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THE GOVERNMENTALITY OF WELFARE AND CRIMINAL JUSTICE POLICIES

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ABSTRACT

In recent decades the U.S. has witnessed an unprecedented expansion of the criminal justice system in the face of welfare retrenchment. Are these two developments related? Here I take a cultural approach to understanding the relationship between these two policy arenas, and their recent historical trajectories, by analyzing the congressional discourse of welfare and criminal justice policymaking in two periods: 1961-1967 and 1981-1996. I show how the causes attributed to poverty and crime and conceptions about the poor and criminals in each period are similar; and how changes in these conceptions have entailed different policy solutions over time. Although studies of inequality are routinely concerned with the poor, or with criminals, and how these groups are affected by policies, there has been no attempt to understand how policymakers construct these target populations and how such constructions are related to the policies that affect them. My analysis shows that conceptions about the poor and criminals are critical to understanding how the causes attributed to poverty and crime are related to policy solutions. These findings are important for understanding the punitive turn in public policies that has contributed to growing inequality over the last forty years.

INTRODUCTION

In 1972, the year that per capita AFDC benefits peaked, President Nixon nearly pushed through Congress a guaranteed annual income plan, and the criminal justice system was experimenting with alternative sentencing schemes to minimize the use of incarceration. A dramatic reversal has since occurred. Maximum welfare benefits have dropped by over 60 percent in real terms, and the number of inmates behind bars increased more than six-fold, from about 200,000 in 1970 to nearly 1,500,000 in 2002 with over 3.8 million people on probation or parole. Is this sea change the result of divergent processes—for example, a decline in poverty and an increase in crime rates? Or is there reason to think that trends in welfare and criminal justice policies are connected? If they are, then our understanding of the changes that each policy arena has undergone stands to be improved by studying them in relation to one another.

To the extent that researchers have drawn a connection between welfare and criminal justice, it has been to conceive of them as forms of social control (Cohen 1985; Inverarity and Grattet 1989; Inverarity and McCarthy 1988; Johnson 1996; Liska 1997; Lowman and Menzies 1986; Scull 1984; though see Sutton 2000). But the canonical understandings of welfare (Piven and Cloward 1993[1971]) and prisons (Rusche and Kirchheimer 1968 [1939]) as forms of social control would lead us to expect them to move in tandem, both expanding in the face of threats to social order and declining as threats subside. This perspective falls short, then, in explaining trends in recent U.S. history, which has simultaneously witnessed welfare retrenchment and prison expansion.¹

One notable exception to this literature is Wacquant's (1999) attempt to link changes in welfare and criminal justice policies. Both, he argues, can be understood as means for enforcing the labor market discipline in the face of economic changes brought about by the rise of neo-liberalism and the collapse of the Keynesian-Fordist social compact: the flexibilization and casualization of labor markets; deindustrialization; labor union decline; stagnant wages; and the declining quality of and demand for low-skilled jobs. While this account is compelling, it tells us little about the mechanisms behind these changes, instead assuming an adaptive, quasi-functional relationship between shifts in the political economy and changes in welfare and criminal justice.

¹ A handful of studies have found evidence of negative covariation between welfare and criminal justice indicators among U.S. states: those with the more generous welfare programs have lower incarceration rates, and vice versa (Beckett and Western 2001; Fording 2001; Greenberg and West 2001). While confirming the limits of the social control approach, these studies cannot tell us why states favor the use of either welfare or criminal justice. Moreover, they are uninformative about the national trend, whereby criminal justice policies have become more punitive and welfare has become less generous among all states since the 1960s.

One of the premises of this argument is that both welfare and criminal justice policies regulate labor markets by shaping the conduct of the poor; indeed both policies are aimed at those who are most marginal to the labor market. Similarly, Beckett and Western (2001:44) have argued that welfare and criminal justice policies “comprise a single regime aimed at the governance of social marginality.” For them, changes in welfare and criminal justice policies since 1970 can be understood as the move from a more inclusive regime towards a more exclusionary one. But like Wacquant, Beckett and Western leave us to wonder by what mechanisms this change occurs. The question these studies leave unanswered, in short, is this: if welfare and criminal justice policies are essentially forms of social control—whereby state actors seek to shape the conduct of the poor and dispossessed—then how do the prerogatives of labor market regulation or the inclusive/exclusionary orientation towards social marginality become translated into specific welfare and criminal justice policies?

In this paper, I take the position that if we want to address this question and understand changes in welfare and criminal justice policies, we need to focus our attention on the policy discourse surrounding the issues of poverty and crime—which might be thought of as sublimated discourses on social control.² I therefore adopt a cultural approach to understanding the relationship between these two policy arenas and their trajectories, analyzing congressional discourse surrounding welfare and criminal justice policymaking in two periods: 1961-1967 and 1981-1996.

I examine how poverty and crime are constructed as social problems in policy debates and how policy responses are engendered by these constructions. Adopting insights of studies on framing (Benford and Snow 2000; Gamson 1992; Gamson and Modigliani 1989; Goffman 1974) and of Foucault’s work on ‘governmentality’ (Barry, Osborne, and Rose 1996; Burchell, Gordon, and Miller 1991; Dean 1999; Foucault 1991), my analysis focuses on policy makers’ conceptions about the causes of poverty and crime and how they construct the poor and criminals as target populations of public policies. My analysis reveals the following: 1) these conceptions are similar in both policy arenas; 2) they changed in similar ways in each policy arena over the time frame studied; and 3) these conceptions are embedded in the policies enacted in each period. Exploring these conceptions hence helps us make sense of the changes in welfare and criminal justice policies over the last four decades.

Examining welfare and crime policies through the lens of these discursive elements enables us to unearth the assumptions embedded in them, in order to examine how they are related to each other at a conceptual level. The comparison between the two periods provides analytical leverage for examining how the causes attributed to poverty and crime are linked to the policies adopted to deal with these issues, and it also illuminates how the discursive connection between the problems of

² The dictionary definition of sublimate is “to modify the natural expression of (a primitive, instinctual impulse) in a socially acceptable manner” (Merriam-Websters 2006). Talking openly about “social control” or enforcing neo-liberal labor markets is not socially acceptable, unlike talking about ending poverty and fighting crime.

poverty and crime has changed over the last forty years. My analysis therefore offers both empirical and theoretical contributions.

Empirically, I map out the similarities and the connections between poverty and crime in policymaking discourse during two recent periods of significant policy change. I show that in the 1960s, poverty and crime were viewed as caused by the breakdown of the community in the face of limited and blocked opportunities, and the poor and criminals were conceived in psychological terms as becoming unmotivated, hopeless and resentful as a result. Throughout the 1980s and 1990s, poverty and crime were viewed as a result of the breakdown of the family, and the poor and criminals were viewed simultaneously as rational and moral actors, who did not make the “right” choices because they lacked “family values.” These divergent conceptions help us to understand the very different policy responses to poverty and crime in the two periods.

While existing studies have pointed to one or another of these discursive elements, they focus almost exclusively on one policy arena (Handler and Hasenfeld 1991; Katz 1989; Pierson 1994; Quadagno 1994) and often focus on one piece of legislation or policymaking episode (Naples 1997; Steensland 2002). Although studies of inequality are routinely concerned with the poor, or with criminals, and how these groups are affected by policies, there has been no attempt to understand how policymakers construct these target populations (Schneider and Ingram 1993) and how such constructions are related to the policies that affect them. I show how conceptions about the poor and criminals and about the causes of poverty and crime render intelligible the solutions proposed to solve these problems. My analysis represents a novel and comparatively comprehensive investigation of the discursive elements of both welfare and criminal justice policymaking.³

My concern with the way policy solutions articulate with such conceptions is motivated by two literatures that have remained isolated from one another: the literature on “governmentality” and studies of media and social movement framing. The literature on framing has shown that solutions to a given problem are formulated in response to the perceived causes of that problem, but we do not understand very well how perceived causes are linked with proposed solutions (Benford and Snow 2000; Steensland 2002). I make a theoretical contribution by adopting the insight from the literature on “governmentality” that the way governments construct target populations matters for policy (also see Schneider and Ingram 1993). I show how conceptions about the poor and criminals provide a bridge that links the causes of poverty and crime to policy solutions. In the next section I describe the discursive elements these two literatures highlight for analysis and discuss why synthesizing them provides a more complete model for the cultural analysis of policymaking. Then

³ Existing accounts of welfare or criminal justice policy developments during this period (Beckett 1997; Garland 2001; Handler and Hasenfeld 1991; Katz 1989; Pierson 1994), have also rarely examined Congressional debates in any kind of detail (for exceptions see Quadagno 1994; Steensland 2002). We thus do not know how well their descriptions of policymaking developments accord with legislative discourse.

I briefly discuss the research design before launching into the analysis of Congressional discourse during each period.

GOVERNMENTALITY AND FRAMING

Although Foucault's work on genealogy and disciplinary forms of power has been applied to recent reforms in either welfare or criminal justice policy (Cohen 1985; Fraser and Gordon 1994; Garland 1990; Lacombe 1996; Simon 1993), there has been no concerted attempt to apply his work on governmentality to these issues. Government, for Foucault (1981; 1991), can be understood in the most general terms as the "conduct of conduct." It is "any more or less calculated and rational activity...that seeks to shape conduct" (Dean 1999:11). Foucault's concern with "governmentality"—a neologism meaning "governmental rationality"—came about as he investigated the historical development of the state and the associated discourses and practices that concerned the question of how to govern. The overriding concern of the state, for Foucault, was its perpetuation or "security." The guiding problematic of the state is how to regulate the conduct of individuals to ensure the wellbeing of the population and hence, security. Liberal governments attempt to ensure security by working with and through the capacities of individuals, including their "desires, aspirations, interests and beliefs" (Dean 1999:11).

A key element that influences the way that government actors think about how to intervene and regulate are their conceptions about the objects of state intervention: what are the entities that the state acts upon? In the case of poverty and crime, the primary objects of state intervention are the poor and criminals. First, we need to know how government actors conceive of the poor and criminals. For example how do they conceive of the "desires, aspirations, interests and beliefs" of the poor? Second, if liberal governments act through the capacities of individuals, then what capacities are the poor and criminals believed to possess—or perhaps more important, what capacities are they seen to lack?

Research on framing and policymaking offers the insight that policy solutions to a given problem are related to the causes attributed to that problem (Benford and Snow 2000; Gamson 1992; Gamson and Modigliani 1989). However, the framing literature offers little insight into how causes are connected to particular solutions. Furthermore, this research has seldom looked at the issues of poverty and crime. I argue that we can better understand how diagnoses of causes are implicated in policy solutions by incorporating into the analysis conceptions about the target populations of those solutions. In the case of poverty and crime, some proposed policies may articulate better than others with the perceived causes depending on how the poor and criminals are constructed. In other words, how policy makers construct the poor and criminals (i.e., the subjects of the policy) is a missing conceptual link in understanding how causal attributions are connected to policy solutions.

RESEARCH DESIGN

My analysis is based on transcripts of Congressional hearings concerning the problems of poverty and crime. I used Lexis-Nexis Congressional Universe to find

relevant hearings, using the subject keywords “welfare,” “poverty” and “crime.” From this list, I selected hearings for analysis according to the following criteria: 1) hearings pertaining to significant pieces of legislation; 2) hearings on poverty and crime that took place close to each other in time; 3) hearings in committees that had significant jurisdiction over the legislation. The pieces of legislation I examined are listed in Table 1. I also examined hearings that were convened to discuss problems or other questions that did not necessarily have direct bearing on a specific piece of legislation. I examined 26 hearings. Of these, 14 are directly related to poverty and welfare, 11 are directly related to crime and 1 is common to both. The complete list of hearings can be found in the bibliography under “U.S. Congress.”

I focus on hearings, because they are—or have the potential to be—“critical discourse moments,” that is, moments where the “beliefs or values of either the speaker or hearer or both” are contradicted (Chilton 1987:12. See also Boltanski and Thévenot 1991 and Gamson and Modigliani 1989). Hearings are locations in the legislative process where conflicting viewpoints may be expressed and where the reasoning behind particular policy proposals is made most explicit.⁴

Table 1. Legislation Examined

Legislation	Year Enacted
<i>Welfare</i>	
Economic Opportunity Act (EOA)	1964
Amendments to Economic Opportunity Act	1967
Omnibus Budget Reconciliation Act	1981
Family Support Act	1988
Personal Responsibility and Work Reconciliation Act	1996
<i>Criminal Justice</i>	
Juvenile Delinquency Control Act	1961
Omnibus Crime Control and Safe Streets Act	1967
Comprehensive Crime Control Act	1983
Ani-Drug Abuse Act	1986
Violent Crime Control and Law Enforcement Act	1994

⁴ I should be clear about two things that I am *not* trying to do here. This is not a study of policy implementation—we know there is often a disconnect between legislative intent and policy implementation. Nor am I attempting a political or institutional analysis of policymaking. This should not be understood as an implicit argument that they play no role. What is significant for me here are the underlying assumptions, the appearance of a general consensus across parties, the presence or absence debate over some of the underlying premises of policy interventions, the extent, in short, to which conceptions come to be more or less taken for granted (or at least not subject to debate) *across* party lines. See Naples (1997) for a similar analysis of the Family Support Act of 1988.

POVERTY AND CRIME IN THE 1960s

In the following, I describe the primary causes attributed to poverty and crime in the 1960s, the dominant conceptions of the poor and criminals, and the most significant solutions proposed to confront these problems. Given space limitations, I use quotations selectively to represent the general discursive patterns that clearly emerged from my exhaustive examination of the hearings.

The Causes of Poverty and Crime: Community Breakdown

In the 1960s, officials and concerned citizens appeared to attribute a panoply of associated causes to poverty and crime. Attorney General Robert Kennedy's testimony over the Economic Opportunity Act of 1964 (the centerpiece of the "War on Poverty"), provides a characteristic illustration of this tendency. He begins by arguing that "[l]ack of education, old age, bad health or discrimination—these are the causes of poverty and the way to attack it is to go to the root." He soon expands on this list: after describing Harlem's failing schools, he suggests that if one adds "these school conditions to the high rates of crime, addiction, infant mortality, venereal disease, and broken homes...you begin to see what a child—and the community—is up against" (U.S. Congress 1964: 303).

Likewise, the associated conditions of the ghetto were proffered to explain crime and delinquency, especially in cities where, according to John Gardner, then Secretary of Health, Education and Welfare, "discrimination herds minority groups into ghettos, and slum conditions prevail. In areas where income is low, unemployment high, housing poor, health resources inaccessible, and recreation facilities inadequate the crime and delinquency rates are staggering." (U.S. Congress 1967c: 13). The overlap between the perceived causes of poverty and crime was remarkably clear; not only did they have the same causes but crime was sometimes seen to cause poverty, and vice versa.

The apparent variation in explanations in fact reflected a common understanding that they all grew out of the problematic conditions of the urban "slum" community and its breakdown. According to Sargent Shriver, future Director of the Office of Economic Opportunity, "for some boys and girls in the communities of the United States where they live today, it is almost impossible for them to make the escape from poverty. The community itself contributes to the condition which has created these boys in this shape" (U.S. Congress 1964: 69). For Andrew Ribicoff, Secretary of Health, Education and Welfare in the Kennedy administration, delinquency was a symptom of "community life wholly out of control, community failure in its purest form" (U.S. Congress 1961: 15).

This concern about the breakdown of the community—itsself the product of blocked opportunities—as a cause of poverty and crime is significant for two reasons. First, it shifts blame away from individuals. And second, not unrelated, it has important implications for policy solutions.

Unemployment was commonly cited as the reason for ghetto communities breaking down, within which three interconnected mechanisms can be discerned:

blocked opportunities due to discrimination, lack of opportunities due to lack of jobs, and inability to take advantage of opportunities due to lack of education. Within the ghetto, poverty in turn led to the deterioration of schools, of buildings, of families, of health, and of “the community” in general. The “lack of opportunities” model emphasizes instead an insufficient number of jobs. Finally, the “inability to take advantage of opportunities” explanation focuses on education and skill training as causes of unemployment. People are poor, according to this model, because they lack the education or skills to get jobs, especially well-paying ones. These three factors—all beyond the control of any individual—helped perpetuate the “cycle of poverty” and breed crime:

Can we really leave Washington and . . . conscientiously criticize the muggings, the stabbings, the indecent acts of many citizens . . . until we have done everything we can do to remove the cause of that? . . . When you go to the cause of it, it has got to be a lack of education, a lack of opportunity to work, a lack of capacity to be educated.

(Congressman Landrum, U.S. Congress 1964: 695)

While the overlap between the causes of poverty and crime was almost complete there was one important source that, bearing on a similar logic, was posited later in the decade exclusively as a cause of delinquency and crime: punishment. By the time the Omnibus Crime Control and Safe Streets Act was being considered in 1967, the notion that penal intervention with delinquents would do more harm than good was widely shared. “Institutional commitments,” noted one Congressman in an oft-repeated sentiment, “can cause more problems than they solve. Institutions tend to isolate offenders from society, both physically and psychologically, cutting them off from schools, jobs, families, and other supportive influences, and increasing the probability that the label of criminal will be indelibly impressed upon them” (U.S. Congress 1967c: 11). In this way, then, punishment itself was viewed as a source of delinquency.

All in all, the causes of poverty and crime in this period were attributed to societal factors, beyond the responsibility of any particular individual. This view stands, as we will see, in a sharp contrast to the conceptions of poverty and crime less than two decades later.

The Construction of the Poor and Criminals: Hopeless Victims

The individuals who were the objects of the government’s intended action, the poor and criminals, were predominantly constructed in psychological terms, and their psychological state of being was seen as a consequence of the social conditions discussed above. Hopelessness and despair were the touchstones of this view. Cut off from opportunities and “trapped” in the the “slum,” poor blacks became hopeless and desperate, which in turn engendered a lack of motivation to become educated and/or frustration that bred delinquency and riots. One witness, who was in charge of a government-funded domestic “peace corps” program in Harlem, evocatively

describes the perceived impact of the social sources of poverty on the poor's psychology:

social and economic discrimination against the Negro manifested itself physically in the deterioration of his housing and his schools, and psychologically in the tension between his community and the outside world. The physical appearance of central Harlem thus became a monument to the psychological imprisonment of its residents.

(U.S. Congress 1964: 514)

And the Secretary of Health, Education and Welfare makes the parallel point regarding crime: “[w]hen access to a whole range of opportunities is denied, withdrawn, or unattainable, and when these barriers are visible and the frustrations are shared, there then develops a wholesale loss of support for a law-abiding way of life” (U.S. Congress 1961: 15).

This psychological view constructed the poor and criminals as lacking not just social opportunities and education but, consequently, other psychological qualities and capacities: hope, dignity, self-respect, confidence, motivation, community, a sense of belonging. They were economically disadvantaged and culturally deprived—stigmatized, but as objects of pity rather than scorn. This construction has important implications for attributions of blame. By conceiving of the poor and criminals as lacking these particular qualities, the discourse constructs them as essentially helpless in the face of adversity. Helplessness is the flip-side of faultlessness. And the discourse is wholly infused with a language that treats them as passive: various problems are said to “plague,” “overwhelm,” “exploit,” “chain,” “discourage,” “isolate,” “deprive” and “trap” them. The metaphors of entrapment and disease were particularly powerful ways of organizing a coherent narrative wherein the poor and criminals were not to be blamed.

And, as much as the poor lacked certain qualities and capacities, there were some they did not. They were willing to work. When you combined this with the helplessness generated by a lack of opportunities, you understood that they were not to blame. As the Secretary of Labor, W. Willard Wirtz, informed the subcommittee considering the EOA:⁵

One quarter of the families living in poverty in America are headed by a woman. A great many of these women . . . have been abandoned. [T]he principal cause of this type of desertion is prolonged unemployment on the part of the male head of the family. . . . These are . . . the ‘new poor’—families of able-bodied, willing, responsible fathers who, for lack of

⁵ This testimony is notable, because sitting at the table with Wirtz was an assistant, Daniel Patrick Moynihan, who a year later would release an infamous report on the breakdown of the Negro family and the culture of poverty. However, testimony in these and subsequent hearings in the 1960s emphasized the primary cause that Moynihan himself attributed to family breakdown, namely high levels of unemployment among blacks.

education and training required in the new labor market, suddenly, almost as if it were overnight, find they cannot get work. . . . Those children didn't have to be abandoned. If they continue to be, it will not be their fault. It will be ours.

(U.S. Congress 1964: 19; emphasis added)

There was a different, but compatible, conception of the poor and criminals that was employed with considerably less frequency during the 1960s. This conception viewed them as rational actors, weighing the costs and benefits of education and criminal gain. But these rational actors were not to blame. They were born into immiserated communities, with opportunities for escape either blocked or illusory. Instead of suffering some psychological deficiency as a result, the poor and criminals respond to their circumstances as would any other rational person. In discussing the connection between delinquency and dropping out of school, former Harvard President James Conant remarked on the “youngster” who asks himself, “why bother to stay in school when graduation for half the boys opens onto a dead-end street?” (U.S. Congress 1961: 58). “Delinquency,” argued a noted criminologist “should more often than not be regarded as a normal reaction of a normal person to an abnormal condition” (U.S. Congress 1967c: 439, emphasis added). In the 1980s, these rational actors would no longer be viewed as acting like every other rational person.

The Policy Solutions

The 1960s saw the beginning of the “War on Poverty” with the passage of the Employment Opportunity Act (EOA) of 1964, major legislation to address delinquency with the Juvenile Delinquency Control Act in 1961, and the passage of one of the most significant pieces of criminal justice legislation in several decades, the Omnibus Crime Control and Safe Streets Act in 1967. In that same year, Congress took upon itself a major re-evaluation of the EOA, eventually amending it thoroughly. These are the legislative solutions I analyze below.

Consistent with the views of who the poor are, the goal of the EOA was framed as bringing “new hope to the hopeless, dignity to the deprived, and self-respect to people who have none” (Robert Kennedy, U.S. Congress 1964: 302). Two components of the EOA epitomized the government’s attempt to reform individuals and communities as a solution to poverty. The first was the Job Corps. This program, modeled on the Civilian Conservation Corps of the New Deal, set up residential centers to educate and train poor youth. It had two guiding rationales. First, since the poor were conceptualized as being “trapped” in broken communities, surrounded by the pathologies symptomatic of poverty, the Job Corps was to remove them from these communities—if only temporarily—to help them “escape” from the cycle of poverty and to infuse them with precisely the qualities they presumably lacked. The expressed goal of Job Corps centers was “not only to provide the basic education, skill, training, and work experience, but they will also change indifference to interest,

ignorance to awareness, resignation to ambition, and an attitude of withdrawal to one of participation” (U.S. Congress 1964: 120).

The second component of the EOA that epitomized the governmentality of the era was the provision for Community Action Programs (CAPs). The aim of the CAPs was also to bring hope, dignity and self-respect—not just to individuals but to whole communities. If urban slum communities were disorganized, the CAPs would provide organization. The vision was to empower the poor by giving them a voice with the local institutions that governed them—to help poor communities help themselves. Their intended purpose, according to Stewart Udall, Secretary of the Interior, was to help the poor to “develop their own capacities, their capacity to organize their own communities, their capacity to make decisions, their capacity to develop their own resources” (U.S. Congress 1964: 370).

Similar conceptions about causes of crime and about criminals provided the logic for crime policy. For example, the CAPs were originally conceived not as a solution to poverty, but to crime. They were patterned on an initiative started under the Juvenile Delinquency Control Act of 1961. Testifying on behalf of the EOA, Sargent Shriver outlined the connection:

The juvenile delinquency program, starting off to attack primarily juvenile delinquency, early found out that you cannot alleviate juvenile delinquency or eliminate it by concentrating on it alone. By developing community efforts, they found out that the effort had to be more comprehensive if you were to get at the cause of juvenile delinquency.

(U.S. Congress 1964: 67)

During testimony over the two most significant pieces of Federal crime legislation of the 1960s, the 1961 Juvenile Delinquency and 1967 Safe Streets acts, the need for crime prevention programs like job training was repeated again and again. For example, appearing on behalf of the 1961 act, Robert Kennedy testified about the inadequacy of police, judicial and correctional facilities to “handle the increasing number of law violations.” Although he did not object at all to “new expenditures . . . for bigger enforcement and correctional programs,” he argued that “we should be pouring as much, or even more, money, manpower, and imagination into preventing those early law violations that start criminal careers” (U.S. Congress 1961: 104). Prevention was perceived not in terms of punishment and threat, but as, John Gardner, Secretary of HEW, explained in 1967,

Anyone concerned to prevent delinquency must be concerned with measures to upgrade education in the slums, to fashion model neighborhoods and provide decent housing for the poor, to provide work opportunities for youth and adults, to provide vocational education and training that will result in jobs, to end discrimination in housing, education, and employment, to involve people in getting themselves out of poverty, to increase the level of welfare payments and to improve welfare services for children.

(U.S. Congress 1967c: 15)

The extent to which these policy solutions were dependent on the specific conceptions of the poor and criminals (as a faultless population) is evident in the testimony of Alfred Santangelo, a member of the New York legislature and head of the state's Commission to Study Juvenile Delinquency. For him, the poor and the criminals are social beings different from others and react differently to conditions of scarcity:

I think there is no correlation between [criminals and] those on welfare. While lack of funds is an incentive for them to steal, I know quite a few people on welfare and they adapt themselves and adjust themselves to the scarce sum of money upon which they have to live. There are others who have money and go out and commit crimes.

(U.S. Congress 1961: 212)

For him, criminals did not lack hope, nor were they frustrated by blocked opportunities. What criminals lacked was “respect for authority.” And because there is no connection between the poor and criminals, the possible policy solutions are also not connected. His policy response to crime was “to go back into the home to try to break this hard core and impose responsibility” by suggesting a law in the New York legislature that did not pass, which would have made parents criminally responsible for their child's delinquent behavior (U.S. Congress 1961: 214). Since they lacked respect, it was the government's job to impose that respect—a trope that would become more prevalent in the 1980s.

POVERTY AND CRIME IN THE 1980'S AND 1990'S

Government in the 1980's and 1990's was still concerned with individual deficits, and it attempted to work with and through individuals. However, perceptions of those deficits were transformed. This transformation did not occur overnight. They were the outcome of an ideological battle in which President Reagan led the charge. Early in his presidency, an exasperated Congressional critic complained that the “administration has finally acknowledged that our Nation's economy is in a recession, yet has remained insensitive to any link among the consequences of a recession: poverty, unemployment, and crime. By referring to any relationship between poverty and crime as a ‘utopian presumption,’ the administration appears to have abandoned its ultimate responsibility for the negative social costs of its economic policies” (U.S. Congress 1981e: 1). Below, I analyze the emergence of a new governmentality of poverty and crime over the course of the 1980's and 1990's.

The Causes of Poverty and Crime: Teen Pregnancy and Drug Abuse

In this period, the source of poverty was redefined. Yes, the economy was bad, unemployment and poverty on the rise, but, it was argued, government intervention itself was the cause of these social ills: social spending slowed economic

growth and fostered welfare dependency. This was said to be true at the macro and micro levels. At the macro level, runaway government spending was viewed as the primary cause of national economic problems, poverty among them. As Richard Schweiker, Secretary of Health and Human Services, argued, “the astronomical growth of our social programs... is the problem this country faces today.... [I]f we do not stop that we are going to have an inflation rate that continues at 15 to 20 percent a year” (U.S. Congress 1981a: 4).

At the micro level, government spending created disincentives to investment and work, on two levels. First, bigger government programs were paid for with higher taxes. “As a result, there is less incentive for individuals to work. Why? Because the Government is taking more and more from that person’s paycheck. The natural implication is, well, why bother to save or why bother to do anything? The Government is going to take it away from you” (Donald Regan, Treasury Secretary, U.S. Congress 1981d: 133). The second disincentive pertained specifically to anti-poverty programs like AFDC, food stamps and public housing. These programs fostered dependency because they provided an alternative to work. This criticism, voiced already in the 1960’s to be sure, became louder and more persistent as the 1980’s progressed. In effect, what this line of argument did was to transform the idea of the cycle of poverty into the cycle of welfare. Welfare, not poverty, became the trap, the disease. “The accumulation of program upon program” lamented one Congressman, “has created generation after generation of welfare” (1981a: 3). Lowell Gallaway, an economist called upon to weigh in on the question of whether or not the war on poverty had been victorious, announced that

the behavioral changes induced by the growth in social welfare programs have created the very thing that these programs were designed to eliminate, true structural poverty. (U.S. Congress 1985b: 4)

Even critics of the administration, who continued to conceive of the poor as needing government help, began to talk of the “cycle of welfare” and to conceptualize welfare as a trap. For these critics, however, the way to get people out of that trap was to help them, and vestiges of this concern are contained in many major welfare reform proposals throughout the 1980’s and 1990’s. But more predominant than this, as we will see, was a view that saw the removal of those disincentives and the creation of sanctions as the solution to poverty.

In addition to those who had grown dependent on welfare, the growth in spending was blamed on “waste, fraud and abuse.” These frauds, cheats and “welfare queens” were not “people who, through no fault of their own, have no choice but to rely on Government programs for their basic needs” (Richard Schweiker, HHS Secretary, U.S. Congress 1981a: 25). Only the “truly needy” deserved to be caught by the “social safety net.”⁶ Thus, the first thrust of welfare reform in the early 1980’s

⁶ Official estimates put the number of people who would be removed from welfare at 700,000. During hearings on OBRA, one Congressman presented figures showing that only

began by discursively reinforcing the demarcation between the deserving (i.e., “truly needy”) and the undeserving (i.e., “not truly needy”) poor and blaming the latter for driving up government spending.

Midway through the 1980’s, out-of-wedlock teenage pregnancy came to be seen as the primary link between welfare benefits and welfare dependency. For many, this showed that welfare also provided an incentive for out-of-wedlock births, which in turn led to the breakdown of the family. As one witness testified in a hearing convened on whether to declare victory or defeat in the war on poverty: “There is a significant relationship between the magnitude of social welfare programs in the United States and both the rate of divorce and the number of families with a female head” (Lowell Gallaway, U.S. Congress 1985b: 4).

The “problem” of out-of-wedlock births and family disintegration was by no means a new one. Indeed, it had already appeared center stage in Moynihan’s 1964 report and the controversy that surrounded it (Rainwater and Yancey 1967). Despite the controversy back then, it was of very minor concern in policy hearings. Moreover, Moynihan had emphasized the role of unemployment in causing family dissolution. In the 1980s, in contrast, the issue of teenage pregnancy was severed from this economic context. Teenage mothers in the 1980s, as we will soon see, were constructed more as masters of their own destiny than as helpless victims. Out-of-wedlock birth was no longer merely a symptom of poverty, it was a primary cause of it, one that doomed teenage mothers to a life of poverty and “welfare dependency.” In the words of one Congressman, “we are addressing one of the major causes of poverty in America today, teenage pregnancy. . . . It is a problem that has caused many other problems. In other words it is a root cause” (U.S. Congress 1985a: 8-9). Liberal Congressmen like Harold Ford (D-TN) expressed concern that “so many of America’s children are giving birth to children, and facing a future of poverty and welfare dependence” (U.S. Congress 1985a: 1).⁷ There was, however, less consensus between the parties that welfare caused teenage pregnancy by providing an incentive.

Noticeably absent from these early discussions of teenage pregnancy and welfare “dependency” is the issue of crime. Indeed, as we saw at the very beginning of this section, the Reagan administration sought to dispel the notion that crime was in any way caused by or connected to poverty—a “utopian presumption” that had entered the 1980’s unchanged and relatively unscathed. On the whole, the severing of the connection between poverty and crime was, for a time, largely successful. It would later be re-stitched from a wholly different cloth. But for much of the 1980’s,

20,000 had incomes above the poverty line (U.S. Congress 1981a). Therefore, the decision of who was “truly needy” was a declaration by fiat.

⁷ When I say that some degree of “consensus” exists around an issue, I am referring only to apparent consensus within the Congressional hearings I examined in keeping with my desire to focus solely on the discourse. To varying degrees, dissent and division existed over the entire time period, both within and outside of legislative hearings, and any references to consensus should not be taken to mean that no disagreements existed. I return to the question of consensus in the conclusion.

drugs were conceived as the predominant source of crime. At hearing after hearing on crime and anti-crime policy, the connection between drugs and crime was underscored. From 1981, when a former government official testified about the “very high correlation between the two” (U.S. Congress 1981b: 343), to the Congressman, who in 1986 announced that “time and again it has been shown that drug abuse leads to crime” (U.S. Congress 1986b: 3), it was widely understood that drugs were a primary cause of crime, “because as we all know, crime is about the only way that people who are using drugs heavily can support that use” (U.S. Congress 1981b: 302). That drugs were the main source of crime, however, did not make it immediately clear how to solve the problem: should government attack demand or supply? And how—with what interventions? As we will see, the answer to that question is bound up with one’s conception about the people who are on drugs.

Another, less significant, source of crime was inadequate or overly lenient law enforcement and a lack of correctional capacity: “the courts are to blame for being too lenient on criminals. On the other hand, our prisons are full” (Congressman Sawyer, U.S. Congress 1981b: 307). The deterrent effect of the law had been eroded. In particular, many of the diagnoses of why drugs were such a problem focused on ineffectual sentences for drug crimes and the inadequate enforcement of drug laws. This argument thus completed an inversion of the logic of the 1960’s: whereas in the 1960’s government was not doing enough to cure poverty, in the 1980’s government programs were a cause of poverty; whereas in the 1960’s penal sanctions could cause delinquency through labeling; in the 1980’s, inadequate sanctions were a cause of crime. The government was now called upon to do less to combat poverty and more to fight crime.

By the mid-1980’s, the litany of sources for poverty and crime associated with urban “slums” that peppered the discourse of the 1960’s had narrowed considerably. There was substantial consensus that teen pregnancy and drugs were the problems besetting “inner-cities” and the main sources of poverty and crime. Even those who argued for more incorporative solutions accepted these diagnoses: “should there not be greater money made available . . . so there could be a sense of hope for the inner-city kid who may wish to extricate himself from drug abuse, from children having children?” (Congressman Waldon, U.S. Congress 1986c: 35). Whether or not teenage pregnancy was enabled by government intervention or whether drug use was flourishing for lack of government action was still a matter of some debate, though greater consensus over those questions was soon to emerge, and poverty and crime would soon be reconnected to common sources.

The Construction of the Poor and Criminals: Willfully Making Immoral Choices

The key element in this reconnection was a new conception of the poor and criminals, especially in terms of the capacities or qualities they lacked. It was not education. Neither was it hope nor dignity nor self-respect. It was values. Government intervention had led to the breakdown of “the family.” (Indeed, “the family” took the place of “the community” as a subject of government concern.)

Thus broken, the family was unable to instill its children with “family” values. Continued illegitimacy, drug use and crime were the result. Liberals as well as conservatives expressed concern over these developments: “We have seen in recent years mothers who are under the age of 15, in broken homes, and family values that 20 to 25 years ago were nowhere in the epidemic numbers that we’re talking about today” (Congressman Harold Ford, U.S. Congress 1985a: 89). Without fathers as role models, young men did not internalize a sense of “personal responsibility,” one of the touchstones of “family values.”

Another essential component of “family values” was the work ethic: “it is very difficult for those of us who have the grandeur of an education and a past that includes caring parents, and perhaps parents who forced us to learn work habits . . . or perhaps a probation officer who forced us to go into the military and learn work habits there to understand the consequences of our actions” (Congressman Fortney “Pete” Stark, U.S. Congress 1985a: 6). The breakdown of values also led to drug abuse; according to one Congressman, demand for drugs was generated by “society’s values, society’s attitudes” (U.S. Congress 1986a: 3). Recalling a recent encounter with a recovering drug addict, an expert witness described the lack of a work ethic among drug addicts: “Doc, this is the worst place I have ever been in . . . I never worked a day in my life till I came here. This is a terrible place. They want me to sweep the floor and work, and, you know, I’m above that” (Dr. John Ball, Temple University, U.S. Congress 1981b: 367).

The connection between poverty, crime and the “breakdown of the family” was firmly entrenched by the mid-1990s. So much so that incantations of the problem became so jumbled and fell off the tongue so quickly that they resembled, in that respect, the litany of problems facing the poor and criminals that were invoked in the 1960s. It was in this context that the Senate Subcommittee on Youth Violence convened hearings in 1995 on “The Iron Triangle: Welfare, Illegitimacy and Juvenile Violence” (U.S. Congress 1995a). It is worth quoting one witness at length to show the extent to which welfare, teenage pregnancy, “family breakdown,” drug use and crime had all become implicated with each other:

Our current [welfare] system breeds crime, immorality, and idleness—“idleness” being a kinder term for “laziness.” Generation after generation of families have lived off of a system that is destroying them and depriving them of the very substances that made this country great, that being hard work, family, a trust in God . . .

The majority of crime is committed by a small percentage of the total juvenile population [who] more than likely will come from a single-parent household, usually absent a father. It is not uncommon to see the one parent addicted to some type of drug. Welfare gives them no incentive to work and they use government assistance . . . and sell food stamps to buy crack and alcohol. . .

Some social workers say the problem is “jobs.” They say, “How do we convince a child that it is better to work 40 hours a week, at minimum wage, rather than stand on a street corner for only two hours and earn

more money selling crack cocaine?” But why, then, do the vast majority of juveniles choose work instead of selling drugs? Because they have been taught the basics, by caring, hardworking parents or guardians.

(J.T. Marlin, Chattanooga Police Department,
Juvenile Division, U.S. Congress 1995a: 3-5)⁸

Even the Maryland chapter of the NAACP had released a report concluding that “the ready access to a lifetime of welfare and free social service programs is a major contributory factor to the crime problems we face today” (U.S. Congress 1995a: 50). Thus, both poverty and crime came to be seen as a result of welfare through the intervening mechanism of breaking down “family values.”

At the same time that the poor and criminals were constructed as lacking mainstream values, they were also constructed as rational, choice-making agents. We saw this somewhat in the 1960s, too, but in the 1980s it was connected to a different worldview of the causes of crime, and led to a different perception of blame that eventually became the dominant way in which individuals were constructed in government discourse.⁹ Often, this construction was implicit in the language used to discuss concern with the incentives and disincentives created by government policy. Welfare created “perverse” incentives for out-of-wedlock births and disincentives for work. Likewise, growing concern with the deterrent effect of punishment reflects an increasing desire to create disincentives to crime. Notably, concern over the incentives created by government interventions implies the existence of an agent (the poor or the criminal) that will respond rationally to those incentives.¹⁰

In the realm of crime, rarely did anyone talk anymore about drug “addiction.” Drug “use” and drug “abuse” were the terms that people used, signaling that taking drugs was the choice of an agent, free to do otherwise. “We have millions of young people who are now experimenting, using and abusing the ‘crack’ substance” (Congressman Gilman, U.S. Congress 1986c: 11).

Whereas in the 1960s, when the poor and criminals were occasionally conceived as rational actors they were viewed as responding rationally to their life circumstances. In the 1980s, their life circumstances came to be viewed as a result of

⁸ In the less colorful prose of an academic economist called to testify about her research on “the degree to which individual outcomes associated with the underclass, such as criminal involvement, welfare dependence, out-of-wedlock child bearing and so on, are influenced by the family, the school, the neighborhood, and by the level of the benefits provided by the welfare system. We find strong effects [on criminal behavior] of a young man’s growing up in a family with no father present . . . and the generosity of the welfare system” (Anne Hill, Queens College of CUNY, U.S. Congress 1995a: 44).

⁹ This parallels the increasing individualization of the “analytic” approach to poverty knowledge traced by Alice O’Connor (2001).

¹⁰ In his analysis of American neo-liberalism, Foucault notes that this neo-classical, “Chicago-school” view of rational action is radically different from the classical conception. Whereas classical economics held preferences fixed and unamenable to change, preferences in neo-classical economics can be affected by structuring costs and benefits.

their choices. Society was not to blame. Instead, individuals were responsible—precisely because they were irresponsible. They were rational actors who willfully made the wrong (i.e., immoral) choices. The poor of the 1980s, according to Lowell Gallaway, responded to welfare benefits in a way that, “even though... you or I might not opt for, it may be a more preferred one” (U.S. Congress 1985a: 158). For him, poverty in the 1980’s was “poverty by choice.” Welfare recipients were rational actors like the rest of us, only they had a higher utility for “leisure” and thus opted for welfare instead of work (U.S. Congress 1985a: 138).¹¹ They were, all euphemisms aside, lazy.

Policy Solutions

The 1980s began with the “Reagan Revolution,” embodied in the Omnibus Budget Reconciliation Act (OBRA) of 1981, which among other provisions, called for significant budget cuts and “cost-cutting” measures to AFDC and other social programs. As the “War on Drugs” heated up, a law enforcement approach to the problem of drug use supplanted a treatment-centered approach. This initial push met with resistance but was transformed later in the decade into a “new consensus.” Here I trace this transformation of policy, analyzing along the way how policies articulated with the emerging conceptions about the causes of poverty and crime and about the poor and criminals.

OBRA—If the growth of social programs was the source of the nation’s economic problems, poverty among them, then the first order of business was to restrain that growth. If welfare was now understood as a “trap,” then the task of government was to dismantle the trap and set the poor free, and OBRA was the answer.¹² In addition to welfare cuts, OBRA also reduced the earned income disregard—the amount of money a person could earn and still be eligible for AFDC. However, the argument that welfare was a trap did not, by itself, entail welfare cutbacks and curtailing the earned income disregard. Indeed, the Kennedy, Nixon and Carter administrations had attempted major reforms of AFDC largely on the grounds that it fostered dependency (Steenland 2002). Their proposals, however,

¹¹ By translating differences in values into differences in utility functions, economic analysis is made to be compatible with discussions of morality in debates over “family values.” Charles Murray’s famous thought experiment in *Losing Ground* about the incentives facing young parents follows a similar logic. In principle, they are rational just like everyone else. But their choice to go on welfare is driven by a lack of values.

¹² Key provisions of OBRA included across-the-board budget cuts in government agencies, except for an increase in defense spending. AFDC and similar means-tested programs under the Department of Health and Human Services were especially hard hit by these budget cuts, because the department could not cut into social security to meet the budget reductions and so had to reduce spending on other programs even more to make up for the difference. The cuts were projected to remove 700,000 people from AFDC rolls. OBRA also enacted a major tax cut and removed a number of business regulations (For more on OBRA, see Cutler 1985; Piven and Cloward 1982).

called for an expansion and reconfiguration of the welfare system, not a retrenchment.

By focusing on the work requirements contained in the initial OBRA proposal, which laid the groundwork for subsequent welfare reforms, we can understand better the move to scale back welfare. Work requirements also provide an example of how conceptions about the poor and criminals help link causal diagnoses to solutions. As we saw, according to the dominant discourse in these hearings, the “cycle of welfare” was produced by rational actors who lacked the values that would lead them to make the right choices. The solution “required is a structuring of the alternatives available to the potential poverty populations that will encourage them to avoid the poverty condition where possible” (Lowell Gallaway, U.S. Congress 1985b: 5). It is notable that, if the poor were perceived merely as rational actors, like everyone else, the government could provide positive incentives (for example by expanding job opportunities or the earned income disregard) just as well as it could impose negative sanctions. Yet invariably, welfare reform proposals took on a punitive dimension, which assumed that the poor needed to be coerced to work, consistent with the assumptions that because they lacked “family” values, welfare recipients would not respond to positive incentives. In this way, the active attempts of the government in the 1960s to provide opportunities and instill hope were transformed into attempts to enforce, impose and instill the “right” values.

Dissenting voices in the hearings also enable us to see that the fit between proposed solutions and causal diagnoses depends on the way in which the poor and criminals are perceived. OBRA critics, too, accepted the notion that the welfare system created perverse incentives. However, they did not accept the “the cruelest [myth] of them all . . . that you will find people who have very sincere and very real human problems being categorized as lazy, uncaring, unproductive, users” (Congressman Bailey, U.S. Congress 1981c: 45). If one did not assume that welfare recipients have a greater utility for leisure, then the problem “with the current welfare system is not that it rewards indolence, but that it penalizes effort” (Robert Friedman, Director, Corporation for Enterprise Development, U.S. Congress 1995c: 24). OBRA reduced the earned income disregard—the amount of money a person could earn and still

The new consensus—The conceptions embodied in the earned income disregard (a policy innovation of the 1960s), namely that welfare should support people’s transition into work—along with the specific conceptions about causes of poverty and the poor—was not entirely replaced by a coercive solution to the problem of welfare. Instead, the solutions were welded together and partially transformed, because conservative proposals initially met considerable resistance from Democrats, who still argued that the basic problem was a lack of opportunities and education. OBRA’s mandatory work requirements were never enacted. Later in the 1980s, a “new consensus” emerged, summarized by Daniel Patrick Moynihan: “Conservatives have persuaded liberals that there is nothing wrong with obligating able-bodied adults to work. Liberals have persuaded conservatives that most adults want to work and need some help to do so” (U.S. Congress 1987: 5-6). Even if

neither side was fully convinced by the other, it was apparent that future attempts at welfare reform would have to embrace this compromise position: the government would help individuals who took the personal responsibility to help themselves. “Self-sufficiency” was the touchstone of this consensus. Paralleling this compromise was the idea that the government would “assist” people to gain the values they lacked; if this failed, government would impose and enforce those values. This is well illustrated by an exchange between Moynihan and Lawrence Townsend, Director of Riverside County Department of Public Social Services. Townsend was testifying on his experience implementing California’s new welfare program, Greater Avenues to Independence (GAIN). Moynihan recounted a recent visit he had made to a welfare office in Maryland: “At this social services office in Baltimore . . . the district manager said that the caseworkers cannot impose [their] values on the client. Now that is an old social work tradition, which really is at organizational odds with what we are talking about” (U.S. Congress 1995c: 11). Townsend assented that this was a problem, one that he had solved in Riverside County:

I went around to all my staff in the district offices, and I said, “Well, whose job is it to talk about the “W” word called work? And who talks about work ethics and values that I think helped found America?”

So they came up with 450 work ethic slogans. If you call Riverside County, and nobody answers the phone, you will get a work ethic message. We have posters in the waiting room. We have produced a compact disc with work ethic music. Yes, we are trying to impose our values with our clients.

(U.S. Congress 1995c: 11)

In the mid-1990s, in discussions of welfare reform proposals, the terms “self-sufficiency,” “personal responsibility,” “values,” and “choice” loomed large. An embodiment of the notion that individuals needed to take personal responsibility was the widely circulated proposal that welfare recipients would sign a contract with the welfare agency. One proposal was the Welfare and Self-Sufficiency Act.¹³ According to one of its co-sponsors, Senator Tom Harkin (D-IA), it would require

a contract between the State and each individual family which outlines the steps that that person will take to become self sufficient. The terms of the contract are based on the unique circumstances of the family and is (sic) tailored to each individual. Recipients must meet the terms of the agreement or risk the...eventual termination of welfare benefits. I believe this individual approach is very important.

(U.S. Congress 1994c: 4, 9)

¹³ This bill was modeled on welfare reforms in Iowa and Missouri. The contract idea had originally been implemented in California’s GAIN program and became popular among other reforming states.

Time limits were also common among proposals, to ensure that even the most recalcitrant welfare recipients would be “encouraged” to gain “self-sufficiency.” After all, if individuals—not society—were to blame, then it was they—not government—who ultimately needed to take responsibility.¹⁴

The developing logic of welfare reform reached its apotheosis in the Personal Responsibility and Work Opportunities Act of 1996.¹⁵ This was a Republican-sponsored bill signed into office by President Clinton. However, this bill replaced a very similar one submitted to Congress by the Clinton administration. Both were premised on the notion that the government should help—and when appropriate, force—individuals to take personal responsibility, to make the “right” choices, especially about work.¹⁶ For example, both permitted states to impose work requirements, both included provisions to expand and strictly enforce child support and both put time limits on benefits. The most significant difference between the two bills was not a matter of principle, it was more a matter of detail and emphasis: the Clinton-backed bill included more funding to help welfare recipients; the Republican bill put money in block grants.

Drugs and Crime—Changing the values of welfare recipients was also as a response to crime, in so far as the breakdown of family values was viewed as a cause of crime. By enforcing family values, welfare reform would also prevent crime. This was not, however, the primary solution to the problem of crime. Recall that for the better part of the 1980s, drugs were viewed as the cause of crime *par excellence*. If drugs caused crime, then attacking drugs was the way to stop crime. According to Robert Dupont, Former Head of Office for Drug Abuse and Prevention under Nixon and Ford, “the one cause of crime which is most subject to improvement, to active, positive intervention, is the link between drug use and crime” (U.S. Congress 1981b: 343).

But what form should that intervention take? If, like Robert Dupont, you were concerned only about being effective and felt that “it is not really important” why people were addicted to drugs, then there was ample evidence that drug treatment programs, “a public health approach,” was the most sensible way to reduce crime and recidivism (U.S. Congress 1981b: 346). If, on the other hand, you were concerned

¹⁴ One irony of these proposals, according to Dean (1999), is that that the state, in effect, has struck a bargain: “if you make yourself into an active job seeker, we will support you and provide access to those services and expertise that will make you ‘job ready.’ . . . [W]e will assist you to practice your freedom, as long as you practice it our way” (160).

¹⁵ Major provisions of the PWRORA were to: limit lifetime welfare eligibility to 5 years and restrict eligibility for mothers under age 18 and for additional children born while families are on welfare; convert AFDC and JOBS money, along with other welfare programs, into block grants to states; permit states to impose work requirements; enhance capacity for tracking delinquent child support payments; deny funds to some Aliens; and create work requirements for Food Stamps.

¹⁶ See O’Connor (2001) for a similar conclusion regarding the similarity between the Republican- and Democrat-backed bills.

that people who used drugs chose to do so because they lacked values, then drug treatment for criminals did not make sense because the problem was a moral problem of individual choice. What you needed was deterrence. First, you needed to punish the traffickers: “illegal drug use is morally repugnant to all of us, and those people who traffic in this sickness must be dealt with in the severest of terms” (Stephen Olmstead, Director of Department of Defense Task Force on Drugs, U.S. Congress 1986c: 7). This meant increasing law enforcement capacities. Bills passed in the early 1980s included greatly expanded drug interdiction efforts, the establishment of regional task forces to improve prosecution efforts, the expansion of drug asset forfeiture measures and stiffer penalties for drug trafficking. These measures all embraced the logic of deterrence: that you could stop drug trafficking by increasing the likelihood and severity of punishment. Government had to force people to make the right choices by making the costs of selling drugs outweigh the consequences.

But what about demand? If treatment was out as a policy option, then there was not that much the Federal government could do about demand for drugs, because it had no legal jurisdiction to punish drug users (though it could, and did, provide some money and expertise to local law enforcement). If the problem was people’s values, how to help them find the “good sense and courage to resist drugs” (U.S. Congress 1986c: 19)? Simple: encourage them to “Just Say No.” The “Just Say No” campaign was the quintessential government program to instill values, especially “personal responsibility,” sending a signal that it was up to the individual to say no. While the “Just Say No” campaign against drugs is well known, another parallel campaign was launched against teenage pregnancy—the perceived cause of poverty: “[We] are developing variety of ways to prevent teenage pregnancy by encouraging teenagers, both young men and young women to say, ‘no’” (Jo Ann Gasper, Deputy Assistant Secretary for Population Affairs, Department of Health and Human Services, 1985a: 61). Abstinence-only sex education courses are the most recent incarnation of this type of intervention. These campaigns send a clear message: individuals should refuse the choice to become poor or criminals.

Federal crime control efforts beyond the issue of drugs followed a very similar logic: longer, more certain sentences as a means to deterrence. This logic followed the diagnosis that crime was caused by “weak” sentences and “lenient” judges. The first and most important response to juvenile delinquency was punishment, not prevention. “Adult crimes” should result in “adult punishment.” Liberal lawmakers like Carol Mosley Braun largely accepted the logic of such solutions, “I offered an amendment . . . that required children as young as 13 years old to be tried as adults for certain violent crimes. . . . Getting tough with young criminals is an essential element of any solution to juvenile violence” (U.S. Congress 1994b). Instead of Job Corps, “shock incarceration” was called for: short sentences in prisons that were run like military boot camps to impose values and discipline. And, whereas the crime bills introduced in 1961 and 1967 provided funds to improve law enforcement methods and professionalism with the aim of prevention never far behind, the 1994 bill provided unprecedented funds to put more police on the street and more prisoners behind bars.

CONCLUSION

The comparison of Congressional discourse surrounding the problems of poverty and crime has provided important insights into the relationship between poverty and crime. The key findings of this analysis are presented in Table 2.

In the 1960s, poverty and crime were both perceived to be caused by the breakdown of the community, itself the result of blocked and limited opportunities. In the 1980s, and even more so in the 1990s, poverty and crime were both perceived to be caused by the breakdown of the family, itself the result of the generosity of the welfare system. The poor and criminals in the 1960s were constructed as hopeless, helpless victims of discrimination and economic transformations; in the 1980s and 1990s, the poor and criminals were viewed as rational actors who lacked the family values that would guide them to make the right choices. In the 1960s, society was to blame for poverty and crime, and it was government's duty to help by instilling hope, providing skills and rebuilding communities; in the 1980s and 1990s, individuals were to blame for poverty and crime, and it was government's task to enforce and impose the right values by helping—in fact forcing—people to help themselves. In both periods, the articulation of policy responses to the perceived causes of poverty and crime is better understood in the context of conceptions about the poor and criminals. Moreover, as we saw, solutions cannot be understood in terms of diagnoses of the causes alone, as the framing literature suggests (Benford and Snow 2000; Gamson 1992; Gamson and Modigliani 1989). Conceptions about the poor and criminals provide a bridge that links the causes of poverty and crime to policy solutions. For example, when juvenile delinquents growing up in impoverished communities were viewed as lacking respect for authority rather than hope and dignity, the proposed policy solution was more punitive.

Table 2. Common Elements of Federal Welfare and Criminal Justice Policies, Comparing 1960s vs. 1980s and 1990

CONCEPTIONS & POLICIES	1960s	1980s/1990s
Causes of Poverty & Crime	Community Breakdown Blocked / Lack of Opportunities Lack of Education	Family Breakdown / Teen Pregnancy Too Much Welfare Drugs & Not Enough Punishment (crime specific)
Conceptions about Poor & Criminals	Psychological Lack of Education, Skills & Hope	Rational Lack of Values
Attributions of Blame	Society is Accountable	Individual is Responsible
Interventions	Job Corps -- Instill Education & Hope Early Prevention -- Avoid Labeling Community Action -- Empower Communities Job Training -- Provide Skills	Shock Incarceration/Boot Camps -- Instill Values & Discipline Welfare Cutbacks -- "Encourage" Work "Tougher" Penalties -- Deterrence & Incapacitation Individualized Workfare -- Impose Personal Responsibility Child Support Enforcement -- Enforce Personal Responsibility

One limitation of my analysis is that, absent the quantification of discursive elements often found in studies of framing, it is difficult to gauge with any precision the extent to which conceptions were widely shared. The decision was deliberate: quantification generally comes at the expense of detail, and the purpose of this analysis was to explore in depth the ways in which causal diagnoses and conceptions of the poor and criminals articulate with policy solutions. Nevertheless, that relatively broad consensus does appear to have existed for most of the 1960s and then emerged again in the second half of 1980s is quite evident without quantification, especially because of the relative scarcity of opposition.¹⁷

Finally, it is noteworthy that Congress often called upon officials and representatives of state and local governments to testify. Their testimony sometimes flew in the face of dominant conceptions. At other times, it hinted at innovations yet to reach national policy. Consider New York's stringent "Rockefeller" drug sentencing laws. Or California's GAIN welfare reform in the 1980s—not to mention Reagan's attempt as Governor of California to impose work requirements on state welfare recipients in the early 1970s. Clearly, the Federal story is part of a much larger picture. Recent studies have called attention to the enormous policy variation among U.S. states (Beckett and Western 2001; Fording 2001; Greenberg and West 2001). These studies have shown that states with more generous welfare benefits have higher incarceration rates, and vice versa; but we do not understand why this is so. Future research on discursive variation among states may be able to shed light on these findings.

¹⁷ Sometimes, the exceptions underscored the extent to which there was broad agreement. For example, during one set of hearings on provisions of the 1967 Omnibus Crime bill, a Congressman complained that "in all of the testimony so far, not once, by any witness, has the word 'punishment' appeared . . . nowhere, here, is anyone talking about the certainty of punishment as a deterrent to crime" (U.S. Congress 1967c: 454). At other times, relative consensus was signaled by the fact that the debate was about the details of the proposal and not whether it was based on sound principles. For example, much of the debate over welfare reform in the 1990s was whether to fund AFDC through block grants to the states. But this was less a debate about the logic of reform and more a matter of fiscal detail—albeit one with important consequences for welfare funding.

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