

Yixuan Huang

Professor Alex Wolf-Root

Philo 3410: Prompt One

23 April 2023

Abolition?

In this paper, I will focus on the first prompt and reconstruct Collins' argument advocating for the abolishment of the evidence-based paradigm. I will present an objection to her view and explain why I believe that Collins' perspective is unable to withstand my challenge. Furthermore, I will explore the correlation between the abolishment of the evidence-based paradigm and prison abolition.

The evidence-based paradigm in philosophy of law is a theoretical framework that emphasizes the importance of empirical evidence in the development and evaluation of legal theories and practices. It recognizes that the law is not just a system of abstract principles and moral values, but also a practical tool that has real-world effects on people's lives. The evidence-based paradigm represents a shift away from traditional approaches to legal theory and practice, and towards a more empirical, data-driven, and scientifically grounded approach to law.

The idea that criminal law and policy should be evidence-based has become a leading paradigm for reform. The basic idea is that criminal law can be unbiased and ideologically free if we just use the data. As Collins' mentions in the paper that we will follow data and science toward reforms that will reduce our reliance on incarceration. We will employ scientific methods to identify "what works," and craft our policies accordingly, which means

we will adopt an “evidence-based” approach to reform (Collins 2).

Collins’ argument for abolishing the evidence-based paradigm is rooted in the notion that this paradigm fails to deliver on its promises of objective, unbiased, and reliable decision-making. Collins argues that evidence-based practices, which rely on statistical analysis and controlled experimentation, are limited in their ability to account for the complexity of real-world situations and the diversity of individuals involved. Thus, she contends that the evidence-based paradigm is biased not only in what it measures, but how it measures, and these biases favor the status quo rather than challenging and eradicating them. (Collins 8).

Furthermore, Collins argues that the evidence-based paradigm is inherently oppressive, as it relies on a narrow definition of what constitutes valid evidence, often privileging quantitative data over qualitative insights or lived experiences. This approach perpetuates systems of power and reinforces the dominance of those in positions of authority, rather than empowering those most affected by policies and decisions.

In place of the evidence-based paradigm, Collins advocates for a more inclusive and democratic decision-making process, one that centers the voices and experiences of those most affected by policies and incorporates a range of diverse perspectives and forms of knowledge. Collins argues that such an approach is essential for achieving true justice and equity, particularly in domains such as criminal justice, where the evidence-based paradigm has been used to justify oppressive and racist policies. Ultimately, Collins contends that the evidence-based paradigm is beyond reform, and that it must be abolished in favor of more democratic and inclusive approaches to decision-making.

In her paper, Collins also explain why we need to abolish the evidence-based paradigm

instead of reforming the evidence-based paradigm. She argues that although we have many ways to reform the evidence-based paradigm, any iteration of the evidence-based paradigm will always produce reformist reforms, which represents that changes that tinker at the edges of the existing system and fail to target the structural origins of inequality and injustice (Collins 50). Therefore, to chart a different course for the future, we need a true paradigm shift – a change in world view – about the aims of criminal legal reform efforts and the role and definition of data and empiricism in advancing that vision which need us to abolish the current evidence-based paradigm.

I agree with Collins on the evidence-based paradigm argument; however, I disagree with her that we should abolish the evidence-based paradigm argument. One potential objection, in my opinion, to Collins' argument for abolishing the evidence-based paradigm is that it may be premature to completely abandon this approach without a viable alternative in place. While it is certainly true that the evidence-based paradigm has its limitations and can perpetuate existing biases, it has also proven to be a useful tool for making decisions based on the best available information and for evaluating the effectiveness of interventions and policies. Furthermore, while Collins advocates for a more inclusive and democratic decision-making process, it is not entirely clear how this would work in practice or how it would avoid the potential pitfalls of groupthink, polarization, or the privileging of certain voices over others.

It is difficult to say exactly how Collins would respond to this objection, as she has not explicitly addressed it in her work. However, based on her overall argument for abolishing the evidence-based paradigm, she may argue that the risks associated with relying on an

imperfect or biased approach to decision-making are outweighed by the potential harms caused by perpetuating systemic injustices and reinforcing existing power imbalances.

Additionally, Collins may also argue that her call for a more inclusive and democratic decision-making process does not necessarily mean abandoning the use of evidence altogether, but rather broadening the scope of what counts as evidence to include a more diverse range of perspectives and forms of knowledge. This could include incorporating qualitative data, community input, and the experiences of those most affected by policies, in addition to more traditional quantitative measures. Simultaneously, the potential risks associated with moving away from the evidence-based paradigm could be mitigated by implementing strong accountability mechanisms and ensuring that decision-making processes are transparent and open to scrutiny.

However, there are still some problems with her response, which cannot be fully explained. First, the alternative proposed by Collins lacks a clear implementation framework and may be susceptible to the same potential pitfalls as evidence-based paradigms; without a clear plan on how to make decisions based on that alternative, it is difficult to assess its effectiveness or feasibility. Second, her proposed alternative to the evidence-based paradigm, which emphasizes inclusivity and democracy, may not adequately address the limitations and biases of the current approach. Furthermore, I think it is more important to carefully consider the potential consequences of any proposed changes to the decision-making process and to explore all potential alternatives before completely abolishing the evidence-based paradigm.

I do not think that abolishing the evidence-based paradigm entail prison abolition and similarly, I also do not think that prison abolition entail abolishing the evidence-based

paradigm. Abolishing the evidence-based paradigm would mean moving away from this approach and embracing alternative methods of evaluation, while prison abolition is a movement that seeks to dismantle the current prison system and replace it with alternative approaches to justice, such as restorative justice and community-based programs. While there may be some overlap between these two movements, they are not directly related. Abolishing the evidence-based paradigm may lead to changes in how interventions are evaluated and implemented, but it does not directly address the harms caused by the prison system. Similarly, abolishing prisons may change the way evidence is used in criminal justice policy, but it will not directly challenge evidence-based paradigms in other fields.

In general, it is acknowledged that the evidence-based paradigm has its flaws, and I concur with Collins' article on this point. However, I disagree with her proposal to dismantle the evidence-based paradigm and replace it with a new decision-making process. I believe her perspective is too radical and may not be practical at this point. Nevertheless, it is important to acknowledge that Collins' ideas on new decision-making processes are worth exploring and could be tried as a means of reforming the evidence-based paradigm. By considering and testing alternative approaches, we can work towards improving the current system and addressing its limitations in a more measured and thoughtful way.

Reference

Collins, Erin. "Abolishing the Evidence-Based Paradigm." *Brigham Young University Law Review*, *Forthcoming* (2022).