

The War on Crime as Hegemonic Strategy

A Neo-Marxian Theory of the New Punitiveness in U.S. Criminal Justice Policy

KATHERINE BECKETT
THEODORE SASSON

■ Three strikes and you're out. Chain gangs. Boot camps. The recent adoption of these and other anti-crime programs and policies reveals the increasingly punitive nature of public policy in the United States. Throughout the 1980s and 1990s, both the federal government and the states adopted a variety of such "get tough" measures and encouraged the police and prosecutors to intensify their efforts to apprehend and punish lawbreakers, particularly drug offenders. As a result, the number of prison and jail inmates grew from 500,000 in 1980 to more than 1.8 million in 1998.¹ The United States now has the largest penal system and one of the highest incarceration rates in the world, exceeding average European levels by 5 to 10 times.² More people are locked up in the United States for drug offenses (about 400,000) than are incarcerated for any crimes in England, France, Germany, and Japan combined.³

Contrary to popular perception, the aggressive practices and punitive policies that led to the expansion of the U.S. prison and jail populations are not the direct result of a worsening or an exceptionally bad crime problem. Although U.S. rates of lethal violence are high and some types of crime have become more worrisome, rates of violent and property crime, as measured in annual surveys administered by the Department of Justice, have been in decline for most of the period in which the government has waged its war on

crime.⁴ Furthermore, in comparison with other less punitive countries, the United States does not stand out as especially crime-ridden.⁵ In short, the adoption of “get tough” crime and drug policies, and the expansion of the penal system that they have caused, is not simply a consequence of rising or unusually high crime rates.

In this chapter, we draw on the theoretical perspective developed by neo-Marxian political theorist Antonio Gramsci to explain the punitive turn in criminal justice policymaking. Gramsci’s political sociology rests on the concept of hegemony—the ideological basis for the domination of a ruling class. Following Gramsci, we argue that the adoption of punitive anti-crime and -drug policies is best understood as a core component of a ruling class “hegemonic strategy.” In particular, we argue that political representatives of the capitalist class responded to the upheavals of the 1960s and 1970s by attempting to secure hegemony around a vision of government that divests the state of responsibility for social welfare but emphasizes its obligation to provide “security” against foreign and domestic threats. To mobilize support for this form of governance, these political actors argued that welfare worsened poverty and crime, and they portrayed the poor as dangerous and undeserving. Policies that cut welfare payments and caseloads and that lead to the expansion of the penal system reflect the success of this hegemonic strategy.

Our Gramscian argument thus emphasizes the leadership of the capitalist class and its political representatives in generating support for getting tough on crime. We therefore contrast our argument with a Durkheimian perspective that explains growing criminal justice punitiveness in terms of the public’s reaction to crime. And in the spirit of criticism that infuses Gramsci’s work, we conclude the chapter with critical assessments of both the dramatic expansion of the state penal system and the theory of hegemony used here to explain it.

■ A Neo-Marxian Theory of Hegemony

Before introducing the theoretical contributions of Gramsci, we need to describe the basic elements of the Marxian theory from which Gramsci drew much of his inspiration. In the Marxian perspective, societies are characterized by class conflict rooted in relations of production. In capitalist societies, the central conflict is between capitalists who own the means of production

(land, factories, etc.) and workers who must sell their labor for a wage. The logic of capitalist development, with its emphasis on competition and profit maximization, is toward ever greater exploitation of workers by capitalists. Stabilizing the potentially explosive nature of this social arrangement, however, are the major social institutions (the "superstructure") such as schools and the legal system.

Shaped and staffed by the capitalist class and its supporters, these institutions generate ideological support for—and defend by force when necessary—the prevailing relations of production (i.e., capitalism). Marxian theories of education therefore focus on the transmission of class status through schools, arguing that these educational institutions reproduce the unequal social relations that characterize capitalist society.⁶ Similarly, Marxian theories of criminal justice focus on the role that penal institutions play in the reproduction of capitalist social relations.⁷ And (some) Marxian theories of politics examine the mechanisms by which members of the capitalist class constitute a "ruling class" that, through their political representatives, controls the state.⁸

Gramsci's unique contribution to Marxian thought was to underscore a basic distinction in the means by which capitalist ruling classes secure their social positions. In strong Eastern states, Gramsci argued, governments relied on force and coercion to ensure the compliance of the masses. By contrast, Western elites in advanced capitalist societies lacked a similarly strong state apparatus and therefore relied on cultural mechanisms to secure popular cooperation and consent.⁹ According to this formulation, then, (Eastern) societies characterized by strong and coercive states rely predominantly on force to secure the cooperation of the masses, whereas in (Western) countries that lack strong and coercive states, hegemony is secured through cultural and ideological mechanisms. Implicit in this argument is the notion that consent and coercion are mutually exclusive methods of securing the dominant position of the capitalist class.

Much of Gramsci's work examined the ideological mechanisms by which social relations were reproduced in Western capitalist societies such as the United States.¹⁰ Gramsci argued that in these societies, characterized by weak states but highly developed mass media and educational institutions, the ruling classes typically secured their positions by leading in the cultural and political spheres—in "civil society"—rather than by imposing their authority through the brute force of the police or military: "The state, when it wants to initiate an unpopular action or policy, creates in advance a

suitable or appropriate public opinion; that is, it organizes and centralizes certain elements of civil society.”¹¹ To the extent that subordinated social groups tolerate the status quo, they do so in part because they accept ruling class definitions of social reality—definitions that invariably depict capitalist society as the most free, democratic, egalitarian, and productive social arrangement.

In the Gramscian view, the ruling class wins popular consent through hegemonic “projects” or “strategies” that seek to generate and solidify popular support for capitalist social relations.¹² For example, Gramsci identified “Fordism” as the leading hegemonic strategy in the United States during the 1930s.¹³ Named after the labor management approach adopted by Henry Ford, Fordism emphasized the need for both worker productivity and mass consumption. At his plants, Ford enforced strict rules to ensure that his employees were as productive as possible, but he also paid generously so that his workers could afford to purchase the products they produced. These priorities also were embraced in the Keynesian social and economic policies to be discussed shortly.

Gramsci also deepened the Marxian analysis of the political process by focusing on struggles and rivalries between segments of the ruling class. In capitalist countries, “fractions” of the ruling class, together with their political representatives, vie with one another for control over the state. In the struggles that ensue, the contending blocs sometimes seek to mobilize popular support around rival visions of the roles and purposes of the state. These rival visions necessarily entail defense of private property and the capitalist system (this is what makes them “hegemonic”) but envision different ways of accomplishing these goals. The particular ideological inflection or version of hegemony therefore is susceptible to change in ways that reflect the ongoing contest between segments of the ruling class.

Gramsci did not assume that all attempts to secure hegemony would be successful. Rather, he argued that popular common sense, rooted in the lived experience and cultural beliefs of regular people, limits the range of viable hegemonic strategies.¹⁴ The ruling class leads in the sphere of culture and politics but not along any road it chooses. The challenge faced by the ruling class—to craft a form of leadership that secures ruling class interests while simultaneously winning popular consent—is a formidable one. Furthermore, Gramsci argued that hegemonic strategies succeed only partially and provisionally. The popular classes retain some degree of skepticism regarding the legitimacy of prevailing arrangements. And during periods of political or economic crisis, this skepticism can rapidly expand into full-blown opposition:

If the ruling class had lost its consensus, i.e., is no longer "leading" but only "dominant," exercising coercive force alone, this means precisely that the great masses have become detached from their traditional ideologies and no longer believe what they used to believe previously, etc. The crisis consists precisely in the fact that the old is dying and the new cannot be born.¹⁵

In Gramsci's view, such crises can be resolved only through the elaboration of a new hegemony, either by the forces of political insurgency (in the case of a full-blown revolution) or by a resurgent segment of the ruling class.

■ From Welfare State to Security State

In the United States, ruling elites have been able to reestablish hegemony despite serious challenges to the legitimacy of the existing political and economic system. The Great Depression that began in 1929 caused widespread discontent with U.S. capitalism, but this discontent did not culminate in a revolutionary challenge. Instead, beginning during the 1930s, the dominant segment of the U.S. ruling class shored up the capitalist social order by pursuing Keynesian welfare state and New Deal social policies. The term *Keynesian* (after British economist John Maynard Keynes) refers to economic policies that mitigate the tendency of capitalist economies to swing violently from boom and bust by sustaining worker demand for products across business cycles. Keynesian strategies thus included countercyclical government spending, worker health and safety laws, a minimum wage, and social security.¹⁶ New Deal (and later Great Society) social policies similarly aimed at ameliorating poverty and related social problems through social work and means-tested relief programs such as Aid to Families with Dependent Children (AFDC).¹⁷ (The welfare state's social policy initiatives also included substantial subsidies for the middle class including financing for home ownership and extension of roads and services to new middle class suburbs.) Finally, in the sphere of criminal justice, the welfare state expressed itself through a rhetorical emphasis on the social causes of crime and the need to rehabilitate and reintegrate offenders.¹⁸ In its heyday, then, the welfare state secured the consent of the governed through its emphasis on inclusion and mutual social responsibility as well as scientific planning and risk management.

This hegemonic strategy worked relatively well for several decades. But the late 1960s and early 1970s were a period of tremendous upheaval and political challenge. Civil rights protesters, initially focusing on desegregating the South and enfranchising southern blacks, eventually moved north

and challenged national labor, housing, and education practices through increasingly militant tactics.¹⁹ At the same time, the mobilization against the Vietnam War challenged the legitimacy of the state and its political leadership.²⁰ The youthful counterculture rejected middle class values of sobriety, respect for authority, and patriotism in ways that were disturbing to the more conventionally inclined.²¹ The “welfare rights” movement galvanized poor people to demand expanded governmental relief and enroll in poverty relief schemes in unprecedented numbers.²² And the feminist movement challenged the legitimacy of the traditional family and, later, focused on the expansion of women’s reproductive rights, especially the right to choose abortion.²³ Taken as a whole, these protest movements constituted a serious “counter-hegemonic” challenge to prevailing social and economic arrangements.²⁴ Meanwhile, the robust economic growth that underpinned the extension of citizenship rights and benefits since the 1930s became alarmingly sluggish.²⁵

In this crisis-laden context, conservative politicians and intellectuals, representing the fears and interests of economic and social elites, counter-attacked.²⁶ Some, later referred to as “neoliberals,” were more accepting of social changes such as alternative lifestyles and families but staunchly opposed the economic reforms sought by the welfare and civil rights movements. Those dubbed “neoconservatives” focused more on social issues and sought to reinstate traditional authority structures such as the patriarchal family. Despite these differences, these political actors were united in their opposition to the expansion—or even the continuation—of Keynesian economic policies and the welfare state, especially those programs aimed at ameliorating poverty.²⁷ Indeed, the attack on welfare served as a lynchpin that united neoliberals opposed to Keynesianism and the welfare state with neoconservatives concerned about social liberalism and alternative family structures.²⁸

Together, these political actors intensified their critique of redistributive social policies and, more generally, the claim that the government is obligated to ameliorate poverty and reduce social inequalities. To discredit the welfare state, they argued that welfare breeds “dependence” and linked welfare spending with a host of social problems including crime, poverty, and illegitimacy. In the words of Nixon administration adviser Daniel Patrick Moynihan,

Among a large and growing lower class, self-reliance, self-discipline, and industry are waning. . . . Families are more and more matrifocal and atomized;

crime and disorder are sharply on the rise. . . . It is a stirring, if generally unrecognized, demonstration of the power of the welfare machine.²⁹

According to this argument, welfare does not ameliorate poverty but rather worsens it by rewarding “parasitism,” undermining self-reliance, and weakening the traditional (i.e., patriarchal) family. Furthermore, conservatives argued that by undermining the work ethic, welfare causes rather than alleviates crime. (In fact, the available evidence does not support this claim; greater welfare spending is associated with lower—not higher—levels of crime.³⁰)

Unlike the elites who secured hegemony during the 1930s through policies aimed at integrating and enhancing the security of the socially marginal, conservatives during the late 1960s sought to discredit those who sought access to mainstream society. For example, conservatives combined criticism of the welfare state with attacks on civil rights challengers, depicting them as criminals rather than as legitimate political opponents.³¹ Conservatives also worked to alter popular conceptions of the poor; whereas the rhetoric that gave rise to New Deal and (during the 1960s) Great Society welfare initiatives depicted the poor as “just like us,” conservatives during the 1960s painted a picture of the poor as dangerous and undeserving. The conservative emphasis on the dangers of “street crime,” widely associated with poverty, was crucial to this attempt to reconfigure the popular image of the poor.

During the 1980s, with lavish support from big business, right-wing politicians and policy “think tanks” (e.g., the Heritage Foundation) refined the conservative critique of the welfare state and developed an alternative model for state-society relations.³² President Reagan, for example, argued that his liberal predecessors had distorted government’s functions. The state, he argued, would be on more legitimate constitutional grounds—and would help the poor more effectively—if it reduced poverty relief and expanded law enforcement:

This is precisely what we’re trying to do to the bloated federal government today: remove it from interfering in areas where it doesn’t belong, but at the same time strengthen[ing] its ability to perform its constitutional and legitimate functions. In the area of public order and law enforcement, for example, we’re reversing a dangerous trend of the last decade. While crime was steadily increasing, the federal commitment in terms of personnel was steadily shrinking.³³

Conservatives propounded an alternative mode of governance that included, among its core elements, reduced social welfare guarantees and expenditures, weakened state management of business (i.e., deregulation), and increased emphasis on security from threatening others (both foreign and domestic). We describe the mode of governance that resulted from this new hegemonic strategy as the "security state." The security state combines neoliberal economic "reforms," such as weakened provisions for the poor and deregulation, with the social policies favored by conservatives. These social policies are aimed at shoring up traditional authority structures and the capacity of the state to cope with a wide range of social ills through policing and punishment. Thus, the security state is, in our view, a hegemonic project of the ruling class, spearheaded by political conservatives (neoliberals and social conservatives) in response to the various challenges of the late 1960s and early 1970s.

As part of this new hegemonic strategy, the wars on crime and drugs are simultaneously ideological and practical; they are mechanisms for winning the consent of the majority and are ways of governing with important material and institutional consequences. From an ideological standpoint, the rhetoric and policies of the wars on crime and drugs have transformed the symbolic meaning of poverty, thereby legitimating the replacement of the welfare state with the security state. As noted, in debates surrounding New Deal and Great Society anti-poverty initiatives, the poor often were depicted sympathetically as people "in trouble." By contrast, in the context of the wars on crime and drugs, the poor are symbolically transformed into an "underclass" of criminals and addicts—into people who "make trouble."³⁴ Thus, the moral status of the poor was changed from "deserving" to "undeserving," and as a consequence, the moral foundation of the welfare state was undermined.³⁵ At the same time, the sense that the poor were dangerous and menacing (rather than sympathetic) legitimated the dramatic expansion of the police, courts, and prisons.

Notably, this transformation of the moral status of the poor was predicated on a change in the identity of the prototypical poor person from white and rural (in the imagery of the Great Depression and the war on poverty) to black and urban (in the iconography of the wars on crime and drugs).³⁶ Republican politicians targeting white working class constituencies historically loyal to the Democratic party played a key role in this process. Republicans courted these new constituencies through the use of racially charged "code words" or phrases and symbols that "refer indirectly to racial themes but do not directly challenge popular democratic or egalitarian ideals."³⁷

Political indictments of “drug kingpins,” “hoodlums,” and “welfare queens” are leading examples of such coded language and allowed for the indirect expression of racially charged fears and antagonisms. As Nixon adviser John Ehrlichman described the president’s campaign strategy in 1968, “We’ll go after the racists. That subliminal appeal to the anti-black voter was always present in Nixon’s statements and speeches.”³⁸ Twenty years later, Republican presidential candidate George Bush made the mugshot of William Horton, a black man convicted of rape, one of his key campaign symbols.³⁹

From a practical standpoint, the transition to security state hegemony has entailed sharp cuts in welfare spending coupled with increased military spending (during the 1980s) and criminal justice spending (during the 1980s and 1990s) (Exhibit 4.1). For example, as a result of federal welfare “reform,” the number of families receiving AFDC declined by 44 percent between 1993 and 1998 alone, and the average benefit payment to families entitled to AFDC declined from \$376 in 1975 to \$220 (1983 dollars) in 1995.⁴⁰ By contrast, criminal justice spending has grown considerably. These spending shifts reflect the increased cost of policy innovations aimed at getting tough on crime such as the following:

- *An unprecedented crackdown on drug users and dealers.* The number of annual arrests for drug offenses increased from roughly 500,000 in 1981 to 1.5 million in 1996.⁴¹ Today in the United States, someone is arrested for a drug offense every 20 seconds.⁴² The majority of these arrests, between two-thirds and four-fifths of the total number, are for the crime of simple possession.⁴³
- *New mandatory minimum sentencing schemes.* The most recent of these are the “three strikes” laws that typically oblige judges to increase penalties for second felony offenses and to sentence “three-time losers” to life in prison.⁴⁴ Far more consequential in their overall impact have been mandatory minimum sentencing laws that require lengthy terms of incarceration for individuals caught with even small quantities of drugs.⁴⁵
- *The scaling back of parole eligibility.* New “truth in sentencing” laws, for example, typically require offenders to serve about 85 percent of their court-ordered sentences before becoming eligible for supervision in the community.⁴⁶
- *The revival of the death penalty.* Since 1976, when the U.S. Supreme Court ended the decade-long moratorium on executions, nearly 5,000 prisoners have been sent to death row. Between 1995 and 1998, the United States executed prisoners at an average rate of one per week. As critics point out, it costs more to litigate capital cases and execute people than it would to incarcerate them for life.⁴⁷

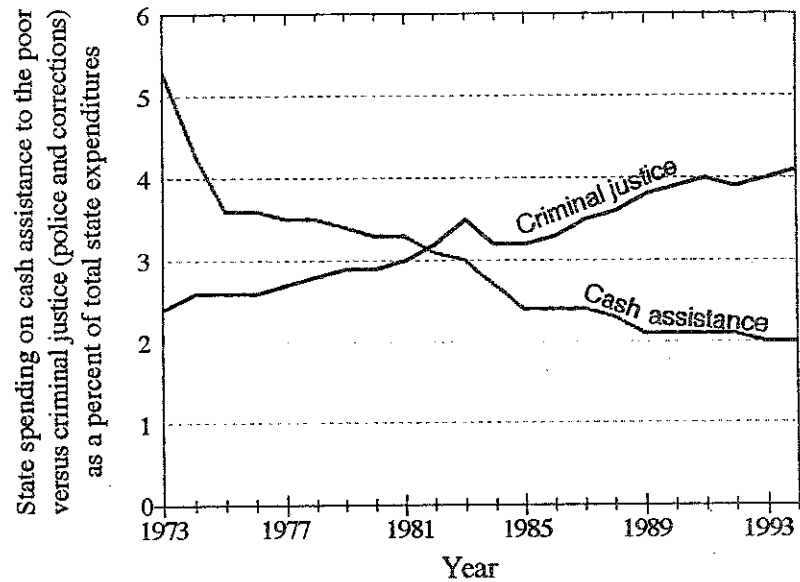


Exhibit 4.1. State Welfare and Criminal Justice Spending

SOURCE: U.S. Department of Commerce, *State Government Finances*, 1973-1994.

■ Gramscian and Durkheimian Explanations Compared

Gramsci recognized that the success of ruling class hegemonic projects depends on the extent to which they resonate with and articulate popular sentiments. As a hegemonic strategy, the security state is a viable alternative to the Keynesian welfare state precisely because it satisfies ruling class interests (in lower taxes and wages, expanded corporate freedom, and reduced responsibility for social welfare) in a way that also resonates with the common sense of large segments of the public. As one analyst argues,

The dominant morality is neither an alien imposition from above nor an authentic expression of values from below but instead a compromise formation which takes up a position somewhere between these extremes. When ascendant social elites legislate their preferred categories into law and institutional practices, they do not, except in exceptional circumstances, ignore the moral culture of the mass of the people.⁴⁸

For several decades, about 4 in 10 Americans have reported in surveys that they are afraid to walk alone at night in their own neighborhoods.⁴⁹ In more recent surveys, nearly 3 in 10 report worrying, at least “somewhat frequently,” about getting mugged or having their homes burglarized.⁵⁰ Since the mid-1980s, when asked about the nation’s most serious problem, Americans often have mentioned drugs or crime.⁵¹ The rhetoric that legitimates the security state thus draws support from, even as it cultivates, these popular fears and concerns. In addition, through its coded reference to the control of minority populations, the security state strategy appeals to reservoirs of “beneath-the-surface” racism that permeates the white population.⁵²

This argument is different from neo-Durkheimian explanations of U.S. punitiveness in subtle but important ways. The French sociologist Emile Durkheim argued that, by definition, a crime is an act that offends the “collective conscience”—the shared norms, morals, and values—of the society in question. For Durkheim, the collective conscience emerged naturally; society was characterized by this deep shared understanding rather than by group conflict or attempts to create and enforce a dominant morality.⁵³ Anger and punishment, in this view, are natural reactions to the violation of these shared norms and are functional in the sense that they reinforce shared morals and enhance group solidarity. Nowadays, many analysts echo Durkheim when they contend that although punitive criminal justice policies might be ineffective and socially destructive, they are democratic in the sense that they reflect the demands of the majority.⁵⁴

What makes our analysis neo-Gramscian is precisely our rejection of this view. Popular common sense on crime is complex and might have been mobilized in a variety of directions, for although a sizable minority of Americans frequently worry about their potential victimization, most report that they do not. For those who do, this fear, in and of itself, does not necessarily lead to support for punitive crime policies. Furthermore, although many Americans express support for enhanced penalties, many also continue to express the belief that crime prevention efforts are preferable to punishment. For example, although most Americans view the courts as “too lenient” and express support for the death penalty, they also prefer that scarce dollars be invested in crime prevention rather than law enforcement.⁵⁵ And although Americans believe that prisons should be “no frills” operations, they also firmly support rehabilitation programs for those locked away.⁵⁶

Moreover, members of the public appear to be highly responsive to cues from politicians in evaluating the seriousness of crime as a social problem for

the nation as a whole. For example, Americans began naming *drugs* as the nation's most serious problem only during the late 1980s, in direct response to the Reagan and Bush administrations' intensification of the drug war. During the 1990s, Americans began identifying *crime* as the nation's most serious problem only in 1994, in the context of an intense congressional debate over President Clinton's Crime Bill. Although people still might be concerned about crime and drugs even when they do not identify these as the nation's most important problem, these poll results clearly show that Americans become more concerned about crime and drugs in response to political debate and activity. In sum, although members of the public are somewhat worried about crime and inclined toward punitive solutions, politicians have played a crucial role in expressing, channeling, and heightening these inclinations. Thus, it is politicians who are the driving force behind the new criminal justice punitiveness.

■ The Contours of the Security State

The shift from the welfare to the security state is, of course, far from complete. The states and the federal government continue to provide poverty relief, albeit in a more limited and coercive fashion. Businesses continue to be subject to health and safety regulation, although these efforts have been weakened. And opposition to some of the new punitive policies, including mandatory drug sentencing laws, now is quite visible. However, the basic contours of the new security state are largely in place. Democrats and Republicans alike now routinely express support for the limited role of government in poverty relief and for harsh criminal justice practices. Indeed, President Clinton, a Democrat, initiated massive new spending on prisons and police, and he supported welfare "reform" that shunts most federal responsibility for the poor onto the states.⁵⁷

The most direct evidence of the institutionalization of the security state can be found in the nation's rapidly expanding penal apparatus. Between 1980 and 1998, largely as a result of the adoption of the punitive policies already discussed, the number of people incarcerated grew by more than 300 percent, from 500,000 to more than 1.8 million. The proportion of the population imprisoned also has grown rapidly (Exhibit 4.2), and more than 3.8 million people now are on parole or probation. By 1998, nearly 6 million people—nearly 3 percent of the adult population—were under some form of correctional supervision.⁵⁸

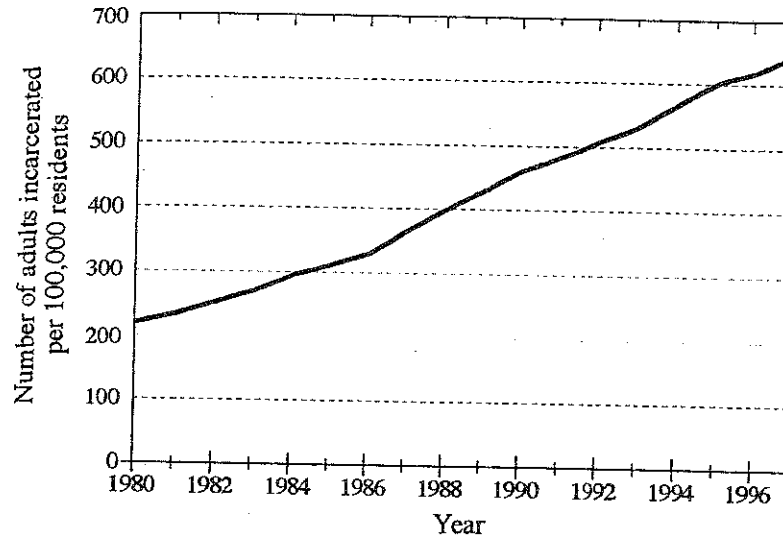


Exhibit 4.2. U.S. Incarceration Rate

SOURCE: Bureau of Justice Statistics, *Correctional Populations in the United States, 1995*, Table 1.5; Kathleen Maguire and Ann L. Pastore, *Sourcebook of Criminal Justice Statistics, 1997* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1998).

These developments have disproportionately affected young African Americans and Latinos (Exhibit 4.3). By 1994, 1 of every 3 black males between the ages of 18 and 34 years was under some form of correctional supervision,⁵⁹ and the number of Hispanic prisoners had more than quintupled since 1980.⁶⁰ In some large cities, the proportions are even more striking. In Baltimore, Maryland, and Washington, D.C., for example, more than half of all African American men between the ages of 18 and 35 years are under the supervision of the justice system. The state of Maryland recently assigned probation officers to Baltimore schools in which as many as 4 in 10 students have served time.

Since 1980, roughly 1,000 new jails and prisons have been constructed; a new prison or jail is built every week.⁶¹ Despite this fact, U.S. prisons and jails continue to be overcrowded. At the end of 1997, state prisons were operating between 15 and 25 percent above their capacities, and federal prisons were operating at 19 percent above their official limits.⁶² Resources for prisoner education, vocational training, and recreation have declined significantly.⁶³

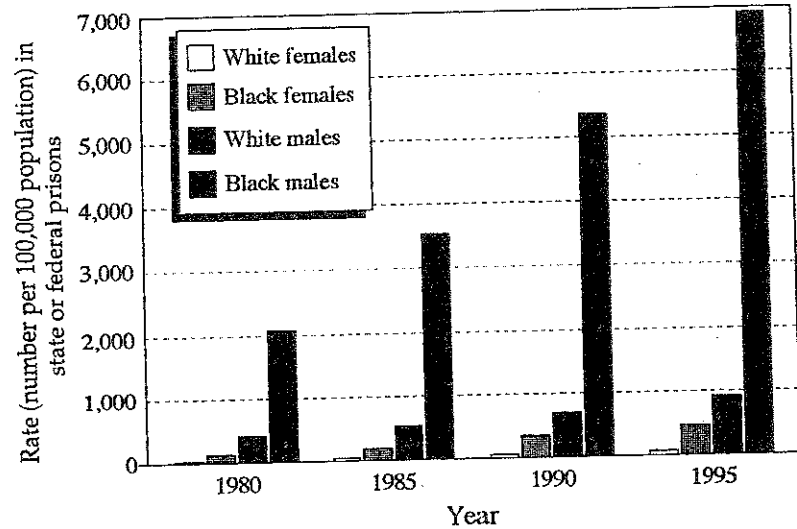


Exhibit 4.3. U.S. Incarceration Rate, by Race and Sex

SOURCE: Bureau of Justice Statistics, *Correctional Populations in the United States, 1990*, Table 1.7; Bureau of Justice Statistics, *Correctional Populations in the United States, 1995*, Table 1.7.

Apprehending, processing, and warehousing so many people is, of course, quite expensive. Over the past two decades, annual expenditures on law enforcement increased from \$5 billion to \$27 billion.⁶⁴ It costs approximately \$30,000 to house a prisoner for a year—even with cuts in prison programs—so spending on correctional institutions has grown even more dramatically. By 1993, the annual public cost of such facilities was nearly \$32 billion. As shown in Exhibit 4.4, the United States now spends more than \$100 billion annually fighting crime.⁶⁵

■ Crime, Punishment, and Democracy

Defenders of the new punitiveness point to dropping crime rates as evidence that this approach is effective. Indeed, the crime rate has declined considerably during recent years, especially among adults. But a closer look at the evidence reveals a more complicated picture. If filling prisons and jails

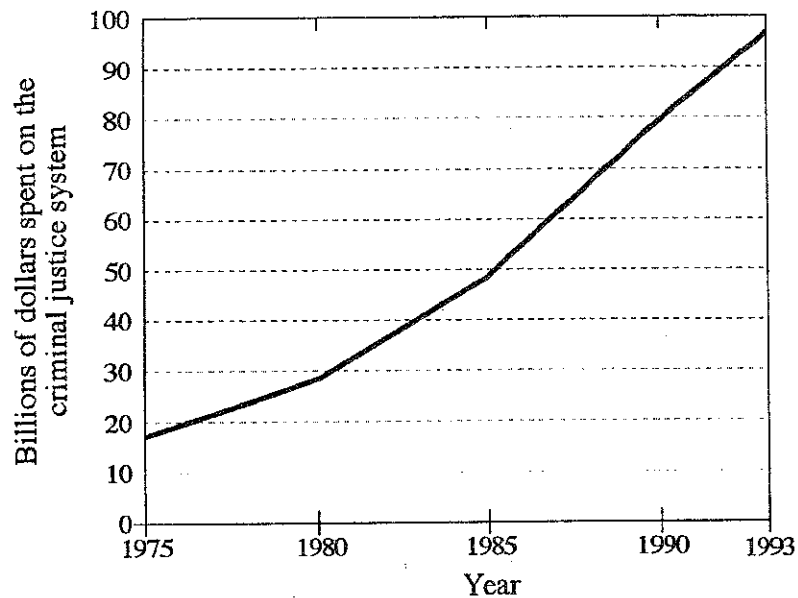


Exhibit 4.4. U.S. Criminal Justice Expenditures

SOURCE: Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics*, 1980, Table 1.3; Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics*, 1996, Table 1.2.

reduces crime, then crime rates should have dropped consistently since the late 1970s. But this did not occur. Similarly, although the average prison sentence per violent crime tripled between 1975 and 1989, there was no discernible impact on the overall rate of criminal violence during this period.⁶⁶

Indeed, the historical evidence shows no correlation between patterns in incarceration and crime; throughout the 20th century, crime rates were largely unaffected by the size of the prison population.⁶⁷ The argument that *prison works* also is inconsistent with contemporary cross-sectional evidence. Between 1992 and 1997, for example, New York experienced one of the sharpest drops in serious crime in the country but one of the smallest increases in prison population (just 13.4 percent) and no increase in its jail population.⁶⁸ Similarly, Canada's rate of violent crime has been dropping since 1991, but its rate of incarceration has increased only slightly.⁶⁹ More generally, countries that punish more severely tend to have higher rather

might have had some impact on levels of crime, the correlation between declining crime rates and penal expansion during the 1990s is largely spurious.

If the dramatic growth in correctional and prison populations does not explain the recent declines in serious crime, then what does? Epidemiological research sponsored by the National Institutes of Health finds that declines in homicide by city are correlated with changes in the drug market, especially the decline of the market for crack cocaine. This development, in turn, is likely a consequence of the natural course of the drug epidemic rather than law enforcement interventions.⁷¹ These research findings are consistent with the emerging consensus that the crack trade was responsible for a great deal of homicides in major U.S. cities during the late 1980s and early 1990s.⁷² Researchers seeking to explain the recent drop in serious crime also have cited declining opportunities in the illicit labor market, demographic changes, and an improved economy.⁷³

In fact, rather than reducing the volume of serious crime in society, there is good reason to believe that growing criminal justice punitiveness is itself an increasingly important source of serious crime. In his book, *Search and Destroy: African American Males in the Criminal Justice System*, Jerome Miller uses the term *social iatrogenesis* to describe the impact of the new “get tough” policies. The term *iatrogenesis* refers to a “cure” that is actually responsible for the underlying illness. Miller uses the term to describe “a ‘treatment’ that maims those it touches and exacerbates the very pathologies that lie at the root of crime. It suggests that the criminal justice system itself has been a major contributor to breakdown in the inner cities.”⁷⁴

Consider, for example, the war on drugs. Like alcohol prohibition during the 1930s, the contemporary prohibition on marijuana, cocaine, and other drugs is directly responsible for the black market and for the violence it has spawned.⁷⁵ Crackdowns on drug dealers also tend to drive up prices and profits and hence make the risk taking associated with the trade more rational. Similarly, massive drug arrests in effect create new “job openings” for dealers while setting the stage for violent battles over ever shifting “turf.” Finally, prohibition has facilitated the formation of violent drug cartels—especially in Colombia, Peru, and Mexico—that have seriously destabilized those states. In short, drug prohibition has proved to be a boon for daring criminals and has done little to stem the tide of drug use and abuse.⁷⁶

More generally, the “get tough” approaches to crime and drugs fuel the material, social, and cultural ills that give rise to crime and drug dependency.

First, the cost of the new criminal justice policies has resulted in cuts in education and social welfare programs. In individual states, the trade-offs sometimes are quite stark. In California, for example, between 1980 and 1995, the proportion of state spending devoted to prisons increased from 2.0 to 9.9 percent while the proportion devoted to higher education dropped from 12.6 to 9.5 percent.⁷⁷ (Nationwide, more African American men now are behind bars than are enrolled in colleges and universities.⁷⁸) And in 1993, more money was spent nationwide at the federal, state, and local levels on the war on drugs alone (\$31 billion) than on the nation's premier "welfare" program, AFDC (\$25 billion).⁷⁹

Second, massive criminal justice interventions foster joblessness and family disruption. Most prisoners have unimpressive work histories. Having served time and earned the label *ex-con*, former prisoners typically find it more difficult than ever to secure stable employment.⁸⁰ Jobless and incarcerated men are among the least likely to get married and support children.⁸¹ Female-headed households also are disrupted by incarceration. For example, three-fourths of the 54,000 women incarcerated for drug law violations have children.⁸² Nationally, nearly 2 million children have parents or close relatives in jail or prison, and many experts argue that these kids are at increased risk of future incarceration.⁸³ The expansion of prisons and jails thus exacerbates rather than ameliorates joblessness, family breakdown, and crime.

Finally, massive criminal justice intervention increases the political and social isolation of poor people and minorities. In 14 states, ex-felons are denied the right to vote. That translates into the disenfranchisement of 13 percent of African American men.⁸⁴ In Florida, 31 percent of black men are barred from voting because of criminal records.⁸⁵ Meanwhile, in some big cities, imprisonment has become virtually a formal "rite of passage" for young minority men, signaling their transition into a new way of life. Sadly, what prison best prepares its visitors for is survival in a violent predatory world, that is, for survival on the inside. Beyond the prison walls, the skills and beliefs cultivated within prisons frequently lead ex-cons back into lives of crime, addiction, and trouble. Less directly, the fact that so many young people, especially minorities, are targeted and controlled by criminal justice institutions confirms the ideological association among criminality, danger, and urban youths that helped to justify the expansion of prisons and jails in the first place. In sum, "get tough" policies are not merely ineffective strategies for crime reduction. To the extent that these practices contribute to crime, social inequality, and family and community breakdown; foster

aggression and personal difficulties among ex-cons; and stigmatize minority youths, they are increasingly significant causes of the very problems they purport to correct.

■ Conclusion

In this chapter, we have used Gramsci's theory of hegemony to explain the shift from the welfare state to the security state. According to this argument, conservative politicians, representing the concerns and interests of neo-liberal economic elites, united in opposition to the social movements of the 1960s and 1970s and to the expansion of the welfare state. By politicizing crime and drug use and demanding new policies that "get tough," these political actors discredited their political opponents, Great Society welfare initiatives, and poor people in general. Conservative politicians thereby paved the way for sharp cuts in government spending for poverty relief and massive expansion of the state's penal (and military) apparatus.

Our emphasis on the leadership of politicians in the shift from the welfare state to the security state differentiates our Gramscian approach from Durkheimian accounts that highlight popular reactions to crime. At the same time, our account challenges one aspect of Gramsci's approach: his tendency to treat coercion and ideology as diametrically opposed mechanisms used by the ruling classes to secure their dominance. According to the analysis developed in this chapter, politicians used the rhetoric of the wars on crime and drugs to legitimate the dramatic expansion of the state's coercive capacity. Thus, ideological processes helped to justify the growth of the formal social control apparatus. The growth of prisons, jails, and other penal institutions, in turn, has meant the stigmatization of more and more minority youths. This stigmatization has reinforced the image of the poor as dangerous and undeserving, an image that has been crucial in legitimating the shift from the welfare state to the security state. As one analyst put it, "As people are prosecuted and sentenced as criminals, the law produces convictions and punishments. These punishments reinforce the rhetoric of dangerousness with a truth of incarcerated bodies."⁸⁶ To the extent that our interpretation is accurate, the Gramscian assumption of incompatibility between ideological and coercive means of domination should be set aside in favor of a perspective that recognizes the possibility of their complementarity.

Finally, we conclude this chapter by underscoring our view that the punitive turn in criminal justice is neither an unavoidable response to the realities of crime and poverty nor an inexorable historical development rooted in deep social structures. Rather, the wars on crime and drugs are best viewed as political maneuvers by conservative politicians and the economic elites they represent to defend prevailing social practices and arrangements against various counter-hegemonic threats. As such, these “wars” are one piece of a general turn toward a more polarized, insecure, and repressive society, but they are policies that can and ought to be opposed. Indeed, the very “political” nature of our theoretical explanation for criminal justice punitiveness implies the possibility of alternative policies, but only the mobilization of adequate political muscle to counter the new security state hegemony can make these alternatives a reality. Growing demands from activists and public officials for a reconsideration of mandatory minimum drug sentences, marijuana prohibition, and the death penalty, together with renewed public discussion of persistent child poverty and racial inequality in the wake of rapid overall economic growth, provide us with reasons for optimism about the future. As Gramsci reminded us, hegemonic projects succeed only provisionally—for a period of time—before foundering on their own contradictions and creating space for opposition and change.

STUDY QUESTIONS

1. How did Gramsci draw on and extend Marx’s theoretical framework?
2. What are hegemonic projects or strategies? What shapes their success or failure?
3. What hegemonic strategy prevailed in the aftermath of the Great Depression? What led to the collapse of this mode of governance during the 1960s and 1970s?
4. What is the security state? How does it differ from the Keynesian welfare state that preceded it? How do the wars on crime and drugs relate to the security state?

5. How does the authors' Gramscian perspective differ from neo-Durkheimian accounts of the war on crime?
6. How do the authors support their argument that the war on crime is not responsible for recent declines in the crime rate and might actually cause crime?

NOTES

1. Bureau of Justice Statistics, *Prison and Jail Inmates at Midyear 1998* (Washington, DC: Bureau of Justice Statistics, 1999).
2. Timothy Egan, "The War on Drugs Retreats, Still Taking Prisoners," *The New York Times*, 28 February 1999, A1; Bruce Western and Katherine Beckett, "How Unregulated Is the U.S. Labor Market? The Penal System as Labor Market Institution," *American Journal of Sociology* 104, no. 4 (1999): 1030-60.
3. Egan, "The War on Drugs Retreats."
4. Estimates of the crime rate based on the number of crimes known to the police suggest that rates of violent crime fluctuated throughout the 1980s and declined during the 1990s. Property crime, according to these data, declined throughout both decades. See Katherine Beckett and Theodore Sasson, *The Politics of Injustice: Crime and Punishment in America* (Thousand Oaks, CA: Pine Forge, 2000); Scott Boggess and John Bound, "Did Criminal Activity Increase during the 1980s? Comparisons across Data Sources," *Social Science Quarterly* 78 (1997): 725-36.
5. The exception to this generalization is homicide; the United States does have a significantly higher rate of homicide than do other industrialized nations. However, because only a tiny percentage of those sentenced to prison were convicted of murder or manslaughter, this cannot account for the exceptionally high rate of incarceration in the United States. See Beckett and Sasson, *The Politics of Injustice*; Boggess and Bound, "Did Criminal Activity Increase during the 1980s?"; Franklin Zimring and George Hawkins, *Crime Is Not the Problem* (New York: Oxford University Press, 1997).
6. Samuel Bowles and Herbert Gintis, *Schooling in Capitalist America* (New York: Basic Books, 1977).
7. Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (New York: Columbia University Press, 1939); Jeffrey Reiman, *The Rich Get Richer and the Poor Get Prison* (New York: Macmillan, 1990).
8. See, for example, Ralph Miliband, *The State in Capitalist Society* (New York: Basic Books, 1969). Those now identified as "structuralist" Marxists might object to this formulation, arguing that the structural requirements of capitalism, rather than a ruling class, shape state policy. For a thorough overview of Marxian theories of the state, see Robert Alford and Roger Friedland, *Powers of Theory: Capitalism, the State, and Democracy* (New York: Cambridge University Press, 1985).
9. Perry Anderson, "The Antinomies of Antonio Gramsci," *New Left Review* 100 (1976-77): 5-80.
10. Carl Boggs, *The Two Revolutions* (Boston: South End Press, 1984); Joseph Femia, *Gramsci's Political Thought* (Oxford, UK: Clarendon, 1981).
11. Femia, *Gramsci's Political Thought*, 27.
12. See, for example, Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts, *Policing the Crisis: Mugging, the State and Law and Order* (New York: Holmes and Meier, 1978); Bob Jessop, *State Theory: Putting Capitalist States in Their Place* (University

- Park: Pennsylvania State University Press, 1990); Michael Omi and Howard Winant, *Racial Formations in the United States* (New York: Routledge and Kegan Paul, 1986).
13. Boggs, *The Two Revolutions*, 180-85.
 14. Ibid.
 15. Ibid., 165.
 16. Alan Wolfe, *The Limits of Legitimacy: Political Contradictions of Contemporary Capitalism* (New York: Free Press, 1977); G. William Domhoff, *The Power Elite and the State: How Policy Is Made in America* (New York: Aldine de Gruyter, 1990); Anthony Giddens, *Beyond Left and Right: The Future of Radical Politics* (Stanford, CA: Stanford University Press, 1994).
 17. Frances Fox Piven and Richard Cloward, *Breaking the Social Compact* (New York: New Press, 1997); Michael Katz, *Improving Poor People: The Welfare State, the 'Underclass,' and Urban Schools as History* (Princeton, NJ: Princeton University Press, 1997).
 18. Jonathan Simon, *Poor Discipline* (Chicago: University of Chicago Press, 1993); David Garland, *Punishment and Modern Society: A Study in Social Theory* (Chicago: University of Chicago Press, 1990).
 19. James Ralph, *Northern Protest: Martin Luther King, Jr., Chicago, and the Civil Rights Movement* (Cambridge, MA: Harvard University Press, 1993).
 20. James Miller, *Democracy in the Streets: From Port Huron to the Siege of Chicago* (Cambridge, MA: Harvard University Press, 1994).
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 22. Katz, *Improving Poor People*, 26.
 23. Suzanne Staggenborg, *Gender, Family, and Social Movements* (Thousand Oaks, CA: Pine Forge, 1997).
 24. Dario Melossi, "Gazette of Morality and Social Whip: Punishment, Hegemony, and the Case of the USA, 1970-1992," *Social and Legal Studies* 2 (1993): 259-79.
 25. Ibid.
 26. For a discussion of the relationship between the capitalist class and conservative politicians, see G. William Domhoff, *Who Rules America? Power and Politics in the Year 2000* (Palo Alto, CA: Mayfield, 1998).
 27. Pat O'Malley, "Volatile and Contradictory Punishment," *Theoretical Criminology* 3, no. 2 (May 1999): 175-96.
 28. Barbara Ehrenreich, "The New Right Attack on Social Welfare," in *The Mean Season: The Attack on the Welfare State*, edited by Fred Block, Richard A. Cloward, Barbara Ehrenreich, and Frances Fox Piven, chap. 4 (New York: Pantheon Books, 1987).
 29. Quoted in Katherine Beckett, *Making Crime Pay* (New York: Oxford University Press, 1997).
 30. Cities with higher welfare payments have, on average, lower rates of burglary and homicide. See Lance Hannon and James Defronzo, "The Truly Disadvantaged, Public Assistance, and Crime," *Social Problems* 45 (August 1998): 383-92.
 31. Beckett, *Making Crime Pay*; Dan Carter, *The Politics of Rage* (New York: Simon & Schuster, 1995).
 32. On big business support for conservative politicians and think tanks during the 1980s, see Thomas Ferguson and Joel Roger, *Right Turn: The Decline of the Democrats and the Future of American Politics* (New York: Hill & Wang, 1987); Domhoff, *The Power Elite and the State*.
 33. Beckett, *Making Crime Pay*.

34. The distinction between people "in trouble" and people who "make trouble" is Gusfield's. See Joseph Gusfield, "Moral Passage: The Symbolic Process in Public Designations of Deviance," *Social Problems* 15 (1967): 175-88.
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37. Michael Omi and Howard Winant, *Racial Formation in the United States* (New York: Routledge and Kegan Paul, 1986).
38. Cited in Beckett, *Making Crime Pay*.
39. David Anderson, *Crime and the Politics of Hysteria* (New York: Times Books, 1995).
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41. Beckett and Sasson, *The Politics of Injustice*.
42. Egan, "The War on Drugs Retreats."
43. Kathleen Maguire and Ann L. Pastore, eds., *Sourcebook of Criminal Justice Statistics 1998* [online], Tables 4.1 and 4.29. (Available: <http://www.albany.edu/sourcebook/>)
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52. Steven Cohn and William Haltzman, "Punitive Attitudes toward Criminals: Racial Consensus or Racial Conflict?" *Social Problems* 38 (1991): 287-96; see also Sasson and Beckett, *The Politics of Injustice*, chap. 7.
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 64. Donziger, *The Real War on Crime*.
 65. Kathleen Maguire and Ann L. Pastore, eds., *Sourcebook of Criminal Justice Statistics, 1997* (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1998), Table 1.1; Donziger, *The Real War on Crime*.
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- (Berkeley: University of California Press, 1996); Elliott Currie, *Reckoning: Drugs, the Cities, and the American Future* (New York: Hill & Wang, 1993); Dan Baum, *Smoke and Mirrors: The War on Drugs and the Politics of Failure* (Boston: Little, Brown, 1996).
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