Punishing the poor
(2009)
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Thesis
- Penal expansion (i.e. expansion of criminal (in)justice system) is a transformation of public authority (new role of government) to foster the advance of neoliberalism (i.e. free market policies)
  - Role of government? Whose interests are being represented?
  - A prison is a political institution instead of just an institution used to enforce laws and handle criminals
  - Role of bureaucracies in controlling people’s lives?

Strategies to treat undesirable conditions
- Socialization
  - Asserting the responsibility, and building the capacity of the state to deal with urban problems
    - Example: building and securing subsidized housing, job train training etc...
- Medicalization
  - Search for a medical remedy to problems defined as individuals pathologies to be treated by health professionals
    - Example: treatment of drug and alcohol addiction, or mental deficiencies of homelessness
- Penalization
  - Technique for the invisibilization of the “social problems” that the state no longer can or cares to treat at its roots
    - Example: prisons operate as judicial garbage disposal for those who have been rejected from the market economy

Neoliberal government
- Commodification of public good and the rise of the underpaid and precarious jobs
- Unraveling of social protection leading to the replacement of the collective right to recourse against unemployment and destitution (“welfare”) by the individual obligation to take up gainful activity (“workfare”)
- Reinforcement and extension of the punitive apparatus (police and imprisonment) recentered onto the poorest districts of the inner city (“prisonfare”)
- THE “LEFT HAND” OF THE STATE, which protects and expands life chances (labor law, education, health, social assistance, public housing) is REPLACED BY THE “RIGHT HAND” OF THE STATE, which regulates life chances (police, justice, correctional administration)

Neoliberalism stresses market-friendly policies such as
- Labor deregulation (labor laws are seen as an impediment to business activities)
- Privatization (turning public goods and services into private enterprise) based on ‘efficiency’ regardless of issues of justice and equality
- Trade liberalization (more global trade regardless of labor conditions and wage scales)
- Reduction of taxation and public expenditures (commodification of people being forced into the labor force, ‘workfare;’ they are not treated as citizens but as clients with obligations)
- Reinforcement of individual responsibility as core value (language of markets, competition but of not solidarity)
Expansion of the penal system (prisons) to control those are not meeting their “obligations” as responsible workers regardless of the fact that they are also citizens

Neoliberalism also requires ideologically

- More Laissez-faire attitude at the top to allow markets to operate without interference
- Small government
  - A necessary transition from the Keynesian welfare state which necessitates incentives to develop people’s individual appetite for work, self-reliance, commitment to paid work (regardless of quality and whether wages are enough to live on)
  - In actuality, neoliberalism has meant less laissez-faire attitude at the bottom
  - More control and supervision of certain populations forcing them from “welfare” to “workfare” (defined in the next few slides), and through the penal system (law-and-order)
    - Representation of what Wacquant (2009) calls authoritarian moralism

Commodification of public good and the rise of the underpaid and precarious jobs

- A quarter of jobs in America pay below the federal poverty line for a family of four ($23,050). Not only are many jobs low-wage, they are also temporary and insecure (Hatton, 2013)
- Temporary employment skyrocketed from 185,000 “temps” a day in 1963 to over 400,000 in 1980. The numbers did not slow when good times returned: even through the economic boom of the ’90s, temporary employment grew rapidly, from less than 1 million workers a day to nearly 5 million by 2000 (Hatton, 2013)
- Workers are just another capital investment; only the product of the labor had any value
  - The workers themselves are expendable

More and more workers are being employed through “contingent work” relationships (CPR, 2013)

- Day laborers hired on a street corner for construction or farming work, warehouse laborers hired through staffing agencies, and hotel housekeepers supplied by temp firms are common examples, because their employment is contingent upon short-term fluctuations in demand for workers
- Think about what the following phrases might really mean:
  - “we need a flexible workforce”
  - “labor regulations hurt American businesses’ ability to compete in the global economy”

Farming (CPR, 2013)

- Growers are increasingly turning to farm labor contractors as a source of workers, with the percentage of workers hired through those firms increasing from 14% in 1993-1994 to 21% in 2001-2002
• These workers face stagnating wages that remain below federal poverty levels, unhealthy work and living conditions that do not meet basic standards, and even cases of modern day slavery

• Average individual income was $10,000 – $12,499 and average family income was $15,000 - $17,499 (Dept. of Labor)

• Based on federal poverty guidelines, 30% of all farm workers had a family income below poverty guidelines

Warehousing (CPR, 2013)

• A substantial human infrastructure supports retailers like Walmart and Amazon

• Hundreds of thousands of contingent workers (a significant number of workers are primarily black and Latino) suffer the repetitive stresses of lifting and moving goods, which can result in sore muscles and joints, carpal tunnel syndrome, and nerve system damage

• Wages for temp workers (i.e. “freight, stock, and materials movers” and “packers and packagers”) earned just around $8.69/hr, on average across the U.S. in May 2004

• In Will County, Illinois, a major shipping center just outside of Chicago, found that the median wage for temp workers was $9.00/hr versus $12.48 per hour for direct-hire employees (a 28% shortfall)
  • The Social IMPACT Research Center calculated living wages for Will County in the range of $11.55 for a single adult with no kids to $25.95 for a single parent of two children

• Most contingent workers are placed at a particular worksite on what is supposed to be a probationary basis for a period of 30, 60, or 90 days, after which the site owner rarely hires them on a full-time basis, with the result that, a significant number end up as “permatemps,” working at one site for more than a year
  • 21% of the temp workers in the Chicago-area survey reported working at the same job for more than a year

Construction (CPR, 2013)

• Almost all of the contingent construction workers (28% of all workers in the industry) in the United States are young men, and most are Hispanic or Latino

• They tend to take on some of the most dangerous jobs, such as general laborers, painters, and roofers with high risks of injuries such as musculoskeletal injuries, falls, and nail-gun injuries

• Day laborers make up a significant percentage of workers in the industry but many workers are employed through other contingent employment relationships
  • Independent contractors make up nearly 80% of the contingent construction workforce
  • This is explained by the fact that employers often claim workers as independent contractors to avoid workers compensation and payroll taxes

• Temporary help agencies and contract firms also provide contingent workers

Hotel workers (CPR, 2013)

A unique aspect of contingent work in the hotel housekeeping industry is that, unlike the other industries, this is an industry dominated by women.

- Scrubbing floors, vacuuming, changing sheets on heavy mattresses, and navigating unwieldy carts in carpeted hallways lead to musculoskeletal injuries that are aggravated by cleaned-room quotas that continue to increase.

- BLS data indicate that within the “traveler accommodations” industry, workers in the “maids and housekeeping cleaners” occupational class, have an average hourly wage of $10.10 and an annual average salary of $21,000.

- Retail (UC Berkeley Labor Center, 2004)

- Wal-Mart workers in California earn on average 31% less than workers employed in large retail as a whole, receiving an average wage of $9.70 per hour compared to the $14.01 average hourly earnings for employees in large retail (firms with 1,000 or more employees).

- In the U.S. about 30% of the workforce could be classified as “contingent workers” including roughly 13% part time workers, 7% independent contractors, 5% self-employed workers, and 5% a combination of agency temps, direct-hire temps, on-call, and contract company workers (GAO, 2006).

- Data from the Quarterly Census of Employment and Wages indicates that those employed by temporary help agencies accounted for 1.6% of the workforce (just over 2 million people) in 2010 (Bureau of Labor Statistics, 2012).

- The American Staffing Association estimates that the number of temporary and contract workers provided by staffing agencies was 2.58 million in 2010, or about 2 percent of the workforce (Berchem, 2011).

Poverty: A definition (1)

- Absolute measure
  - Attempt to define a truly basic needs standard and remains constant over time
  - If you cannot meet basic needs, regardless of standards of living
    - U.S. official measure of poverty

- Relative measure
  - Defined in terms of comparative disadvantage, assessed against ever changing standards of living.
A people’s beliefs about the money needed rises overall standards of living also rise
Widely adopted in European countries

Poverty: A definition (2)
- Absolute measure is based on the assumption that there is a measurable subsistence level of income or consumption below which people should be deemed economically disadvantaged or deprived (not necessarily severe)
- U.S. official poverty measure is based on “the lowest-cost food plan” designed for “temporary or emergency us when funds are low”
- It was designed using the 1955 Household Food Consumption Survey, which indicated that families of three or more spent 1/5 of their after-tax income on food
- Since then, the poverty thresholds have only been adjusted based on inflation (CPI)

Poverty: A definition (3)

Poverty: A definition (4)
- The HHS poverty guidelines are used as an eligibility criterion by a number of federal programs, such as (among others):
  - Children’s Health Insurance Program, Medicare – Prescription Drug Coverage (subsidized portion only), Community Health Centers, Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamp Program), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), National School Lunch Program & School Breakfast Program (for free & reduced-price meals) and Weatherization Assistance for Low-Income Persons
  - Some state/local governments have chosen to use the federal poverty guidelines in some of their own programs and activities
    - Examples include financial guidelines for child support enforcement and determination of legal indigence for court purposes as well as some private companies (utilities, telephone companies)
  - Major means-tested programs that do not use the poverty guidelines in determining eligibility include the following:
    - Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI)
    - Earned Income Tax Credit (EITC), Section 8 low-income housing assistance

Living wage calculator

Poverty: A definition (5)
- Relative measure can be defined as comparative economic deprivation
  - It is based on the notion that poverty is relative to a society’s existing level of economic, social, and cultural development
    - People are social beings who operate within relationships
    - Those whose resources are significantly below the resources of others, even if they are physically able to survive, may not be able to participate adequately in social organizations and relationships, and thus incapable of fully participating in society
    - The most common measure used is the threshold at a percentage (usually half) of the median household income

Poverty: A definition (6)
- The Organization for Economic Cooperation and Development (OECD) notes that since starvation is very uncommon in advanced industrialized societies, absolute subsistence poverty lines have little meanings
  - Some researchers argue that poverty should be thought in terms of social exclusion from standards of living available to others in the same society
Some are critical of this relative measure of poverty because it is not considered objective

- What really is an objective measure of poverty?

Social exclusion in the U.K. is defined as “a short hand-term for what can happen when people or areas suffer from a combination of linked problems such as unemployment, poor skills, low income, poor housing, high crime environment, bad health and family breakdown” (Iceland, 2012)

- Does poverty refer to a subsistence standard - that is, the amount required to survive - or to economic marginalization - deprivation relative to social norms and standards?

Universal Declaration of Human Rights (1948)

- Article 25:
  - (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control

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“welfare” to “workfare” (1)
- Transition from welfare state, based on solidarity, to a charitable state, based on compassion.
- The charitable state is NOT to reinforce social bonds nor is it to reduce inequalities but to relieve most glaring destitution and show some moral sympathy for those who are deprived.
- They, however, have to demonstrate work ethic in the free-market economy (“workfare”) to deserve support.
- The poor are not considered citizens (right to assistance) any more but irresponsible individuals (lack of morals and need to be controlled).

“welfare” to “workfare” (2)
- While “welfare” represents a universal right to social assistance, “workfare” represents categorical program of support to the poor.
  - the unemployed
  - single mothers
  - The aid received is now conditional on orienting oneself towards the labor market via:
    - training
    - job seeking
    - forced assignment to an unskilled job, on pain of losing eligibility.

“welfare” to “workfare” (3)
- Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)
  - It essentially abolished the right to assistance for the country’s poorest children and was replaced with the obligation of unskilled and underpaid wage-labor for their mothers.
  - This was drawn a sharp demarcation between the worthy from the unworthy poor as to force the latter into job market (irrespective of the availability and parameters of employment).
  - The goal was not to reduce poverty but the alleged dependency of families on public aid.

“welfare” to “workfare” (4)
- Such programs replace “dependency” on means-tested state programs with “dependency” on super-exploitative employers.
  - Precarious jobs
  - Little to no medical coverage
  - No child care assistance
  - Physically and emotionally degrading jobs
- “Workfare” does not aim at reducing poverty but seeks to diminish the visibility of the poor in our society.
  - Will dissuade the lower fraction of the working class from making claims on state resources
  - Will “instill” conventional morality into the poor.
The poor are treated as cultural similes of criminals who have violated civic law of wage work.

“welfare” to “workfare” (5)

“welfare” to “workfare” (6)
- Two sides of the same coin (public aid mirrors penal institution)
  - Built-in gender slant (women with “welfare” and men with “prisonfare”)
  - Practical assumption that recipients of welfare are guilty until proven innocent
  - Their conduct must be closely supervised and rectified by restrictive and coercive measures
  - Deployment of deterrence and stigma to achieve behavioral modification

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“welfare” to “workfare” (8)
- Welfare recipients are considered civic felons for whom workfare will ensure that they abide by the national expectations of wage work and family morality, or else one’s will be kept out of the citizenry

“welfare” to “workfare” (9)
- Welfare recipients are considered civic felons
  - Criminalization of poverty

- They are failing to abide by the ideology of moral individualism

- Poor unwed mothers (and fatherless children) are perceived as abnormal and suspect beings who threaten the moral order and whom the state has to socially supervise, control and place under strict tutelage

Many of those measures are popular among the white electorate because “welfare” is perceived as benefiting lower-class blacks (irrespective of the statistics, see next slide)

- Their antisocial behaviors need to be controlled and modified (ideas similar to the theory of broken windows)
  - Social services used as an instrument of surveillance and control

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**“welfare” to “workfare” (10)**

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**“welfare” to “workfare” (11)**

- PRWORA was justified by policy makers because many thought that welfare was too generous, was sapping one’s will to work and was sustaining a “culture of dependency”
  - This was reinforced by the images of
    - the “welfare queen” (black mother likely to cheat the system, and spend her assistance on drugs and liquor, and likely not to take care of her children)
    - the black female mother, “babies having babies” (who likely to have been raised on welfare, who is immature, immoral and sexually promiscuous)
    - the lower-class “deadbeat” father (who is likely to be black and unemployed, impregnates women left and right, and abandons his kids)
    - the immigrant from the “third-world” (who slips in the country to enjoy the generous benefits of the welfare system)

**“welfare” to “workfare” (12)**

- PRWORA had absolutely no jobs component
  - There was no budget for job training and job creation
  - States were given monetary incentives to meet quotas of caseload reduction and work participation
    - Most of the plans revolved around “personal change”, “readiness workshops” designed to teach mainstream norms and work submissiveness because poverty has been thought to be the result of “the fear of failing, dependency, bad attitude, sense of entitlement, victim mentality and low self-esteem”
  - The law never addressed the lack of jobs, sub-poverty wages, instability of employment, lack of social protection, support for transportation
  - Public aid was commodified with the expansive use of private companies to administer “workfare” requirements

**“welfare” to “workfare” (13)**
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“welfare” to “workfare” (14)

PRWORA was never meant to fight poverty and alleviate social insecurity; on the contrary it intended to normalize them

The American state has turned away from passively protecting the poor toward actively making them into compliant workers fit for forced to fill the peripheral slots of the deregulated labor market

- “moral rearrangement” and “all jobs are good jobs” mantra necessary in the capitalist world

“Stripped down to its labor-regulatory essence, workfare is not about creating jobs for people who don’t have them, it is about creating workers for jobs that nobody wants... It is seeking, to make ‘docile bodies’ for the new economy: flexible, self-reliant, and self-disciplining.” (Peck, 2006, p.6)

“welfare” to “workfare” (15)

Should States require drug testing on the part of the recipients?

- What are the moral implications of such programs?
- What does that mean in terms of how welfare recipients are perceived by the larger society?
- Does that help reduce poverty?

“welfare” to “workfare” (16)

Universal Declaration of Human Rights, Article 25 (1):

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social service, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control."

- Article 25 (2):

“Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.”

- Convention on the Rights of the Child, Article 27 (1):

“States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, moral and social development.”

- Article 27 (3):

“States Parties...shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programs, particularly with regard to nutrition, clothing and housing.”

- International Covenant on Economic, Social and Cultural Rights, Article 11 (1):
“States Parties...recognize the right of everyone to an adequate standard of living for himself and his family...The States Parties will take appropriate steps to ensure the realization of this right”.

Article 12 (1):
“States Parties...recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”

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wealthfare (1)

- The federal government spent $92 billion in direct and indirect subsidies to businesses and private sector corporate entities—expenditures commonly referred to as “corporate welfare”—in fiscal year 2006

- “Corporate welfare” is defined as any federal spending program that provides payments or unique benefits and advantages to specific companies or industries
  - The largest fraction of corporate welfare spending, about 40%, went through the Department of Agriculture, most of it in the form of farm subsidies

- It outpaces the almost $60 billion we spend annually on traditional “social welfare” programs

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Wealthfare (2)

- $17.6 billion is spent on Temporary Assistance for Needy Families, (or TANF) in 2009

- $41.7 billion on housing programs - where 54% of HUD-assisted households goes to the elderly or disabled
  - It included $2.3 billion for Homeless Assistance Grants

- Costing about $70 billion a year, the mortgage interest deduction is one of the largest federal tax expenditures, but it appears to do little to achieve the goal of expanding homeownership
  - The main reason is that the bulk of its benefits go to higher-income households who generally could afford a home without assistance
  - In 2012, 77% of the benefits went to homeowners with incomes above $100,000

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Wealthfare (3)

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Wealthfare (6)

- The biggest direct subsidy program in the federal budget is crop and farm subsidies.
  - In 2006, taxpayers footed the bill for $21 billion in agricultural subsidies.

- The conventional wisdom continues to view federal agricultural programs as vital to preserving impoverished and beleaguered family farms in the United States.
  - The reality is quite different from the popular notions about farming in America today because most farmers are relatively wealthy.

- Most farmers don’t receive direct subsidies from the federal government.
  - The taxpayer-financed handouts go to only about 1/3 of the nation’s farmers and ranchers.

- So where does all the taxpayer money spent on farmers actually go? Mainly to large corporate agribusinesses and the richest farmers.
  - In 2005, the most recent year for which comprehensive statistics are available, the richest 10% of all subsidy recipients received 66% of all subsidies.

Penalization (new normal)

(1)

- Governmental practices over the last 30-40 years mandate submission to the “free market” and celebration of “individual responsibility.”

- Attacking crime head-on (no more leniency)
- Proliferation of laws and new innovations (video cameras, partnership police with schools, hospitals etc...)
- Alarming population with catastrophic discourse of “insecurity” (law-and-order pornography: constant flow of images of danger through reality shows, TV shows etc...)
- Stigmatization of the youths, homeless, working-class neighborhoods, drug addicts, prostitutes and immigrants.
- Rehabilitation has been replaced by managerial approach (control) of inmates.
- More punitive policies (extension and tightening of police dragnet and increase of the population under lock)

Penalization (new normal)

(2)

- In reality, there is a confusion between insecurity and “feeling of insecurity.”
It is not criminality that has changed so much as the gaze that society has on certain street illegalities and on the dispossessed and the dishonored populations (unemployed youth, homeless population, and immigrants)

- The “broken windows” theory

Those populations are the living embodiment of the social insecurity represented by unstable wage conditions

58 **Theory of Broken Windows (1)**

- The false promise of Broken Windows policing relies on the premise (Harcourt, 2001) that:
  
  - “that minor forms of disorder, such as graffiti, litter, panhandling, and prostitution, if left unattended, will result in neighborhood decline and increased serious criminal activity” (Wilson, 1982)

  - and by developing anti-gang loitering ordinances/injunctions, youth curfews, misdemeanor arrests it will force people to change the social meanings of those activities and will reduce criminal behavior and encourage obedience to the law

59 **Theory of Broken Windows (2)**

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60 **Theory of Broken Windows (3)**

- This theory is based on the writings of James Q. Wilson who, in 1968. A neighborhood disorder influences the disorderly - especially criminals - to move into the neighborhoods and commit crimes. He wrote:

  - “A noisy drunk, a rowdy teenager shouting or racing his car in the middle of the night, a loud radio in the apartment next door, a panhandler soliciting money from passerby, persons wearing eccentric clothes and unusual hair styles loitering in public spaces - all these are examples of behavior which ‘the public’ (an onlooker, a neighbor, the community at large) may disapprove of.” (1968, p. 16)

  - “A teenager hanging out on a street corner late at night, especially one dressed in an eccentric manner, a Negro wearing a ‘conk rag’ (a piece of cloth tied around the head to hold flat hair being ‘processed’ - that is, straightened), girls in short skirts and boys in long hair parked in a flashy car talking loudly to friends on the curb, or interracial couples - all of these are seen by many police officers as persons displaying unconventional and improper behavior” (1968, pp. 39-40)

61 **Theory of Broken Windows (4)**

- Questions:

  - How is the line between disorderly and law abiders drawn?
  - Why is it that eccentric clothes, youthful exuberance, or loitering is disorderly?
  - What are the distinctions between difference, eccentricity, disorder, and criminality?
• What is the meaning of disorder? Lack of community control of crime? Alternative subculture? Political opposition? Artistic expression?

• Example: Terrebonne Parish, a town in Louisiana, passed an ordinance (April 2013) to ban saggy pants in public. Their council voted 8-1 to pass the proposition. Offenders will be fined $50 for the first offense, $100 for the second offense and $100 plus 16 hours of mandatory community service for the third offense. A judge will determine the punishment for any further violations.

62 Theory of Broken Windows (5)
• Is that the answer?
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63 Theory of Broken Windows (6)
• We are being told that the drop in crime in NYC, for instance, is due to mechanisms resulting from the theory of broken windows.
  • Drop in crime (L.A., Boston, Houston etc...) in the 1990s was also quite significant in other cities not implementing order-maintenance policing.
  • Drop in crime in NYC was the result of several factors (non-related to order-maintenance policing):
    • More police officers on the beat
    • Favorable economic conditions
    • Technology speeding response to crime
    • Arrest of big drug gangs

64 Theory of Broken Windows (7)
• According to James Banfield, James Q. Wilson's mentor,
  • “the lower class individual is unable to maintain a stable relationship with a mate; commonly he does not marry ... like the aggressive panhandler, the lower-class individual is aggressive, yet dependent ... like the prostitute or slut, the lower-class person has loose sexual morals ... his bodily needs (especially sex) and his taste for ‘action’ take precedence over everything else - and certainly over any work routine ... the lower-class person drifts from one unskilled job to another, taking no interest in his work;” lower-class households are “usually female-based”, are “characteristically impulsive, and once “children have passed babyhood they are likely to be neglected or abused” (1974, pp. 61-62).
  • In his mind, it is therefore the norm of present-orientedness, characteristic of the lower-class individuals that gives rise to crime and delinquency, poverty, broken families and illegitimacy
  • Blaming the victim for poverty to further justify order-maintenance policing (i.e. hoping to change social meaning of behaviors) to prevent disorder to turn into crime.

65 Theory of Broken Windows (8)
• Empirical evidence (Harcourt, 2001) shows that the broken windows theory does not hold truth
Social disorder (loitering, vandalism, public drinking, insulting language, smut, prostitution) and physical disorder (noise, abandoned building, litter, trash in vacant lots, dogs, garbage) are not connected with homicide, burglary, assault, rape, purse snatching.

**Theory of Broken Windows (9)**
- We are being told that the drop in crime in NYC, for instance, is due to mechanisms resulting from the theory of broken windows.
  - Drop in crime (L.A., Boston, Houston etc...) in the 1990s was also quite significant in other cities not implementing order-maintenance policing.
  - Drop in crime in NYC was the result of several factors (non-related to order-maintenance policing):
    - More police officers on the beat
    - Favorable economic conditions
    - Technology speeding response to crime
    - Arrest of big drug gangs

**Theory of Broken Windows (10)**
- The quality-of-life initiatives (targeting social and physical types of disorder) did not lead to a decrease in serious crime.
  - However, what took place was an increase in the power of the police to engage in surveillance by using misdemeanor arrests to keep tab on people.
    - More data is collected (checking records, fingerprinting, DNA)
    - Using stops and frisks to target people

**Theory of Broken Windows (11)**
- The quality-of-life initiatives (targeting social and physical types of disorder) did not lead to a decrease in serious crime.
  - However, what took place was an increase in the power of the police to engage in surveillance by using misdemeanor arrests to keep tab on people.
    - More data is collected (checking records, fingerprinting, DNA)
    - Using stops and frisks to target people

**Theory of Broken Windows (12)**
- “for some, rehabilitation buys a good conscience. Not people like me but politicians. How many I’ve seen tell me, ‘don’t worry, Sarge, I’m never coming back!’ and wham! six months later... To rehabilitate, it’s not in prison you do that. It’s too late. You’ve got to ‘habilitate’ people by giving them good jobs, equal chances at the start, in school. You have to do ‘habilitation’. That we provide social assistance is fine, but it’s too late.” Interview with a prison guard (Wacquant, 1999, p. 104)

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- Favorable economic conditions
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Loic Wacquant’s thesis in Punishing the Poor (2009)

Penal expansion (i.e. expansion of criminal (in)justice system) is a transformation of public authority (new role of government) to foster the advance of neoliberalism (i.e. free market policies)

Change in incarceration patterns are linked to the change in our economy
Those changes are not random but the result of political decisions
- End of social assistance as a right
- Expansion of free-market principles
- Control and supervision of deprived population

The expansion and glorification of the police, the courts and the penitentiary are NOT a response to criminal insecurity but to the social insecurity caused by the precarious wage-labor conditions, the rise of racial/ethnic minorities

Social and penal policies are two variants of the new punitive politics of marginality

The combination of “workfare” (as explained earlier) and “prisonfare” represents the creation, the formation of a neoliberal government

Reinforcement and extension of the punitive apparatus (police and imprisonment) recentered onto the poorest districts/neighborhoods of the inner city

It represents the policies aimed at controlling marginalized people impacted by the reduction of our welfare state towards a state of social insecurity, “workfare”
- the intensification of those social ills and the way people feel them are being met by increased deployment of the police, the courts, custodial institutions (juvenile detention centers, jails, prisons) and their extensions (probation, parole, criminal database)

Politicians who argue for a smaller government to “free” the creative forces of the market do not hesitate to erect a bigger government for those who are to be supervised in this new economy of social insecurity

Proliferation of laws and an insatiable craving for bureaucratic innovations and technological gadgets

Crime-watch groups and partnerships between the police and other public services (schools, hospitals, social workers, the national tax office, etc.)
- Video surveillance cameras and computerized mapping of offenses
- Compulsory drug testing (expansion of tests for welfare recipients)
- “Tazer” and “flash-ball” guns
- Criminal profiling, satellite-aided electronic monitoring
Enlargement and technological modernization of carceral facilities
Multiplication of specialized custodial centers (for foreigners awaiting expulsion, recidivist minors, women, etc...)
Next, drones??

“welfare” or “prisonfare” (2)

“Prisonfare” (5)
Continuous extension of judicial supervision through the enlargement of probation and parole

Fast-track judicial processing and the extension of the prerogatives of probation and parole officers
The criminal justice oversees the fate of some 6.9 million Americans
Proliferation of criminal data bases, some of them freely available on the internet, and of genetic fingerprinting, and generalized genetic fingerprinting (DNA collection for crime suspects, not convicts)
Huge increase in the resources devoted to corrections, which has become the country’s third largest employer with over 600,000 staff, just behind the world’s leading corporation in terms of turnover, General Motors, and the distribution giant Wal-Mart

Any of you are or will be criminal justice major??

“Prisonfare” (6)
“for some, rehabilitation buys a good conscience. Not people like me but politicians. How many I’ve seen tell me, ‘don’t worry, Sarge, I’m never coming back!’ and wham! six months later... To rehabilitate, it’s not in prison you do that. It’s too late. You’ve got to ‘habilitate’ people by giving them good jobs, equal chances at the start, in school. You have to do ‘habilitation’. That we provide social assistance is fine, but it’s too late.” Interview with a prison guard (Wacquant, 1999, p. 104)

“Prisonfare” (7)
This punitive turn is everywhere conveyed by an alarmist, even catastrophist discourse on “insecurity” animated with images and broadcast to saturation by the commercial media, the major political parties, and professionals in the enforcement of order — police officials, magistrates, legal scholars, experts and merchants in “urban safety” services — who propose remedies as drastic as they are simplistic
Out of a proclaimed concern for efficiency in the “war on crime” and solicitude toward this new figure of the deserving citizen that is the crime victim, this discourse openly reestablishes repression and stigmatizes youths from declining working-class neighborhoods, the jobless, homeless, beggars, drug addicts and street prostitutes, and immigrants

“Prisonfare” (8)
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Law-and-order pornography

- Everyday incidents of ‘insecurity’ are turned into a media spectacle and a permanent theatre of morality
- On the main television channels the 8 pm news has mutated into a chronicle of run-of-the-mill crimes that suddenly seem to threaten on every side
  - “Here a pedophile school teacher, there a murdered child, somewhere else a city bus stoned etc...”
- Special broadcasts multiply at peak listening times unwinds the tragic story of a child who committed suicide as a result of a racket in the playground of his primary school – instantly converted into a paradigmatic one for the sake of boosting audience ratings
- Magazines are bursting with features about ‘the true figures,’ the ‘hidden facts’ and assorted ‘explosive reports’ on delinquency in which sensationalism competes with moralism, and periodically draw up the fearsome cartography of ‘no-go areas’ and tender essential ‘practical advice’ for dealing with dangers

Crime fighting has mutated everywhere into a grotesque theater of civic morality that elected officials use to stage their masculine fortitude against the “undeserving” poor, in order to shore up the deficit of legitimacy they suffer for abandoning the protective mission of the state on the social and economic front

- The theatricalization of penalty has migrated to the commercial media and the political field with a privileged place accorded to police operations in low-income districts and courtroom confrontations around celebrity defendants

- Court TV as well as crime-and-punishment “reality shows” have inundated television (Cops, 911, America’s Most Wanted, American Detective, Bounty Hunters, Inside Cell Block F, etc.), not to mention the use of criminal justice as fodder for the daily news and dramatic series (Law and Order, CSI, Prison Break, etc.)
“Prisonfare” (13)

- “for some, rehabilitation buys a good conscience. Not people like me but politicians. How many I’ve seen tell me, ‘don’t worry, Sarge, I’m never coming back!’ and wham! six months later... To rehabilitate, it’s not in prison you do that. It’s too late. You’ve got to ‘habilitate’ people by giving them good jobs, equal chances at the start, in school. You have to do ‘habilitation’. That we provide social assistance is fine, but it’s too late.” Interview with a prison guard (Wacquant, 1999, p. 104)

“Prisonfare” (14)

- Trends in crime and imprisonment are only weakly related over time

- Poor and minority men were much less involved in crime in 2000 than 20 years earlier, matching declines in crime in the population as a whole

- Although disadvantaged men became much more law-abiding, their chances of going to prison rose to historically high levels (Western, 2007)

“Prisonfare” (15)

- “for some, rehabilitation buys a good conscience. Not people like me but politicians. How many I’ve seen tell me, ‘don’t worry, Sarge, I’m never coming back!’ and wham! six months later... To rehabilitate, it’s not in prison you do that. It’s too late. You’ve got to ‘habilitate’ people by giving them good jobs, equal chances at the start, in school. You have to do ‘habilitation’. That we provide social assistance is fine, but it’s too late.” Interview with a prison guard (Wacquant, 1999, p. 104)

- What does it mean to “habilitate” instead of “rehabilitate”?
- What kind of social policies would this imply?
- What should be the role of penal institutions in a society? (be critical and use your sociological imagination)

“Prisonfare” (16)

- (i) Prisoners are denied access to valued cultural capital
  - While university credentials are becoming a prerequisite for employment in the (semi)protected sector of the labor market, inmates have been expelled from higher education by being made ineligible for Pell Grants, starting with drug offenders in 1988
  - This expulsion was voted by Congress for the sole purpose of accentuating the symbolic divide between criminals and ‘law-abiding citizens’ in spite of overwhelming evidence that prison educational programs drastically cut recidivism as well as help to maintain carceral order.

- (ii) Ex-inmates are systematically excluded from social redistribution and public aid in an age when work insecurity makes access to such programs more vital than ever
  - Laws deny welfare payments, veterans’ benefits and food stamps to anyone in detention for more than 60 days. The Work Opportunity and Personal Responsibility Act of 1996 further banishes most ex-convicts from Medicaid, public housing, Section 8 vouchers and related forms of assistance
  - How does one reintegrate society?
  - What tools are made available to ensure former inmates are getting back on their feet?
(iii) Convicts are banned from political participation via ‘criminal disenfranchisement’ practiced on a scale unimagined in any other country.

- 39 states forbid convicts placed on probation from exercising their political rights and 32 states also interdict parolees.
- In 14 states, ex-felons are barred from voting even when they are no longer under criminal justice supervision—for life in ten of these states.
- The result is that nearly 4 million Americans have temporarily or permanently lost the ability to cast a ballot, including 1.47 million who are not behind bars and another 1.39 million who served their sentence in full.
- A mere quarter of a century after acceding to full voting rights, one black man in seven nationwide is banned from the electoral booth through penal disenfranchisement and seven states permanently deny the vote to more than 1/4 of their black male residents.
- What is a democracy? Who should participate?

“Prisonfare” (17)

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“Prisonfare” (18)

Reinforcement and extension of the punitive apparatus (police and imprisonment) recentered onto the poorest districts of the inner city.

“Prisonfare” (19)

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“Prisonfare” (20)

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“Prisonfare” (21)

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“Prisonfare” (22)

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“Prisonfare” (23)

- Debtors prisons

- Collection agencies are resorting to some unusually harsh tactics to force people to pay their unpaid debt, some of whom aren’t aware that lawsuits have been filed against them by creditors
  - For example, Robin Sanders, in Illinois, was pulled over for having a loud muffler. But instead of sending her off with a warning, the officer arrested Sanders, and she was taken right to jail. "That's when I found out [that] I had a warrant for failure to appear in Macoupin County. And I didn't know what it was about." Sanders owed $730 on a medical bill. She says she didn’t even know a collection agency had filed a lawsuit against her. She spent four days in jail waiting for her father to raise $500 for her bail. That money was then turned over to the collection agency. (NPR, 2012)

- A report by the ACLU found that people were imprisoned even when the cost of doing so exceeded the sum total of the debt they owed
  - In New Orleans, the sheriff pays $22.39 per day for each detainee held in the Orleans Parish Prison. Sean Matthews, a homeless construction worker, was incarcerated for 5 months for $498 of legal debt in 2009. His jail time cost the city $3,201.77 - more than 6 times the amount he owed (NPR, 2012)

- Some are even made to pay for their jail time themselves. Walter Riepen, a Michigan resident, was sentenced to 30 days in jail. After his release, he was billed $1,260 - the cost of his incarceration at a rate of $60 a day. Since his only income is a monthly Social Security disability payment, Riepen cannot pay back the amount, and the ACLU reports that he still lives under the threat of being sent back to prison for his unpaid legal financial obligations.

“Prisonfare” (24)

- Debtors’ prisons

- According to the Brennan Center for Justice
  - Path 1: Probation or parole revoked or not granted
    All fifteen states make criminal justice debt a condition of probation, parole, or other correctional supervision. In some states, when individuals fail to pay, they may face re-arrest and may ultimately be sent to prison. In Pennsylvania, persons in prison are ineligible for parole unless they pay a $60 fee that makes no exception for the indigent.

  - Path 2: Incarceration through civil or criminal enforcement proceedings
    At least eleven states have statutes or practices that authorize incarceration as a penalty for a willful failure to pay criminal justice debt, often under the guise of civil contempt.

  - Path 3: “Choosing” jail
    Interviewees in two states reported programs where defendants can request to spend time in jail as a way of paying down court imposed debt. Although technically voluntary, these programs reflect the untenable choices that poor defendants must make.
All fifteen states have jurisdictions that arrest people for failing to pay criminal justice debt or appear at debt-related hearings, leading in many cases to multi-day jail terms pending an ability to pay hearing.

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“Choosing” jail

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Arrest and pre-hearing incarceration

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“Prisonfare” (25)

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“Prisonfare” (26)

The real challenge, to be specific, is not to improve prison conditions, although that is clearly a matter of immediate urgency, but to rapidly depopulate the prison by engaging a proactive policy of decarceration based on alternative sentencing and the social treatment of urban ills

Do we really want less inmates?

Are we really interested in addressing solving issues?
For, whereas we no longer know why we lock people up, we do know very well that passing through the prison has destructive and demoralising effects on inmates as well as on their families and associates.

- Do we really care about inmates as people, as citizens, as human beings?
- Is it a real cost-effective strategy to deal with social ills?

108 “Prisonfare” (29)

- “for some, rehabilitation buys a good conscience. Not people like me but politicians. How many I’ve seen tell me, ‘don’t worry, Sarge, I’m never coming back!’ and wham! six months later... To rehabilitate, it’s not in prison you do that. It’s too late. You’ve got to ‘habilitate’ people by giving them good jobs, equal chances at the start, in school. You have to do ‘habilitation’. That we provide social assistance is fine, but it’s too late.” Interview with a prison guard (Wacquant, 1999, p. 104)

109 “prisonfare” (30)

- Mass incarceration’s devastating impact on low-income, African American families has intergenerational consequences.
  - By the age of 14, 25% of black children born since 1990 will have fathers who have been incarcerated.

- Temporary or long-term single-parent families are not necessarily harmful, in themselves, to the development of responsibility.
  - But when mass incarceration contributes to familial deterioration across entire communities, and poverty severely limits the alternate relationships and institutions that might supplement family life, children are more often left without the role models, authority figures, and supportive relationships on which to found a robust positive sense of responsibility to abide by the laws.

110 “ghetto” as a prison (1)

- In 1989, African Americans supplied the majority of prison admissions even though black men make up only 7% of the country’s male population.
  - Prison has become a substitute for the ghetto, after the latter crumbled in the wake of waves of urban riots in the 1960s.
  - Blacks had entered the Fordist industrial economy, to which they contributed a vital source of abundant and cheap labor willing to ride along its cycles of boom and bust.
  - Yet they remained locked in a precarious position of structural economic marginality and consigned to a secluded and dependent microcosm, complete with its own internal division of labor, social stratification, and agencies of collective voice and symbolic representation: a ‘city within the city’ with black churches and press, businesses and professional practices, and communal associations that provided both a ‘milieu for Negro Americans in which they [could] imbue their lives with meaning’ and a wall ‘to “protect” white America from “social contact” with Negroes’.
  - The ghetto was used as a vehicle to extract black labor while keeping black bodies at a safe distance, to the material and symbolic benefit of white society.

111 “ghetto” as a prison (2)

- The ghetto, in short, operates as an ethnoracial prison:
  - It encages a dishonored category and severely curtails the life chances of its members in support of the ‘monopolization of ideal and material goods or opportunities’ by the dominant status group dwelling on its outskirts.

- Prison can be conceptualized as a judicial ghetto: a jail or penitentiary is in effect a reserved space which serves to forcibly confine a legally denigrated population and this latter evolves its distinctive institutions, culture and sullied identity.
  - It is thus formed of the same four fundamental constituents - stigma, coercion, physical enclosure and organizational parallelism and insulation - that make up a ghetto, and for similar purposes.

112 “ghetto” as a prison (3)
• The ghetto protects the city’s residents (whites) from the pollution of intercourse with the tainted but necessary bodies of an outcast group (blacks) in the manner of an urban condom

• By the end of the 70s as the racial and class backlash against the democratic advances won by the social movements of the preceding decade got into full swing, the prison abruptly returned to the forefront of American society and offered itself as the universal and simplex solution to all manners of social problems

• Chief among these problems was the ‘breakdown’ of social order in the ‘inner city,’ which is scholarly and policy euphemism for the patent incapacity of the dark ghetto to contain a dishonored population viewed not only as deviant and devious but as downright dangerous in light of the violent urban upheavals of mid-60s

113 School- to-prison pipeline (1)
• School-to-prison pipeline refers to the collection of policies, practices, conditions, and prevailing consciousness that facilitate both the criminalization within educational environments and the processes by which this criminalization results in the incarceration of youth and young adults

• The pipeline analogy has become the dominant frame by which to discuss the lived experiences of boys and girls, disproportionately Black, who are criminalized in their learning environments, ultimately leading to contacts with juvenile and criminal justice systems

114 School- to-prison pipeline (2)
• A national study suggested that the more a school is comprised of students of color, the higher the likelihood that punitive exclusionary discipline will be used in response to disruptive and problematic student behaviors (Welch & Payne, 2011)

• The use of punitive responses to student behaviors is especially prevalent in schools where principals and other school leaders who believe, erroneously, that “frequent punishments helped to improve behavior”

• The presence of law enforcement in the schools (e.g., school resource officers, school-based probation officers, security officers, etc.) has been cited as one of the largest contributing factors to the increased rates of student arrests in schools (Nolan, 2011; Sundius & Farneth, 2008; Advancement Project, 2005, 2010)

115 Theory of Broken Windows (11)
• The quality-of-life initiatives (targeting social and physical types of disorder) did not lead to a decrease in serious crime.

• However, what took place was an increase in the power of the police to engage in surveillance by using misdemeanor arrests to keep tab on people.
  • More data is collected (checking records, fingerprinting, DNA)
  • Using stops and frisks to target people

116 School- to-prison pipeline (4)
• By transforming the slightest incident of misconduct at school into an act of juvenile delinquency that systematically triggers a court referral, one artificially manufactures an epidemic of classroom violence which, with the help of the media, can in turn be used to justify the partnership between schools and the police that produced it in the first place, and therefore normalize the creeping daily intrusion of the latter into the former

• How many of you have had the visit of the K-9 unit and interrupted your lesson in high school?
- How did you feel?
- Are you considered innocent or guilty?

**School-to-prison pipeline**

(5)

- In Los Angeles, 69 of the 90 low-performing schools (67%) are in neighborhoods with the highest incarceration rates. In Philadelphia, 25 of the 35 low-performing schools (66%) are clustered in or very near neighborhoods with the highest rates of incarceration. (NAACP, 2011)

- There were over 700,000 suspensions given to children attending public schools in California in the 2010-2011 school year. Children are removed from their regular classrooms for disciplinary reasons, resulting in hours, days, or weeks of lost instructional time.

- Many of these suspensions result from applying zero-tolerance, punitive, or “one size fits all” school discipline policies to low-level, trivial student misbehavior.

- We often see more punitive school discipline policies and higher numbers of suspensions, expulsions, and other exclusionary practices in schools attended primarily by children of color—particularly boys of color. The U.S. Department of Education, Office of Civil Rights reports that Black children in California receive out of school suspensions at a rate of 171 per 1000 students—over two times the average rate for the state (75 per 1000 students). In some schools over 20% of the students receive suspensions (Children's Defense Fund)

**School-to-prison pipeline**

(6)

- Some students are eventually pushed out of school
  - Many studies have found that suspension can contribute to academic and social disengagement that increases the likelihood of additional disciplinary exclusions, academic failure, and, eventually, drop-out or push-out.

- Children who have been suspended are significantly more likely to become involved in the juvenile justice system than their peers

- There is little evidence to suggest that suspension and expulsion has benefited students or their communities. Those exclusionary practices can increase student shame, alienation, rejection, and breaking of healthy adult bonds.


**School-to-prison pipeline**

(7)

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- 
- 

**Dropout factories**

High schools that lose more than 40 percent of their students between 9th and 12th grades

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