole end
Economics is thus a science built of models that follow the three axioms above: methodological individualism, optimization, and equilibration. Economics textbooks start with prescriptive chapters of principles and instructions for how to “think like an economist,” i.e., according to these axioms. This way of thinking centers individuals, rationality, and choice under conditions of scarcity, and invisibilizes power, hierarchy, and society. Individuals are understood as consumers who seek to maximize their happiness (utility) subject to limited means (budget constraint). These individuals also appear in two roles on the production side of the economy: as workers or capitalists. As workers, individuals are no more human than they are as consumers: the model of labor supply is a simple adaptation of the model of utility maximization. As owners of capital, individuals are even less human: the firm is understood to be making a production decision to make the most profit (rewritten as minimizing cost subject to a production technology). Thus, the guiding optimization problems are:

\[
\text{Consumer: } \max U(X, Y) \\
\text{s.t. } P_x X + P_y Y = I
\]

\[
\text{Producer: } \min \text{ Total Cost } = w L + v K \\
\text{s.t. } q^* = F(L, K)
\]

Note that the individual working-class person appears twice in these models: as the consumer maximizing their own utility and as the labor which is an input into production. This is important. Labor, \(L\), is treated no differently than capital, \(K\). But capital is physical machinery: the things that are required to make stuff. Labor, on the other hand, is people: the humans who do the making. But economists, the production function, and the owner of the firm (the capitalist) treat them the same. Moreover, economists and students of economics do not pay attention to the fact that they do this. It is presented as completely reasonable and not even worthy of notice, and yet it is a key moment in the commodification of humans, the transformation of human people into labor who sell their labor power

which they propose from the labours of all the thousands whom they employ, be the gratification of their own vain and insatiable desires, they divide with the poor the produce of all their improvements. They are led by an invisible hand to make nearly the same distribution of the necessaries of life, which would have been made, had the earth been divided into equal portions among all its inhabitants, and thus without intending it, without knowing it, advance the interest of the society, and afford means to the multiplication of the species . . . . In ease of body and peace of mind, all the different ranks of life are nearly upon a level, and the beggar, who suns himself by the side of the highway, possesses that security which kings are fighting for.

*Id.* at 215-16.
to the capitalist.47 This is, in our view, a violent dehumanizing moment in economics education that is not understood as such by those who do it, be they economists teaching this or students learning it.

What about the capitalist? The capitalist is in the shadows in these models. They are not the capital. They are the owner of the firm who magically does the profit maximization. So labor is labor: the laborer is not thought of as owning something of value, but as being a thing of value.48 Capital, on the other hand, is owned by the capitalist, and we generally do not spend time thinking about how he came to own that capital. Power is explicitly absent, but somehow only one set of people is “thingified.”

The next step in building the economic model is to put the consuming side and the producing side together: one is demand, the other supply, and they trade commodities. Economists put this into a helpful supply/demand graph, another of the discipline’s primary contributions to knowledge:

47. Karl Marx’s theory of labor and labor power is both complex and central to Marxist Economics; it is also largely beyond the scope of the current Article. An insightful exposition can be found in David Harvey, A Companion to Marx’s Capital (2018): “So how then can the labor process, as a universal condition of possibility of human existence, be characterized? Marx distinguishes three distinctive elements: ‘purposeful activity, that is work itself . . . the object on which that work is performed, and the instruments of that work.’” 118-19 (quoting Karl Marx, Capital 284). Harvey further argues that this is where Marx “sets up the idea of a dialectic between technologies and social relations which will be significant.” Id. See also Karl Marx, Capital 186 (“In order to be able to extract value from the consumption of a commodity, [the capitalist] must be so lucky as to find, within the sphere of circulation, in the market, a commodity, whose use value possesses the peculiar property of being a source of value, whose actual consumption, therefore, is itself an embodiment of labour, and consequently, a creation of value. The possessor of money does find on the market such a special commodity in capacity for labour or labour power.”)

48. This, of course, parallels U.S. law’s treatment of enslaved Black people and their descendants prior to the adoption of the 14th Amendment. See, e.g., René Reyes, Religious Liberty, Racial Justice, and Discriminatory Impacts: Why the Equal Protection Clause Should be Applied at Least as Strictly as the Free Exercise Clause, 55 Ind. L. Rev. 275, 298 (2022) (“Indeed, Dred Scott v. Sandford made clear that enslaved Black people were not ‘persons’ whose liberty or property could not be taken from them; rather, they were property that could not be taken from white slaveowners.”). Marx wrote extensively about how he conceived the relationship between slavery and wage labor. See Harvey, supra note 47, at 129 (“Slavery becomes more brutal under the competitive lash of market integrations into capitalism, while, conversely, slavery exerts strong negative pressures on both wages and conditions of work.”). At the same time, however, Black Marxist theorists mount compelling critiques of Marx’s inattention to race, racism, and slavery. See Cedric J. Robinson, Black Marxism: The Making of the Black Radical Tradition 2 (3d ed. 2020) (“Marxism is a Western construction—a conceptualization of human affairs and historical development that is emergent from the historical experiences of European peoples mediated, in turn, through their civilization, their social orders, and their cultures.”). According to Robinson, this includes “racialism: the legitimation and corroboration of social organization as natural by reference to the ‘racial’ components of its elements.” Id.
An economist’s first strategy in figuring something out is to try to model it, and the first model to try is usually supply and demand. Hammer, nail.

Economics is built from these basic parts. Individuals seek to maximize their own well-being, firms seek to maximize their profit, and, “led by an invisible hand,” society arrives at a fair distribution of material goods. As Smith writes in his *Theory of Moral Sentiments*, “[i]n ease of body and peace of mind, all the different ranks of life are nearly upon a level, and the beggar, who suns himself by the side of the highway, possesses that security which kings are fighting for.”

It is clear, however, that there are some other parts implicitly built into the above. Most importantly, capitalism:

Capitalism is an economic system in which employers, using privately owned capital goods, hire wage labor to produce commodities for the purpose of making a profit.

Upon reflection, it appears that this definition of capitalism is merely a restatement of the central economic models described above, with the exception that the “consumer” is absent. At the same time, a definition of capitalism is almost never included in an introduction to economics textbook. Indeed, it is taken for granted to such a degree that many of the leading mainstream economics textbooks do not so much as include a single entry for capitalism anywhere in the index.

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49. Smith, supra note 46, at 215.
50. Id. at 216.
Where does that leave us? It seems that capitalism is economics and economics is capitalism. The definition also contains other key elements: private ownership of capital, hiring of wage labor, and the production of commodities. Crucially, the purpose of the entire system is made clear: profit. Not welfare, not human thriving, but profit. It is no wonder then, that economists would rather not have this be their definition.

3. Radical Definitions

Radical takes on economics generally start with acknowledgement that economics is not mere science, that it is capitalism as just explained, and that it involves substantial ideological work. From this perspective, capitalism is understood to be a hierarchical class system of power in which capitalists hire wage laborers to produce commodities. Moreover, this system is a racialized one. As Cedric Robinson writes, “[c]apitalism and racism were historical concomitants. As the executors of an expansionist world system, capitalists required racism in order to police and rationalize the exploitation of workers.” 53 Ruth Wilson Gilmore states it similarly and succinctly: “[C]apitalism requires inequality, and racism enshrines it.” 54 In other words, all capitalism is racial capitalism.

When we live within a system that demotes race to an individual, not systemic, consideration, this idea of the essential racism of capitalism can be difficult to grasp. As Destin Jenkins and Justin Leroy write in introducing their Histories of Racial Capitalism:

Racial capitalism is not one of capitalism’s varieties. It does not stand alongside merchant, industrial, and financial as a permutation, phase, or stage in the history of capitalism writ large. Rather, from the beginnings of the Atlantic slave trade and the colonization of the Americas onward, all capitalism, in material profitability and ideological coherence, is constitutive of racial capitalism. 55

[R]acial capitalism is the process by which the key dynamics of capitalism—accumulation/dispossession, credit/debt, production/surplus, capitalist/worker, developed/

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underdeveloped, contract/coercion, and others—become articulated through race.\textsuperscript{56}

Thus, “racial capitalism [is] the idea that capitalism cannot be understood outside of a relationship to power and race.”\textsuperscript{57}

In order to visibilize these “interlocking systems of domination that define our reality,” bell hooks terms this “white supremacist capitalist patriarchy.”\textsuperscript{58} Joining hooks, we aim to visibilize capitalist (ideo)logics\textsuperscript{59} destabilize assumed understandings, and catalyze creative and critical reconsideration. In the economist’s disciplinary language, this Article engages with the binding of our self-imposed disciplinary constraints. Economists have chosen these constraints so completely that, as a discipline, economics does not even talk about them as such. They are, as sociologists describe how white Americans experience their white privilege in a racialized society, “like water to a fish . . . so natural that they are taken for granted, experienced as wholly legitimate.”\textsuperscript{60}

These choices economists have made about what they do and how they do it are rarely subject to debate, and yet they are what we could call “strong assumptions,” shaping everything that comes after: mathematics, constrained maximization, individuals at the center, rational decision-making, value-free comparison, initial allocations of resources, individual choice, and agency. In addition to seeing and naming racial capitalism, radical economists bring all of this out into the open.

Myra Strober reflects on the puzzle of economists’ narrow self-conception:

Scarcity, selfishness, and competition are each half of a dichotomy: scarcity/abundance; selfishness/altruism and competition/cooperation. What economic theory has done is largely to relegate the other half of the dichotomy to a place outside of economic analysis. That is, economics is almost always about scarcity, selfishness, and competition, but rarely about abundance, altruism, or cooperation.\textsuperscript{61}

\textsuperscript{56} Id. at 3.
\textsuperscript{57} Davis et al., supra note 24, at 55.
\textsuperscript{59} By using the term “capitalist ideologics,” we mean to describe the ways of thinking that shape logic within our capitalist system; these ways of thinking are to be understood as ideas, ideologies, and ideologics rather than merely simple “logic.”
\textsuperscript{61} Myra H. Strober, Rethinking Economics Through a Feminist Lens, 84 Am. Econ. Rev. 143, 145 (1994).
In defiance of this hegemonic methodological uniformity, some scholars have proposed alternative approaches with transformative potential. William Darity, Jr., a founding thinker of *Stratification Economics*, writes that the approach he embraces “examines the structural and intentional processes generating hierarchy and, correspondingly, income and wealth inequality between ascriptively distinguished groups.”62 In doing so, it “constitutes a systematic and empirically grounded—rather than anecdotally grounded—alternative to the conventional wisdom on intergroup disparity.”63 This idea that stratification economics is empirically grounded gestures towards the very real possibility that mainstream economics is not itself grounded in fact, that it may even be presenting a counterfactual narrative—i.e., one counter to the facts, particularly in the realms of race, racism, discrimination, and hierarchy. Narrative and the idea that facts are created, not merely measured, are both central to CRT; they will be core to Abolition Economics as well.64

The feminist economist Julie Nelson writes that *Feminist Economics* recognizes that “various value-laden and partial—and, in particular, masculine-gendered—perspectives on subject, model, method, and pedagogy have heretofore been mistakenly perceived as value free and impartial in economics.”65 By examining structural processes not as aggregates of individual actions but as fundamentally structural, by building our theories on facts rather than anecdotes, and by interrogating the implicit values in our disciplinary practices, radical economists argue that the modeling of society can become more in line with reality. These scholarly communities assert that explicitly recognizing implicit choices and deliberately seeing unseen constraints will make a better economics. Put bluntly, facing reality is a necessary prerequisite for understanding reality. Economics has the potential to be both coherent and correct.

As the sociologists Tukufu Zuberi and Eduardo Bonilla-Silva argue, “‘White logic’ and ‘White methods’ . . . blind (or severely limit) many social scientists from truly appreciating the significance of ‘race’ (or, properly speaking, racial stratification).”66 The choice of a limited set of analytical and mathematical methods—individual constrained maximization as the core theoretical workhorse and causal regression as the core empirical workhorse—is limiting. Areas of behavior, identity, and

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63. Id.
64. See infra Part III.A.
welfare are defined out of economics and economic policy: they are lesser, softer, not the core functions of the economy or government. But as Strober reminds us, "by concentrating on scarcity, selfishness, and competition, economics makes it more difficult to redistribute power and economic well-being." Abolition scholars argue that this is no accident. Rather, it is the point. The purpose of the system is, after all, profit.

By expanding economic thinking to incorporate critical, pluralist, and radical perspectives, including but not limited to Stratification, Feminist, or Marxist Economics, we hope to contribute to building an economics—as well as a Law & Economics—that can enable societal systems in which human thriving is not only possible, but is the goal. Economists on the whole choose to accept Adam Smith’s (and economics’) assertion that “the rich . . . in spite of their natural selfishness and rapacity . . . without intending it, without knowing it, advance the interest of the society.” We choose differently. We assert instead that such a claim is weak and inexplicable: to get somewhere “good” we must shed the bizarre assertion that bad produces good. This is one of the aims of Abolition Economics.

C. Abolition Economics as Praxis

In engaging in critical reflection on central methods and assumptions of mainstream economics, we endeavor to open questions and areas for reconsideration. In so doing, we want to declare unabashedly that we are making a specific scholarly and ideological argument. This stands in contrast to the way in which economists traditionally understand and describe their work—i.e., as a non-ideological quest for the “truth” guided by the methods of “social science.” Yet we maintain that mainstream economics is not an objective fact-finding mission, but rather a neoliberal ideological endeavor. There is no sharp line between positive and normative economics; what claims to be positive economics is infused with neoliberal assumptions and implicit values that serve the status quo capitalist systems and hierarchies. In this way, the argument of Abolition Economics is, at the outset and by definition, rendered unintelligible and illegitimate by the system of economics.

We therefore understand our deviation from disciplinary norms to be not our engagement in ideological work, but rather our engagement in counter-hegemonic ideological work. Scholars invariably engage in ideological work, and a primary element of that work is the denial of it. We argue that economics’ claim to objectivity is itself incorrect, unethical, and ideological. It is incorrect because it systematically posits facts that do

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67. Strober, supra note 61, at 145.
68. SMITH, supra note 46, at 215.
not match the actual facts, and unethical because the facts that it hides are those of inequality, oppression, and suffering.

The rest of this Article engages in Abolition Economics by considering (and reconsidering) various aspects of the economist’s endeavor: subjective statistics, constrained math, devaluation via invisibility, focus on individual causal links, dehumanized humans, atomizing characteristics, reductive language, disregarding hierarchy, and aspiring to equilibrium. This is our praxis of Abolition Economics: seeing how we do economics, dismantling it, changing it, and starting to build a new way.

II. DISMANTLE AND CHANGE

A. The Mathematical Industrial Complex

1. Subjective Statistics

The discipline of economics employs the languages of mathematics, statistics, and econometrics. This is a linguistic and methodological choice. To understand its significance, consider the sociologist Tukufu Zuberi’s definitions:

*Mathematics* is a system of statements that are accepted as true. Mathematical statements follow one another in a definite order according to certain principles and are accompanied by proofs . . . .

*Statistics* is a form of applied mathematics. Often statistics are no more than the axioms applied, and they do not suggest the conditions of the correct applicability of the methods in the real world. Particular statistical methods’ applicability to social problems is determined by the users of social statistics.69

Further, we can note that *Econometrics* is understood as statistics applied and adapted to economic inquiry with a central focus on establishing causality both precisely and accurately.70 Practically, what this means for economists is that they use econometric methodologies that they agree upon as valid, such agreement having been arrived at via consensus-building over time. And yet economists tend to disavow that process of building consensus, instead relying on a mathematical/scientific rigor justification to validate their methods: they are “correct.” By denying the role of consensus-building and norms in designing, structuring, and validating their methods,

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economists make it very difficult to question their own fundamental assumptions. Given that, as Zuberi argues, “current statistical methods were developed as part of the eugenics movement and continue to reflect the racist ideologies that gave rise to them,”71 this is deeply problematic.

Economists have a long tradition of following what Dorothy Roberts describes as the “imperative for scientists to detach their study of biological race from societal racism” in order to erect an “imaginary wall . . . separating racial science from racial politics.”72 In 1896, the statistician Frederick Hoffman prefaced his Race Traits and Tendencies of the American Negro (published by the AEA) as follows:

Being of foreign birth, a German, I was fortunately free from a personal bias which might have made an impartial treatment of the subject difficult. By making exclusive use of the statistical method and giving in every instance a concise tabular statement of the facts, I believe that I have made it entirely possible for my readers to arrive at their own conclusions, irrespective of the deductions I have made.73

This assertion of factual truth, while bold, is substantively not so different from the claims of most modern empirical economics papers: to use statistical and econometric methods to understand the facts and allow readers to “arrive at their own conclusions.” Hoffman’s analysis, thus begun, concludes 300 pages later as follows:

Nothing is more clearly shown from this investigation than that the southern black man at the time of emancipation was healthy in body and cheerful in mind . . .

What are the conditions thirty years later? The pages of this work give but one answer, an answer which is a most severe condemnation of modern attempts of superior races to lift inferior races to their own elevated position, an answer so full of meaning that it would seem criminal indifference on the part of a civilized people to ignore it . . .

It is not in the conditions of life, but in race and heredity that we find the explanation of the fact to be observed in all parts of the

71. WHITE LOGIC, WHITE METHODS, supra note 30, at 8.
73. FREDERICK L. HOFFMAN, RACE TRAITS AND TENDENCIES OF THE AMERICAN NEGRO v (1896).
globe, in all times and among all peoples, namely, the superiority
of one race over another, and of the Aryan race over all.74

So how did Hoffman go wrong, and why should we care? Is his merely an
errant voice of the past? We do know that, as part of the methodological
history of social science, Hoffman is not alone: founding statisticians and
creators of social facts consistently designed and deployed standard
statistical methods to justify (and render invisible) white supremacy.75
These same statistical methods are among the most well-used 'tools' that
economics brings to the law and economics collaboration; legal argument
requires fact, and economists claim and are granted authority over what
qualifies as quantitative fact.

While economists may vigorously deny involvement in justifying
white supremacy, it is at least worth entertaining skepticism of methods
with such a pedigree, and perhaps worthwhile to interrogate them closely.
In 1897, the mathematician and sociologist Kelly Miller promptly rebutted
Hoffman’s book, specifically taking aim at Hoffman’s claim of impartiality:

[F]reedom from conscious personal bias does not relieve the
author from the imputation of partiality to his own opinions
beyond the warrant of the facts which he has presented. Indeed,
it would seem that his conclusion was reached from a priori
considerations and that facts have been collected in order to
justify it.76

Over a century on, Miller’s critique remains important to the discipline of
economics and the collaborative endeavor of law and economics which
relies on it. As the authors of The Hidden Rules of Race explain,
“neoliberalism is a belief system and economic theory that was both fueled
by and reinforces structural racism and racial rules.”77 We must reckon with
the ways in which implicit ideological frameworks create an economics
and a set of social facts that serve entrenched power systems. In bringing
CRT to Law and Economics, we are endeavoring to uncover its capitalist
and carceral ideologics. The act of quantifying, then, and quantifying in
this particular way, is to be understood as a violent distortion and
subjugation of a complex human reality. For example, the law routinely

74. Id. at 311-12.
75. See Adam Markham, U.S. Universities Must Stop Honoring Racist Scientists of the Past,
EQUATION (July 14, 2020), https://blog.ucusa.org/adam-markham/u-s-universities-
must-stop-honoring-racist-scientists-of-the-past/.
76. Kelly Miller, A Review of Hoffman’s Race Traits and Tendencies of the American Negro,
77. ANDREA FLYNN, SUSAN R. HOLMBERG, DORIAN T. WARREN, & FELICIA J. WONG,
THE HIDDEN RULES OF RACE: BARRIERS TO AN INCLUSIVE ECONOMY 5 (2017).
purports to be able to measure the “value” of a human life as the net present value of a person’s market earnings. Yet if market earnings are determined within the system of racial patriarchal capitalism, then values thus derived will reproduce that system’s racist, misogynist, exploitative valuation framework. In this way, the devaluation of humans is accomplished not only by the actual systems of the economy and the law but by the ideological systems of economics and law. Subjective statistics create, rather than measure, facts.

2. Constrained Math

Turning to economists’ use of math in economic theory, the structure imposed there is somewhat more explicit. Economists acknowledge this is unrealistic, but typically argue that it remains useful in elucidating underlying dynamics; this is the refrain of the intermediate microeconomics professor. Economists craft “toy models” and employ them to provide important insights, while more fully developed models form the backbones of important literatures. For example, economists employ a health capital function to model how early childhood influences such as environment, health, family, and schooling shape a person’s later life outcomes. Just as a firm invests in physical capital and reaps financial returns, the parent and the individual “invest” in the person’s “health capital”, and then the individual reaps “returns.” The stock of health capital evolves from one period to the next, as investments bear fruit and disinvestments or illness impose costs. Economists show the remarkable flexibility and range of these models in providing insight into dynamic lifecycle processes that link early conditions with later health and life outcomes.

Do economists really think everything significant in life moves through that dynamic health capital equation? No, of course not; the authors themselves do not assert such an expansive purview. But economists do usually claim to be getting at something fundamental, asserting the strength of the analytical causal economic model—individual


maximization under constraints—in revealing essential dynamics of how people’s lives evolve over time. This is how methodological individualism and optimization operate in practice.

At the same time, economists know that that is not all that matters, so discussions of hard-to-measure quantities like motivation and ability and altruism are incorporated—for completeness, in deference to reality, or in an effort to handle selection problems—but after the primary analysis, to extend it and to provide context. Isn’t there a possibility for structured qualitative analysis? Economics essentially says no, there is not, that is an oxymoron: structure = math. Moreover, despite the extensive dialogue and robustness testing involved in the dissemination and peer review of economics research, the literature rarely engages meaningfully with the legitimacy of modeling practices that shape or distort our “economic” understanding of social concepts: conceptualizing “health capital” and using mathematical tools (differential equations and investment theory) to model its evolution over time81; formalizing a “marriage market” and discussing “quality” and “efficiency” of marriage “matches”82; or defining “poverty” as market income below a particular threshold and using the resultant numerical knowledge to shape policy intended to alleviate human suffering.83 Mathematical analysis is understood to be strong economic analysis, notwithstanding its dependence on questionable assumptions or a severe mismatch between the mathematical model and the reality it purports to model.

3. The Mathematical Industrial Complex

Thus, we see that the math of economics is not just subjective and not merely constrained, but rather oriented with a specific positionality and worldview, and constrained and structured in a particular way to do particular things. As abolitionists, we put forward the idea that this should be understood as the Mathematical Industrial Complex (MIC). What do we mean by the MIC? First, consider the definition Critical Resistance provides for the Prison Industrial Complex (PIC):

The prison industrial complex (PIC) is 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.

81. See, e.g., Grossman, supra note 79.
82. See, e.g., Betsey Stevenson & Justin Wolfers, Marriage and Divorce: Changes and Their Driving Forces, 21 J. ECON. PERSPS. 27 (2007).
Through its reach and impact, the PIC helps and maintains the authority of people who get their power through racial, economic and other privileges.84

We define the MIC analogously:

The mathematical industrial complex (MIC) is a term we use to describe the way mathematics and statistics employ definition, quantification, and “equationification” to invisibilize, constrain, distort, and create “facts” about economic, social, and political problems.

These creations and distortions provide a shield of legitimacy, via explanation and justification, for authority that is actually derived illegitimately through the power dynamics and privilege structures of racial patriarchal capitalism.

The MIC serves core functions for economics, neoliberal ideologics, and racial patriarchal capitalism. Most importantly, radical and disruptive thought is rendered as illegitimate and incoherent, silenced before it can even speak.85 Instead of allowing those oppressed by the system to be heard, the MIC “math-splains” over them to shape our collective understanding and reality. Hoffman’s freedom from “personal bias” in arriving at the conclusion of the “superiority of one race over another, and of the Aryan race over all” is to be understood as part of the MIC.86 A claim that intelligence can be measured by something called an “intelligence quotient”87 (IQ) and that white people are more intelligent88 is part of the MIC. The assertion that production decisions are properly modeled as constrained cost minimization, and consequently workers are paid their marginal product, which is what they are worth, and they are
not exploited, is part of the MIC.\textsuperscript{89} If the MIC gets to say how we think and what is fact, then the battle is lost before it starts. We now turn our attention to exploring this operation of the MIC in more detail to understand the ways in which it shapes what we can and cannot see, and what we make of what we do see.

B. What Matters

1. Efficiency Is Everything

Economics centers efficiency as a worthy goal, indeed the primary goal, of an economy. The prominence of efficiency in mainstream economics in general and in L&E in particular has been extensively criticized elsewhere in the legal academic literature.\textsuperscript{90} Recently, for example, Neil Buchanan and Michael Dorf have argued that “efficiency-based analyses are frequently in practice used for ethically repugnant ends,”\textsuperscript{91} and that “neoclassical efficiency analysis does not deserve the glow of supposed objectivity that it has long enjoyed.”\textsuperscript{92} We need not revisit this line of criticism at length, and will merely add a few observations to connect the problems with efficiency to our abolitionist argument.

From an abolitionist perspective, the problem with efficiency is that it is racist. How and why is this so? Efficiency, the idea that society is “getting the most” from its resources, is implemented by testing for the absence of what are called Pareto improvements, trades in which one person can be made better off without making another person worse off. If no such trades are available, a situation is Pareto efficient. In this way, Pareto efficiency defers to the status quo distribution.

Employing Ibram X. Kendi’s definition of racism as “a marriage of racist policies and racist ideas that produces and normalizes racial inequities,”\textsuperscript{93} we can see that Pareto efficiency is racist in at least two ways. First, Pareto efficiency is racist in a static way because the status quo distribution to which it defers is racially inequitable. The reasons for the racial inequity do not matter: deferring to it is racist, full stop. Second, Pareto efficiency is racist in a dynamic way because the processes of allocation and redistribution it deems legitimate are racially inequitable. Here, the reasons for the inequity do matter: primitive accumulation,

\textsuperscript{89} See, e.g., Jeffrey M. Perloff, Microeconomics: Theory and Applications with Calculus 534 (5th ed. 2020).
\textsuperscript{90} See, e.g., Buchanan & Dorf, supra note 4, at 599–620; Kennedy, supra note 6; Jules L. Coleman, Efficiency, Utility, and Wealth Maximization, 8 Hofstra L. Rev. 509 (1980).
\textsuperscript{91} Buchanan & Dorf, supra note 4, at 601.
\textsuperscript{92} Id.
\textsuperscript{93} Kendi, supra note 14, at 17-18.
colonialism, imperialism, slavery, theft, violence (the operations of racial capitalism) are deemed legitimate. In this world, the innocent white applicant’s claim to a coveted admissions spot is legitimate, the Black applicant’s antiracist affirmative action claim is illegitimate, and the outcome is understood as fair and neutral while the racial inequity persists.

The claim that Pareto efficiency is “not racist” rests on the false assertion that democracy + capitalism = meritocracy: we start at a neutral baseline, the means of distribution are legitimate, and consequently the resulting distribution is “earned.” Not only is it then impossible to achieve either equity or justice, but it appears as if efficiency is justice. While this is successful ideological work, it does not on its own achieve the creation of a world and a worldview that renders capitalism and its consequences fully natural. To accomplish that important goal, empirical work creating a set of facts is also necessary. We now turn our attention to this work.

2. What Is Counted Counts

As a discipline fully enmeshed with the MIC, economists focus on things that can be measured, and hopefully measured consistently, precisely, and accurately. Practically, this means that things that cannot be measured are frequently considered either not amenable to economic analysis or (conveniently) not worthy of economists’ attention. Further, it means that strategic institutional non-measurement—omission from official statistics, grouping to the point of invisibility—can function as methodological gerrymandering that enables the invisibility (and thereby the continued oppression) of disadvantaged groups.

One classic example of intentional invisibility is the dearth of reliable measures of firearms in the United States, the result of lobbying by the National Rifle Association (NRA). Such absence hinders research showing

94. FLYNN ET AL., supra note 77.
95. See Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll., 600 U.S. 181, 385 (2023) (Jackson, J., dissenting) (rejecting majority’s conclusion that consideration of race in undergraduate admissions violates the Equal Protection Clause and arguing that the U.S. “has never been colorblind. Given the lengthy history of state-sponsored race-based preferences in America, to say that anyone is now victimized if a college considers whether that legacy of discrimination has unequally advantaged its applicants fails to acknowledge the well-documented ‘intergenerational transmission of inequality’ that still plagues our citizenry.”); Regents of the Univ. of Cal. v. Bakke, 438 U.S. 265, 298 (Powell, J., plurality opinion) (arguing that practice of reserving 10 seats out of a class of 100 students creates “a measure of inequity in forcing innocent [white] persons . . . to bear the burdens of redressing grievances not of their making.”); Harris, supra note 30, at 1769-73 (discussing and critiquing Bakke).
that firearms may cause deaths, and requires clever strategies such as the economist Mark Duggan’s use of gun magazine subscriptions as a proxy to show “more guns, more crime”97 rather than “more guns, less crime.”98 The NRA is clearly an institution pursuing a particular agenda,99 and in this case economists acknowledged that and endeavored to work around it. And yet economists do not engage in this sort of revelatory analysis (the economist version of investigative journalism) in every direction, but only in those that are of interest to them and for which strategies for quantification and the identification of a causal pathway can be crafted. Consequently, the insights are likely to stay comfortably within the bounds of the MIC.

3. The System Cannot be Seen from Within

This intentional framing, which accomplishes both focus and exclusion, works especially well in hiding important societal institutions and systems in plain sight. A core insight of CRT is the ubiquity of racial inequality and its perpetuation through facially race-neutral legal structures throughout American life.100 The institution of white supremacy, and its deep integration with societal institutions such as municipal organizations, education systems, the criminal legal system, and other organs of government, along with the institution of racial capitalism, the system of patriarchy—all of these are woven into the fabric of society, yet they are not amenable to economic analysis. They are too big, too enmeshed, too everywhere.101 The MIC, thereby, keeps these systems safe, protected, and invisible in the quantitative ways that are deemed to matter. They are safe to keep making people unsafe.

Another canonical example can help us understand how the MIC accomplishes this important work. The minimum wage is one of the first applied examples to feature prominently in Principles of Economics courses. The short version according to the textbooks: by setting a wage that is higher than the ‘equilibrium’ wage that would arise in a ‘competitive labor market,’ a minimum wage causes unemployment and overall hurts those on the laboring side of the labor market, the people it intends to help.102 This is one of the first opportunities new economics students have to practice using supply and demand theory on a practical question, and the result is simple

99. See A Brief History of the NRA, Nat’l Rifle Ass’n, https://home.nra.org/about-the-nra/ (last visited Oct. 30, 2023) (asserting that the NRA is “widely recognized today as a major political force and as America’s foremost defender of Second Amendment rights”).
100. See, e.g., Khaira M. Bridges, Critical Race Theory: A Primer 147–55 (2019); Critical Race Theory: The Key Writings, supra note 32, at xiii, xxxii.
101. See Reyes, supra note 48, at 301 (arguing that the Supreme Court’s Equal Protection jurisprudence suggests that “racial inequality is too big to fail”).
102. See Mankiw, supra note 52; Hill & Myatt, supra note 44.
and clear: markets good, government bad. If you talk to a college student who recently took a Principles of Economics course, we believe it is likely this minimum wage insight will be a memorable milestone.

There are, however, a number of problems with this. First off, in the real world, the model is wrong. Economists have substantial disagreement on the consequences of minimum wage regulations, including their quantitative, qualitative, contextual, and distributional effects. It is by no means clear that minimum wages are “bad.” Moreover, the story is historically whitewashed. The federal minimum wage was established as part of the New Deal, aimed at providing basic protections to workers and thereby improving individual well-being. The definition of this as a “minimum” wage implies that it is indeed the minimum, that this is the least people should be paid, that it is the least people will legally be paid, and that people will not regularly be receiving wages below this. However, we know that this minimum was hardly universal. Domestic, agricultural, and service occupations were exempted, exclusions that unsurprisingly and effectively harmed women and minorities disproportionately. As a consequence, 30% of women earned below this “minimum” wage in 1940, after the protections had taken effect.


104. The hegemonic narrative of American history is that the New Deal provided broad social welfare programs to all Americans, thereby contributing to lifting individuals, communities, and the country out of the Great Depression. See, e.g., COLLEGE BOARD, ADVANCED PLACEMENT PROGRAM, Advanced Placement U.S. History Course and Exam Description 352 (2023), https://apcentral.collegeboard.org/courses/ap-united-states-history. However, this narrative is incomplete in some ways and incorrect in others. See FLYNN ET AL., supra note 77, at 23 (“In the 1930s and 1940s, many of the social and economic advances of Franklin Roosevelt’s New Deal rules – which aimed to provide worker protections and organizing rights, job creation, wage increases, and ultimately education and homeownership to middle-income Americans – were expressly not part of the social contract offered to blacks. And these exclusions were nationwide, not just southern: African Americans, other people of color, and women were functionally excluded from the initial Social Security Act, critical labor law provisions, homeownership, and the G.I. Bill.”).  

105. See FLYNN ET AL., supra note 77, at 23.

106. In the 1940 U.S. Census, 75% of Black women are listed in service occupations such as housekeepers, laundresses, other private household workers, attendants, cleaners, cooks, and waitresses. U.S. BUREAU OF THE CENSUS, SIXTEENTH CENSUS OF THE UNITED STATES (1943); STEVEN RUGGLES, CATHERINE A. FITCH, RONALD GOEKEN, J. DAVID HACKER, MATT A. NELSON, EVAN ROBERTS, MEGAN SCHOUWEILER, & MATTHEW SOBEK, IPUMS ANCESTRY FULL COUNT DATA: VERSION 3.0 [1940] (2021).

107. In 1940, the weekly wage for a person working a 40-hour work week at minimum wage was $10.20 per week. DEPARTMENT OF LABOR, HISTORY OF FEDERAL MINIMUM WAGE RATES UNDER THE FAIR LABOR STANDARDS ACT, 1938 – 2009, https://www.dol.gov/agencies/whd/minimum-wage/history/chart, accessed Dec. 1, 2023. In the 1940 U.S. Census, 30% of women reporting any wage/salary earnings earn
CRT scholarship seeks to expose and combat the widespread practice of erasing the narratives of marginalized communities and individuals from historical and legal memory. Abolition Economics seeks to do likewise. Consider the case of the minimum wage discussed above. Terming this wage a “minimum” then compounds the suffering of people who are below it: not only do they earn very little, perhaps less than they need to survive, but they are further diminished by having their lived reality denied by the data systems of the MIC. How is this accomplished? In 1940, with three-quarters of Black women in the labor force working in domestic service, a hugely disproportionate share of the women earning “implausibly low” wages (below half the minimum) were non-white. “Black women were subject to ‘superexploitation.’ . . . [T]he occupation of domestic worker to which the majority of Black women were relegated during the decades following slavery was associated with the very dangers that Black women had experienced during slavery: rape, sexual abuse, and harassment more broadly.” The meaning of this was clear to “the larger community of radical Black women activists,” who understood that the “gatherings of Black women on city street corners seeking work as domestics were known as “slave markets” not only because of the exceedingly low wages but also because the conditions of work were more akin to slavery than to wage labor.” The New Deal’s exemption of domestic workers left these “slave markets” untouched, and economists’ acceptance of the minimum wage as a “minimum” rendered this oppression invisible.

These individuals’ experiences are certainly important in the reality of inequality, and, moreover, their inclusion or exclusion will substantively affect our measurement and understanding of that reality. And yet less than this weekly wage. SIXTEENTH CENSUS, supra note 106; RUGGLES ET AL., supra note 106).


109. In 1940, the weekly wage for a person working a 40-hour work week at minimum wage was $10.20 per week. HISTORY OF FEDERAL MINIMUM WAGE RATES, supra note 107. In the 1940 U.S. Census, of women reporting wage/salary earnings less than half the minimum wage, approximately 50% were non-white, while only 10% of the U.S. population as a whole was non-white. SIXTEENTH CENSUS, supra note 106; RUGGLES ET AL., supra note 106.

110. DAVIS ET AL., supra note 24, at 97.

111. Id. at 98 (describing the Bronx in the 1930s).
economists often deem these observations “outliers” and drop them prior to calculating the quantitative measures of inequality which become the facts of economic inequality. This is how the MIC can distort our understanding of lived realities, both in the creation of a historical narrative and in the establishment of standards for appropriate methodology.

Similarly, Becky Pettit argues that in the context of what is termed the “mass incarceration” of Black men, the exclusion of institutionalized individuals from the Current Population Survey renders these men invisible and biases macroeconomic measures.

The decades-long expansion of the criminal justice system has led to the acute and rapid disappearance of young, low-skill African American men from portraits of the American economic, political, and social condition. While the expansion of the criminal justice system reinforces race and class inequalities in the United States, the full impact of the criminal justice system on American inequality is obscured by the continued use of data collection strategies and estimation methods that predate prison expansion.

These biases are not neutral, serving to hide some of the most egregious systemic consequences of racial capitalism. White supremacy and “white methods” work hand-in-hand.

112. For example, one of the co-authors of this Article spent her first economics research job assisting with analysis in which one method for creating 90-10 wage ratios was the exclusion of individuals who appeared to be earning such implausibly low wages (below half of the minimum wage). See, e.g., Lawrence F. Katz & David H. Autor, Changes in the Wage Structure and Earnings Inequality, in 3 HANDBOOK OF LAB. ECON. 1463, 1499–1500 (Orley C. Ashenfelter & David Card eds., 1999). Katz and Autor comment on these methodological issues: “The existence of a large number of outlier observations with extremely low weekly earnings (especially for women in 1940) motivates our presentation of overall inequality measures based on two different approaches to trimming this bottom tail. The first approach deletes the lowest 1 percent (and leads to findings that are quite similar to no deletions), and the second approach (following Juhn (1994)) deletes all individuals who earned less than half the contemporaneous Federal minimum wage. This second approach could potentially be misleading given substantial changes in the coverage and relative generosity of the Federal minimum wage over the period of study (especially from 1940 to 1950).” Id. (citing Chinhui Juhn, Wage Inequality and Industrial Change: Evidence from Five Decades (Nat’l Bureau of Econ. Rsch., Working Paper No. 4684, 1994)).

113. See Dylan Rodríguez, ‘Mass Incarceration’ as a Misnomer, 26 ABOLITIONIST (2016). “‘Mass Incarceration’ has become a misleading, largely useless, and potentially dangerous term – a newly designated keyword, if you will, in the steadily expanding political vocabulary of post-racialism.” Id.


115. Id. at 3.
5. What Matters

The result of all of this—the intentional result—is that the deck is stacked so that capitalism will always look terrific: efficient, good, successful. The “facts” that are “analyzed” by “economics” will never, can never, lead to a conclusion that blames capitalism. The entire endeavor—the facts, the policy, and the assessment of it all—not only disregards the “outliers” who don’t fit the political, economic, or social model, but also actively oppresses them. The devaluing of stories and lives via narrative and policy is linked with the devaluing via actual measurement and assessment of the reality, establishing a cycle whereby policy can be successful at achieving aims that are narrowly defined within the sphere already deemed worthy.

The field of economics has, of course, made important headway, as economists have thoughtfully reevaluated poverty and inequality and are issuing and answering calls to pay long-overdue attention to extreme inequality and injustice. Yet for economics to achieve its ambitions, we must be clear about what it means to establish facts and to pursue certain lines of inquiry in certain ways. We must pay attention and respect to all realities. This includes the realities of those in elite positions, whose privilege is not only dependent on hiding the full scope of their privilege, but which also affords them the power needed to maintain it. This also includes the realities of those who are marginalized, whose oppression is not only facilitated by the invisibility of their suffering but which also deprives them of the agency required to resist it. To do so, we next consider the ways in which economics conceptualizes individual people and the societies in which they live.

C. People

1. Economic Man Is

Economists build models around individual “economic men.” *Homo Economicus* is a particular kind of person. As Julie Nelson writes in her foundational *Feminism and Economics* paper in the *Journal of Economic Perspectives*, “Economic man springs up fully formed, with preferences, fully developed, and is fully active and self-contained.” He is rational, plain, and self-interested. He is everyman. While it is generally assumed that this means he could be anyone, everyone, it quickly becomes clear that he is a white heterosexual man in a western democracy who is not especially poor, or especially anything.  

Economic man, the “individual” at the center of economic models, isn’t individualized at all. Building an economics around this main character has important implications, both theoretical and empirical, for what economics will say and will be able to say about humans.

2. Economic Man Is Rational

Economic man is rational, and in a particular manner: he maximizes his utility (happiness) subject to a constraint. He has agency to make choices, and while his choices are disciplined by his resource constraint, he is assumed to have sufficient freedom and autonomy to do what he wants.

118. Nelson, supra note 65, at 135.
119. See, e.g., id. (“At the center of mainstream economic modeling is the character of the rational, autonomous, self-interested agent, successfully making optimizing choices subject to exogenously imposed constraints . . . Economic man interacts in society without being influenced by society.”); Betsey Stevenson & Hanna Zlotnik, *Representations of Men and Women in Introductory Economics Textbooks*, 108 AM. ECON. ASS’N (PAPERS & PROC.) 180 (2018) (explaining how this manifests in undergraduate economics education:

“This paper examines the frequency and ways in which men and women appear in principles of economics textbooks. Men account for more than 90 percent of business leaders, policymakers, and economists mentioned in textbooks. In addition, women are a minority of the fictionalized people appearing in textbooks and a minority of celebrities. Fictionalized women are shown taking fewer actions and are more likely to be involved in food, fashion, or household tasks, while men are more likely both to be in leadership positions and in business or policy.”

Stevenson and Zlotnik report that, despite “arguing that [textbooks] will explain the behavior of ‘individuals who make up the economy,’ textbooks instead demonstrate a world with few women. Women are underrepresented in fictionalized accounts, in choice of pronoun, and in the real people that enliven and motivate discussion of economic phenomena.”
120. See, e.g., Nelson, supra note 65, at 135; Skidelsky, supra note 36, at 81–84.
at least somewhat, and to have sufficient resources to be able to meet his own basic needs, at least most of the time. Despite the omnipresent scarcity that necessitates tradeoffs, the constraint is never too oppressive and the choices are rarely life-and-death.

This standard individual optimization model is further augmented with additional variables and more complicated math, but these changes are relatively modest—mathematically-tractable deviations, a few different agents or types. Thus, while microeconomic theory in general and behavioral economics in particular both allow for more complex behavior, they still hew to rationalization and optimization. Economic man remains, crucially, a mathematical model of humans.

3. Economic Man Is an Island unto Himself

Economic man’s “mathification,” rationality, and independence mean his behavior is easy to model empirically. Economists do this with regression analysis with one outcome on the left-hand side:

\[ Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \ldots \epsilon. \]

This regression equation is understood to model how the \( X \) variables, characteristics of the person or features of his environment, causally influence the \( Y \) variable, his outcome. After estimating the regression coefficients (the betas), the economist can then use the \( X \) variables for an individual observation to predict the \( Y \) variable for that individual observation. Regression methods are made more intricate, but the basic idea remains to crisply capture the essential causal pathway so as to facilitate accurate and precise prediction. Prediction is the point.

4. Economic Man Isn’t

This is all very well and good. The problem, of course, is that economic man isn’t human, not even close. Real human people are messy. They are individual.

The economist’s fix for economic man’s unreality is to reanimate him with some characteristics: he can be she, she can be Black, she might be poor. But his basic deal is the same, so we can use dummy variables to indicate these characteristics and proceed to engage in clean analysis, acting on the assumption that everything else about these people is the same except their skin color, that “race” operates separately from all of these

other dynamics.122 By making this strong claim, we can engage in decomposition of wage differentials to determine what portion is explained by race or gender per se, disregarding how education and life trajectory is racialized and gendered.123 We can claim to be able to separate nature and nurture effects, again ignoring how family life circumstances are a complex combination of both. Or we can embark on an assessment of the relative importance of cognitive and non-cognitive skills, as if there is some meaningful way to precisely parse out those two aspects of human ability.124 Despite the fact that the oversimplifications of these methods (such as dummy variables for race or gender) do not form a solid basis for theory or empirics of humans, economists continue to use them. The problem is that, because race, racism, and hierarchy do not actually function in a simple dummy-variable way that can be separated out (that is orthogonal to all else, ceteris paribus as economists say), these methods cannot get us where we need to go.

5. Real People are Complicated

The complexity—the humanity—of real people poses a challenge to economic models built in the economist’s highly structured individualistic way. While economists generally do a decent job pushing this dissonance out of view, it inevitably becomes salient at inopportune moments. For

122. In regression analysis, social scientists frequently use “dummy” or “indicator” variables for a characteristic such as race and gender: the variable is coded as a zero for someone who does not have the characteristic (a white person), and a one for someone who does have the characteristic (Black person). The coefficient on this “dummy” variable thus reflects the difference in the outcome variable between a black person and a white person that arises solely because of their race. This methodological choice reflects a maintained understanding that race operates independently from other factors. For example, a labor economist might model a person’s income as a linear function of their education, test scores, and years of experience. If race is to be brought into the equation as an additional factor possibly also affecting income, the race dummy will usually be added to that list. This reflects an assumption that race per se might directly affect income, but that race had no ‘indirect effects’ on income by affecting the individual’s education, test scores, or years of experience. Race is totally separate. This is, of course, unrealistic and incorrect.

123. See, e.g., Tymon Sloczynski, Average Gaps and Oaxaca-Blinder Decompositions: A Cautionary Tale about Regression Estimates of Racial Differences in Labor Market Outcomes, 73 INDUS. & LAB. REL. REV. 705 (Oaxaca-Blinder wage decompositions); RONALD G. EHRENBERG ET AL., MODERN LABOR ECONOMICS: THEORY AND PUBLIC POLICY (14th ed., 2022). In these decompositions, race might also be allowed to affect the returns an individual gets from a particular productive characteristic such as education.

124. See Lisa Saunders & William Darity, Feminist Theory and Racial Economic Inequality, in FEMINIST ECONOMICS TODAY: BEYOND ECONOMIC MAN 104 (Marianne A. Ferber & Julie A. Nelson eds., 2003). Note also that economists have at times paid attention to the referential framing of “non-cognitive” skills as an absence.
example, in a “real world” moment, undergraduate econometrics courses will open a consideration of how to separately identify the effects of race and income on individual outcomes such as health or well-being. This is a fraught moment in econometrics. Economists do not acknowledge that these are fundamentally unidentified/unidentifiable questions.\textsuperscript{125} The reality of human complexity and racial capitalism means that race and income are intertwined systems, and this reality renders these econometric questions and their answers incoherent, putting the economics professor in an awkward position.

Kimberlé Crenshaw’s conceptualization of intersectionality provides a helpful contrast.\textsuperscript{126} Positing that race and gender intersect and interact in complex ways as systems rather than characteristics, intersectionality is realistic, arising from a CRT practice of listening to narratives. What do economists do with this reframing? We add an interaction term between the race and gender dummy variables, then proceed with business as usual. This, again, is the MIC in action.

These economic approaches also misunderstand humans by putting “exogenous factors” (outside effects on people) and “individual characteristics” on equal footing in the regression equation. Such an approach facilitates the asking and answering of nonsensical questions, such as trying to separately identify the effects of race and environmental exposures on social behavior. Lead, a potent neurotoxin that was aerosolized in gasoline and distributed broadly through various media for decades, is an environmental exposure that impairs cognition, fosters antisocial behavior, and adversely affects health.\textsuperscript{127} Economists may be interested in a true effect of lead \textit{per se}, setting aside race and everything else, and can accomplish this with a regression that includes lead and also

\textsuperscript{125} See ANGRIST \& PISCHKE, supra note 70 (2014). (Discussing the inappropriateness of using applied microeconomics methods to separate effects of blue eyes and brown eyes, or age and years of education).


“controls for” other important influences and individual characteristics. Yet the means by which children are exposed to lead (gasoline, paint, water) in the setting of U.S. racial capitalism necessarily implies that lead’s effects are racialized, so separating effects of lead and race is nonsensical. We are, in fact, more interested in the actual effect of lead in the world, an effect mediated by racialized realities. We seek to understand the roles of lead and race together in creating racialized inequalities in outcomes. This is neither a simple adding-up nor a simple interaction— influences on individuals spill over, compound, and interact. Dynamic interconnection and human complexity are real.

6. Real People are Interconnected

It would be both ungenerous and incorrect to assert that economists never model human complexity. Yet it is still true that economists do their modeling in a particular way, “thinking like economists” about a “self-regulating market of calculating individuals.” This severely limits how far economists can get. To understand these limitations further, we now consider social science inquiries into the causes and consequences of the racialized separation of people in space. The United States is a country that understands itself as being about freedom and equality while tolerating and therefore needing to explain an unequal and racially segregated reality. Social scientists help in the understanding and explanation, in the resolution of the theory vs. reality conflict.

The economist’s approach is to simplify the situation sufficiently so that it is tractable, both theoretically and empirically. For example, the economist Elizabeth Ananat proposes that physical terrain made some cities more or less amenable to segregation, so that Black people arriving during the Great Migration “landed” differently. With these exogenously different historical starting points, the long-term consequences of racial segregation can then be traced; the innovative identification strategy has “solved” the “identification problem.” But the real problem is that this was never merely a problem of identification, but a problem of reality. The reality is complicated, full stop. It is not amenable to simplification because it is not simple.

128. See Reyes, Lead Exposure and Behavior, supra note 127, at 1595-96.
129. Skidelsky, supra note 36.
130. Elizabeth Olman Ananat, The Wrong Side(s) of the Tracks, 3 AM. ECON. J: APPLIED ECON. 34 (2011). Ananat shows that the landscape around cities affected the manner in railroad tracks were laid down in the late 19th-century, so that some cities had a much finer grid that presented a superior technology for white communities’ racial segregation efforts during the Great Migration. This provides her instrument for segregation, which she then uses to estimate the causal effect of segregation on inequality. Id.
A political scientist’s approach is necessarily more holistic. Jessica Trounstine, in her book *Segregation by Design*, documents the arsenal of braided, dynamic strategies that implemented racial segregation, creating a physical reality and institutional structure that would keep power and resources in the hands of the propertied white class. 131 These strategies—racial covenants, redlining, exclusionary zoning, placement of schools and public housing, highway construction (and concomitant neighborhood destruction), suburbanization, residential relocation, violence, discrimination, intimidation—were and are complex, interconnected, and decidedly not amenable to clean identification strategies. They are also clearly encompassed in the PIC, and many were implemented by legal structures. Moreover, they are human, in that they include a wide range of human behaviors (selfishness, violence, coordination, power, altruism, fear) and true, in that they actually happened. Trounstine, the political scientist, appears to answer the “theory or reality” question decidedly in favor of messy reality. 132

7. The Model Doesn’t Fit

Economists seek the simple comforts of theory and models. Reduced-form economists usually do not claim that models describe the mechanics of how everything actually works, but rather that they give us a sketch that does a pretty good job, like a map; structural economists do claim (to some extent) to build up from “first principles.” 133 But the rules of economics require a model, and, faced with reality, it seems unlikely that such a method will be capable of describing human behavior in any meaningful or humane way.

When we limit our inquiry to questions and methods that can be econometrically identified or mathematically modeled, or when we force all questions into that straitjacket, much will be missed or misconstrued. Some of this makes sense to leave out—topics that are fundamentally the purview of psychology, medicine, or political science. But many of these omissions are about equity and well-being at a group level and a societal level, firmly in the heart of economics. The assertion that these limitations are largely unproblematic (uninteresting, unmodelable, unimportant) becomes strained to the point of breaking. “Economics thus is characterized as a disciplinary space that greatly privileges endless

132. Id. at 3, 44-45.
theorizing about auctions and auction markets over issues of race and gender.”

This methodological choice parallels the Supreme Court’s interpretive choice in the context of Equal Protection jurisprudence, greatly privileging formal neutrality over substantive equality. In both, the problems of racism and inequality are defined away by deeming them outside the scope of the controlling analytical frameworks: problem solved.

Thus, it seems we need to think systemically. The humanity of humans, the primacy of interconnectedness, the critical importance of group identities and positionings, and the realities of power and hierarchy require it.

D. Systems (or, People Interact)

We have found our way to systems thinking as necessary for a social science that is about human welfare. We will not spend time on what we imagine the economist’s response to this assertion might be—namely, that such complexity is undisciplined, reality is too messy, that’s not economics, you won’t get an equilibrium, please return your economist card. Instead, we will start with the economist’s system—the market—and build up a series of other important systems—racism, language, power, hierarchy—to arrive at the stratification economist’s understanding of the world and to set the stage for Abolition Economics.

1. Markets

Markets are the hegemonic systems of economic conceptualization. A market is a setting in which items are exchanged for a price. A “free market” is one in which the sellers and buyers are understood to be entering freely into agreements to sell and to buy, meaning they can leave the market if they want, and they never sell for less than they are willing to accept nor buy for more than they are willing to pay. They get what they want, at the price they want. This is subject to the constraint of the resources to which they have access.

In this telling, perfectly competitive markets naturally lead to an efficient outcome from which no one would like to deviate. Firm profits are zero, because if they weren’t someone would enter the market to get the positive profits (pushing price and profit down) or exit the market to flee the losses (pushing price and profit up.) Workers are paid what they

134. See Saunders & Darity, supra note 124.


136. See, e.g., DUNCAN GREEN, HOW CHANGE HAPPENS (2016).
contribute, because if they weren’t they would find another job that paid them what they are worth. This is the First Fundamental Welfare Theorem: markets are good, capitalists don’t get excessive (or any) profits, and workers are paid well and not exploited. Social welfare is maximized in that all welfare-improving trades occur.137

This theorem also doubles as the core of neoliberal thinking: “free” markets are the path to freedom and thriving.138 The ideological work here is impressive: democracy, freedom, capitalism, economics are all of a piece. Power generally does not appear in these markets, other than as the purchasing power of consumers or the market power of monopolies or labor unions. The day-to-day power of the capitalist to run the workplace as he sees fit, the power of industry to shape policy, the power of lobbyists and politicians to shape what is known to be fact—all of these are absent from the narrative. Government power, to the contrary, is visibilized and generally understood to be intrusive. Paul Krugman, a Nobel Prize winning economist regarded as relatively progressive, titled a chapter of his popular introductory textbook “Price Controls and Quotas: Meddling with Markets.”139

For economists, markets are the system, full stop, and that is a good thing. Market interactions are the primary interactions in which people engage—buying, selling, working, saving, investing—and the only ones consistently modeled. Market logics are used to rationalize other human interactions, such as those in homes, schools, or non-market public places, by theorizing market conceptualizations for human action and interaction.

2. Systems of Race, Racism, and Language

In reality, however, there are other important systems. In *Racism without Racists*, the sociologist Eduardo Bonilla-Silva develops a theoretical framework in which color-blind racism functions stealthily according to frames of “abstract liberalism, naturalization, cultural racism, and minimization of racism.”140 Bonilla-Silva argues that racism is not located only in individuals, and that racist actions and structures do not identify themselves as such; hence, “racism without racists.”141 But if economists require ourselves to locate everything in individuals and in individual

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137. This exposition can be found in any microeconomics textbook. See, e.g., PERLOFF, supra note 89.
139. See KRUGMAN & WELLS, supra note 52.
141. Id.
actions—when our model and way of thinking requires such specificity in order to be objective, true, honest—we distort our understanding of the world. Who is the racist? Where is the racism? Can lead exposure be a source of racial inequality if it was not intentionally different or if it was mostly the same for everyone but just had different effects for complex and contextual reasons? If we are looking at the problem the wrong way, we will never see the racism.

Dorothy Roberts takes a step back from looking for racism or racists to interrogate the system of race itself. In *Fatal Invention*, Roberts defines race as “a political system that governs people by sorting them into social groupings based on invented biological demarcations.” If race is a system, then we would argue it makes even less sense to include it as an individually-linked identity, or covariate. Moreover, conceptualizing it improperly is not neutral, but serves the system. As Roberts writes, “The diabolical genius of making this political system seem biological is that the very unequal conditions it produces become an excuse for racial injustice,” thereby creating “a delusional rationalization of black inequality that resists all objective evidence.”

Language matters. It shapes the thoughts that can be expressed in it. Economists may have chosen math as the “language” of economics, and we have explored some of the consequences of that choice in our exploration of the MIC thus far. But beyond our math language, we still discuss our work in our actual common language, which in this forum is the English language. Economists pay decidedly less attention to language than other social science disciplines; for much of the time, it is a means to an end, a way of communicating our ideas—not a way of expressing them, and definitely not a way of shaping them. And yet we know that words matter: “internment camps,” “plantations,” “forced labor camps,” “concentration camps,” “death camps,” “relocation centers.” Are these the same?

So it matters that economists mostly talk about race, not so much about racism. It matters that we talk about race as a causal factor at the individual level, not about how race, racism, racialization, racial hierarchy, and racial oppression shape society. We argue that economists find it difficult to see the history and reality of equity, inequity, redistribution, oppression, and human welfare precisely because the discipline has defined it away.

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142. See Reyes, *Lead Exposure and Behavior*, supra note 127.
144. *Id.* at 24.
145. *Id.*
It thus becomes harder to avoid the conclusion that asserting a capacity to separate the “effects” of race and income in America is absurd. It is so absurd that we don’t even state it as an assumption because we would never be able to justify it. It is, as the economist Glenn Loury argues, “ahistorical.”147 Instead, economists breeze right past it to talk about whether we can separate, how, to what extent.148 Fundamentally, the problem is that our entire frame is wrong: we shouldn’t be thinking of race as an immutable individual characteristic, but rather of how racism creates a racialized societal landscape that shapes diverse life trajectories and society itself. Viewed through Professor Kendi’s reconceptualization of the ideological structure of racism (a conceptualization that allows only racist or anti-racist, with no “not racist” middle ground), we see that for economists to continue as we are is racist, and to endeavor to change is anti-racist.149 According to Kendi, option c—that economics is or can be “not racist”—is not an option.150 That goes double for Law & Economics.

3. Disregarding Hierarchy Perpetuates It

Economists, being blind to power, frequently conflate hierarchy with categorization. But these are different in important ways. Hierarchy is more than categorization—it is a structure of power, value, and oppression that assigns meaning to a categorization and creates consequences thereof. Cheryl Harris’ account of the emergence of racial categories and chattel slavery in colonial America powerfully illustrates the point:

The dominant paradigm of social relations. . . was that, although not all Africans were slaves, virtually all slaves were not white. It was their racial otherness that came to justify the subordinated status of Blacks. The result was a classification system that keyed official rules of descent to national origin so that membership in the new social category of ‘Negro’ became itself sufficient justification for enslavability.151

It is thus fundamentally wrong to include white and Black on an equal footing—as categorizations—in a model that is attempting to explain hierarchy. It will not be able to capture the realities of a situation characterized by what Loury calls “the caste-like subordination of

149. See KENDI, supra note 14, at 9.
150. Id. at 9, 160–63.
151. Harris, supra note 30, at 1717.
Economists know that we get out of a model what we put into it. If you don’t have two types, you can’t have different inter-group outcomes. If you don’t have asymmetry in the setup, you are unlikely to get an asymmetric result in the end. So if you don’t have oppression in the setup, you are unlikely to see any at the end. In a way, given that economists don’t explicitly model power or hierarchy into our models, it is perhaps surprising that we can see as much racial hierarchy as we do.

This blindness to hierarchy is also reflected in what we think of as our base models and our null hypotheses. A “null hypothesis” is the prior claim that we are hoping to reject as we replace it with a new hypothesis based on the data. For example, an analysis of racial discrimination in labor markets would start with a null hypothesis that equally qualified white and Black men are paid the same. If the regression analysis yields a statistically significant negative coefficient on the Black dummy variable, this would justify rejecting the null: the researcher can then conclude that Black men are paid less and experience discrimination. But where does a null hypothesis, such as the null hypothesis that Black men are treated fairly, come from? It comes from a theory that pay is fair, i.e., based on substantive qualifications. Given that this theory seems empirically wrong (most of us know pay is not fair), it is odd that this question about the null is more likely to be asked by a student early in their study of econometrics than by an experienced economist. Economists tend to focus on the analysis that takes place after the rules are set (technical approach, model setup, assumptions) and the work “starts.” It is the validity of this analysis that economists debate, discuss, and question, and they do so following their agreed-upon rules. In doing so, economists show a remarkable capacity for cognitive dissonance, realizing the importance of the starting point and the framework, but at the same time consistently stating counterfactual null hypotheses. The collective null hypothesis about racial hierarchy is wrong, to a great degree because it is, by design, oblivious to both the nature of hierarchy and the structural means by which it is maintained. And yet economists keep starting from that null.

Thus, economists’ models and their language, their very conceptualization of the system, structure their understanding so as to serve the status quo hierarchy. The intertwined systems of racial capitalism, hegemonic legal regimes, whiteness as property, and the ideologies of neoliberalism, mainstream economics, and legal scholarship all build racism not only into societal structure but also into the conceptual frames with which we make sense of that structure. Structural racism is not just “out there”—it is “in here” in our scholarly discourse. Restated in terms borrowed from Professor Harris, whiteness is mainstream economics’ null hypothesis. And if that is the case, we will never see it because it is indeed null, absent, invisible, nothing. White people are treated fairly, so we assume all people are treated fairly.

152. Loury, supra note 147, at 94.
4. Rationalizing Racism is Gaslighting

In 1957, the economist Gary Becker published *The Economics of Discrimination*. In so doing, according to his University of Chicago colleague Kevin Murphy, Becker embarked on an admirable “imperialist march” to “spread [economics’] intellectual reach into many areas previously thought to be beyond its realm,” a march that is “still going on” and which has been central to L&E. In the first steps on his march honoring the economic man’s burden, Becker articulated an economic theory of racial discrimination based on rationality, incentives, and equilibrium. Becker’s theory implied that “greater competition would act as a strong force in reducing labor-market discrimination.” More than half a century on, the economist’s approach to discrimination is still strongly influenced by Becker’s theory. This theory, factually and historically wrong but still theoretically hegemonic, consequently provides a vivid opportunity to observe the powerful function of null hypotheses which “resist all objective evidence.”

Which is more likely: that four centuries of oppressing people through ideas, policy, and violence means that they are still disadvantaged and oppressed; or that the disadvantage and oppression magically disappeared since we declared it technically illegal and discrimination is financially costly? It is worth considering why Becker’s canonical “competition will compete away discrimination with a little help” argument fails in describing oppression of Black Americans in the Jim Crow South. If a business owner tried to deviate by hiring Blacks as workers or serving Blacks as customers, what would happen? Becker’s theory says that the business owner would increase his profits, and that other business owners would then either follow or perish through the fair justice of the market. In reality, the business owner and business would likely be subject to some combination of ostracization, violent intimidation, and boycotts, and he

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155. Cf. RUDYARD KIPLING, THE WHITE MAN’S BURDEN (1899) (Kipling’s “white man’s burden” concept provided a justification for British global imperialism as civilizing, necessary, and welfare-improving. Given the parallels between Kipling’s characterization of British imperialism and Murphy’s characterization of applied microeconomics’ imperialism, we accordingly adapt the concept of “white man’s burden” to “the economic man’s burden.”).
156. MURPHY, supra note 154.
157. ROBERTS, supra note 72, at 24.
158. See BECKER, supra note 153.
159. Id.
would retreat from his progressive stance. The systems of power would snuff out any attempt to deviate from the white supremacist equilibrium. It is significant that this is not a mere “exception” to a rule; rather, it is the rule.

5. Seeing Racial Hierarchy leads to Stratification Economics

Paying appropriate attention to these racial rules is how we arrive at Stratification Economics as presenting a more appropriate — insightful and correct — approach to discrimination. While Gary Becker’s applied microeconomics model of discrimination ignores racist power, William Darity, Jr.’s stratification economics model centers it. Because “there are material benefits that redound to dominant groups that motivate their efforts to maintain privilege. . . discriminatory practices to preserve privilege are likely to persist rather than fade out, even in market-based economies.”160 This explanation is both coherent and correct.

In this way, acknowledging that we must see hierarchy and racism presents a pathway into a Stratification Economics which begins with acknowledgement of the primacy of interconnectedness and the critical importance of racialized group identities and positionings. In opposition to the mainstream economist’s claim that our tools are universally useful, the stratification economist argues that in fact they are manifestly inappropriate, and intentionally so, when it comes to modelling and understanding welfare and inequality. If understanding well-being is a core goal of the economics project, this is deeply problematic. Darity explains:

Stratification economics examines the structural and intentional processes generating hierarchy and, correspondingly, income and wealth inequality between ascriptively distinguished groups. The stratification economist holds the following expectations about the world:

- Intergenerational transmission effects load heavily on the transfer of material resources across generations.
- There are material benefits that redound to dominant groups that motivate their efforts to maintain privilege.
- [D]iscriminatory practices to preserve privilege are likely to persist rather than fade out, even in market-based economies.

Hence, Stratification Economics understands racial inequality and oppression neither as failures of the economic system nor as aggregations of failures of economic individuals, but rather as structural and intended consequences of the hierarchical economic system. Understanding social positionality and racialization as central to racial capitalism’s success in producing racial injustice, Stratification Economics is thus able to effectively reverse “the [historical] shift from ‘political economy’ to ‘economics’ . . . from the view of an economy ‘embedded’ in social institutions to that of a self-regulating market of calculating individuals.”

By focusing on racism, power, and hierarchy, Stratification Economics becomes empirically correct.

It thus seems obvious that economists should shift to using this approach—except we don’t. If you ask an economist to tell you about economic theories of racial discrimination, you can be reasonably confident they will first mention Becker, not Darity. This is not dissimilar to asking a scientist about global climate and being first told the earth is flat and weather is made by fairies. If we use the wrong frameworks, like Becker’s “imperialist” approach to discrimination, we will keep getting the wrong answers.

6. Equilibrium is not Inevitable

Finally, why do economists focus on equilibrium? How is that useful when we rarely actually get to an equilibrium, or when we do it is largely maintained not by economic incentives but by power, hierarchy, and violence? Economists generally agree that innovation is central to economic growth, yet they are also slow to incorporate an understanding of the conditions humans require to innovate. This is why it is important to resolve such cognitive dissonance by augmenting the hegemonic narrative with evidence of how structural violence shapes economic activity, as Lisa Cook does in modeling the extent to which anti-Black racial violence depressed African American innovation. Cook’s work is about the putative engine of capitalism, innovation, about how it depends

161. Id. at 144.
162. Skidelsky, supra note 36, at 17.
163. See Darity, supra note 62, at 14 (stating that stratification economics is “empirically, rather than anecdotally, grounded”).
on human beings developing ideas into tangible new technology, and how those individuals are indeed subjective and real people who have lived and do live in a social, political, and economic context shaped by their own positionality. It is about racial capitalism.

If subjective and social experience matter, then the dynamic processes of capitalism will not, in fact, lead inexorably to equilibrium. This returns us to failure of the First Fundamental Welfare Theorem: competition will not get us to efficiency or equilibrium, and it certainly will not get us where we want to go as a society. The “failures” are systemic and structural—so much so that they are, indeed, successes. This system is for profit— it is not and never was meant to get us to a world in which all humans thrive. We now turn our attention forward, to the possibility in an Abolition Economics that thinks differently and consequently may contain within it the possibility of a world that enables human flourishing. Can we imagine building a system for humans?

III. CHANGE AND BUILD

Having deconstructed and destabilized some of the core failings of mainstream economics with an eye toward dismantling them, we now turn to the process of changing and building something better. After all, abolition is fundamentally “a constructive and aspirational movement.”

That constructive process requires listening more broadly and intently, seeing more critically and accurately, and imagining more humanely and freely. Each of these elements is explored below.

A. Listen

A prominent feature of much CRT scholarship is the use of narrative and storytelling. While Richard Posner has criticized this approach as being unscholarly and divorced from the search for “truth,” many Critical Race Theorists have embraced the use of narrative to challenge conventional assumptions and to highlight the impact of racist structures and practices on those who live under them. These scholars have also demonstrated the

166. Reyes, Abolition Constitutionalism, supra note 18, at 678.
ways in which the legal and economic status quo is itself built on a contingent and contestable narrative.\textsuperscript{170} For “[t]he dominant group creates its own stories, as well. The stories or narratives told by the ingroup remind it of its identity in relation to outgroups, and provide it with a form of shared reality in which its own superior position is seen as natural.”\textsuperscript{171}

Narrative and counter-narrative serve the vital functions of amplifying voices and experiences that have traditionally been suppressed or erased from public discourse, and of giving insight into a broader and more accurate understanding of legal and economic reality.\textsuperscript{172} Abolition Economics embraces this call to listen to such narratives in their many and various forms.\textsuperscript{173} The stories of Chicana women caring for white women’s children in Los Angeles,\textsuperscript{174} the stories of Black men carting white people’s trash in Memphis—these are immeasurably more meaningful than the story of economic man maximizing his utility. They also have the benefit of being true. These stories should be heard.

\section*{B. See}

1. See the System

In defiance of the seemingly willful blindness of mainstream economics, a blindness that enables racial capitalism and thereby fosters and perpetuates inequality, we also insist that abolition requires us to see the system. After surveying the U.S. criminal legal system and identifying its own pervasively racist and profoundly unequal elements, Paul Butler draws a conclusion that seems obvious and inescapable as soon as it has been spoken: the system is working the way it is supposed to.\textsuperscript{176} In other words, economists’ null hypothesis should be one of coordinated and aggressive racial oppression via police, lawyers, judges, and the system. (Out with Becker, in with Butler.) Clarifying that this system includes our political, social, and economic systems is hardly far-fetched, though it may be

\begin{itemize}
\item \textsuperscript{170} Economics is itself very much a method of narrative. See, e.g., Strassman, \textit{supra} note 133.
\item \textsuperscript{171} DELGADO, \textit{supra} note 167, at 2412.
\item \textsuperscript{172} See Reyes, \textit{Critical Remembering}, \textit{supra} note 108, at 17-18 (citing and discussing MONICA MUÑOZ MARTINEZ, \textit{The Injustice Never Leaves You: Anti-Mexican Violence in Texas} (2018)).
\item \textsuperscript{173} See Bayer & Cosey, \textit{supra} note 164.
\item \textsuperscript{174} See PIERRETTE HONDAGNEU-SOTELO, \textit{Domestica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence} (1st ed. 2007).
\item \textsuperscript{175} See Michael Honey, \textit{Black Workers Remember}, 3 J. LAB. & SOC. (2000).
\item \textsuperscript{176} Paul Butler, \textit{The System is Working the Way it is Supposed To: The Limits of Criminal Justice Reform}, 104 GEO. L.J. 1419 (2016).
\end{itemize}
radical. To be clear: we are asserting that the PIC and the MIC are intertwined facets of racial capitalism and neoliberalism.

These systems—the law and the economy, the legal academy and the economic one—are inextricably intertwined through their coordinated roles in maintaining the neoliberal ideologies of facial neutrality, fairness and justice that undergird racial capitalism and white supremacy. Harris explains as follows:

The law constructed whiteness as an objective fact, although in reality it is an ideological proposition imposed through subordination. This move is the central feature of the reification: Its basis is that a relation between people takes on the character of a thing and thus acquires a phantom objectivity, an autonomy that seems so strictly rational and all-embracing as to conceal every trace of its fundamental nature: the relation between people.177

Thus, white supremacy is built not just into our societal systems, but also into the means by which we make sense of those systems. Precisely by illicitly claiming their own “phantom objectivity,”178 economics and the law are both central to and complicit in invisibilizing and normalizing white supremacy. We therefore must see them.

2. See Ourselves

Tukufu Zuberi reminds sociologists that “[we] are part of the world and study society from the inside.”179 Scholars of L&E would do well to heed Zuberi. If economists continue to deny we are humans who are indeed alive in a society, continue to claim objectivity and the (remarkable) exemption of economics from bias in its methods, especially something as odious as “white supremacy,” we will be (unsurprisingly) unable to make headway in a landscape whose reality we deny.

We must see ourselves, as economists and legal scholars, and as humans. We must acknowledge what it means for economic scholars to have been classically trained as economists. Even newer sub-fields within economics are usually comfortably positioned as worthwhile based on the validity of economics’ classical foundations: see, for example, applied micro’s commitment to the clean essence of the economic model and confidence in that model’s remarkable power to explain, as articulated by

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177. Harris, supra note 30, at 1730 (internal quotation marks omitted).
178. Id.
179. WHITE LOGIC, WHITE METHODS, supra note 30, at 9.
Ed Lazear in his 2015 tribute to Gary Becker, or behavioral economics’ creative expansion of utility maximization. But if economists pause for a moment to step back from our graduate school training in this métier, do we really accept that claim to razor-focused clarity, the claim that economics as constructed, with its causality, models, dynamics, is both necessary and sufficient to the task? Or is it just like any other approach, not focused in an entirely good way but rather narrow, with some pros and cons? Further, in a fundamentally racist society, isn’t it reasonable to assume that the shape of those pros and cons is likely to take a familiar racialized form: the pros serving some, the cons hurting others? On some level, we already know the answer to these questions from our own lived experience as humans.

3. See Reality

We must also see reality, and respect it. When economists run regressions, we tend to focus first on statistical significance of coefficients (p-values) rather than on explanatory power of the model (R-squared). We often assert that we are not trying to explain everything about the outcome variable, but rather to clarify one important channel. And yet that is at odds with how others—and even how we ourselves—understand the relevance of our work. While very disciplined within the “analysis,” once beyond that economists can be strikingly undisciplined, even at times allowing the research results to facilitate harm.

If economists are indeed trying to learn things that are useful about the world, then perhaps we should assess the success of this work by how useful it would be to those acting in the world, for example in crafting or implementing policy. It seems reasonable that usefulness may connect more tightly to explanatory power than to statistical significance. Once again, economists serve their own sense of disciplinary worth by focusing on metrics that they choose, even if those metrics are not tightly linked to reality and real-world importance.

This self-serving focus fosters disconnects among economic research, the economic system, and the realities of human life, disconnects that can prevent economic policies from reaching the people they intend to help. The journalist Conor Dougherty highlighted how this kind of disconnect played out with Covid relief:

181. See, e.g., Stephen Young, Behavioural Economics, in RETHINKING ECONOMICS: AN INTRODUCTION TO PLURALIST ECONOMICS (Lillian Fischer et al. eds., 2018); DellaVigna, supra note 121.
Consider what happened as the federal deadline approached to spend rental assistance funds that flowed to states through the federal CARES Act. Despite a crush of demand for help, cities and states struggled to get money to tenants, in part because their criteria were too restrictive. 182

Dougherty then quotes the economist Elizabeth Ananat reflecting on the contrast between the system design and the complex reality:

“Our systems are built around these middle-class models where everybody has documentation for everything,” said Elizabeth Ananat, an economics professor at Barnard College. “Much of the world doesn’t work that way, but most of the people who write the laws live in the world that works that way.”183

If we hope to be insightful and relevant, economists may need to do more to meet the world as it is. A necessary precondition to do that is to endeavor to understand the world. We cannot continue to advance narratives that are counterfactual, as in counter to the facts. To do so is unrealistic, or, perhaps, counterrealistic. We need to get real.

4. See Racism

Ibram X. Kendi argues that it is necessary to “defin[e] our terms so that we [can] begin to describe the world and our place in it.” 184 Kendi goes on to clarify the pernicious nature of claimed objectivity in the form of “race neutrality”:

The racist champions of racist discrimination engineered to maintain racial inequities before the 1960s are now the racist opponents of antiracist discrimination engineered to dismantle those racial inequities. The most threatening racist movement is not the alt right’s unlikely drive for a White ethnostate but the regular American’s drive for a “race-neutral” one. . . .

That is how racist power can call affirmative action policies that succeed in reducing racial inequities “race conscious” and standardized tests that produce racial inequities “race neutral.” 185

183. Id.
184. KENDI, supra note 14, at 19.
185. Id. at 19–20.
Race neutrality leads directly to tautological power-serving statements such as Chief Justice Roberts’s dictum that “[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race.”\textsuperscript{186} It is of course, vulnerable to the withering critique offered by Justice Sotomayor:

The way to stop discrimination on the basis of race is to speak openly and candidly on the subject of race, and to apply the Constitution with eyes open to the unfortunate effects of centuries of racial discrimination. As members of the judiciary tasked with intervening to carry out the guarantee of equal protection, we ought not sit back and wish away, rather than confront, the racial inequality that exists in our society. It is this view that works harm, by perpetuating the facile notion that what makes race matter is acknowledging the simple truth that race does matter.\textsuperscript{187}

Race matters, and talking about it is not what makes it matter.

N. Gregory Mankiw, in his widely-used introductory economics textbook which has introduced legions of students to the dismal science,\textsuperscript{188} writes that “[d]iscrimination is an emotionally charged topic that often generates heated debate, but economists try to study the topic objectively to separate myth from reality.”\textsuperscript{189} Because of this claim to neutral objectivity, despite generating hundreds of papers cataloguing a litany of disturbing racial histories and statistics, economics is not pulling its weight in the broader national reckoning with the American reality of racial hierarchy, injustice, and oppression.\textsuperscript{190} This era of social justice reckoning could spur economists to structure their analyses—their modes of understanding—in such a way as to be able to comprehend a society structured by structural racism and white supremacy, rather than merely to mournfully observe and measure tragic racial inequalities. In a sermon


\textsuperscript{189} MANKIW, supra note 52, at 391.

\textsuperscript{190} This is not to say that economists are not contributing meaningfully to these larger conversations. See, e.g., Ellora Derenoncourt & Claire Montialoux, Minimum Wages and Racial Inequality, 136 Q. J. ECON. 169 (2021); Alex Albright, Jeremy A. Cook, James J. Feigenbaum, Laura Kincaide, Jason Long & Nathan Nunn, After the Burning: The Economic Effects of the 1921 Tulsa Race Massacre (Nat’l Bureau of Econ. Rsch., Working Paper No. 28985, 2021).
given the Sunday after his election to the U.S. Senate and after the Capitol Riot on January 6, 2021, Raphael Warnock said “As we consider what happened—the ugliness of it all—I want us to recognize that we didn’t see in that moment the emergence of violence. I want you to see the ways in which the violence was already there.”


Brenda Spotton Visano charges that economics as a discipline “has become both an apologist for capitalism and the engine of neoliberalism.” We agree, except to quibble with the “has become” part, which implies there was some other non-neoliberal non-capitalist economics at some point prior. Again, all capitalism is racial capitalism.

Economists frequently express surprise at the nature, the extent, and the depth of capitalism’s repeated failure to produce either efficient or equitable outcomes. We proceed to look within capitalist structures to right these wrongs. Why should we be surprised that capitalism fails so many people? Isn’t that just the system working the way it is supposed to? It’s called capitalism, after all, not laborism, and the First Fundamental Welfare Theorem—that competitive markets yield efficient outcomes—does not say anything about equity, much less guarantee it. Jenkins and Leroy explain:

Racial capitalism is a highly malleable structure. It has at times relied on open methods of exploitation and expropriation that wrench racialized populations into capitalist modes of production and accumulation, such as slavery, colonialism, and enclosure. But racial capitalism also relies on exclusion from those same modes of production and accumulation in the form of containment, incarceration, abandonment, and underdevelopment for a racial surplus population.

Racial capitalism is working well, and economics is providing a crucial assist. Economics seems neither to regret fostering the common conflation of “efficient” with “good” nor to seek to destabilize it. Economics has not become this neoliberal ideology, but rather is this neoliberal ideology: the braided co-evolution and co-existence of hegemonic neoliberal ideology,

193. See supra notes 55-59 and accompanying text.
194. See Butler, supra note 176.
hegemonic racial capitalism, and hegemonic narratives of justice in the face of a reality of systemic oppression produces the economics we have. Economics is not outside of the system, it is the system. As Cedric Robinson writes in Black Marxism: “From the twelfth century forward, it was the bourgeoisie and the administrators of state power who initiated and nurtured myths of egalitarianism while seizing every occasion to divide peoples for the purpose of their domination.”

Mainstream economics and many of its practitioners can be counted among Robinson’s “administrators of state power” and as contributors to the operations of both the PIC and the MIC.

Furthermore, while capitalism may open fertile ideological terrain to address class hierarchy and conflict, it has a fundamental, strategic, and intentional obliviousness to race, racism, gender, patriarchy, and exploitation. Until we reimagine an economics that is unconstrained by ideological choices that serve the status quo, we will continue to fail in achieving our primary goal of providing insight into the dynamics and meaning of the allocation of resources and well-being, continue to lag behind the humanistic social scientists and the critical theorists while claiming to “discover”—much later—what they already know. As currently constructed, economics has ceded so much ideological territory, willingly accepted such severe anti-intellectual constraints on inquiry, that its contributions to knowledge are largely limited to marginal improvements on familiar landscapes, rather than framework-shifting new insights that truly deepen our understanding and expand our worldview.

C. Imagine

1. Imagine an Abolition Economics

Abolition is a constructive process centering hope, possibility, and imagination. In his Foreword to Critical Race Theory: The Key Writings that Formed the Movement, Cornel West writes:

Critical Race Theory is the most exciting development in contemporary legal studies. This comprehensive movement in thought and life—created primarily, though not exclusively, by progressive intellectuals of color—compels us to confront critically the most explosive issue in American civilization: the historical centrality and complicity of law in upholding white supremacy (and concomitant hierarchies of gender, class, and sexual orientation.) . . .

196. ROBINSON, supra note 48, at 26.
197. Id.
Critical Race Theorists have, for the first time, examined the entire edifice of contemporary legal thought and doctrine from the viewpoint of law’s role in the construction and maintenance of social domination and subordination.\textsuperscript{199}

This is a declaration of abolition. Subbing in “economics” for “law” is not a terrible way to characterize the larger collaborative goal of rethinking economics from an abolitionist anti-racist perspective.

Economics must face the extent to which economics is not a broad objective theory explaining human behavior but rather a narrow purposeful ideology justifying current social, economic, political, and legal arrangements. Such a reckoning starts with “acknowledging the simple truth that race does matter.”\textsuperscript{200} In the introduction to Freedom Dreams, Robin D.G. Kelley writes that radical movements in the Black Radical Tradition were “fueled not by false optimism but by a deep understanding of reality. They were trying to sustain life by beating back the death-dealing structures of gendered racial capitalism.”\textsuperscript{201} To think differently, to imagine the possibility of a different economics—an Abolition Economics—is an act of resistance and freedom-making.

2. Imagine People, Actual Human Ones

Freedom begins and ends with people. So too does economics. While imagining an economics that does not hew to methodological individualism is crucial to imagining an Abolition Economics, it would be foolish to think that such imagining requires the complete removal of individuals from such an economics. Rather, we believe abolition requires us to remove economic man and replace him with a human person, while also destabilizing the limited ways in which economics centers individuals and conceptualizes human interaction.

Economic man, the central character in mainstream economics, is independent, faceless, and rational. He is also white, cisgender, heterosexual, and male, and he is the working head of a white nuclear family in a western democracy. The only way one economic man differs from another is in his “preferences” which come from some place deep in his psyche. We must make him human, and that means acknowledging and centering the many ways in which individual human people are complicated, different, messy. This is going to be difficult, and the models

\textsuperscript{199} Critical Race Theory: The Key Writings, supra note 32, at xi.
\textsuperscript{201} Robin D. G. Kelley, Freedom Dreams: The Black Radical Imagination, at xix (2d ed. 2022).
will not work out neatly. But that is hardly a problem, as reality is not neat. If one’s own human experience were not sufficient, the writings of Kimberlé Crenshaw\(^{202}\) and bell hooks\(^{203}\) make clear how necessary and possible such a humane approach to humans can be.

These new human people will not only be diverse, complicated, and intersectional\(^{204}\)—in other words, human—but they will behave in all sorts of ways. They will be selfish, loving, irrational, diligent, imaginative, kind, and contradictory. Whereas economic man is perfectly selfish in the world and then perfectly altruistic towards his family in the home, real people are never purely characterized by one behavioral aspect nor do they go through a wholesale transformation daily upon crossing the threshold of their own home. Nor do real people optimize all the time, or behave as if they were doing so, so we must give up methodological optimization as well. This also means that behavioral economics,\(^{205}\) which allows for many complexities of behavior but still hews to rationalization and optimization, is insufficient: it is a reformist reform that does not fundamentally challenge the neoliberal capitalist ideologics of economics. To be abolitionist, we must vigorously resist the inclination to aggressively and relentlessly rationalize human behavior.

Lastly, an abolitionist approach must allow these humans to engage with each other as humans, in families and communities. Contemporary economics approaches that allow economic man to interact with others, to care for his family, to exist in a familial structure, or to suffer from racism do not accomplish this because the baseline is still whitewashed. While a defender of economics could claim that economics does not purport to describe all human behavior, just economic human behavior, the hegemony of economic capitalist logics for social science and social policy


\(^{203}\) See George Yancy and bell hooks, *bell hooks: Buddhism, the Beats and Loving Blackness*, N.Y. TIMES: OPINION PAGES, Dec. 10, 2015 (“We can’t begin to understand the nature of domination if we don’t understand how these systems connect with one another. Significantly, this phrase has always moved me because it doesn’t value one system over another. For so many years in the feminist movement, women were saying that gender is the only aspect of identity that really matters, that domination only came into the world because of rape. Then we had so many race-oriented folks who were saying, “Race is the most important thing. We don’t even need to be talking about class or gender.” So for me, that phrase always reminds me of a global context, of the context of class, of empire, of capitalism, of racism and of patriarchy. Those things are all linked—an interlocking system.”).

\(^{204}\) See Crenshaw, *supra* note 202 (emphasizing the ways in which statuses such as race and sex can intersect to create forms of inequality that are not adequately captured when considering each status separately and independently).

\(^{205}\) See generally DellaVigna, *supra* note 121; Young, *supra* note 181.
render that an empty contradictory claim. Economics does not stay in its lane, and purports to provide special insight into just about anything: it is the authoritative social science and it imposes a rigid selfish individualistic view of humans on society. To resist that imposition is central to the abolitionist project: abolition requires us “to move away from myopic and individualistic conceits.”

3. Imagine Freedom

“Freedom Dreams: From Noun to Verb” is the title Robin D. G. Kelley chose for the first chapter of his hopeful, realistic, radical, and framework-shifting abolitionist work. From noun to verb. Abolition is dynamic, positional, complex, collaborative, and active work. Kelley understands abolitionist imagination as not about “wishful thinking or even dreaming” but about collectively imagining our way from reality to freedom, imagination that is grounded in all-too-real reality. To do this for economics, and for L&E, requires us to resist the discipline’s discipline not only by revealing its constraints but by doing so enough on its own terms so as to take it down from within. If this is about freedom, it must be enacted from all directions. We aim to provide an assist from inside the power.

As one of the starters of the No One is Illegal movement, Harsah Walia writes: “Prefiguration is the notion that our organizing reflects the society we wish to live in—that the methods we practice, institutions we create, and relationships we facilitate within our movements and communities align with our ideals.”

What then is the freedom to imagine, or the freedom we imagine? Kelley writes that activist movements share “a vision of a future grounded in love, mutual care, cooperative economies, transformative justice, and abolition.” This is a dynamic praxis of abolition animated by an open and participatory imagination.
expansive vision of human freedom. There is more to freedom than choice, and more to life than rationality and striving. An Abolition Economics will be smaller and humbler, broader and more humane. It just may free humans to be human.

CONCLUSION

This Article has endeavored to lay the groundwork for a new approach to economic analysis—namely, an approach deeply informed by CRT and other critical perspectives that we call Abolition Economics. We have sought to dismantle the definitions, assumptions, and methods of neoliberal economics, to challenge and change the discipline’s reliance on the Mathematical Industrial Complex to invisibilize and devalue human beings, and to build a new model that sees the realities of racial capitalism, listens to the narratives of those exploited by it, and imagines a freer future.

So where does Abolition Economics go from here? We are under no delusions that it will immediately transform the way that questions are framed and analyzed in the economics profession, nor that it will instantly supplant L&E as the most prominent school of economic thought in the legal literature. But abolition in its myriad forms is a long-term and aspirational undertaking. In the context of prison abolition, for example, “[n]o abolitionist expects all prison walls to come tumbling down at once;” instead, most activists recognize that progress may be incremental and require smaller steps before the ultimate goal can be reached. It is a process, a “praxis of human being.”

So too with Abolition Economics. This Article is but one step toward creating the “radically different society” that abolition imagines. We offer these arguments as a call to economics to acknowledge the discipline’s role in supplying an apologia for the racial capitalist regime, and as a catalyst to economics to develop new modes of inquiry that allow us to see the economic system as it is rather than how it wishes to be seen. We invite critical thinking about how relaxing the restrictions under which mainstream economics labors—dropping some of its constraints—might expand what it can do. Surely most economists can agree that unconstrained inquiry yields better outcomes than constrained inquiry. The status quo of existing models, methods, and foci is a constraint. And an unnecessary one at that. What possibilities might exist if we realize it need not constrain us? Perhaps we can imagine our way to freedom.

212. See Reyes, Abolition Constitutionalism, supra note 18, at 677-78.
213. Roberts, supra note 17, at 114.
214. Id. at 108.
216. Id. at 122.