

## *Afterword*

# A Civic Sociology of Neoliberal Penalty

This book is an exercise in *civic sociology*, that is, an effort to deploy the tools of social science to engage in, and bear upon, a current public debate of frontline societal significance.<sup>1</sup> The topic of the debate is the *rising role of the prison and the punitive turn in penal policy* discernible in most advanced societies during the closing two decades of the twentieth century and since. The initial target was France and its neighbors, as eager importers of the crime-control categories, slogans, and measures elaborated during the 1990s in the United States as vehicles for that country's historic shift from the social-welfare to the penal management of urban marginality. The aim was to circumvent the dominant policy and media discourse fostering the diffusion of this new punitive *doxa* and to alert European scholars, civic leaders, and the interested citizenry to the shady springs of this diffusion, as well as to the dire social consequences and political dangers of the growth and glorification of the penal wing of the state. When I wrote this book, I did not expect to venture further into what was then for me a novel and unfamiliar terrain of inquiry. I had brought the criminal-justice apparatus into my analytic ambit because of its stupendous growth in and aggressive deployment around the imploding black ghetto in the United States after the ebbing of the civil rights movement, and I firmly intended to return to issues of urban

inequality and ethnoracial domination.<sup>2</sup> But two unexpected developments prodded me to pursue this line of research and intellectual activism.

### The Global Firestorm of “Law and Order”: A Field Report

The first is the unusual reception of the book, first in France and then in the countries that quickly translated it, traversing the borders separating scientific scholarship, citizen militancy, and policy making. The second is the fact that the twofold thesis it puts forth—that a new “punitive common sense” forged in the United States as part of the attack on the welfare state is rapidly crossing the Atlantic to ramify throughout Western Europe, and that this dissemination is not an internal response to the changing incidence and profile of crime but an offshoot of the external spread of the neoliberal project—received spectacular *prima facie* validation when *Les Prisons de la misère* was published in a dozen languages within a few years of its release. This impassioned foreign reaction afforded me the opportunity to travel across three continents to test practically the pertinence of its arguments. It enabled me to verify that the global popularity of the “New York model” of policing, incarnated by its erstwhile chief William Bratton and the mayor who had hired (and fired) him, Rudolph Giuliani, is indeed the tip of the iceberg of a larger revamping of public authority, one element in a broader stream of transnational policy transfer encompassing the flexible reorganization of the low-wage labor market and the restrictive revamping of welfare into workfare after the pattern provided by the post-Fordist and post-Keynesian United States.<sup>3</sup> A selective recounting of the meteoric trajectory of the original edition of *Prisons of Poverty* across spheres of debate and national frontiers can help us better discern the stake of the intellectual discussion and political struggles it joins, which concerns not so much crime and punishment as the *reengineering of the state* to promote, then respond to, the economic and sociomoral conditions coalescing under hegemonic neoliberalism.

From the outset the book crossed the borders between academic, journalistic, and civil spheres. In France, *Les Prisons de la misère* was literally launched from the heart of the carceral institution: on a gray and cold afternoon in November 1999, I presented the fruits of my

investigations live on Canalweb and Télé La Santé, the internal television station run by the inmates of the jail of La Santé in Paris, and then debated them again late into the night with the full staff and recruits of the national training school for correctional personnel in their jam-packed cafeteria just outside the city. Within weeks, the discussion extended to major media outlets and to academic and activist venues as diverse as the École normale supérieure in Paris and the annual fair of the Trotskyist party Lutte Ouvrière; the Maison des Sciences de l'Homme in Nantes and a *débat de bar* staged by the Greens in Lyon; the National Center for Scientific Research and the École de la magistrature (France's academy for judges); and public meetings across the country variously sponsored by Les Amis du Monde Diplomatique, Amnesty International, Attac, the Ligue des droits de l'homme, Raisons d'Agir, Genepi (a national student outfit running prison teaching programs), local universities and neighborhood associations, several political parties, and one of the country's major Masonic lodges. A daylong public meeting on "The Penalization of Poverty," organized at the Maison des syndicats in my hometown of Montpellier in May 2000, exemplified this spirit of open and vigorous discussion by bringing together social scientists, lawyers and magistrates, and activists and union representatives spanning the educational, health, social-welfare, youth-justice, and correctional arms of the state.<sup>4</sup> Soon *Les Prisons de la misère* was adapted for theater (and played onstage at the Rencontres de la Cartoucherie in June 2001); its arguments inserted in documentary movies; and its text excerpted in academic anthologies, libertarian fanzines, and government publications. And I was asked by the International Labor Organization to present it at the Forum 2000 of the United Nations in Geneva, where representatives from several countries pressed me to travel to their lands to engage the policy discussion there.

It was difficult to decline these invitations as, within months, the book was translated and released in a half-dozen countries, triggering a deluge of calls from universities, human rights centers, city and regional governments, and the gamut of professional and political organizations eager to debate its implications in nations as far and wide as Italy and Ecuador, Canada and Hungary, and Finland and Japan (it is now in print in nineteen languages). On the Iberian Peninsula, *Les Prisons de la misère* was swiftly translated into not only Spanish

but also Catalan, Galician, and Portuguese. In Bulgaria, my translator was invited to present the book's arguments on national television since I could not make the trip to Sofia to do so myself. In Brazil, the launch of *Prisões da miséria*, sponsored by the Instituto Carioca de Criminologia and the criminal law program at Universidade Candido Mendes, featured a debate with the minister of justice and a former governor of the state of Rio de Janeiro and was covered by the leading national newspapers (perhaps intrigued by the title I had given my address: "Does the Brazilian Bourgeoisie Wish to Reestablish a Dictatorship?").<sup>5</sup> Within weeks the book's thesis was invoked by journalists, scholars, and lawyers as well as cited in a Supreme Court decision. In Greece, the book's release anchored a two-day conference co-sponsored by the French embassy in Athens on "The Penal State in the United States, France, and Greece," bringing together social scientists, jurists, historians, justice officials, and an assortment of reporters. In Denmark, a progressive association of social workers sponsored the publication of *De fattiges fængsel* as scholarly ammunition to resist the bureaucratic drift toward the punitive supervision of the poor by their profession. In Turkey, prior to its release in a legal edition, the book circulated via the country's school for police directors in an unauthorized translation produced by a commissioner, who had read it while pursuing his sociology studies in France, until it was brought out in a legal edition.

But it is the visit to Argentina that I made in April 2000 that best revealed just what a sociopolitical nerve the book had hit. This was the first time I had set foot in that country; I had no prior knowledge of its police, justice, and correctional institutions and traditions; yet it was as if I had formulated an analytic framework designed to capture and clarify current Argentinian developments. Landing in Buenos Aires in the final stretch of a heated municipal election campaign in which the candidates of Left and Right had both made combating crime with U.S.-inspired methods their top priority, just one month after the global apostle of "*tolerancia zero*," William Bratton, had flown in to preach his policing gospel, I was caught in the eye of an intellectual, political, and media storm. In ten days, I gave twenty-nine talks to academic and activist audiences, consultations with government officials and legal experts, and interviews to the gamut of print, television, and radio outlets. By the end of the week I was getting stopped

on the streets of Buenos Aires by passersby anxious to ask further questions about *Las Cárceles de la miseria*. It was, both then and now in retrospect, a surreal experience captured in part by this field report sent to a correspondent in the United States on April 26, 2000, at 1:46 a.m. from the Ayacucho Hotel:

I started at 8:30 a.m. with a short interview on a national commercial radio with a star radio personality. Then off to the Ministry of the Interior, where I had a 2.5-hour session with the top advisors to the ministers of justice and of the interior (police), seven of them total, six of whom had clearly read the book (one of them cover to cover and scribbled throughout), a session concluded by the ceremonial signing of two copies dedicated to the two ministers. . . . From there we jetted to a bookstore-bar where I heard myself sounding a clarion “call to Argentine women to resist zero tolerance and the penal state” in an interview with *Luna*, a glitzy women’s magazine (the Argentine cousin of *Cosmopolitan*). . . .

For distraction we went to visit several bookstores where *Cárceles de la miseria* was prominently displayed in windows and on tables, and where I collected the effusive greetings and admiring thanks of the store-owners. One of them runs a radio show, so I gave yet another impromptu interview on the spot for future play. At 5 p.m., after a brief rest, we drove off to *La Nación* (the equivalent of *Le Monde*) for another long interview (and another lengthy photo session: I have had more photos of me taken in three days than in the previous three decades), in which I brashly equated zero tolerance with the return of dictatorship over the poor. Through the day I kept getting more political and more assertive.

By 7 p.m. I was completely exhausted but the main event was just coming up: a public lecture and debate at the Centro Cultural Ricardo Rojas, broadcast on cable TV, with the country’s leading legal scholar of prisons, the director of the national corrections administration (could you imagine this in the United States?), the head of the sociology department at UBA [Universidad de Buenos Aires], and an “expert in security” who is also chief advisor to the left candidate in the upcoming municipal elections after the said candidate, Anibal Ibarra, opted out of the debate because the mounting rumor among journalists and politicians (which could hurt him at the polls) is that “Caballo [the rightist candidate] runs with Bratton [who came here twice earlier this year to peddle his wares], and Ibarra runs with Wacquant”! (As I write this, I find it hard to believe I’m not making it up.) Add to this that the chief justice in charge of all judges and prosecutors for the province of Buenos Aires showed up and pleaded with me to travel to La Plata (the regional

capital) tomorrow to give a special presentation to the full assembly of magistrates of the state.

The auditorium was packed to the rafters, hot, sweaty, with maybe three hundred people in a room designed for half that many, sitting on the floor, in the aisles, in the wings, standing pressed like sardines along the walls. I feared I was going to zonk out. But in a near unconscious state I gave a completely improvised talk. The atmosphere was electric. . . . Then the debate went on till eleven, periodically turning into a verbal *mêlée* with everybody shouting and flailing wildly (which, I'm told, is the typical pattern of Argentine discussions: *es la pasión*), with moving questions about police violence from people who had been tortured, or about the "disappeared" and state corruption (a problem that I proposed to tackle by taking politicians at their word and applying "zero tolerance" to cases of official graft and fraud), after which I was mobbed by the crowd, requests for autographs of the book, and more questions one on one.

When I finally managed to extricate myself from the crowd, and I thought I was going to pass out right there and then from exhaustion, tension, and heat, I was whisked off to a TV studio in the same building to do one more interview for the television channel run by that cultural center. And I don't mention that I had a full-page interview, "La globalización es un invento norteamericano," in today's *Página 12*, the main Left daily, and that, while I was talking, I also appeared on television at 10 p.m. on the public affairs show of [leading political journalist] Horacio Verbitsky. Word came late that the Ministry of Justice has requested that I give another presentation to their full staff. Tomorrow I have seven more interviews scheduled and a public lecture on "The Cunning of Imperialist Reason." My publisher is pressing me to scrap my meager one day of rest in Uruguay (just across the Río Plata, which I've so far successfully resisted) to try and cram a dozen more requests for interviews.

The point of this recapitulation is emphatically not to suggest that the foreign reception of *Prisons of Poverty* provides an apt measure of its analytic merits, but to give an idea of the wide diffusion and fiery fever that the phenomenon it tracks evinces in the political, journalistic, and intellectual fields of First and Second World societies. A firestorm of "law and order" has indeed been raging across the globe, which has transformed public debate and policy on crime and punishment in ways that no observer of the penal scene could have foreseen a dozen years before. The reason behind the unusual international *engouement* for the book was the same as in France: in all these countries, the mantras of "zero tolerance" policing and "prison works,"

lionized by U.S. officials and showcased by the Giuliani–Bratton duet as the cause for the seemingly miraculous crime drop in New York, were being hailed by local officials. Everywhere politicians, of the Right *and more significantly of the Left*,<sup>6</sup> were vying to import the latest American methods of law enforcement presented as the panacea for curing urban violence and assorted dislocations, while skeptics and critics of these methods were scouring for theoretical arguments, empirical data, and civic firebreakers with which to thwart the adoption of punitive containment as a generalized technique for managing rampant social insecurity.

### Plumbing the “Washington Consensus” on Crime Fighting

The swift international diffusion of *Les Prisons de la misère* turned into an unplanned experiment in the politics of social-scientific knowledge. It disclosed that, whereas I had aimed my analytic sights at the core of the European Union, the model of the link between neoliberalization and punitive penalty sketched in it was even more pertinent to the periphery of the Old World caught in the throes of the post-Soviet conversion and to the countries of the Second World saddled with a history of authoritarianism, a hierarchical conception of citizenship, and mass poverty backed by steep and rising social inequalities, where the penalization of poverty is guaranteed to have calamitous consequences.

From this angle, the societies of Latin America that had engaged in precocious experimentation with radical economic deregulation (that is, reregulation in favor of multinational firms) and then fallen under the tutelage of the international financial organizations enforcing monetarist dogmas offered a most propitious terrain for the adoption of harsh versions of penal populism and the importation of American crime-fighting stratagems. Put in capsule form: the ruling elites of the nations seduced—and subsequently transformed—by the “Chicago Boys” of Milton Friedman in the 1970s were bound to become infatuated with the “New York Boys” of Rudy Giuliani in the 1990s, when the time came to deal with the ramifying consequences of neoliberal restructuring and to face the endemic social instability and broiling urban disorders spawned by market reform at the bottom of the dualizing class structure. It is not by happenstance that Chile, which was first to embrace the policies dictated by the “money

doctors” from the University of Chicago<sup>7</sup> and soon became the continent’s leading incarcerator, saw its imprisonment rate zoom from 155 per 100,000 in 1992 to 240 per 100,000 in 2004, while Brazil’s rate jumped from 74 to 183 and Argentina’s from 63 to 140 (with Uruguay caught between, soaring from 97 to 220).<sup>8</sup> Throughout the continent there is not only an acute public fear of festering urban crime, which has increased alongside socioeconomic disparities in the wake of the return to democratic rule and the social disengagement of the state, and intense political concern for the management of problem territories and categories; there is also a common set of punitive solutions—the broadening of police powers and prerogatives centered on street offenses and narcotics infractions, the acceleration and hardening of judicial processing, the expansion of the warehousing prison, and the normalization of “emergency penalty” applied differentially across social and physical space<sup>9</sup>—*inspired or legitimated by nostrums coming from the United States*, thanks to the diligent action abroad of American diplomats and justice agencies, the targeted activities of U.S. think tanks and their local allies, and the thirst of foreign politicians for law-enforcement mottos and measures enwrapped in the *mana* of America.<sup>10</sup>

In the Southern Hemisphere as in Western Europe, the role of think tanks has been pivotal to the diffusion of aggressive penalty “made in USA.” In the 1990s, the Manhattan Institute spearheaded a successful transatlantic campaign to alter the parameters of British policy on poverty, welfare, and crime. A decade later, it developed the Inter-American Policy Exchange (IAPE), a program designed to export its favorite crime-fighting strategies to Latin America as part of a neoliberal policy package comprising “business improvement districts,” school reform through vouchers and bureaucratic accountability, government downsizing, and privatization. Its chief envoys were none other than William Bratton himself, his former NYPD assistant William Andrews, and George Kelling, the celebrated coinventor of the “broken windows theory.” These missionaries of “law and order” traveled south to meet with the police chiefs and mayors of big cities but also with governors, cabinet members, and presidents. Backed by the permanent office of the IAPE in Santiago de Chile, they propagandize through local right-wing think tanks, branches of the American Chamber of Commerce in the country, and business organi-

zations and wealthy patrons, delivering lectures, offering policy consultations, and even participating in civic rallies—Kelling once made a noted speech in Buenos Aires to some ten thousand Argentines gathered in Luna Park to protest the escalating crime rate.<sup>11</sup> When necessary, the IAPE bypasses the national level and works with regional or municipal opponents of the central government to promote its pro-market and policing remedies. This is the case in Venezuela, where leftist President Hugo Chávez wishes to fight crime by reducing poverty and inequality, while his political adversaries, such as the mayor of Caracas, share the Manhattan Institute's view that it is criminals who are responsible for crime and that the mission to suppress them falls solely on the forces of order.

“CONFERENCES IN LATIN AMERICA”

(excerpt from a Manhattan Institute brochure)

The Manhattan Institute has found partnering with local think tanks in Latin America to hold conferences an effective way to introduce ideas and create enthusiasm. However, the ultimate goal of our work is not simply to hold conferences, but to build long-term working relationships to help leaders in these countries develop practical crime-fighting, school-building, and government-reform programs. For that reason each of our conferences is arranged to include several days of smaller working seminars and one-on-one meetings with government officials and opinion leaders. . . .

Venezuela: In September 2000, former New York City Police Commissioner and Senior Fellow of the Institute Bill Bratton, Senior Fellow George Kelling, and Carlos Medina visited Caracas, Venezuela. Their trip was organized by the think tank CEDICE, the Venezuela-American Chamber of Commerce, and the new Mayor of Caracas Alfredo Pena. It included a major conference entitled “Restoring Order and Reducing Crime in Our Communities” that was attended by over 500 people and a smaller seminar with all the business leaders of Caracas entitled “Improving Commercial Spaces—Business Improvement Districts.” The visit also included meetings with the mayors of the five largest municipalities in Caracas, the Attorney General Javier Elechiguerra, the Chiefs of the Metropolitan Police Force and the Municipal Police Force, and U.S. Ambassador Donna Hrinak.

Mexico: In May 2000, George Kelling visited Mexico City and gave the keynote address before 5,000 people at a major Mexico Unido Contra la Delincuencia conference. All three major presidential candidates were in attendance and George Kelling met privately with the presidential candidate Vicente Fox, who has used his ideas as the basis for his proposed

public safety agenda. Dr. Kelling also spoke at a conference at the Instituto Ludwig Von Mises. Finally, U.S. Ambassador Jeffrey Davidow hosted a lunch at his residence to discuss solutions for Mexico's escalating crime problem that included a dozen high-ranking government officials such as the Governor of the State of Queretaro, Ignacio Loyola; the Governor of the State of Nuevo Leon, Fernando Canales Clariond; and the Secretary for Public Safety for Mexico City, Alejandro Gertz Manero.

The Manhattan Institute translates its reports, policy briefs, and media articles supporting its vision into Spanish and Portuguese, and distributes them to opinion makers throughout South America. It also brings Latin American officials to New York City in batches for field visits, training sessions, and intensive indoctrination into the virtues of small (social and economic) government and astringent law enforcement (for lower-class crime). This policy evangelism has “spawned a whole generation” of Latin American “politicians for whom the Manhattan Institute is the equivalent of an ideological Vatican,”<sup>12</sup> and its bifurcated conception of the role of the state sacrosanct: *laissez-faire* and enabling at the top, intrusive and disabling at the bottom. These politicians are keen to apply inflexible law enforcement and expanded incarceration to safeguard the streets and tame the disorders that roil their cities, notwithstanding the rampant corruption of the police, the procedural bankruptcy of the criminal courts, and the vicious brutality of jails and prisons in their home countries, which ensure that *mano dura* strategies routinely translate into escalating fear of crime, violence, and “extralegal detention and punishment for minor offenses, including the military-style occupation and collective punishment of entire neighborhoods.”<sup>13</sup>

Remarkably, the magnetism of U.S.-style penalty and the political proceeds they promise are such that elected leaders throughout Latin America have continued to press for punitive responses to street crime even as Left parties have ascended to power and turned the region into “an epicenter of dissent from neoliberal ideas and resistance to U.S. economic and political dominance.”<sup>14</sup> This is well illustrated by the ceremonial signing by Andrés Manuel López Obrador, the progressive mayor of Mexico City, of a \$4.5 million contract (paid for by a consortium of local businessmen headed by Latin America's richest man, Carlos Slim Herú) with the consultancy firm Giuliani Partners

to apply its “zero tolerance” magic potion to the Mexican capital, in spite of the glaring unsuitability of its standard measures at ground level.<sup>15</sup> One example: efforts to eliminate street vendors and windshield wipers (most of them children) through assiduous police intervention are bound to fail given their sheer numbers (in the tens of thousands) and the central role they play in the informal economy of the city, and therefore in the reproduction of lower-class households whose electoral support López Obrador needs. Not to mention that the Mexican police themselves are deeply engaged in informal trades of every kind, legal and illegal, needed to supplement their famine-level wages. But no matter: in Mexico City as in Marseille or Milan, what counts is less to adopt realistic strategies for reducing crime than *to stage the resolve of the authorities* to attack it head on so as to ritually reassert the fortitude of the ruler.

The international reaction to *Prisons of Poverty* and criminal-justice developments over the past decade in countries as varied as Sweden, France, Spain, and Mexico, have confirmed not only that Brattonmania has gone (nearly) global, but that the dissemination of “zero tolerance” partakes of a broader international traffic in policy formulas that binds together market rule, social retrenchment, and penal enlargement.<sup>16</sup> The “Washington consensus” on economic deregulation and welfare retraction has in effect *extended to encompass punitive crime control* in a pornographic and managerialist key, as the “invisible hand” of the market calls forth the “iron fist” of the penal state. Their matching geographic and temporal pattern of propagation corroborates my central thesis that the surge and exaltation of the police, courts, and prisons in First and Second World societies over the past two decades are integral to the neoliberal revolution. When and where the latter advances unfettered, the deregulation of the low-wage labor market necessitates the restrictive revamping of welfare to impress precarious work on the postindustrial proletariat. Both, in turn, trigger the activation and enlargement of the penal wing of the state, first, to curtail and contain the urban dislocations caused by the spread of social insecurity at the foot of the class and spatial hierarchy and, second, to restore the legitimacy of political leaders discredited by their acquiescence to, or embrace of, the impotence of Leviathan on the social and economic fronts.<sup>17</sup> *A contrario*, where neoliberalization has been thwarted on the employment and welfare

tracks, the push toward penalization has been blunted or diverted, as indicated, for instance, by the stubborn deafness of the Nordic countries to the sirens of “zero tolerance” (notwithstanding their greater zeal in sanctioning narcotics infractions and drunken driving over the past decade)<sup>18</sup> and the resulting stagnation or modest increases of their prison populations even as national concern for and anxiety over crime have mounted.

### Learning from the Travels and Travails of Neoliberal Penalty

Accordingly, *Prisons of Poverty* proposes that we need to supplement, nay supplant, the *evolutionary* models that have dominated recent theoretical debates on penal change in advanced society with a *discontinuist and diffusionist* analysis tracking the circulation of punitive discourses, norms, and policies elaborated in the United States as constituent ingredients of the neoliberal government of social inequality and urban marginality.

In Jock Young’s vision of the “exclusive society” and in David Garland’s account of the “culture of control,” as in the latest Eliasian, neo-Durkheimian, and neo-Foucauldian conceptions of penalty,<sup>19</sup> contemporary shifts in the political reconfiguration of crime and punishment result from reaching a *societal stage*—late modernity, post-modernity, the risk society—and emerge endogenously in response to rising *criminal* insecurity and its cultural reverberations *across social space*. In the model adumbrated in the present book (and revised in subsequent publications), the punitive turn of public policy, applying to *both social welfare and criminal justice*, partakes of a political project that responds to rising *social* insecurity and its destabilizing effects in the *lower rungs* of the social and spatial order. This project involves the retooling and redeployment of the state to buttress marketlike mechanisms and discipline the new postindustrial proletariat while restraining the internal disruptions generated by the fragmentation of labor, the retrenchment of social protection schemes, and the correlative shakeup of the established ethnic hierarchy (ethnoracial in the United States, ethnonational in Western Europe, and a mix of the two in Latin America).<sup>20</sup> But the crafting of the new Leviathan also registers the external influences of political operators and intellectual entrepreneurs engaged in a multilayered campaign of ideological marketing

across national boundaries in matters of capital/labor, welfare, and law enforcement. Even as neoliberalism is from its inception a multi-sited, polycentric, and geographically uneven formation,<sup>21</sup> at century's turn this campaign to revamp the triadic nexus of state, market, and citizenship from above had a nerve center located in the United States, an inner ring of collaborating countries acting as relay stations (such as the England in Western Europe and Chile in South America), and an outer band of societies targeted for infiltration and conquest.

With precious few exceptions, American students of punishment have ignored the foreign ramifications of the police, justice, and carceral schemas forged by the United States in reaction to the breakup of the Fordist–Keynesian compact and the collapse of the black ghetto—when they have not denied them.<sup>22</sup> Yet reckoning with this cross-border dissemination, which has brought to European shores not only zero-tolerance policing but also youth night curfews and electronic monitoring, boot camps and pretrial “shock incarceration,” plea bargaining and mandatory minimum sentences, sex-offender registries and the diversion of juveniles into adult justice, is key to elucidating the analytics and politics of neoliberal penalty. First, it reveals the direct connections between market deregulation, welfare curtailment, and penal expansion by spotlighting their joint or sequential diffusion across countries. It is telling, for example, that the United Kingdom adopted first the policy of flexible labor governance and then the compulsory workfare blueprint pioneered by the United States before it imported the latter's aggressive crime-control idiom and programs suited to dramatizing the reborn moral stringency and penal severity of the authorities.<sup>23</sup>

Next, tracking the international circulation of U.S. penal formulas helps us avoid the conceptual trap of American exceptionalism as well as hazy disquisitions on “late modernity” by pointing to the mechanisms propelling the growth of the penal state—or to the institutional obstacles and vectors of resistance to it, as the case may be—in a spectrum of societies subjected to the same political-economic tropism. It invites us to envision the rise of the penal state in United States not as an idiosyncratic case but as a particularly *virulent case*, owing to a host of factors that combine to facilitate, accelerate, and intensify the punitive containment of social insecurity in that society: among them, the fragmentation of the bureaucratic field, the strength of moral individualism supporting the mantric principle of “individual

responsibility,” the generalized degradation of labor, the high levels of both class and ethnic segregation, and the salience and rigidity of racial division making lower-class blacks in the crumbling inner city propitious targets for converging campaigns of welfare contraction and penal escalation.<sup>24</sup>

Lastly, there is a looping, retroactive relationship between local (city or regional), national, and international policy innovation and emulation, such that tracing the globalization of “zero tolerance” and “prison works” provides a fruitful avenue for dissecting the processes of selection and translation of penal notions and measures across jurisdictions and levels of government that usually go unnoticed or unanalyzed inside a given country. It also offers novel insights into the fabrication of the reigning neoliberal vulgate that has everywhere transformed political debates via the planetary spread of the folk concepts and concerns of U.S. policy makers and scholars: by exporting its penal theories and policies, America institutes itself as the barometer of no-nonsense crime control around the world and effectively legitimizes its vision of law enforcement by universalizing its particularities.<sup>25</sup>

As the first book-length study of the transnational diffusion of U.S.-style penalty at century’s close, *Prisons of Poverty* anticipated the burgeoning of the field of police and justice “policy transfer.”<sup>26</sup> As such, it is an oblique contribution to research on the globalization of crime and justice from the punishment side, but one that goes against the grain of globalization studies insofar as it insists that what appears as a blind and benign drift toward planetary convergence, putatively fostered by the technological and cultural unification of the world polity, is actually a stratified process of *differential and diffracted Americanization*, fostered by the strategic activities of hierarchical networks of state managers, ideological entrepreneurs, and scholarly marketers in the United States and in the countries of reception. It is also a call for students of policy migration on the world stage to bring the penal domain into their purview, alongside economic and welfare policies, and to heed the driving role played by think tanks and heteronomous scholarly disciplines and academics in the international peregrinations of public policy formulas.<sup>27</sup>

The travels of *Prisons of Poverty* across national borders, like the sweep of the punitive wave it follows around the globe, taught me that

the diffusion of neoliberal penalty is not only more advanced but also more diversified and more complex than portrayed in the book. Just as there are varieties of capitalism, there are many paths down the road to market rule, and thus many possible routes to the penalization of poverty. Penalization assumes a multiplicity of forms, not limited to incarceration; it percolates through and operates with variable effects in the different subsectors of the police, justice, and carceral apparatuses; it extends across policy domains, intruding into the provision of other public goods such as health care, child assistance, and housing; and it commonly evokes reticence, often meets with resistance, and sometimes triggers vigorous counterattacks.<sup>28</sup> Moreover, the material and discursive components of penal policy can become decoupled and journey separately, leading to the hyperbolic accentuation of the symbolic mission of punishment as vehicle for categorization and boundary drawing. All of which called for amending and elaborating the rudimentary model of the nexus of neoliberalism and punitive penalty sketched in *Prisons of Poverty*.

This is the task undertaken in *Punishing the Poor: The Neoliberal Government of Social Insecurity*.<sup>29</sup> This book breaks with the standard parameters of the political economy of punishment by bringing developments in welfare and criminal justice into a single theoretical framework equally attentive to the instrumental and expressive moments of public policy. It deploys Pierre Bourdieu's concept of "bureaucratic field" to show that changes in social and penal policies in advanced society over the past quarter-century are mutually linked; that stingy "workfare" and generous "prisonfare" constitute a single organizational contraption to discipline and supervise the poor under a philosophy of moral behaviorism; and that an expansive and expensive penal system is not just a consequence of neoliberalism—as argued in the present volume—but an *integral component of the neoliberal state* itself. The contemporary travails of penalty turn out to partake of a broader reengineering and remasculinizing of the state that have rendered obsolete the conventional scholarly and policy separation between welfare and crime. The police, courts, and prison are not mere technical implements whereby the authorities respond to crime—as in the commonsensical view enshrined by law and criminology—but core political capacities through which the Leviathan

both produces and manages inequality, marginality, and identity. This spotlights the need to develop a political sociology of the return of the penal state to the forefront of the historical stage at the start of the twenty-first century, an intellectual project to which *Prisons of Poverty* is both a prelude and an invitation.

“L’*underclass*’ urbaine dans l’imaginaire social et scientifique américain,” in Serge Paugam, ed., *L’Exclusion. L’état des savoirs* (Paris: La Découverte, 1996), 248–62.

51. Chambliss, “Policing the Ghetto Underclass,” 194; Wesley G. Skogan, “Crime and the Racial Fears of White Americans,” *Annals of the American Academy of Political and Social Science* 539 (May 1995): 59–71; and Martin Gilens, “Racial Attitudes and Opposition to Welfare,” *Journal of Politics* 57.4 (November 1995): 994–1014.

52. Loïc Wacquant, “The New ‘Peculiar Institution’: On the Prison as Surrogate Ghetto,” *Theoretical Criminology* 4.3 special issue, “New Social Studies of the Prison” (2000): 377–89.

53. Tonry, *Malign Neglect*, 104.

54. Jonathan Simon and Malcolm M. Feeley, “True Crime: The New Penology and Public Discourse on Crime,” in Blomberg and Cohen, *Punishment and Social Control*, 147–80.

## Afterword

1. I prefer the term *civic* to *public* sociology (which has recently come into fashion among American sociologists), since such sociology seeks to bridge the divide between instrumental and reflexive knowledge and to speak simultaneously to both academic and general audiences—albeit in different harmonics. The dichotomous opposition between “public” and “professional” sociology is a peculiarity of the U.S. intellectual field, expressive of the political isolation and social impotence of American academics, that does not travel well outside the Anglo-American sphere and does not adequately capture the positional predicament of university sociologists in America either. See Dan Clawson et al., eds., *Public Sociology: Fifteen Eminent Sociologists Debate Politics and the Profession in the Twenty-first Century* (Berkeley: University of California Press, 2007), and, for contrast, Gisèle Sapiro, ed., *L’Espace intellectuel en Europe* (Paris: La Découverte, 2009).

2. Starting with the logics of urban polarization from below in the United States and Europe, plumbed in Loïc Wacquant, *Urban Outcasts: A Comparative Sociology of Advanced Marginality* (Cambridge: Polity Press, 2008). I trace the analytic linkages between my forays into urban relegation and penalization in “The Body, the Ghetto, and the Penal State,” *Qualitative Sociology* 32.1 (March 2009): 101–29.

3. The differential push toward labor-market deregulation in postindustrial nations is analyzed by Thomas P. Boje, ed., *Post-Industrial Labour Markets: Profiles of North America and Scandinavia* (London: Routledge, 1993); Gosta Esping-Andersen and Marino Regini, eds., *Why Deregulate Labor Markets?* (Oxford: Oxford University Press, 2000); and Max Koch, *Roads to Post-Fordism: Labour Markets and Social Structures in Europe* (Aldershot: Ashgate, 2006). The spread and adaptation of U.S.-inspired “workfare” to other advanced societies is traced by Heather Trickey and Ivar Loedemel, eds., *An Offer You Can’t Refuse: Workfare in International Perspective* (London: Policy Press, 2001); Jamie Peck, *Workfare States* (New York: Guilford Press, 2001); and Joel Handler, *Social Citizenship and Workfare in the United States and Western Europe: The Paradox of Inclusion* (Cambridge: Cambridge University Press, 2004).

4. The meeting led to the publication of a book widely read and used by justice activists in France, Gilles Sainati and Laurent Bonelli, eds., *La Machine à punir: Pratique et discours sécuritaires* (Paris: L’Esprit frappeur, 2001). Extensions and updates of the diagnosis of the penalization of poverty in France under the sway of American-style schemas proposed in *Les Prisons de la misère* include Gilles Sainati

and Ulrich Schalchli, *La Décadence sécuritaire* (Paris: La Fabrique, 2007); Laurent Bonelli, *La France a peur: Une histoire sociale de l'insécurité* (Paris: La Découverte, 2008); and Laurent Mucchielli, ed., *La Frénésie sécuritaire: Retour à l'ordre et nouveau contrôle social* (Paris: La Découverte, 2008).

5. Loïc Wacquant, "Towards a Dictatorship over the Poor? Notes on the Penalization of Poverty in Brazil," *Punishment & Society* 5.2 (April 2003): 197–205. For a fuller analysis of the distinctive modalities and implications of punitive containment as antipoverty policy in Latin American countries, see idem, "The Militarization of Urban Marginality: Lessons from the Brazilian Metropolis," *International Political Sociology* 1.2 (Winter 2008): 56–74 (first published in Portuguese, "A militarização da marginalidade urbana: lições da metrópole brasileira," *Discursos Sediciosos: Crime, direito e sociedade* [Rio de Janeiro] 15–16 (Fall 2007): 203–20).

6. Just one indication on Argentina: the main campaign leaflet of the center-left candidate Anibal Ibarra, "Buenos Aires, un compromiso de todos," put fighting crime at the top of his commitments to the voters: "El compromiso de Ibarra-Felgueras: Con la seguridad: vamos a terminar con el miedo y a combatir el delito con la ley en la mano." After I had appeared on national television to discuss *Cárceles de la miseria*, the candidates of the Peronist Party asked through my publisher if I would agree to appear with them at a press conference to support their tactical denunciation of Ibarra's commitment to *mano dura*.

7. Juan Gabriel Valdés, *Pinochet's Economists: The Chicago School in Chile* (Cambridge: Cambridge University Press, 1984).

8. All figures are from International Center for Prison Studies, *World Prison Brief* (London: King's College, 2007). See also Fernando Salla and Paula Rodriguez Ballesteros, *Democracy, Human Rights, and Prison Conditions in South America* (São Paulo: Núcleo de Estudos da Violência, USP, November 2008).

9. For a Colombian illustration, see Manuel Iturralde, "Emergency Penalty and Authoritarian Liberalism: Recent Trends in Colombian Criminal Policy," *Theoretical Criminology* 12.3 (2008): 377–97.

10. A deft dissection of the long-standing intersection of U.S. foreign policy and criminal justice norms and goals is Ethan A. Nadelmann, *Cops across Borders: The Internationalization of U.S. Criminal Law Enforcement* (University Park: Pennsylvania State University Press, 1994).

11. South American allies of the Manhattan Institute include the Instituto Liberal, the Fundação Victor Civita, and the Fundação Getúlio Vargas in Brazil; the Instituto Libertad y Desarrollo and the Fundación Paz Ciudadana in Chile; and the Fundación Libertad in Argentina. Blind faith in the direct transportability of "zero tolerance," in spite of the vast social, political, and bureaucratic differences between the two continents, is expressed by William Bratton and William Andrews, "Driving out the Crime Wave: The Police Methods That Worked in New York City Can Work in Latin America," *Time*, July 23, 2001.

12. "The Americas Court a Group That Changed New York," *New York Times*, November 11, 2002.

13. Lucia Dammert and Mary Fran T. Malone, "Does It Take a Village? Policing Strategies and Fear of Crime in Latin America," *Latin American Politics and Society* 48.4 (2006): 27–51. For a Brazilian illustration, read Juliana Resende, *Operação Rio: Relato de uma guerra brasileira* (São Paulo: Página Aberta, 1995), and view José Padilha's award-winning documentary, *Tropa de Elite* (2007).

14. Eric Hershberg and Fred Rosen, *Latin America after Neoliberalism: Turning the Tide in the Twenty-first Century?* (New York: New Press, 2006), 432.

15. Jordi Pius Lopard, "Robocop in Mexico City," *NACLA: Report on the Americas* 37.2 (September–October 2003). A brief account of the "thirty-six-hour whirlwind of mean streets and chic suites" in Mexico City by "the world's best-paid crime-fighting consultant" is Tim Weiner, "Mexico City Journal: Enter Consultant Giuliani, His Fee Preceding Him," *New York Times*, January 16, 2003.

16. Henrik Tham, "Law and Order as a Leftist Project? The Case of Sweden," *Punishment & Society* 3.3 (September 2001): 409–26; Laurent Mucchielli, "Le 'nouveau management de la sécurité' à l'épreuve: Délinquance et activité policière sous le ministère Sarkozy (2002–2007)," *Champ pénal* 5 (2008); Juanjo Medina-Ariza, "The Politics of Crime in Spain, 1978–2004," *Punishment & Society* 8.2 (April 2006): 183–201; and Diane E. Davis, "El factor Giuliani: Delincuencia, la 'cero tolerancia' en el trabajo policiaco y la transformación de la esfera pública en el centro de la ciudad de México," *Estudios Sociológicos* 25 (2007): 639–41.

17. Loïc Wacquant, "Ordering Insecurity: Social Polarization and the Punitive Upsurge," *Radical Philosophy Review* 11.1 (Spring 2008): 9–27.

18. One indicator: a full decade of publication by the *Journal of Scandinavian Studies in Criminology and Crime Prevention* contains not a single reference to William Bratton or Rudolph Giuliani, and only eleven mentions of "zero tolerance," always to note the inapplicability of the concept to the Nordic setting.

19. Jock Young, *The Exclusive Society: Social Exclusion, Crime, and Difference in Late Modernity* (London: Sage, 1999) and *The Vertigo of Late Modernity* (London: Sage, 2007); David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001); John Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society* (London: Sage, 2002); Hans Boutellier, *The Safety Utopia: Contemporary Discontent and Desire as to Crime and Punishment* (Dordrecht: Kluwer Academic Publishers, 2004); Pat O'Malley, ed., *Crime and the Risk Society* (Aldershot: Ashgate, 1998); and Jonathan Simon, *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (New York: Oxford University Press, 2007).

20. Loïc Wacquant, "Crafting the Neoliberal State: Workfare, Prisonfare, and Social Insecurity," *Theoretical Criminology* 14.1 (Spring 2010).

21. Jamie Peck and Nikolas Theodore, "Variegated Capitalism," *Progress in Human Geography* 31.6 (2007): 731–72.

22. Just as the transatlantic spread of American penal categories and policies was booming, Tonry wrote that "the USA in particular is neither a successful importer nor an influential exporter" of crime-fighting measures, claiming that "countries in Western Europe actively emulate seemingly successful innovations from elsewhere in Europe but seem largely impervious to U.S. influence" (Michael Tonry, "Symbol, Substance, and Severity in Western Penal Policies," *Punishment and Society* 3.4 [October 2001]: 517–36, at 519). A broad panorama of recent social science studies of "the carceral state" in America is typically mute on the foreign ramifications of U.S. developments: Marie Gottschalk, "Hiding in Plain Sight: American Politics and the Carceral State," *Annual Review Political Science* 11 (2008): 235–60.

23. Desmond King and Mark Wickham-Jones, "From Clinton to Blair: The Democratic (Party) Origins of Welfare to Work," *Political Quarterly* 70.1 (December 1999): 62–74; Jamie Peck and Nikolas Theodore, "Exporting Workfare/Importing Welfare-to-Work: Exploring the Politics of Third Way Policy Transfer," *Political Geography* 20.4 (May 2001): 427–60; and Trevor Jones and Tim Newburn, "Learning

from Uncle Sam? Exploring U.S. Influences on British Crime Control Policy,” *Governance: An International Journal of Policy* 15.1 (January 2002): 97–119.

24. Loïc Wacquant, “Racial Stigma in the Making of the Punitive State,” in Glenn C. Loury et al., *Race, Incarceration, and American Values* (Cambridge, Mass.: MIT Press, 2008), 59–70, and Loïc Wacquant, *Deadly Symbiosis: Race and the Rise of the Penal State* (Cambridge: Polity Press, 2010).

25. It is not by chance that the United States has simultaneously exported its folk notions of, and policies toward, crime with “zero tolerance,” poverty with the tale of the “underclass,” and race defined by (hypo)descent: see Pierre Bourdieu and Loïc Wacquant, “On the Cunning of Imperialist Reason,” *Theory, Culture, and Society* 16, no. 1 (February 1999 [1998]): 41–57.

26. See, in particular, Tim Newburn and Richard Sparks, eds., *Criminal Justice and Political Cultures: National and International Dimensions of Crime Control* (London: Willan, 2004); Trevor Jones and Tim Newburn, *Policy Transfer and Criminal Justice* (London: Open University Press, 2006); John Muncie and Barry Goldson, eds., *Comparative Youth Justice* (London: Sage, 2006); and Peter Andreas and Ethan Nadelmann, *Policing the Globe: Criminalization and Crime Control in International Relations* (New York: Oxford University Press, 2006).

27. An authoritative review of social research on the transnational spread of public policies is mum on crime and punishment and contains a single mention of think tanks (Frank Dobbin, Beth Simmons, and Geoffrey Garrett, “The Global Diffusion of Public Policies: Social Construction, Coercion, Competition, or Learning?” *Annual Review of Sociology* 33 (1997): 449–72).

28. A provocative account of American and international influences in recent trends toward, and reactions to, the “repenalization” of youth crime that turns up such a mix is John Muncie, “The ‘Punitive Turn’ in Juvenile Justice: Cultures of Control and Rights Compliance in Western Europe and the USA,” *Youth Justice* 8.2 (2008): 107–21.

29. Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, N.C.: Duke University Press, 2009).

# Prisons of Poverty

Loïc Wacquant

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Contradictions Series, Volume 23



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