

# The punitive regulation of poverty in the neoliberal age

Loïc Wacquant diagnoses the resurgence of the prison in advanced societies

How and why has prison returned to the institutional forefront of advanced societies when four decades ago analysts of the penal scene were convinced it was on the decline, if not on the path towards extinction? In my book, *Punishing the Poor*, I put forward three theses that resolve this historical conundrum (Wacquant, 2009).

My first thesis is that the expansion and glorification of the police, the courts and the penitentiary are a response not to *criminal* insecurity, which has not changed in scale and physiognomy, but to the *social* insecurity caused by the casualisation of wage labour and the disruption of ethnic hierarchy (ethnoracial between blacks and whites in the US, ethnonational between citizens and immigrants in western Europe). The second is that we need to reconnect social and penal policies and treat them as two variants of poverty policy to grasp the new punitive politics of marginality. The third is that the simultaneous and converging deployment of restrictive 'workfare' and expansive 'prisonfare' partake of the forging of the neoliberal state.

Whereas the notion of 'welfare' points to a universal right to social assistance, the term 'workfare' designates categorical programmes of support to the poor (the unemployed, indigent single mothers, populations receiving 'social minima') for which the aid received is conditional on orienting oneself towards the labour market (via training, job seeking or forced assignment to an unskilled job or task, on pain on losing eligibility). I constructed the concept of

'prisonfare' by analogy with 'workfare' to designate programmes of penalisation of poverty through the preferential targeting and aggressive deployment of the police, courts and prison (and their extensions: probation, parole, criminal justice data banks and related systems of surveillance at a distance) in and around the defamed neighbourhoods where the marginalised fractions of the post-industrial proletariat are relegated.

## Thesis 1: Ramping up the penal state in response to social insecurity

My first thesis is that the ramping up of the penal wing of the state is a response to the diffusion of social insecurity and not a reaction to crime trends. In the three decades after the peaking of the civil rights movement, the US went from being a leader in progressive justice to an apostle of 'zero tolerance' policing, architect of 'three strikes and you're out' and world champion in incarceration. Why this sudden and unforeseen turnabout? The conventional answer is that this stupendous expansion of punishment was driven by the rise in crime. *Mais voilà*, victimisation first stagnated (1975–1993) and then decreased during this entire period (after 1993). This simple statistic says it well: the US held 21 prisoners in 1975 for every 10,000 'index crimes' (including willful homicide, forcible rape, robbery, burglary, aggravated assault and larceny); 30 years later, it locked up 125 prisoners for every 10,000 crimes. This means that the country has become six times more punitive, holding crime constant.

To explain this punitive turn in penal policy in the US, we need to

*break out of the crime-and-punishment box* and pay attention to the extra-penological functions of penal institutions. Then we discover that, in the wake of the race riots of the 1960s, the police, courts and prison have been deployed to contain the urban dislocations wrought by economic deregulation and the implosion of the ghetto as an ethnoracial container, and to impose the discipline of insecure employment at the bottom of the polarising structure of classes and places. As a result, the resurging prison has come to serve three missions that have little to do with the reduction of crime: to bend the reticent fractions of the post-industrial working class to precarious wage-work; to warehouse their most disruptive or superfluous elements; and to patrol the boundaries of the deserving citizenry while reasserting the authority of the state in the restricted domain it now assigns itself.

If you cross the Atlantic, you will note that western Europe sports comparatively modest rates of confinement, ranging from one-sixth to one-tenth that of the US (these rate ranges from the 70s per 100,000 residents across Scandinavia to just over 150 per 100,000 for England, Scotland and Spain, with France, Italy and Germany occupying a median position. The United States holds 740 inmates for 100,000 today, as against 145 in 1975). But this difference in scale must not hide two crucial facts. First, *penalisation takes many different forms and is not reducible to incarceration*. Second, *incarceration rates have shown steady and sturdy growth across western Europe* since the early 1980s: they have risen by more than one-half in France, Italy and Belgium; they have nearly doubled in England and Wales, Sweden, Portugal and Greece; and they have quadrupled in Spain and in the Netherlands, long held up as model of humane penalty. In reality, the drift towards the penalisation of urban marginality has swept through western Europe with a lag of two decades, albeit on a smaller scale (commensurate with the makeup of the state and social space in these societies).

This drift presents three distinctive features. First, the new penal laws embraced by European governments typically ‘bark’ louder than they ‘bite’ (it is the opposite in the US) because the texture of social and economic citizenship is more robust, human rights standards thwart excessive criminalisation and judicial professionals have been able to resist penal extension from within the state apparatus. But hyping ‘insecurity’ and promoting crime-fighting in and around districts of dereliction to the rank of government priority, ahead of fighting unemployment in these same areas, has definitely shifted government priorities in favour of penal posturing and action.

Next, European societies endowed with a strong statist tradition are using the front end of the penal chain, the police, rather than the back end, the prison, to curb social disorders and despair in low-income districts. One example: in France, the inmate population has risen by one-third over the past decade but during that same period the number of persons arrested and held overnight for a *garde à vue* in a police lockup nearly tripled, approaching the extravagant figure of one million. Third, instead of a brutal swing from the social to the penal management of poverty as in the US, continental countries have intensified both, expanding welfare protection and police intervention simultaneously in a contradictory thrust that has both stimulated and limited the extension of the punitive mesh.

These three features define a ‘western European road’ to the penalisation of poverty which is not that of the US. (This ‘route’ differentiates further into distinct national paths in accordance with each country’s state structure and conception of citizenship.) Yet, from a longer, macropolitical perspective, the dominant trend is similar: a

punitive revamping of public policy that weds the ‘invisible hand’ of the market to the ‘iron fist’ of the penal state.

### Thesis 2: Relinking social and penal policy

My second thesis is that, to elucidate the new politics of marginality, we must imperatively re-link shifts in penal and social policy, instead of treating them as two separate domains as is conventional in both the scholarly and the policy debate. The downsizing of public aid, correlative of the shift from ‘welfare’, as the right to protection from the sanction of the market, to ‘workfare’, as the obligation to orient oneself toward forced participation in subpar employment as a condition of support (as with the Harz III reform in Germany, the ALE programme in Belgium and the RSA in France), and the upsizing of the prison are the two sides of the same coin. Together, workfare and prisonfare effect the double regulation of poverty in an age of deepening economic inequality and diffusing social insecurity.

My contention here is that public aid and criminal justice are *two modalities of state policy toward the poor*, so they must imperatively be analysed – and reformed – together. Supervisory workfare and the neutralising prison ‘serve’ the same population drawn from the same marginalised sectors of the unskilled working class.

They are guided by the same philosophy of moral behaviourism and employ the same techniques of control, including stigma, surveillance, punitive restrictions and graduated sanctions, to ‘correct’ the conduct of their respective clientele. In some US states, Temporary Assistance to Needy Families (TANF) recipients stand in line with parolees to undergo monthly drug tests to maintain eligibility for support, on

pain of being deleted from the rolls. (see Wacquant, 2009). In other states, parolees who fall into homelessness because they cannot find a job are returned to prison for failure to maintain a stable residence.

Nowadays, you cannot track penal policy without reckoning with social policy, and vice versa. You cannot understand trends in offending without factoring in the sea changes in welfare provision, public housing, foster care and related state programmes, including the oversight of irregular migration, that set the universe of life options of the populations most susceptible to street crime (as both perpetrators and victims).

### Thesis 3: Crafting the neoliberal state

My third thesis is that the meshing of workfare and prisonfare partakes of the making of the neoliberal state. Economists have propounded a conception of neoliberalism that equates it with the naked rule of the ‘free market’ and the coming of ‘small government’. That conception, which pictures the state and the market as antagonistic entities, has by and large been adopted by other social scientists. The problem is that it captures the ideology of neoliberalism, not its reality. The comparative sociology of ‘actually existing neoliberalism’, as it concretely evolves, reveals that it involves everywhere the erection of a *centaur-state*, a bureaucratic monster with a liberal head mounted on a paternalistic body.

The neoliberal Leviathan practises *laissez faire et laissez passer* at the top of the class structure, towards corporations and the upper class, at the level of the causes of inequality. But it turns out to be fiercely interventionist and authoritarian at the bottom, when it comes to dealing with the destructive consequences of economic deregulation and the retraction of the social safety net for those at the lower end of the class and honour ladder. This is because the imposition of market discipline is not a smooth, self-propelling process. Quite the contrary: commodification meets with

*parolees who fall into homelessness because they cannot find a job are returned to prison for failure to maintain a stable residence*

persistent recalcitrance and triggers manifold resistance; it translates into diffusing social instability and civil turbulence among the lower class; and it practically undermines the authority of the state. (Karl Polanyi

demonstrates this for the eighteenth and nineteenth centuries in his master-book, *The Great Transformation: The Political and Economic Origins of Our Time*). The rule of the market thus necessitates robust institutional contraptions to anchor and support it, among them an enlarged and energetic penal institution targeted on those who bear the social cost of the revamping of public authority.

### Conclusion

The linked stinginess of the welfare wing and the munificence of the penal wing under the guidance of moralism have induced changes in the design and functioning of the bureaucratic field that are profoundly injurious to democratic ideals. As their sights converge on the same marginal populations and urban districts, deterrent

workfare and neutralising prisonfare foster vastly different profiles and

experiences of citizenship across the class and ethnic spectrum. They not only contravene the fundamental principle of equality of

treatment by the state and routinely abridge the individual freedoms of the dispossessed. They also undermine the consent of the governed through the aggressive deployment of involuntary programmes stipulating personal responsibilities just as the state is withdrawing the institutional supports necessary to shoulder these and shirking its own charges on the social and economic fronts. And they stamp with the indelible seal of demerit the precarised fractions of the post-industrial proletariat, from whom issue the vast majority of welfare recipients and justice convicts.

In short, the penalisation of poverty splinters citizenship along class lines, saps civic trust at the bottom and sows the degradation of republican tenets. The

establishment of the new government of social insecurity wedding

restrictive workfare and expansive prisonfare ultimately discloses that neoliberalism is constitutively corrosive of democracy. Yet it is the result of policy choices, not a preordained necessity imposing a certain path on contemporary societies. Other historical paths out of the social turmoil of the 1960s and the economic stagflation of the 1970s were open, and remain open. But to locate them we must first elucidate the overall architecture of the institutional maze which contains and blocks them and identify the deep causes of the shift towards the punitive management of poverty. It is my hope that the debates and discussions in *Criminal Justice Matters* will be yet another step in that direction. ■

Note: A shorter version of this paper was initially prepared for the August 2011 forum organised by OpenDemocracy on 'Governing Poverty, Governing Risks?'

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**Loïc Wacquant** is Professor of Sociology, University of California, Berkeley, and Researcher, Centre Européen de Sociologie et de Science Politique, Paris

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