Punishing the Poor—a debate
Some questions on Wacquant’s theorizing the neoliberal state

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Abstract

While in broad agreement about the growing importance of workfare and punitive tendencies in contemporary politics, this article raises four questions about Wacquant’s model of a neoliberal state. Besides pointing out the fuzzy definition of the target group of punitive regulation, it questions whether penal containment is generalizable as ‘core’ of the neoliberal state. Third, it critiques the selective treatment of contemporary poverty policies (excluding a variety of, for example, activating, neoliberal policies), built on a skewed view of the transition from a supposedly generous ‘nanny state’ to a strict ‘daddy state’. Fourth, it challenges the claim of ‘overall fitness’ of punitive containment of urban marginality and the absence of agency and contradictions from the model.

Key Words
neoliberal poverty policies • neoliberal state • poor people’s agency • welfare-to-work

Wacquant’s (2009) ‘Theoretical Coda: A Sketch of the Neoliberal State’ synthesizes his observations on the changes in North American and Western European poverty politics as a new conceptualization of the neoliberal state: he argues that the flexibilization of labor, the transformation of welfare policies toward workfare and stricter sanctions, and the expansion of policing and
punitive powers and practices are forming constituent ingredients of the neoliberal state—which the prevalent theories of neoliberalism fail to acknowledge. On the one hand, social policy experts (such as Piven and Cloward or Peck) are said to overlook the increasing permeation of welfare policies by punitive trends as well as the importance of the link between welfare and penal measures for the contemporary regulation of poverty; on the other hand, experts on criminal justice (such as Foucault or Garland), while registering the significance of the expansion of their domain for public policies, are said to be stuck in the ‘crime–punishment box’ and therefore to ignore the division of labor in the management of poverty, in which not only law enforcement and prison systems are participating, but also the ‘caring’ sectors of the State (which have meanwhile become rather stern): together, these are argued to have created a historically novel apparatus that is able to keep the increasingly precarious ‘(sub)proletariat’ under control and submit it to the rule of deregulated wage labor. Furthermore, theorists of neoliberalization (such as Harvey) are also viewed as ignoring the importance of penal policies in the ‘new government of social insecurity’, as emphasizing only economic deregulation and welfare retrenchment, when in fact it is the combination of penal apparatus and supervisory workfare that characterizes the neoliberal state.

This neoliberal state, Wacquant argues, needs to be understood as Janus-faced not only with regard to its policies but also in ‘its very architecture’: liberal, caring and enabling towards the upper strata of society, but fiercely authoritarian towards the lower, precarious ones. The latter are now subjected to the disciplinary conditioning of market and moralism through economic, social and penal policies (and these three fields should no longer be conceived as separate fields of state policy). Since Wacquant (2009: 313) views this liberal-paternalist regime as violating the principle of equality of treatment by the State and as ‘split[ting] citizenship along class lines’, he concludes that neoliberalism is ‘constitutively corrosive of democracy’. This interpretation seems quite conclusive at first glance, but on closer scrutiny raises a few questions which may be pertinent to developing a useful theory of the neoliberal state. I will briefly delineate these in the following four steps.

1 Who exactly is the ‘same clientele’ (2009: 288), for whom this newly knitted ‘carceral-assistential lattice’ (2009: 304) is being rolled out? Wacquant suggests the ‘precarious fractions of the postindustrial proletariat’ (2009: 307, 310) or ‘(sub)proletariat’ (2009: 297), having emerged as a result of the fragmentation and desocialization of wage labor. In many passages he writes of the lower class or insecure fractions of postindustrial society—in other places he narrows them to their potentially ‘troublemaking’ (2009: 290) or ‘unruly’ (2009: 291) elements; in the book chapter, which this article draws on, he frequently combines them in the figure of the ‘destitute and disruptive’, leaving it vague whether these terms are meant to be synonymous and to apply to the lower strata as such. In any case, one group appears to him to be particularly representative of the target of the new poverty politics: (sub)proletarian blacks, who are presented as most severely affected by market deregulation,
welfare retrenchment and ‘penal penetration’. This shifting definition of the beneficiaries of the novel workfare/prisonfare apparatus impedes the assessment of Wacquant’s central argument regarding the regulation of the poor in the neoliberal state. The target population of the new regulatory apparatus is, at one point, the Aid to Families with Dependent Children (AFDC) recipients (2009: 292), at another it just the ‘disruptive poor’ (2009: 301); in Punishing the Poor he refers to the ‘destitute and disruptive fractions of the postindustrial proletariat’ (2009: 298)). In another text on the topic, Wacquant (2008: 12) mentions the following groups as examples of the ‘dispossessed and dishonored’ populations: ‘unemployed youth and the homeless, aimless nomads and drug addicts, postcolonial immigrants without documents’—but these groups are rarely part of the clientele of workfare programs.

Thus what is frequently presented as the ‘same’ group of beneficiaries, the ‘same precarious population’, is far from homogenous, including such motley groups as mentioned in the last quote along with single mothers and black/Hispanic young men; it is further differentiated by the two-pronged poverty programs, into more and less recalcitrant subgroups. A ‘select segment of the dispossessed’ (2009: 292), who are deemed recuperable, receives public support (even if only in today’s ‘astringent’ form of workfare), whereas the ‘lower-class categories perceived as undeserving and deviant types seen as irrecoverable’ (Wacquant, 2009: 303) are turned into the clientele of the penal state. This division seems to correspond to and reinforce the gendered division in US poverty regulation, since 90 percent of welfare recipients are female and 93 percent of prison inmates are male (2008: 12). According to Wacquant (2009: 293), the ‘same population’ is submitted, according to ‘a gendered division of labor’, to ‘the dictate of flexible work as de facto norm of citizenship at the foot of the class structure’; workfare and prisonfare are jointly drawing the division line between deserving and undeserving poor, between ‘the wholesome “working families” and the corrupt and fearsome “underclass”’.

Even long before the recession-caused explosion of unemployment rates, this ‘division line’ has, however, become blurry. Whereas Wacquant acknowledges problems of social and economic insecurity only with regard to the precarious (sub)proletariat, such insecurity has long been spreading not merely among the traditional poverty populations, but also among working and middle classes, and indeed not only in their subjective perception (2009: 300) but in highly material terms (cf. Tan Chan and Newman, 2007; Fletcher, 2008). With the massive increase in the numbers of working poor over the course of the last decade, they are less and less considered to be deviant. Too many ‘deserving people’ have ended up in the category of working poor. Furthermore, the 1996 welfare reform, by moving people off the rolls and into the labor force, produced the effect of freeing public aid recipients (mostly single mothers) of the stigma of ‘undeserving poverty’. Thus the state strategies directed at the growing poverty populations appear to be differentiating these further, as Wacquant (2008: 19) himself insinuates in another passage: only if the ‘authoritarian rectification of the behaviors of populations recalcitrant to the emerging economic … order’ fails, will the penal apparatus seek to expurgate
‘those who prove to be ‘incorrigible’ or useless’. It may thus very well be the case that the new penal apparatus is directed at all groups deemed ‘deviant, dependent and dangerous’ (2008: 20), but its programs distinguish and segregate between those willing and able to work and those considered redundant—and in doing so produces and reinforces these fixed categories. In fact, the classifications used here are hardly ascriptive categories, they refer, rather, to temporary and changeable status, even if specific recurring patterns may be discernable. But Wacquant’s prioritizing of penalization and particularly incarceration within the new two-pronged poverty policy and the concurrent stigmatization of ‘deviance’ leads him to downplay the multiple strategies and constraints that nowadays coerce people into work—any work. A more differentiated definition of the target group than ‘the invisible fractions of the post-industrial proletariat’ in constantly shifting shades of deviance, reticence, or recalcitrance would be helpful for a more adequate understanding of the functioning of this newly reengineered state apparatus and its policies.

A second problem that hampers generalizing Wacquant’s model of the neoliberal state is its strong grounding in the US case. While indeed quite a few originally American concepts—from zero tolerance via broken windows to workfare—have been imitated in Europe and elsewhere, US welfare and penal policies and cultures have remained exceptional and unique in many ways; and it is also questionable whether their neo-conservative manifestations of the past eight years (which much of Wacquant’s analysis is based on) will survive. But for Wacquant (2009: 304, emphasis added), the (contemporary) USA serves as a paradigmatic case: its extremely high incarceration rate, which multiplied five-fold over the past 25 years, ‘opens a unique route into the sanctum of the neoliberal Leviathan’. He calls the USA the ‘theoretical and practical motor for the elaboration and planetary dissemination of a political project that aims to subordinate all human activities to the tutelage of the market’ (2008: 20), and sees them as therefore representing the ‘likely contours of the future landscape of the police, justice, and prison in the European and Latin American countries that have embarked on the path of “liberating” the economy and reconstructing the state blazed by the American leader’ (2008: 21).

Of course Wacquant (2009: 300) recognizes that European societies do not have comparable punitive cultures and have so far not engaged in a similarly swift, broad and deep revamping of their penal apparatus, with incarceration rates at one-fifth to one-tenth of US rates. Only with preventive controls, such as policing and zero tolerance, have rising rates been registered. Whereas in 2001 Wacquant (2001: 409) considered ‘the dice … not yet cast’ with regard to whether the criminalization of poverty would also become a constitutive element of European states, he now emphasizes transatlantic convergence and anticipates that European nations will implement the same novel two-pronged regulation of poverty as has been invented in the USA. This prediction, even if it is qualified ever so often (as a somewhat milder ‘European road’ to the penal state (2008: 21, 22)), is hardly persuasive considering the exceptional trajectory of the USA, on the basis of which Wacquant’s model of the ‘new penal apparatus’ has been developed. Far from ‘everywhere’ have we witnessed a ‘carceral boom’
or a ‘gargantuan growth in the penal state’ (2009: 299). This has occurred only in the USA (and to a lesser extent in Great Britain). Only in the USA has the shift from the social to the penal treatment of urban marginality transformed ‘the architecture’ of the State (2009: 312); only in the USA might it be part of a ‘correlative revamping of the perimeter, missions and capacities of public authority’ (2009: 304), going hand in hand with the neoliberalization of the State.4 Wacquant (2009: 303) interprets the massive expansion of the US penal state as a ruling class response aiming to restructure the State, ‘so as to establish a new economic regime based on capital hypermobility and labor flexibility’. Such a regime, replete with deregulation and workfare, has in fact been established in other developed countries as well (even in Scandinavian countries, which, according to Wacquant 2009: 299, have best resisted the international drift ‘towards the punitive containment of urban marginality’)—but without the massive increase in prisons and incarceration rates, that is, without turning the latter into constitutive components of their poverty regulation systems, let alone the ‘core’ of their undoubtedly neoliberal state.

It would seem therefore that the exceptional status of the USA, particularly in its penal dimension, needs to be reflected more attentively before developing a generic model of the neoliberal state out of it. In critiquing Piven and Cloward, whom he accuses of not paying sufficient attention, in their elaboration of the ‘welfare–poverty nexus’ (2009: 304), to the penal state, Wacquant himself highlights the significance of the particular ‘structural features of the American state’5 (2009: 293): the impact of slavery and institutional racism here provide for him an explanation of the specifically underdeveloped US public aid system, which he sees ‘in close causal and functional relation to America’s uniquely overgrown and hyperactive penal policy’ (2009: 292, emphasis added). I would add that a further particularity is to be seen in the tradition of vengeance that is deeply rooted in US culture, and without which we cannot possibly understand the unusual (in other developed countries), but widespread in the USA, practice of death penalty implementation (cf. Aladjem, 2008).5

3 In theorizing the new, punitive regulation of poverty and hyperincarceration as constitutive element (as ‘sanctum’) of the ‘neoliberal Leviathan’, Wacquant avails himself of Bourdieu’s theorems which conceive of the State as a ‘bureaucratic field’, where the ‘Left hand’ of the State competes with its ‘Right hand’ in antagonist co-operation. Thus, he interprets the shift from the social to the penal treatment of urban marginality as a transition from the one-handed (‘maternalist’) poverty policy of the era of the Keynesian welfare state to the ‘two-handed paternalist modality of poverty policy’ (2009: 293), the ‘strict daddy state’ of neoliberalism (2009: 290). This view, however, holds two problems: first, it casts the Keynesian welfare state in inappropriately rosy glow,8 and second, it obfuscates the factual transformations within the ministries and functions of the so-called ‘Left hand’, which are by no means all eliminated but rather themselves reshaped and reoriented by the logic of competition and the market.

The protective and supportive function of the ‘Left hand’ came, even during the ‘golden’ Fordist period, in rather varied and, not only in the USA, highly rudimentary forms. And neoliberalization has neither supplanted (in the
USA) nor supplemented (in Europe) the departments and functions pertaining to social reproduction with regulation through the ‘Right hand’ (‘police, justice, penal system authorities’ (2008: 15)); instead, it fundamentally redefined them. Social, housing, and health policies have become subordinated to the imperatives of the market; welfare reforms as well as innovations in urban and community politics have been designed to activate ‘social capital’, civic engagement, and to increase labor market participation; the new employment policies aim at mobilizing (small and micro) entrepreneurship (cf. Mayer, 2003, 2006; Eick et al., 2004). And to assure the effectiveness of these programs that prioritize duties over rights and sanctions over support, the backdrop of increased surveillance and repression is certainly helpful.

While Wacquant (2008: 27) actually calls for adopting an expansive approach encompassing ‘the totality of the actions whereby the state purports to mould, classify, and control the populations deemed deviant, dependent, and dangerous’, he in fact restricts his approach to three areas: the low-wage sector, welfare, and criminal justice, with rather varying elaboration. The first area receives scant attention: neither the development of precarious forms of employment nor the labor market reforms seem to matter much in the redefinition of the neoliberal state. The ways in which insertion measures nowadays turn the jobless into clients of employment programs; the ways in which public workfare programs bring the redundant reserve army into direct (underpaid) labor; and the ways in which marginalization is transformed into exploitation: these new so-called ‘inclusion policies’, which define inclusion above all as participation in the labor market, are not the object of analysis, although they arguably are constitutive of the functions of the neoliberal state and would as such have to contribute to its theorization.

The second area, the welfare state, which, in Wacquant’s analysis, is not only atrophied but occasionally lies in ‘ruins’ (2009: 293), and its transformation into an activating workfare state, is discussed at length, but in a highly selective way that focuses more on its dismantling and contraction than its transformation. To the degree transformation is described, it is seen in the strengthening of punitive tendencies, while its activating elements are downplayed. Even for the USA, the primary clients of welfare programs, black single mothers, do not receive nearly as much attention as the (mostly male) clientele of the penal state. And the fact that states and counties actually do implement, although very unevenly, a variety of social welfare programs (which deserve to be examined in their varied combinations of conditionality of support), does not ever get mentioned. Thus, the text makes it seem like there is hardly any public aid any more. However, the new-style public aid is far more ingenious: benefits are still available, but increasingly only at the price of self-disciplinary and self-exploitative action in the lowest segment of the labor market as well as behavior modification stipulated by further conditions which the authorities deem conducive toward this goal (cf. Peck and Theodore, 2008).

The third area, the penal state, which according to Wacquant has arisen on the ruins of the welfare state (2009: 293), is at the center of his analysis,
as it is said to have become the integral constituent of the neoliberal state and primarily responsible for its success. But before raising questions about the utility or efficiency of penal control of urban marginality, we should ask whether further policy areas should not be included in modeling the neoliberal state. Housing, education, immigration or urban development are all policy areas, whose goals, strategies, and instruments have been significantly reconfigured so that they, too, contribute to regulating and controlling urban marginality. Wacquant himself repeatedly mentions that poverty politics are not only directed toward deprived and marginal groups, but also toward deprived and marginal territories (2009: 306, 313). However, the urban and community development programs, with which so-called problem neighborhoods are treated these days, are not included in his analysis. While he does mention the invention of the French ‘quartier sensible’ and the German ‘Problemquartier’, these are brought up merely as echoes to US ‘underclass areas’ (2008: 24); of the state strategies directed toward these areas he finds only police surveillance and law enforcement worth mentioning.

While in the USA the recognition that poverty could be combated with territorially oriented programs has been widespread since the 1960s, Europe did not reorient its urban and housing policies until the 1990s in the direction of specific (‘problematic’) spaces (instead of dealing with systemic problems on a national scale, as was the custom in most European countries before). Since then, on both sides of the Atlantic, roll-out neoliberalism has accelerated political innovations such as empowerment zone programs (USA) or neighborhood management programs (Europe). Other theoreticians of the neoliberal state consider this shift of public programs from national to subnational and local scales as central feature of the transformation of the Keynesian welfare state to the Schumpeterian workfare regime (cf. Jessop, 1994, 1999; Mayer, 1996; Brenner, 2004).

As with ‘hard to place’ jobseekers in workfare programs, ‘weak neighborhoods’ are now urged, with new-style empowerment programs, to mobilize what few resources and potentials they may have, and to develop ‘social capital’ in order to become competitive. To meet this practically impossible task, civil society and grassroots engagement are mobilized at the same time as disciplinary sanctions might be increased. Together with welfare/workfare strategies, these territorially oriented neighborhood programs aim at ‘activating’ marginalized urban groups into a state-enforced low-wage labor market (cf. Mayer 2006, 2008), while the arsenal of the penal state serves to insure their subordination to this market.

4 According to Wacquant, the efficiency or ‘utility of the penal apparatus’ (2008: 16) lies not only in increasing the cost of strategies of exit from this labor market, but mainly in neutralizing and warehousing the ‘most disruptive elements’ (2008: 16) of the precarious (sub)proletariat ‘or those rendered wholly superfluous’ (2008: 16), as well as in reaffirming the authority and legitimacy of the State. The latter are said to be tarnished because the State has supposedly renounced its traditional missions on the social and economic front: not only is it said to have
reduced its social functions (‘retraction of its social bosom’ (2008: 13)), but it is also said to keep itself out of the market (‘amputation of its economic arm’ (2008: 13))—and that this ‘downsizing of the economic flank’ is compensated by upgrading the enforcement of social and moral order (2008: 27).9

In Wacquant’s view, the interlocking of state programs in the three realms of low wage employment, public aid, and criminal justice has proven to be ‘fit’ for regulating urban marginality (2009: 312) and particularly its third element, punishing the poor, has ‘served well as a vehicle for the ritual reassertion of the sovereignty of the State’ (2009: 299, emphasis added). This rather unambiguous attribution of cause and effect is not quite persuasive. It is also conceivable that governmental legitimacy deficits and discontent among marginalized groups may have been mitigated and absorbed through the new survival forms enabled by the inclusion and activation programs mentioned above. We certainly need more investigation into these correlations before jumping to conclusions about the efficiency of individual components of the new poverty policy. In Wacquant’s analysis, not only the reasoning (even if post-hoc) seems functionalist, but also the criteria for the utility and fitness of the new regulation regime remain unspecified. Which raises a final question, the question of possible contradictions and disjunctures in this seemingly well-functioning regime of penal regulation of poverty.

Struggles do not seem to exist—except in and around the bureaucratic field—for ‘the precarious fractions of the proletariat concentrated in the tainted districts of dereliction of the dualizing metropolis who, being squeezed by the urgent press of day-to-day subsistence, have little capacity or care to contest corporate rule’ (2009: 310, emphasis added). These groups do not appear as actors, even though Wacquant repeatedly refers to them as ‘disruptive’ and ‘recalcitrant’: in his poverty areas, collective action does not seem to be possible (cf. Candeias, 2007). The theoretical model also gives no indication as to where opposition against this regime might emerge from. This is in contrast to Harvey, whose conceptualization of the neoliberal state at least includes the identification of inherent contradictions and of potential subjects (as well as their limitations).10

If Wacquant suggests that no opposition is possible, what conclusion can then be drawn from the proposed (sociological) theory of the neoliberal state? In ‘A Sketch of the Neoliberal State’, Wacquant himself does not present any conclusions, but in Urban Outcasts he indicated that violence from above should be met, in the short term, with reestablishing welfare benefits, and in the long-term with a new abolitionist project: the decoupling of basic income from labor (2007: 254–5).11 The short-term suggestion, however, ignores all the well-known problems of the crisis of the Keynesian welfare state and Fordist wage labor, and for the long-term suggestion, no agency or actors are discernable—at least in Wacquant’s model—not even within the bureaucratic field. On the contrary, the strategies and institutions of the ‘neoliberal Leviathan’ with its two-armed disciplinary apparatus rather discharge it of the need to negotiate a new social contract. Thus, there is still some work to do in figuring out a coherent and sufficiently dialectical sketch of a theory of the neoliberal state.
Notes

1. AFDC actually no longer exists, as the US welfare reform of 1996 abolished and replaced it with Temporary Assistance to Needy Families (TANF, which requires beneficiaries to work in order to receive cash transfers), known as workfare. Single mothers, the primary recipients of both forms of welfare, in any case have been less likely to be part of those ‘disruptive elements’ who resist what workfare has to offer and become, instead, the clientele of the prison system.

2. In 2001, 2.1 million households received TANF, which amounted to about 6 million benefit recipients, overwhelmingly mothers and children. At the same time, the number of prison inmates also amounted to 2.1 million, but the total clientele of the law enforcement system amounted to 6.5 million (Wacquant, 2008: 19–20).

3. ‘And incarceration takes its place at the center of the spectrum of state programs trained on the precarious fractions of the postindustrial proletariat’ (Wacquant, 2009: 295, emphasis added).

4. Even in the USA there is increasing recognition that maintaining a prison system of this scope is becoming less and less affordable—a development that is accelerated by the financial crisis (cf. Jacobsen, 2005).

5. Interestingly, Wacquant, with *Urban Outcasts* (2007), put himself on the map as a critic of the convergence thesis by demonstrating the significance and scope of divergences between the American ghetto and the French banlieue as well as of the public programs dealing with them (cf. Mendieta, 2007: 384).

6. The ‘Left hand’ of the State protects and expands life chances and is represented by labor law, public education, health, social assistance, and public housing (2008: 15).

7. The complex made up of the police, the courts, and the prison, which is so important to Wacquant as core constituents of the ‘Right hand’ of the State, is actually missing in Bourdieu’s model, alongside the ministries of the economy and the budget. This ‘gap in Bourdieu’s model’ is filled by Wacquant’s (2009: 289) investigation which brings ‘penal policies from the periphery to the center of our analysis’.

8. During the period of the Fordist-Keynesian welfare state, he writes, ‘the maternal and nurturing social arm of the welfare state’ handled the ‘regulation of the working class households’ (2008: 19). This ‘kindly “nanny state” of the Fordist-Keynesian era’ (2009: 290), which he occasionally also refers to as the ‘social bosom’ (2009: 305) (which, alas, shrinks in the transition ‘to the strict “daddy state” of neoliberalism’ (2009: 290)), glorifies and misreads the realities of Fordist welfare policies, which—as is well known—were also split into, on the one hand, stigmatizing welfare (including punitive elements aimed at modifying client behavior) and, on the other, entitlements to cash transfers based on insurance or status. Cf. also Tissot’s (2007: 367) critique of Wacquant’s all too positive portrayal of the history of social housing authorities in France in *Urban Outcasts*. 
9. This alleged self-organized ‘powerlessness with respect to the market’ (2009: 298) was, however, a myth even before the financial and economic crisis broke out (albeit a myth that neoliberal ideology makes good use of). In other contexts, Wacquant contradicts the claim of state restraint with regard to economic interests, when he defines, for example, the liberal-paternalist regime as ‘liberal and permissive at the top, with regard to corporations and the upper class, and paternalist and authoritarian at the bottom’ (2008: 16–17, emphasis added).

10. Also empirically quite a bit of evidence appears to challenge the thesis that the poverty population is incapable of organizing and of taking up social struggles. Many different kinds of mobilizations on local as well as subordinate scales demonstrate that the marginalized do fight, both with and without support by allies from other parts of society, against exclusion and displacement (e.g. Right to the City Alliance: http://righttothecity.org/), against the working conditions in the low-wage labor market (e.g. Workers Centers, cf. Fine, 2006), against the constraints of welfare (e.g. the Poor People’s Economic Human Rights Campaign, cf. Baptist and Bricker-Jenkins, 2001; Krinsky, 2007), or against the neoliberalization of cities and communities (cf. Leitner et al., 2007; Swarts, 2008).

11. Such a renegotiation of the social contract through the renewal of civil rights could, he writes, ‘represent the Bastille of the new Millennium’ (2007: 256).

References


