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Bourdieu, Foucault, and the Penal State in the Neoliberal Era

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Three analytic breaks proved indispensable to diagnosing the invention of a new government of social insecurity wedding supervisory “workfare” and castigatory “prisonfare,” dissected in my book *Punishing the Poor*, and to accounting for the punitive policy turn taken by the United States and other advanced societies following its lead onto the path of economic deregulation and welfare retrenchment in the closing decades of the twentieth century.¹

The first consists in escaping the crime-and-punishment poke, which continues to straitjacket scholarly and policy debates on incarceration, even as the divorce of this familiar couple grows ever more barefaced.² The second break requires relinking social welfare and penal policies, inasmuch these two strands of government action toward the poor have come to be informed by the same behaviorist philosophy relying on deterrence, surveillance, stigma, and graduated sanctions to modify conduct. Welfare revamped as workfare and the prison stripped of its rehabilitative pretension now form a single organizational mesh flung at the same clientele mired in the fissures and ditches of the dualizing metropolism – namely, the urban precariat, chief among them the dispossessed and dishonored residents of the hyperghetto. The third rupture involves overcoming the conventional opposition between materialist and symbolic approaches, descended

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from the emblematic figures of Karl Marx and Émile Durkheim, so as to heed and hold together the instrumental and the expressive functions of the penal apparatus. Weaving together concerns for control and communication, the management of derelict categories and the affirmation of salient social borders makes it possible to go beyond an analysis couched in the language of prohibition to trace how the rolling out of the prison and its institutional tentacles (probation, parole, criminal databases, swirling discourses about crime, and a virulent culture of public denigration of offenders) has reshaped the sociosymbolic landscape and remade the state itself.

A single self-same concept sufficed to effect those three breaks simultaneously and to sketch the anatomy of the penal state in the era of triumphant neoliberalism: the notion of *bureaucratic field* developed by Pierre Bourdieu,³ in his lecture course at the Collège de France in the early 1990s, to rethink the state as the agency that monopolizes the legitimate use not only of material violence (as in Max Weber's well-known capsule), but also of symbolic violence, and that moulds social space and strategies by setting the conversion rate between the various species of capital. It is useful to briefly confront and contrast my derivation of Bourdieu's theory of the state with the classic theses of Michel Foucault⁴ on punishment in *Surveiller et punir* (in English, *Discipline and Punish*). This will allow me to clarify the analytic implications of my model of the punitive turn in the management of precarized populations in advanced society, but also to open a dialogue between Bourdieu and Foucault on the carceral front. This dialogue helps us better locate penalty in the forging of state and citizenship in the twenty-first century and brooks further elaboration.

Bourdieu and the bolstering of the Right hand of the state

In *The Weight of the World* and related essays, Pierre Bourdieu proposes that we construe the state not as a monolithic and coordinated ensemble, but as a splintered space of forces vying over the definition and distribution of public goods

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which he calls the “bureaucratic field.”⁵ The constitution of this space is the end-result of a long-term process of concentration of the various species of capital operative in a given social formation, and especially of “juridical capital as the objectified and codified form of symbolic capital” which enables the state to monopolize the official definition of identities, the promulgation of standards of conduct, and the administration of justice.⁶

In the contemporary period, the bureaucratic field is traversed by two internecine struggles. The first pits the “higher state nobility” of policy makers intent on promoting market-oriented reforms against the “lower state nobility” of executives attached to the traditional missions of government inherited from the Fordist–Keynesian period. The second opposes what Bourdieu, riffing off Hobbes’s classic portrayal of the ruler, calls the “Left hand” and the “Right hand” of the state. The Left hand, the feminine side of Leviathan, is materialized by the “spendthrift” ministries in charge of “social functions” – public education, health, housing, social welfare, and labor law – which offer protection and succor to the social categories shorn of economic and cultural capital. The Right hand, the masculine side, is charged with enforcing the new economic discipline via budget cuts, fiscal incentives, and economic “deregulation” (i.e., re-regulation in favor of firms).

By inviting us to grasp in a single conceptual framework the various sectors of the state that administer the life conditions and chances of the working class and assorted problem populations, and to view these sectors as enmeshed in relations of antagonistic cooperation as they vie for preeminence inside the bureaucratic field, this conception has helped us map the ongoing shift from the social to the penal treatment of urban marginality. In this regard, *Punishing the Poor* fills in a gap in Bourdieu’s model by inserting the police, the courts, and *the prison as core constituents of the “Right hand”* of the state, alongside the ministries of the economy and the budget. It suggests that we need to bring penal policies from the periphery to the center of our analysis of the redesign and deployment of government programs aimed at coping with the entrenched poverty and deepening disparities

spawned in the polarizing city by the discarding of the Fordist–Keynesian social compact.⁷

The new government of social insecurity put in place in the United States and offered as model to other advanced countries entails both a shift from the social to the penal wing of the state (detectible in the reallocation of public budgets, personnel, and discursive precedence) and the colonization of the welfare sector by the panoptic and punitive logic characteristic of the post-rehabilitation penal bureaucracy (as with programs that mandate the drug-testing of welfare applicants). The slanting of state activity from the social to the penal arm and the incipient penalization of welfare, in turn, partake of the *remasculinization of the state*, in reaction to the wide-ranging changes provoked in the political field by the women’s movement and by the institutionalization of social rights antinomic to commodification. The new priority given to duties over rights, sanction over support, the stern rhetoric of the “obligations of citizenship,” and the martial reaffirmation of the capacity of the state to lock the troublemaking poor (welfare recipients and criminals) “in a subordinate relation of dependence and obedience” toward state managers portrayed as virile protectors of the society against its wayward members:⁸ all these policy planks pronounce and promote the transition from the kindly “nanny state” of the Fordist–Keynesian era to the strict “daddy state” of neoliberalism.

In their classic study *Regulating the Poor*, Frances Fox Piven and Richard Cloward forged a germinal model of the management of poverty in industrial capitalism. According to this model, the state expands or contracts its relief programs cyclically to respond to the ups and downs of the economy, the corresponding slackening and tightening of the labor market, and the bouts of social disruption that increased unemployment and destitution trigger periodically among the lower class. Phases of welfare expansion serve to “mute civil disorders” that threaten established hierarchies, while phases of restriction aim to “enforce work norms” by pushing recipients back onto the labor market.⁹ *Punishing the Poor* contends that, while this model worked well for the age of Fordist industrialism and accounts for the two major welfare

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explosions witnessed in the United States during the Great Depression and the affluent but turbulent 1960s, it has been rendered obsolete by the neoliberal remaking of the state over the past quarter-century. In the age of fragmented labor, hypermobile capital, and sharpening social inequalities and anxieties, the “central role of relief in the regulation of marginal labor and in the maintenance of social order”¹⁰ is displaced and duly supplemented by the vigorous deployment of the police, the courts, and the prison in the nether regions of social space. To the single oversight of the poor by the Left hand of the state succeeds the *double regulation of poverty by the joint action of punitive welfare-turned-workfare and an aggressive penal bureaucracy*. The cyclical alternation of contraction and expansion of public aid is replaced by the continual contraction of welfare and the runaway expansion of prisonfare.¹¹

This organizational coupling of the left hand and right hand of the state under the aegis of the same disciplinary philosophy of behaviorism and moralism can be understood, first, by recalling the shared historical origins of poor relief and penal confinement in the chaotic passage from feudalism to capitalism. Both policies were devised in the long sixteenth century to “absorb and regulate the masses of discontented people uprooted” by this epochal transition.¹² Similarly, both policies were overhauled in the last two decades of the twentieth century in response to the socioeconomic dislocations provoked by neoliberalism: in the 1980s alone, in addition to reducing public assistance, California passed nearly 1,000 laws expanding the use of prison sentences; at the federal level, the 1996 reform that “ended welfare as we know it” was complemented by the sweeping Violent Crime Control and Law Enforcement Act of 1993 (which stipulates the single largest increase in penal sanctions in US history) and bolstered by the No Frills Prison Act of 1995 (which funds the expansion of the prison system and eliminates incentives to rehabilitation).

The institutional pairing of public aid and incarceration as tools for managing the unruly poor can also be understood by paying attention to the structural, functional, and cultural similarities between workfare and prisonfare as “people processing institutions” targeted on kindred problem

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populations.¹³ It has been facilitated by the transformation of welfare in a punitive direction and the activation of the penal system to handle more of the traditional clientele of assistance to the destitute – the incipient “penalization” of welfare matching the degraded “welfarization” of the prison. Their concurrent reform over the past 30 years has helped cement their organizational convergence, even as they have obeyed inverse principles. The gradual erosion of public aid and its revamping into workfare in 1996 has entailed restricting entry into the system, shortening “stays” on the rolls, and speeding up exit, resulting in a spectacular reduction of the stock of beneficiaries (it plummeted from nearly 5 million households in 1992 to under 2 million a decade later). Trends in penal policy have followed the exact opposite tack: admission into jail and prison has been greatly facilitated, sojourns behind bars lengthened, and releases curtailed, which has yielded a spectacular ballooning of the population under lock and key (it jumped by over 1 million in the 1990s). The operant purpose of welfare shifted from passive “people-processing” to active “people-changing” after 1988, and especially after the abolition of AFDC (Aid to Families with Dependent Children, the main poor relief program) in 1996, while the prison has traveled in the other direction, from aiming to reform inmates (under the philosophy of rehabilitation, hegemonic from the 1920s to the mid-1970s) to merely warehousing them (as the function of punishment was downgraded to retribution and neutralization).

The shared historical roots, organizational isomorphism, and operational convergence of the assistential and penitential poles of the bureaucratic field in the United States are further fortified by the fact that the social profiles of their beneficiaries are virtually identical. Recipients of AFDC (the main targeted welfare program until 1996) and jail inmates both live near, or below, 50% of the federal poverty line (for one-half and two-thirds of them, respectively); both are disproportionately black and hispanic (37% and 18% for inmates versus 41% and 19% for welfare recipients); the majority did not finish high school and are saddled with serious physical and mental disabilities interfering with their participation in the workforce (44% of AFDC mothers as against 37% of jail inmates). And they are closely bound to

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one another by extensive kin, marital, and social ties, reside overwhelmingly in the same impoverished households and barren neighborhoods, and face the same bleak life horizon at the bottom of the class and ethnic structure.

Punishing the Poor avers not only that the United States has shifted from the single (welfare) to the double (social-cum-penal) regulation of the poor, but also that “the stunted development of American social policy” skillfully dissected by Piven and Cloward¹⁴ stands in close causal and functional relation to America’s uniquely overgrown and hyperactive penal policy. *The misery of American welfare and the grandeur of American prisonfare at century’s turn are the two sides of the same political coin.* The generosity of the latter is in direct proportion to the stinginess of the former, and it expands to the degree that both are driven by moral behaviorism. The same structural features of the American state – its bureaucratic fragmentation and ethnoracial skew, the institutional bifurcation between universalist “social insurance” and categorical “welfare,” and the market-buttrussing cast of assistance programs – that facilitated the organized atrophy of welfare in reaction to the racial crisis of the 1960s and the economic turmoil of the 1970s have also fostered the uncontrolled hypertrophy of punishment aimed at the same precarious population. Moreover, the “tortured impact of slavery and institutionalized racism on the construction of the American polity” has been felt not only in the “underdevelopment” of public aid, and the “decentralized and fragmented government and party system” that distributes it to a select segment of the dispossessed,¹⁵ but also in the overdevelopment and stupendous severity of its penal wing. Ethnoracial division and the (re)activation of the stigma of blackness as dangerousness are key to explaining the initial atrophy and accelerating decay of the American social state in the post-Civil Rights epoch, on the one hand, and the astonishing ease and celerity with which the penal state arose on its ruins, on the other.¹⁶

Reversing the historical bifurcation of the labor and crime questions achieved in the late nineteenth century, *punitive containment* as a government technique for managing deepening urban marginality has effectively rejoined social and penal policy at the close of the twentieth century. It taps the

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diffuse social anxiety coursing through the middle and lower regions of social space in reaction to the splintering of wage work and the resurgence of inequality, and converts it into popular animus toward welfare recipients and street criminals, cast as twin detached and defamed categories which sap the social order by their dissolute morality and dissipated behavior and must therefore be placed under severe tutelage. The new government of poverty invented by the United States to enforce the normalization of social insecurity thus gives a whole new meaning to the notion of “poor relief”: punitive containment offers relief not *to* the poor but *from* the poor, by forcibly “disappearing” the most disruptive of them, from the shrinking welfare rolls on the one hand and into the swelling dungeons of the carceral castle on the other.

Foucault and the perfusion of “the carceral”

Michel Foucault¹⁷ has put forth the single most influential analysis of the rise and role of the prison in capitalist modernity, and it is useful to set my thesis against the rich tapestry of analyses he has stretched and stimulated. I concur with the author of *Discipline and Punish* that penality is a protean force that is eminently fertile and must be given pride of place in the study of contemporary power.¹⁸ While its originary medium resides in the application of legal coercion to enforce the core strictures of the sociomoral order, punishment must be viewed not through the narrow and technical prism of repression but by recourse to the notion of production. The assertive rolling out of the penal state has indeed engendered new categories and discourses, novel administrative bodies and government policies, fresh social types and associated forms of knowledge across the criminal and social welfare domains.¹⁹ But, from here, my argument diverges sharply from Foucault’s view of the emergence and functioning of the punitive society in at least four ways.

To start with, Foucault erred in spotting the retreat of the penitentiary. Disciplines may have diversified and metastasized to thrust sinewy webs of control across the society, but the prison has not for all that receded from the historical stage and “lost its *raison d’être*.”²⁰ On the contrary, penal

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confinement has made a stunning comeback and reaffirmed itself among the central missions of Leviathan, just as Foucault and his followers were forecasting its demise: there were fewer than 25,000 inmates in France in 1975; they now number close to 70,000. And carceral expansion is a deep and broad trend sweeping both the First and Second worlds: in the quarter-century following the publication of *Discipline and Punish*, the incarceration rate doubled in France, Italy, and Belgium; it nearly tripled in England, Sweden, and the Netherlands; and it quadrupled in the United States. It also grew spectacularly across Latin America as the continent made the “double transition” to electoral democracy and the global market, and it boomed across Eastern Europe in the wake of the collapse of the Soviet empire. After the founding burst of the 1600s and the consolidation of the 1800s, the turn of the present century ranks as the third “age of confinement” that penologist Thomas Mathiesen²¹ forewarned about in 1990.

Next, whatever their uses in the eighteenth century, disciplinary technologies have *not* been deployed inside the overgrown and voracious carceral system of our *fin de siècle*. Hierarchical classification, elaborate time schedules, non-idleness, close-up examination, and the regimentation of the body: these techniques of penal “normalization” have been rendered wholly impracticable by the demographic chaos spawned by overpopulation, bureaucratic rigidity, resource depletion, and the studious indifference – if not hostility – of penal authorities toward rehabilitation.²² In lieu of the *dressage* (“training” or “taming”) intended to fashion “docile and productive bodies” postulated by Foucault, the contemporary prison is geared toward brute neutralization, rote retribution, and simple warehousing – by default, if not by design. If there are “engineers of consciousness” and “orthopedists of individuality” at work in the mesh of disciplinary powers today,²³ they surely are not employed by departments of corrections.

In the third place, “devices for normalization” anchored in the carceral institution have *not* spread throughout the society, in the manner of capillaries irrigating the entire body social. Rather, the widening of the penal dragnet under neoliberalism has been remarkably discriminating: in spite of

conspicuous bursts of corporate crime (epitomized by the Savings and Loans scandal of the late 1980s, the folding of Enron a decade later, and the “subprime” crash of 2008) with devastating economic and human consequences, it has affected essentially the denizens of the lower regions of social and physical space. Indeed, the fact that the social and ethnoracial selectivity of the prison has been maintained – nay, reinforced – as it vastly enlarged its intake demonstrates that penalization is not an all-encompassing master logic that blindly traverses the social order to bend and bind its various constituents. On the contrary: it is a *skewed technique proceeding along sharp gradients of class, ethnicity, and place*,²⁴ and it operates to divide populations and to differentiate categories according to established conceptions of moral worth. At the dawn of the twenty-first century, America’s urban (sub)proletariat lives in a “punitive society,” but its middle and upper classes certainly do not. Similarly, efforts to import and adapt US-style slogans and methods of law-enforcement – such as zero tolerance policing, mandatory minimum sentencing, or boot camps for juveniles – in Europe have been trained on lower-class and immigrant offenders relegated to the defamed neighborhoods at the center of the panic over “ghettoization” that has swept across the continent during the past decade.²⁵

Lastly, the crystallization of *law-and-order pornography*, that is, the accelerating inflection and inflation of penal activity conceived, represented, and implemented for the primary purpose of being displayed in ritualized form by the authorities – the paradigm for which is the half-aborted reintroduction of chain gangs in striped uniforms in several Southern states – suggests that news of the death of the “spectacle of the scaffold” have been greatly exaggerated. The “redistribution” of “the whole economy of punishment”²⁶ in the post-Fordist period has entailed not its disappearance from public view, as proposed by Foucault, but its institutional relocation, symbolic elaboration, and social proliferation beyond anything anyone envisioned when *Discipline and Punish* was published.

In the past quarter-century, a whole galaxy of novel cultural and social forms –indeed, a veritable industry trading on representations of offenders and law-enforcement – has

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sprung forth and spread. The theatricalization of penalty has migrated from the state to the commercial media and the political field *in toto*, and it has extended from the final ceremony of sanction to encompass the full penal chain, with a privileged place accorded to police operations in low-income districts and courtroom confrontations around celebrity defendants. The Place de grève, where the regicide Damiens was famously quartered, has thus been supplanted not by the panopticon but by *Court TV* and the profusion of crime-and-punishment “reality shows” that 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*, *Orange is the New Black*, etc.). This is to say that the prison did not “replace” the “social game of the signs of punishment and the garrulous feast that put them in motion.”²⁷ Rather, it now serves as its institutional canopy. Everywhere the law-and-order *guignol* has become a core civic theater onto whose stage elected officials prance to dramatize moral norms and display their professed capacity for decisive action, thereby reaffirming the political relevance of Leviathan at the very moment when they organize its powerlessness with respect to the market.

In short, lacking a structural concept with which to anchor penalty as a form of symbolic power accumulating in the higher reaches of social space (what Bourdieu captures with the notion of “field of power”), Foucault misread the historical trend of modern Western penalty when he prophesied the vanishing of the prison at the very moment it was entering a phase of rapid expansion and wholesale solidification. He consistently conflated the blueprints of penal reformers and the prescriptions of theorists of confinement with the everyday reality of imprisonment, ignoring the fact that the social organization of the carceral institution²⁸ renders it constitutively incapable of “making the accumulation of men docile and useful.”²⁹ Accordingly, he mischaracterized the tenor of “the carceral,” exaggerated its diffusion, and overlooked both the steep selectivity of penalization and the enduring centrality of punishment to the symbolic projection and material exercise of state power.³⁰

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The neoliberal state and the double regulation of poverty

The invention of the double regulation of the insecure fractions of the postindustrial proletariat via the wedding of social and penal policy at the bottom of the polarized class structure is a major *structural innovation* that takes us beyond the model of the welfare–poverty nexus elaborated by Piven and Cloward³¹ just as the Fordist–Keynesian regime was coming unglued. The birth of this institutional contraption is also not captured by Michel Foucault’s vision of the “disciplinary society” or by David Garland’s³² notion of the “culture of control,” neither of which can account for the unforeseen timing, steep socioethnic selectivity, and peculiar organizational path of the abrupt turnaround in penal trends in the closing decades of the twentieth century. For the punitive containment of urban marginality through the simultaneous rolling back of the social safety net and the rolling out of the police-and-prison dragnet, and their knitting together into a carceral–assistential lattice, is not the spawn of some broad societal trend – whether it be the ascent of “biopower” or the advent of “late modernity” – but, at bottom, an exercise in *state crafting*. It partakes of the correlative revamping of the perimeter, missions, and capacities of public authority on the economic, social welfare, and penal fronts. This revamping has been uniquely swift, broad, and deep in the United States, but it is in progress – or in question – in all advanced societies subject to the relentless material and ideological pressure to conform to the American pattern.

Consider trends in France: in recent years, the country has eased strictures on part-time employment, as well as limitations on night-time and week-end work. Its governments of both the Left and the Right have actively supported the development of short-term contracts, temporary jobs, and underpaid traineeships, and expanded the latitude of employers in hiring, firing, and the use of overtime. The result is that the number of precarious wage earners has risen from 1.7 million in 1992 to 2.8 million in 2007 – or from 8.6 to 12.4% of the employed workforce.³³ In June of 2009, France instituted the RSA (Revenu de solidarité active), set to gradually replace

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the RMI (Revenu minimum d'insertion, the guaranteed minimum income grant provided to some 1.3 million), a program designed to push public aid recipients into the low-wage labor market via state subsidies to poor workers premised on the obligation to accept employment.³⁴ Simultaneously, the oversight of unemployment benefits is being farmed out to private firms, which can terminate beneficiaries who reject two job offers, and receive a financial bonus for each recipient they place in a job. On the penal front, accelerating the punitive turn taken by the Socialist government of Jospin in 1998–2002, the successive administrations of Chirac and Sarkozy have adopted sweeping measures of penal expansion:³⁵ intensified policing centered on low-income districts, youth night curfews, enlarged recourse to incarceration for street crimes (in sharp contrast to the depenalization of corporate crime), plea bargaining and accelerated judicial processing for low-level delinquents, mandatory minimum sentences for youth recidivists, annual targets for the expulsion of undocumented migrants, and the indefinite civil commitment of certain categories of sex offenders after they have served their sentence. The country's budget for corrections jumped from 1.4 billion euros for 22,000 guards confining 48,000 inmates in 2001, to 2 billion euros for 24,000 guards and 64,000 inmates in 2009 – a far cry from the vanishing of the prison prophesied by Foucault three decades earlier.

Tracking the roots and modalities of America's stupendous drive to hyperincarceration opens a unique path into the *sanctum* of the neoliberal Leviathan. It leads us to articulate two major theoretical claims. The first is that *the penal apparatus is a core organ of the state*, expressive of its sovereignty and instrumental in imposing categories, upholding material and symbolic divisions, and molding relations and behaviors through the selective penetration of social and physical space. The police, the courts and the prison are not mere technical appendages for the enforcement of lawful order (as criminology would have it), but vehicles for the political production of reality and for the oversight of deprived and defamed social categories and their reserved territories.³⁶ Students of early modern state formation, from Norbert Elias to Charles Tilly to Gianfranco Poggi, fully recognized that the

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monopolization of force, and thus the construction of a bureaucratic machinery for policing, judging, and punishing miscreants capable of minimally pacifying society, was central to the building of Leviathan. It is high time that students of the neoliberal era noticed that the remaking of the state after the break-up of the Keynesian social compact has entailed not only renewed activity aimed at fostering international competitiveness, technological innovation, and labor flexibility,³⁷ but also – and most distinctively – the forceful reassertion of its penal mission, henceforth set in a pornographic and managerialist key.

Indeed, the second thesis advanced by *Punishing the Poor* is that the ongoing capitalist “revolution from above,” commonly called *neoliberalism*, entails the enlargement and exaltation of the penal sector of the bureaucratic field, so that the state may check the social reverberations caused by the diffusion of social insecurity in the lower rungs of the class and ethnic hierarchy, as well as assuage popular discontent over the dereliction of its traditional economic and social duties. Neoliberalism readily resolves what for Garland’s “culture of control” remains an enigmatic paradox of late modernity: namely, the fact that “control is now being re-emphasized in every area of social life – *with the singular and startling exception of the economy*, from whose deregulated domain most of today’s major risks routinely emerge.”³⁸ The neoliberal remaking of the state also explains the steep class, ethnoracial, and spatial bias stamping the simultaneous retraction of its social bosom and expansion of its penal fist: the populations most directly and adversely impacted by the convergent revamping of the labor market and public aid turn out also to be the privileged “beneficiaries” of the penal largesse of the authorities. This is true in the United States, where the carceral boom has corralled (sub)proletarian blacks trapped in the bare hyperghetto. It is also the case in Western Europe, where the primary clientele of the expanding prison is composed of precarious workers and the unemployed, postcolonial migrants, and lower-class addicts and derelicts.³⁹

Finally, neoliberalism correlates closely with the international diffusion of punitive policies in both the welfare and the criminal domains. It is not by accident that the advanced countries that have imported, first, workfare measures

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designed to buttress the discipline of desocialized wage work, and then variants of US-style criminal justice measures, are the Commonwealth nations that also pursued aggressive policies of economic deregulation inspired by the “free market” nostrums come from America, whereas the countries that remained committed to a strong regulatory state curbing social insecurity have best resisted the sirens of “zero tolerance” policing and “prison works.”⁴⁰ Similarly, societies of the Second World such as Brazil, Argentina, and South Africa, which adopted superpunitive penal planks inspired by American developments in the 1990s and saw their prison populations soar as a result, did so not because they had at long last reached the stage of “late modernity,” but because they have taken the route of market deregulation and state retrenchment.⁴¹ But to discern these multilevel connections between the upsurge of the punitive Leviathan and the spread of neoliberalism, it is necessary to develop a precise and broad conception of the latter. Instead of discarding neoliberalism, as Garland⁴² does, on account of it being “rather too specific” a phenomenon to account for penal escalation, we must expand our conception of it, and move from an economic to a fully sociological understanding of the phenomenon.

By enabling us to break out of the crime-and-punishment box to relink welfare and justice while fully attending to both the material and symbolic dimensions of public policy, Bourdieu’s concept of bureaucratic field opens a way out of the cul-de-sac into which Foucault directed us, and offers a powerful tool for dissecting the anatomy and assembly of the neoliberal Leviathan. It suggests that some of the pivotal political struggles of this century’s turn – if not the most visible or salient ones – involve not the confrontation between the mobilized organizations representing subaltern categories and the state, but battles internal to the hierarchical and dynamic ensemble of public bureaucracies that compete to socialize, medicalize, or penalize urban marginality and its correlates. Elucidating the nexus of workfare, prisonfare, and social insecurity, in turn, reveals that the study of incarceration is neither a technical rubric in the criminological catalogue nor a dying subspecies of proliferating disciplines but a key chapter in the sociology of the state and social inequality in the bloom of neoliberalism.

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Notes

1 This chapter is extracted and adapted from the “theoretical coda” of my book *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, NC, and London: Duke University Press, 2009). The overarching argument of the book unfolds in four steps. Part 1 maps out the accelerating decline and abiding misery of America’s social state, climaxing with the replacement of protective welfare by disciplinary workfare in 1996. Part 2 tracks the modalities of the growth and grandeur of the penal state and finds that the coming of “carceral big government” was driven not by trends in criminality, but by the class and racial backlash against the social advances of the 1960s. Part 3 heeds the communicative dimension of penalty as a vehicle for symbolic boundary-drawing and explains why penal activism in the United States has been aimed at two “privileged targets,” the black subproletariat trapped in the imploding ghetto and the roaming sex offender. Part 4 follows recent declinations of the new politics of social insecurity in Western Europe to offer a critique of the “scholarly myths” of the reigning law-and-order reason, prescriptions for escaping the punitive policy snare, and a characterization of the distinctive shape and missions of the neoliberal state.

2 A simple statistic suffices to demonstrate this disconnect and reveals the futility of trying to explain rising incarceration by escalating crime: the United States held 21 prisoners for every 1,000 “index crimes” in 1975, compared to 113 convicts per 1,000 crimes in 2000, for an increase of 438 percent; for “violent crimes,” the jump is from 231 to 922 convicts per 1,000 offenses, an increase of 299 percent. This means that the country became four to five times more punitive in a quarter-century *holding crime constant* (a lagged index turns up the same trend). For elaborations, see Wacquant, *Punishing the Poor*, 125–33.

3 P. Bourdieu, “Rethinking the State: On the Genesis and Structure of the Bureaucratic Field,” *Sociological Theory* 12, 1 (1994[1993]): 1–19.

4 M. Foucault, *Surveiller et punir: naissance de la prison* (Paris: Gallimard, 1975); *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1977).

5 The concept is sketched analytically in Bourdieu, “Rethinking the State”; illustrated in Bourdieu, “The Abdication of the State,” in Bourdieu et al., eds., *The Weight of the World: Social Suffering in Contemporary Society* (Cambridge: Polity, 1999), 181–8; and deployed to probe the political production of the economy of single homes in France in Bourdieu, *The Social Structures of the Economy*

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(Cambridge: Polity, 2005[2000]). The historical emergence and analytic construction of the bureaucratic field is sketched in Bourdieu's lecture course *On The State* (Cambridge: Polity, 2015). Several issues of the journal *Actes de la recherche en sciences sociales* offer further crossnational empirical illustrations, including those on "The History of the State" (nos. 116–17, March 1997), "The Genesis of the State" (no. 118, June 1997), the transition "From Social State to Penal State" (no. 124, September 1998), "Pacify and Punish" (nos. 173 and 174, June and September 2008), and "Reasons of State" (nos. 201 and 202, March 2014).

6 Bourdieu, "Rethinking the State," 4, 9.

7 S. Musterd, A. Murie, and C. Kesteloot, *Neighbourhoods of Poverty: Urban Social Exclusion and Integration in Comparison* (London: Palgrave Macmillan, 2006); W. J. Wilson, *When Work Disappears: The World of the New Urban Poor* (New York: Knopf, 1996); and L. Wacquant, *Urban Outcasts: A Comparative Sociology of Advanced Marginality* (Cambridge: Polity, 2008).

8 I. M. Young, "The Logic of Masculinist Protection: Reflections on the Current Security State," in M. Friedman, ed., *Women and Citizenship* (New York: Oxford University Press, 2005), 15–34.

9 F. Fox Piven and R. A. Cloward, *Regulating the Poor: The Functions of Public Welfare* (New York: Vintage, 1993[1971]): xvi and passim.

10 *Ibid.*, xviii.

11 By analogy with "welfare," I designate by "prisonfare" the policy stream through which the state gives a penal response to festering urban ills and sociomoral disorders, as well as the imagery, discourses, and bodies of lay and expert knowledge that accrete around the rolling out of the police, the courts, jails and prisons, and their extensions (probation, parole, computerized data-banks of criminal files, and the schemes of remote profiling and surveillance they enable). Penalization joins socialization and medicalization as the three alternative strategies whereby the state can opt to treat undesirable conditions and conducts (Wacquant, *Punishing the Poor*, 16–17).

12 Fox Piven and Cloward, *Regulating the Poor*, 21, and 20 n.23, acknowledge penal expansion and activism in the sixteenth century in passing in the rich historical recapitulation of the trajectory of poor relief in early modern Europe in which they ground their investigation of the functions of welfare in contemporary America.

13 Y. Hasenfeld, "People Processing Organizations: An Exchange Approach," *American Sociological Review* 37, 3 (1972): 256–63.

14 Fox Piven and Cloward, *Regulating the Poor*, 409.

15 *Ibid.*, 424–5.

16 The catalytic role of ethnoracial division in the remaking of the state after the junking of the Fordist–Keynesian social compact and the collapse of the dark ghetto is analyzed in full in my book *Deadly Symbiosis: Race and the Rise of the Penal State* (Cambridge: Polity, 2015). The depth and rigidity of racial partition is a major factor behind the abyssal gap between the incarceration rates of the United States and of the European Union, just as it explains their divergent rates of poverty. See A. Alesina and E. L. Glaeser, *Fighting Poverty in the US and Europe: A World of Difference* (New York: Oxford University Press, 2004).

17 Foucault, *Surveiller et punir; Discipline and Punish*.

18 Foucault's writings on incarceration are dispersed and multifaceted, comprising some 60 texts written over 15 years, cutting across disciplinary domains and serving manifold purposes from the analytic to the political, and it is not possible to consider them in their richness and complexity here (these are captured by F. Boullant, *Michel Foucault et les prisons* [Paris: Presses Universitaires de France, 2003]). Instead, I focus on *Surveiller et punir*, owing to its canonical status in the study of punishment, deviance, and power (see, for instance, D. Garland, *Punishment and Society: A Study in Social Theory* [Chicago: University of Chicago Press, 1989], and J. Q. Whitman, "The Comparative Study of Criminal Punishment," *Annual Review of Law and Social Science* 1 [2005]: 17–34), entailing the common disregard of his later work on security and governmentality (P. O'Malley, "Governmental Criminology," in E. McLaughlin and T. Newburn, eds., *The Sage Handbook of Criminological Theory* (London: Sage, 2013), 319–36. Below, I give my own translation with page references to the original French edition, followed by the pagination in the US edition).

19 L. Wacquant, "Ordering Insecurity: Social Polarization and the Punitive Upsurge," *Radical Philosophy Review* 11, 1 (2008): 9–27.

20 Foucault, *Discipline and Punish*, 297–8.

21 T. Mathiesen, *Prison on Trial: A Critical Assessment* (London: Sage Publications, 1990).

22 This is particularly glaring in the California Department of Corrections, the country's second-largest carceral system after the Federal Bureau of Prisons, in which grotesque overcrowding (in 2008, the state packed 170,000 convicts in 33 prisons designed to hold 85,000) and systemic bureaucratic dysfunction combine to make a mockery of any pretense at "rehabilitation" (J. Petersilia, "California's Correctional Paradox of Excess and Deprivation," *Crime and Justice: A Review of Research* 37 [2008]: 207–78).

23 Foucault, *Discipline and Punish*, 301/294.

24 L. Wacquant, "Class, Race and Hyperincarceration in Revanchist America," *Daedalus*, thematic issue on "The Challenges of Mass Incarceration," 139, 3 (Summer 2010): 74–90.

25 L. Wacquant, *Prisons of Poverty* (Minneapolis: University of Minnesota Press, 2009).

26 Foucault, *Discipline and Punish*, 7.

27 *Ibid.*, 131.

28 G. Sykes, *The Society of Captives: A Study in a Maximum Security Prison* (Princeton: Princeton University Press, 1958/1974); G. Chantraine, *Par-delà les murs: expériences et trajectoires en maison d'arrêt* (Paris: Presses Universitaires de France / Le Monde, 2004); and B. Crewe, *The Prisoner Society: Power, Adaptation and Social Life in an English Prison* (Oxford: Clarendon Press, 2009).

29 Foucault, *Discipline and Punish*, 298.

30 "Carceral circles widen and the prison form becomes gradually attenuated until it disappears... And finally this great carceral web joins all the disciplinary devices that operate disseminated across the society... The carceral archipelago transports this technique of the penal institution to the entire social body" (*ibid.*, 340). These errors and gaps in Foucault's conception of penal power and history are directly connected to his overly broad, vague, and discursivist conception of neoliberalism, picked up by later students of governmentality (see L. Wacquant, "Three Steps to a Historical Anthropology of Actually Existing Neoliberalism" *Social Anthropology* 20, 1 [January 2012]: 66–79; with responses by Johanna Bockman, Steve Collier, Daniel Goldstein, Mathieu Hilgers, Bob Jessop, Don Kalb, Jamie Peck and Nik Theodore [January–November 2012] for a more detailed critique).

31 Fox Piven and Cloward, *Regulating the Poor*.

32 D. Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001).

33 L. Maurin and P. Savidan, *L'état des inégalités en France: données et analyses* (Paris: Belin, 2008).

34 D. Grandquillot, *RSA: revenu de solidarité active* (Paris: Gualino Editeur, 2009).

35 L. Bonelli, *La France a peur: une histoire sociale de l'insécurité* (Paris: La Découverte, 2008).

36 Wacquant, "Ordering Insecurity."

37 B. Jessop, "Post-Fordism and the State," in A. Amin, ed., *Post-Fordism: A Reader* (Oxford: Basil Blackwell, 1994), 251–79; W. Streeck and K. Thelen, eds., *Beyond Continuity: Institutional Change in Advanced Political Economies* (Oxford: Oxford University Press, 2005); and J. D. Levy, ed., *The State After Statism: New*

State Activities in the Age of Liberalization (Cambridge, MA: Harvard University Press, 2006).

38 Garland, *The Culture of Control*, 165; emphasis added.

39 Wacquant, *Prisons of Poverty*, 87–102.

40 In a major comparative study of the linkages between penal policy and political economy in 12 contemporary capitalist countries, Cavadino and Dignan find that the nations they characterize as neoliberal (as distinct from conservative corporatist, social democratic, and oriental corporatist) are consistently more punitive and have become much more so in the past two decades. See M. Cavadino and J. Dignan, *Penal Systems: A Comparative Approach* (London: Sage Publications, 2006).

41 The international diffusion of “made in USA” penal categories and policies and its springs are treated at length in Wacquant, *Prisons of Poverty*, and “The Global Firestorm of Law and Order: On Neoliberalism and Punishment,” *Thesis Eleven* 122 (Spring 2014): 72–88; see also the complementary argument of Andreas and Nadelmann stressing the pivotal role of the export of penality in foreign relations – P. Andreas and E. Nadelmann, *Policing the Globe: Criminalization and Crime Control in International Relations* (New York: Oxford University Press, 2006).

42 Garland, *The Culture of Control*, 77.