

FOREWORD: THE NEW FRONTIER OF PARTICIPATORY LAW SCHOLARSHIP

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The publication of this issue comprised solely of participatory law scholarship (PLS)—legal scholarship which merges the expertise of legal academics with the experiential expertise of those who have borne the bluntest consequences of law’s injustice—feels momentous.¹ What makes this volume so significant is that it is *only the first*. By being “only the first,” we do not mean that it is the first volume of a law review dedicated exclusively to PLS.² We mean that it marks the beginning of an ongoing commitment: *the N.Y.U. Review of Law & Social Change* (RLSC) plans to publish PLS articles in every volume going forward. That is remarkable. It means RLSC now has editors devoted solely to PLS and has anchored PLS at the heart of its ongoing editorial vision. That bears unique significance because it means that PLS is not a passing trend. PLS has now been institutionalized at one of the most reputable law journals in the United States. As we outline in this foreword, this moment calls for both special recognition and reflection—on how far we’ve come, and how far we still have to go.

When we wrote our first PLS article, *Redeeming Justice*, it felt like a complete leap of faith.³ Since it was written during the heart of the global pandemic, Terrell’s words essentially had to be smuggled out of a state prison, where he was under lockdown except for fifteen minutes a day. In practice, this meant that Terrell would often have to make the difficult choice of whether to shower or call a loved one, or, instead, spend those precious minutes sending a part of our article through a 2,000-character message via the prison messaging portal. Despite all our efforts, the first time we submitted *Redeeming Justice* to law journals, we didn’t receive a single offer of publication. It was a deeply discouraging moment—one that made us question whether the legal academy was truly ready for our radical vision of legal scholarship.

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1. Rachel López, *Participatory Law Scholarship*, 123 COLUM. L. REV. 1795, 1798 (2023); Rachel López, *Experiential Expertise in Law: What Lived Experience Can Teach*, 105 B.U. L. REV. 101 (2025).

2. The first volume was published by the *Virginia Law Review Online* following the first ever symposium on PLS, shepherded by Editors Biruktawit “Birdy” Assefa and Dennis Ting. *See generally* Symposium, *Participatory Law Scholarship: A Seat at the (Legal) Table*, VA. L. REV. ONLINE (2024), <https://perma.cc/J69L-FRQ8>.

3. *See* Terrell Carter, Rachel López & Kempis Songster, *Redeeming Justice*, 116 NW. U. L. REV. 315, 325–37 (2021).

Back then, we could have never imagined that *Redeeming Justice* would win the Law and Society Association's Article Prize, that we would present our work at some of the most prestigious universities in the country and publish it in their law journals. We certainly never dreamed that it would usher in a new research paradigm, which would push the bounds of what legal scholarship traditionally looks like.

More exciting still, we could never have predicted the bold and unexpected directions authors would take PLS in. For example, drawing from her lived experience of fleeing Afghanistan, Yalda Royan, Afghan women's rights activist, has written about the dysfunction and trauma of the United States humanitarian immigration response to the Taliban takeover.⁴ In another recent PLS publication, Sa'Real McRae, a young Black organizer and activist, argued that despite youth being at the center of change and now at the center of political battles, young people rarely have the chance to speak for themselves in policy spaces.⁵

This volume continues to expand this emerging PLS canon by introducing new voices and perspectives. Take Dee Farmer—the first known transgender plaintiff to argue and win a case *pro se* before the Supreme Court. In her article, *Farmer at 30: Historicizing Trans Rights in Prison through Intergenerational Dialogue*, she critiques the federal courts' retreat from her landmark case, which introduced a new legal theory for providing remedies to incarcerated people.⁶ And, in *The Constitutionality of Life Under the Credible Threat of Death by Execution: The View from Death Row*, Lyle May reflects on his experience living on a congregate death row in North Carolina. He argues that the persistent threat of execution—despite occurring in a supposedly “humane” environment—is inherently torturous and violates the Eighth Amendment's prohibition against cruel and unusual punishment.⁷

Now, however, with PLS taking hold in ways that we never imagined, we are gripped with a different set of dilemmas. What does it mean for PLS to become mainstreamed? Does it heighten the risk of PLS becoming just another academic extractive industry—mining carceral experience for insights while leaving the structures of punishment untouched? And how do we fight that co-optation? More urgently still, how do we sustain this movement within institutions that were never designed to support it?

4. Lindsay M. Harris & Yalda Royan, *Afghan Allies in Limbo: Discrimination in the U.S. Immigration Response*, 61 SAN DIEGO L. REV. 863 (2024).

5. Sarah Medina Camiscoli & Sa'Real McRae, *Youth Participatory Law Scholarship*, 110 VA. L. REV. ONLINE 101 (2024).

6. Dee Deidre Farmer & D Dangan, *Farmer at 31: Historicizing Trans Rights in Prison Through Intergenerational Dialogue*, 48 N.Y.U. REV. L. & SOC. CHANGE 321 (2025).

7. Lyle C. May, Brittany Ripper & Robert Johnson, *The Constitutionality of Life Under the Credible Threat of Death by Execution: The View from Death Row*, 48 N.Y.U. REV. L. & SOC. CHANGE 353 (2025).

In this regard, RLSC's publication of this volume is both exciting and daunting. It represents a giant leap ahead but also reminds us of how far we have to go. As PLS enters this next chapter, the work ahead cannot fall on RLSC alone. If PLS is to endure, we must actively build the conditions for knowledge production by experiential experts to thrive. That means more than symbolic inclusion—it means shifting material resources from academic institutions to experiential experts. One step in that direction was the creation of the Participatory Law Fund at Drexel Kline School of Law, which has already supported seven experiential experts to produce legal scholarship.⁸

Together, we can ensure that PLS is not a fleeting experiment, but a lasting, transformative practice—worthy of the voices it seeks to elevate.

8. The hope is to establish a similar fund at Temple Beasley School of Law this year.