

Neoconservatism in the United States and The institutionalized exclusion of Poor Women

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The poor no longer the creators of wealth
But an expensive nuisance

W.H. Auden

Public Assistance to the poor in the United States was always been reluctant and especially cruel to women. A society that from the outset prized Kantian principles of individual freedom over Rousseau's notions of social contract and that was dominated by a puritanical morality saw poverty as self-made. If individuals had freedom of choice, bad outcomes were necessarily caused by bad choices. The poor had themselves to blame.

Poverty was a sign of deviant norms. For women this meant deviance from the ideal nuclear family. Women who were deserted, separated or single were treated punitively by public institutions and with missionary zeal by charity organizations intent on controlling their behavior (Abramovitz, 1989; Wagner, 2000).

The welfare state emerged only in the mid-1930s in the United States, much later than in most advanced industrial societies, and it is for this reason that some authors have labeled it the "reluctant" welfare state. It had two distinct types of programs: social insurance and public assistance. Until recently, the social insurance programs followed the model of private insurance; they are contributory. The assistance programs followed the charity model, even if they were guaranteed entitlements. Among the latter the most significant program for women in poverty was the Assistance to Families with Dependent Children (AFDC). Among public assistance programs, AFDC had the lowest budget, the most restrictive admission criteria and awarded the smallest benefits.

The supremacy of liberal values over social democratic tenets led to a tension-ridden model that Esping-Andersen (1990) dubbed the "liberal welfare state." Dahl (1985, 1998) describes the regime as a compound of freedom reigning in the market, with participation reduced to procedural democracy. The simplification of Adam Smith ideas led inexorably to large social inequities, and procedural democracy was unable to control the influence of powerful economic interests. The upshot is that financial power necessarily conditions political decisions. This situation shapes a welfare state in which assistance and even insurance is contingent on the costs and benefits that these measures carry for private economic interests. The model stands in contrast with social democracies where the norm is for the economy to serve the general needs of the citizens (Jones, 1985).

Accordingly, policy makers handled the recession of the early 1980's by cutting assistance and other programs that addressed the urgent needs of citizens in poverty. Conversely,

government decisions benefited the affluent. A trickle-down rationale presupposed that favoring entrepreneurs allowed them to invest in production and create new jobs, thus ultimately helping American workers. The response to the 2001 recession has been modeled along the same lines, although the trickle-down effect had been disproved two decades before.

A review of the process of exclusion during the second half of the 1990's, when the nation experienced an economic boom, is particularly enlightening. Distributive injustice in times of economic contraction can be blamed on erroneous theories (supply-side or Keynesian), but hardships imposed on the most vulnerable citizens in a period of affluence require a more complex interpretation.

Focusing on the struggles and imprisonment of poor women highlights how public assistance and correctional systems have robbed them of their citizenship status and treated them as expendable. These institutions construct a holistic definition of such women as deviant, in fact attributing to them an "other" identity, which blocks sympathy on the part of "solid citizens." The distance and isolation created by stigma and prison walls have the effect of rendering their circumstances invisible.

The marginality of women in poverty and behind bars has a long history (Abramovitz, 1989; Pimlott & Sarri, 2002). While acknowledging the institutional path dependency from the past, the present discussion focuses on the last fifteen years. The analytic frame examines the economic restructuring and neo-conservative ideology underlying policies that affect poor women. The oppression of women is embedded in circumstances that oppress others as well. The specific mechanisms that force women towards the margins are located within this broader context.

Economic Restructuring and Inequality

Capitalism brings with it the expectation of inequality. Markets are built on competition. Some participants will win; others will lose. Streaks of winning will make future wins easier and result in the accumulation of capital, the engine of further growth. The utilitarian assumption is that, regardless of inequality, the whole will be better off (Kuttner, 1984).

Government regulations, taxation, and income transfers redress some of the inevitable inequality engendered by the market. The United States has never been very efficient at such redistribution. The onset of the welfare state was tardy, and transfers to the poor were restricted, residual, and meager (Handler, 2002). On the other hand, tax policy has favored the better off. Compared with other capitalist welfare regimes, economic inequality in the United States has been greater, but recently it has risen to levels unknown since the 1920s and is now far in excess of other advanced societies (Figueira-McDonough, 2007a: chap. 3). The Gini index for the United States at the end of the '90s was .401 as compared to Germany and Canada, at .281 and .312 respectively (World Bank, 1999, Table 2.8).

Worsening inequality indicates a relative decline of working class income. At the end of the '90s, 20 % of the families with the highest income received 47 % of all income, while

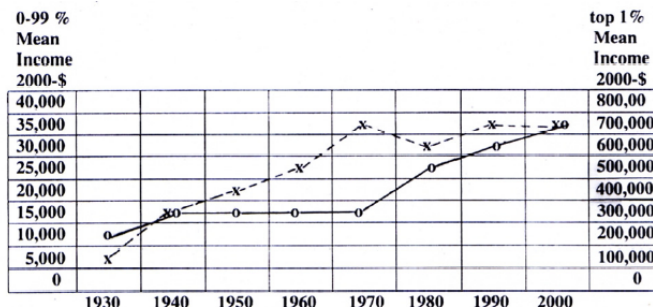
the lowest 20 % got only 4.2 %. Comparing these distributions to the 1970s shows that better-off has increased their share by 6.3 percent while those in the bottom three quintiles lost by the same proportion. Although productivity increased between these two periods the weekly earnings of 80 percent of rank-and-file workers fell by 18 %. At the same time the income of CEOs increased 19 %. (U.S. Bureau of the Census, 1998, Table F-2).

Explanations for the emergence of a two-tiered society are usually linked to de-industrialization, economic globalization, and technological advances. More precisely, the situation involves the loss of manufacturing jobs due to more efficient production processes. The result is massive numbers of laid off semi-skilled blue-collar workers, now scrambling for lower paying service jobs. Furthermore, as some low skilled jobs move to developing countries, where production is considerably cheaper, wages at home are further depressed. Conversely, the dynamics of world market competition have created a very well paid technologically trained service work force (Sassen, 1998). This logic of the inexorable demands of the market is used to supercede the moral issue of extreme inequality within a democratic regime (Gray, 1998, 2006). However, technological innovations, de-industrialization, and global competition impinge not only on the economy of the United State. Other market economies do not reach the level of inequality characteristic of the United States (Esping-Andersen, 1999; Goodin et al., 1999)

The accompanying graph shows the extreme income accumulation at the top of the economic ladder. After some redistribution in the '60s and '70s, the 80s income differentiation accelerated again in the '80s. If wealth is also considered, the accumulation at the top would be still more extreme. The richest one percent of Americans control 50 percent of net financial assets (Mishel et al., 2001). While theories derived from past experience have linked positive economic cycles with benefits to the whole population, they proved not to be valid for the boom of the '90s. Instead, the evidence shows the growth of a powerful economic oligarchy, based on crony capitalism, a trend that is incongruent with democratic principles (Dahl, 1998).

Income inequality graph

Comparison between the average income of the bottom 99% of the population
and of the richest 1% in the United States: 1930-2000



x=average income of 99 percent of the population y= average income of the richest 1 percent
source: Thomas Piketty and Emanuel Saez - National Bureau of Economic Research (NBER working paper 8467)

Neo-Conservative Ascendancy and the Fashioning of Exclusion

Kuttner (1997), Phillips (1990) and Gray (1998), among others, agree that the United States has veered away from the democratic equality praised by Tocqueville, the vision of expanding opportunities of Franklin Roosevelt's New Deal in the '30s and of Lyndon Johnson's Great Society in the 60s. They contend that governmental institutions have been hijacked by neo-conservative ideologies. This retrenchment gained legitimacy during the Reagan administration; its chief effect was condoning wide economic inequality.

A key dimension of the neo-conservative vision was the proposal for a return to a *laissez faire* regime by scaling back regulations, implementing Lockean restrictions on state interference in the market, and weakening the power of unions (Kuttner, 1997). The appeal of this ideology was buttressed by statements linking *laissez faire* to national economic successes in the nineteenth century.

Goodin and associates (1999) observe that historical evidence does not support this image of a hands-off role for the state in that century. Examples of early state intervention include the Northwest Ordinance of 1787 and an arsenal of government subsidies that served as a framework for territorial expansion, such as the cross-national railroad. Public subsidies for this enterprise were at the root of the great family fortunes of post-Civil War decades, a period known as the age of the "robber barons." The foundation of early American prosperity was also linked to large-scale federal work projects and to tariff policies. Gray (1998) goes further by arguing that no market economy has been so invasive of personal liberties than the United States during prohibition.

In spite of its misguided historical claims, neo-conservative ideology has a very clear program. The combination of demands for greater autonomy of the market, and a call for enforcing control on certain citizens on moral grounds, is trademark of the neo-conservative worldview. Strong class biases are incorporated in both proposals. The remolding of the American society to suit the "imperatives of the market" carried with it an ethos of rugged individualism, liberal understandings of self-help, and puritanical notions of virtue and punishment.

On the one hand, public assistance was interpreted as contributing to the erosion of American virtues—autonomy, devotion to the work ethic, the family ethic, and the community ethic (Murray, 1984; Mead, 1986). On the other hand, public assistance was seen as a waste of resources that delayed economic growth by encumbering capital with taxation (Greenberg, 1985). The ideology gained ground in the '80s and has controlled the Congress from 1994 to the present.

The Ambivalent Welfare State and the 1996 Reform

The United States is a prototype of the liberal model of welfare. The model presupposes that the road to well being for citizens can be achieved primarily through a highly productive economy and participatory insurance, and only very secondarily through a residual system of public assistance. Universal programs such as national health and universal child benefits are non-existent, in an economy promising high incomes. Also, within an efficient economy, poverty would be quite low and therefore the need for public assistance minimal.

Goodin and associates (1999) mounted a break-through study to test how the outcomes of this liberal model compared to other welfare states based on distinct assumptions: corporatist (represented by Germany) and socio-democratic (represented by the Netherlands). The project used ten-year panel data for the three countries during the 1985-1995 decade.

They found that the efficiency of the three economies, as measured by the gross domestic product (GDP) per capita growth, was quite similar, but that median income growth was lower in the United States than in the other countries (50 % as compared to 63 % and 75 %). On the other hand, the amount of poverty created by the market in these three countries is equally high (around 20 %), but after government transfers it is considerably lower in Germany (9 %) and Denmark (4.5 %) than in the United States (18 %). Thus, while economic efficiency and market outcomes do not vary across the different type of welfare states, the weakness of anti-poverty programs in the United States results in much higher poverty levels.

Estimating the number of people who remain poor during the ten years of the study also reveals a difference in long-term poverty. In the Netherlands very few stayed in poverty for ten years (0.5 %); Germany showed a one-third decrease (6 %). But in the United States, 18 % remained poor for the decade studied. The contrast is aggravated if we consider that 50 % of the poor in the liberal system were classified as being in deep poverty (unable to afford basic goods) and that government intervention over the 10-year period only improved the situation of two percent in that group.

While the United States did in fact have higher levels of employment than the other two countries, data also showed that 10 % of the employed remained poor. According to a multi-deprivation index, created by the same researchers, five percent of households with working heads fell in the bottom category, and among households headed by women the percentage was four times higher (20 %).

It was against this background that the neo-conservative movement took hold of Congress and passed an agenda broadcast as the "Contract with America" in 1994. The manifesto covered nearly all of the causes dear to get-tough conservatives: the implementation of tax cuts, restrictions on public expenses, reduction of government regulations of the market and anti-litigation reform. At the same time, the contract addressed moral issues such as a constitutional amendment banning abortion, higher earning limits for seniors on social security, more punitive crime legislation, and the elimination of social services in prisons. The section on AFDC encapsulated a litany of goals that were later incorporated in the 1996 reform:

denial of welfare to teenage mothers; denial of higher payments to mothers who give birth to children while on welfare; a strict two-years-and-out provision for public assistance recipients; stringent work requirements as incentives to individual responsibility; caps on spending for public assistance programs, public, nutrition programs for poor infants, school children and pregnant mothers.

The targets were poor female heads of households with dependent children (90 % of the recipients). While this program had traditionally been the least generous of all the public assistance measures, it had nonetheless been a federal entitlement since 1935. This meant that citizens in poverty had the right to be helped, and that this right was under federal supervision and funding, ensuring response to need. AFDC was dismantled in 1996, and Temporary Assistance to Needed Families (TANF) took its place.

TANF was more restrictive than AFDC. Recipients could not remain in the program for more than two consecutive years and never for more than five years over their life span regardless of need. The states had full responsibility for implementation, and received block grants from the federal government based on the assistance load of 1995. To receive grants, states were obliged to meet a targeted yearly decrease in the assistance caseload by moving the recipients into the labor market. Although coated in a language promoting self-sufficiency, many women were sanctioned if unable to get a job within a given period. The measure of success was the drop in the number of women receiving assistance. Other services created by the legislation had a strong moral thrust, for example, promoting marriage and sanctioning new births. Most importantly, the principle of citizen entitlement was erased.

Legislative discussions made clear that the reform was justified on myths about women in poverty. AFDC had offered a comfortable option for lazy women who lived on the dole, left their husbands, were sexually promiscuous, and kept having children to increase benefits. In sum, the program was a source of immoral behavior that was costly to tax payers. The subtext of the new legislation (TANF) was to reform poor women: they would be forced to work, return to the ideal nuclear family, and control their sexuality. This view prevailed in spite of research showing that most of these women were already poor while living with the father of their children, two thirds of them left AFDC within a three-year period, and had an average number of children below the national rate (Handler, 2002; Bane, 1986). Many recipients who left the assistance program prior to the reform could not bear living with the negative stereotypes and the bureaucratic surveillance that invaded their private life.

TANF recipients were forced to get a job or be sanctioned. In both cases, because the majority was poorly educated, the jobs available offered very low salaries. By 2003 nearly 30 % of female heads of households working full time had incomes below the poverty line. They joined other working women heads of households (29 %) who had incomes below the poverty level (Yates, 2003).

Since over 46 % of mothers covered by TANF have children under six, childcare is essential. The United States does not have a public child care system, but it does give a partial subsidy for childcare in any private establishment in the neighborhood of the recipient. The catch is that most poor neighborhoods lack state certified childcare facilities. Mothers have

no alternative except to leave children in places where health, security, and staff regulations are not met.

The responsibility of the states in financing TANF has grown, and so has their autonomy in implementing the program. But, under law, states cannot run deficits, and when their revenues fall in hard times, programs such as TANF are the first to be cut. California's revenue shortfalls in 2001 deprived 200,000 of pre-school offspring of TANF mothers of childcare (Figueira-McDonough, 2007b).

A federal provision of TANF in 2006, as part of the Deficit Reduction Act of 2005, increased the restrictions of the program and pushed more financial responsibility to the states. This has already led to further cuts in services (Western Center on Law and Poverty, 2006).

Processes of Poor Women's Marginalization

The marginalization of women and minorities in the welfare system of the United States has been brought to light by a group of women (Abramovitz, 1989; Fraser, 1989, Gordon, 1994, Quadagno, 1989) who have documented their historical treatment as second-class citizens. From the start, ADC/AFDC programs were less generous than other public assistance measures and discriminated racially and in terms of various moral and cultural traits. Some of those barriers fell in the '60s and '70s, but others surfaced during the '80s. Most important, AFDC was the only program not to be price-indexed. Hence, real cash benefits nearly halved between 1970 and 1994. Since to be eligible women have to have incomes below the benefits, this meant that more women below the poverty level were excluded from the program due to the depression in the benefits' value. By 1993 about 40 % of children in poor families were not receiving public assistance (Blank, 1997).

Biased treatment of women preceded, and was perpetuated by, welfare policies. Class, gender, and race intersected in the construction of poor women by the dominant society. These women were chronically on the brink of being labeled as undeserving in view of the contradictory expectations set for them and their lived experiences. Ideals of the nuclear family, the myth of the family wage, and gender expectations about the division of labor were at odds with the daily lives of women in poverty. They had to support their families with very low wages; their family arrangements reflected survival adaptations, often relying on relatives, friends and neighbors (Figueira-McDonough & Sarri, 1987; Reigot and Spina, 1996; Zinn, 1989).

Reinforcing this quasi-deviant perspective was a moral barrage that attributed all kinds of social ills to mother-headed families: increased rates of delinquency, dropping out of school, and teen pregnancy. This breakdown of the family ethic has been a popular explanation for the feminization of poverty in the United States. Census data showed that poor two-parent families were twice as likely to come apart in two years. However, showing a correlation between family structure and poverty and proving causation are two different things. Class

and race are more important than family structure in determining poverty (Children's Defense Fund, 1987). Female-headed families are often the product of a reshuffling of poverty from already poor two-parent-headed families to mother-headed families (Bane, 1986). It is more often the case that poverty creates female-headed families than the reverse (Schram, 1995: 142-161).

In other OCED countries there is a much lower difference between the poverty of single heads of household and other women. In Sweden, for example, single mothers are slightly better off than other women, and in Canada there is no difference. In France, Sweden and the United Kingdom poverty among single mothers is higher by two to six percent. However, in the United States the poverty rate is 11 % higher, indicating lower public support of these mothers (Luxemburg Income Study, 2000).

Viewed from another perspective, public assistance for female heads of households was, in fact, a bargain for the state. It reinforced the obligation of mothers to take care of their children in the cheapest possible way. Attributing negative characteristics to the mother legitimized this strategy. The controls exercised by the system emphasized an expectation that poor women are not to be trusted because they have not lived up to the family ethic. This perspective distorts public opinion about welfare recipients (Broodkin, 1983; Klugel and Smith, 1986; Gillens, 2000). It also encouraged withdrawal and passivity on the part of recipients (Cloward and Piven, 1974; Schneider and Ingram, 1993; Wilson, 1996). Fraser (1989) exposes some of the contradictions of AFDC in the transitional period which apply as well to TANF:

[T]his system created a double bind for women raising children without a male breadwinner. By failing to offer daycare for their children, job training , and a job that pays a family wage, it constructs them as exclusively mothers... Yet the system does not honor these women [as mothers]. On the contrary, instead of offering them a guaranteed income equivalent to a family wage as matter of right, it humiliates, stigmatizes and harasses them. In effect, it decrees that these women must be and yet cannot be normative mothers (Fraser, 1989: 142, 153).

Recently, new norms have emerged that further denigrate poor women. One is the concept of dependence (Fraser and Gordon, 1994), which refers exclusively to economic dependence on the state. Another is the use of the statistical norm of mothers' work as a justification for requiring poor mothers to enter the job market as a way to achieve self-sufficiency. New language and policy place additional negative labels on welfare mothers: that they are weak and lazy (Mead, 1986), that they stay on welfare living off generous benefits, and that they have children in order to increase such benefits. Although such allegations have proven to be false (Blank, 1997; Berrick, 1995; Edin and Lein, 1997), they persist and have come to justify the draconian regulations of TANF.

Blaming female-headed families for growing poverty provides a convenient way to deflect attention from the faulty redistribution policies of the welfare state (Males, 1993).

Attributing poverty to single motherhood implies that women's decisions are the cause of their poverty and that they deserve to be treated punitively. Issues of constrained choices, blocked opportunity, and cumulative access to resources are ignored. Public assistance becomes less readily available, more temporary, more contingent on moral and social regulation, more premised on state surveillance on sexual, medical, social, and parental choices, and more attached to work requirements regardless of whether work improves or not their economic condition.

The popularity of workfare as a means toward self-sufficiency for mothers on public assistance was based on statistics showing that three-fourths of mothers with pre-school children were in the labor market in 1990 and that a high proportion of those mothers were heads of households. The obvious conclusion was that if other single mothers were working, why not mothers on public assistance? The inference disregarded the higher earnings of middle-class women, their greater access to programs in the neighborhoods where they reside, and the fact that in general their families and the children's fathers have more resources to help them. Ignoring different circumstances across socioeconomic strata is a common gimmick in a society that has always denied the existence of classes (Ambert, 1998; Stone, 1988).

Some poor women's advocates support the work requirements for most women in good physical and mental health, but they argue that good public child care has to be available to these women (Figueira-McDonough, 2007b) and that the work income should meet self-sufficiency standards (Pearce, 2002). Failing that, given the low-paying jobs these women have access to, their income should be complemented by public assistance (Jencks, 1995).

Evaluations of TANF demonstrate that although public assistance rolls have dropped significantly, poverty among women and children has not. Nearly 30 % of women who have left public assistance have returned because of job instability; another third are having trouble meeting basic needs of shelter and food; another 15 % have been unable to pay utilities or rent (Weil and Finegold 2002). There is no doubt that some of the women who left TANF for work are doing better, but that was true under AFDC as well. The predictions are not optimistic. Legislation in 2006 ignored the evaluations of the outcomes of the first decade of TANF implementation. It simply created more draconian stipulations that further reduce the assistance budget for poor mothers and their children (Figueira-McDonough, 2007a: chap 11 and 13).

The American Gulag: Extending the Net of Control

After having held more or less constant for decades, the prison population in the United States has quadrupled. Among the industrialized nations the U.S. has the highest rate of incarceration. At the end of the 20th century, over five million people were in state custody, including prison, jails, probation and INS (immigration and naturalization service) centers. This growth has disproportionately impacted minority, racial, and ethnic groups (Davis 1998).

Such extensive and biased incarceration fosters, among target groups, disrespect for and suspicion of authorities and alienates them from the political process. On any given day 30 percent of black men, between the ages of twenty and twenty nine, are under correctional supervision. The African-American rate of imprisonment is ten times higher than that of the white men. A young black man aged 16 in 1996 had a 28 percent chance of spending time in prison (Chaiken, 2000).

What is the cause of this epidemic of correctional institutionalization? How can it be explained that, in the land of the free, more citizens are in prison than elsewhere? Are Americans more crimogenic than other peoples? It has long been known that the rate of imprisonment is not correlated to crime rate, suggesting a disjunction between state control and the incidence of lawless behavior (Quinney, 1975).

The “get tough on crime” philosophy as a means of protecting the safety of law-abiding citizens has traditionally focused on removing violent criminals from communities, a commonsensical goal in any society. However, at the time of rapid growth in incarceration, only 30 % of the inmates had been convicted for violent crimes. The remaining were convicted for non-violent offenses, and half of those were first offenders (Tonry, 1995).

Students of deviance recognize that there is a direct connection between the number of regulations and the magnitude of deviant behavior. The extraordinary expansion of Americans behind bars has led analysts to examine the connections between control policies developed in the past two decades and the explosion of the incarcerated population. Three of these policies, developed in the period of neo-conservative ascendancy, have been linked to the expansion of citizens behind bars: the War on Drugs, ‘three strike’ federal legislation, and mandated sentences. The first is considered the most responsible for targeting minorities in poor neighborhoods (Provine, 2005). Three strikes legislation automatically condemns three-time offenders to decades of imprisonment, even if previous offenses were misdemeanors. For certain offenses, judges have no discretion but must follow predetermined sentences, regardless of circumstances,

President George Walker Bush’s War on Drugs promulgated legislation that indiscriminately punished consumption, possession, small trading, large distribution, and smuggling with equally long preset sentences. Michael Tonry (1995) and Angela Davis (1998) concur that the legislation was designed to commit small traders and users to prison as a symbolic show of success aimed at distracting from decades of failure at controlling drug production and smuggling (Galbraith, 1992). The intent was not so much to decrease drug availability and use but to punish indiscriminately individuals in the most easily supervised poor urban areas. This intention was still made clear as crack, a drug popular in inner cities, carried a much more severe punishment than cocaine, a more expensive drug favored by higher income users (Provine, 2005).

Reinman’s work (2001) indicates that at each level of the justice system, from arrest to conviction to sentence, the probability of the poor being imprisoned grows exponentially as compared to higher income lawbreakers caught for the same offense. Data collected by Butterfield (2000) shows that the system creates a self-perpetuating caste of prisoners.

The high probability of released prisoners going back to prison is an important element in the unabated growth of incarcerated population. In California, for example, four out of five released inmates return to prison, not for committing new offenses but for technical violations of the terms of their parole.

Two policy decisions account for this. On one hand, states sharply curtailed education, training, and drug treatment programs, credit for earned good time and other rehabilitation in prison, thus compounding the barriers to social integration faced by released inmates. On the other hand, with the get-tough approach, parole officers had to follow new regulations conducive to quick revocation of ex-inmate's parole. A parole profile of the released prisoners in California speaks of the entrapment experienced by this population: 85 % of released prisoners are drug and alcohol abusers, over 70 % remain jobless one year after release, 50 percent are illiterate, and 10 % are homeless (Butterfield, 2000). Having a prison record is a barrier to employment, but even when a job is secured wages are half of that paid to other workers in same level and field. Furthermore, felons are often barred from some occupations. When Harriet Davis, a nurse, was released from prison after completing her sentence for shooting her abusive husband in self-defense, she found out that she could not practice her profession and had to work as home-care aid.

To a large extent, the discrimination and human costs of these new policies are dismissed under the interpretation of just deserts. Still, one might expect that the economic costs of this burgeoning institutionalization would disturb taxpayers. There is yet another side to the phenomenon: the prison-industrial complex. There are profits to be made from imprisonment.

The construction of new prisons has been a bonanza for architects, construction companies, and the construction business in general. The greater the requirements for inmate control (e.g., more isolated cells, computerized locks, and so on), the greater the dividends for businesses in such fields. In addition, the substantial increase in demand for correctional guards has made this one of the most promising fields for unskilled and semi-skilled workers.

Probably the most perplexing contribution of the demand for processing the expanding population behind bars was the emergence of private, for-profit prisons. By the end of the nineties, for-profit prisons had about 80,000 inmates. Two of those companies (Corrections Corporation of America and Walknut Corrections Corporations), run 114 facilities and raised revenues well over half a billion dollars (Davis, 1998).

Furthermore, the exploitation of prison labor is probably the most extreme case of profiteering from an incarcerated population. Although the United States has protested vehemently against the unfair practices of China competing in the world market with very cheap products produced by prisoners, it has fallen prey to a similar, albeit more limited, strategy. For example, Chevron, TWA, and Victoria's Secret use prison labor to do data-entry, book telephone reservations, and to make lingerie at 23 cents an hour. In California alone, goods and services produced by the prison industry in late '90s totaled more than 150 million dollars (Davis, 1998; Laffer, 1999).

A nightmarish vision of ultimate exploitation would suggest that putting the unemployed and poor in prison could eventually prevent the exodus of unskilled jobs abroad. Prisoners' work is just as cheap, and businesses would save the costs of transporting products. This calls to mind Jeremy Bentham's prediction of a futurist society where devotion to a free market creates an oligarchic regime reconstructed as an ideal prison (Gray, 1998).

The Added Oppression of Women Behind Bars

The new ideology of control and criminal policy has affected women as well as men. However, the rate of increase of incarceration among women was much higher partly because the absolute number of female prisoners prior to the reforms of the '80s was small. Nevertheless, by the end of the last century, one in every 109 adult women in the United States was under correctional supervision (Greenfield and Snell, 1999). This increase surpasses by a large margin demographic growth and the incidence of crime.

Explanations of the historical gender difference in incarceration rates have considered various alternatives. Some have suggested that it was the result of lower criminal rate due to natural causes (Lombroso, 1920) or of women's restricted exposure to access and opportunities in the public sphere (Adler, 1975; Pollack, 1950; Simon, 1975; Steffensmeyer, 1978, 1980), or simply to the greater cultural controls imposed on them (Hagan, Gillis and Simpson, 1985; Hill and Atkinson, 1988). Another popular explanation—the so-called chivalry hypothesis—is not that women commit more crimes but that the justice system treats them more leniently.

Research reveals a gendered justice, not necessarily a more lenient one. Police react more strongly to "improper" feminine behavior than to the alleged offense (Visser, 1983; Chesney-Lind, 1978, Steffensmeyer, 1980). In court, women have less access to lawyers and plead guilty more often than men (Figueira-McDonough, 1985; La Belle, 2002). Also, convicted women receive longer sentences than male offenders for the same offense. Seriousness seems to be defined by a gender-separated ranking system according to the offense range within each group. Hypothetically, if larceny is a third most serious offense among convicted women, its level of seriousness would correspond to the third most serious offense committed by men: robbery. The length of sentence followed these gender-segregated rankings (Figueira-McDonough et al. 1981; Bloom and Chesney-Lind, 2000). Serious offenses, violent and person offenses account for about 25 % of the convictions of women incarcerated, while the remaining 75 % are for non-serious offenses, of which drug offenses account for more than 35 percent. Nearly half of the serious offenders had no previous criminal records (U.S. Department of Justice, 2000).

The post-1982 withdrawal of rehabilitation programs from prisons in the United States was still more extreme in women's prisons, where they had been always scarce. The new approach to corrections resulted in similar problems for both genders, but they were more accentuated for women. Two factors made the oppression of women harsher. The first originated with Lombroso, who interpreted crime as the dangerous expression of manly

behavior but defined female crime as a monstrous aberration of nature. Similar gender attributions were made by Pollack (1953) who attributed to women a manipulative type of behavior, which manifested itself mainly in the private sphere, consistent with their “natural” structural position. More recently, the deviance of criminal women was supposedly rooted in deep psychological disturbances (Rock, 1996). All these views assumed an incompatibility between criminality and womanhood. They defined female criminals as freaks of nature.

To the extent that female prisoners experience the erosion of their identity, they are more likely than men to become depressed, feel powerless and unable to resist oppression (Human Rights Watch, 1996). To the extent that their controllers perceive them as debased, they will be more likely to oppress them without fear of retaliation. This becomes more salient because the majority of prison guards are men. The frequency of sexual abuse found in women’s correctional institutions in five states by the Women’s Rights Project confirms this. Guards who abuse these women felt that they had lost the right to privacy and dignity and could be used as they please. The women interviewed felt totally powerless, while the silence of wardens proves them right (Human Rights Watch, 1996). This recalls the writings of Genet about his experiences in prison, which give keen insight into identity and attribution processes linked to gender (Millett, 1970).

The second dimension affecting women in prison is motherhood. Seventy percent of women behind bars have children under 18 (Pimlott and Sarri, 2002). The view that these women are worthless extends to defining them as unfit mothers. Many states have tried to cut parental rights of women prisoners, in spite of the fact that their crimes might be unrelated to their mothering capability. Edin and Lein (1997) have found in their study of women in poverty that unlawful behavior is often the outcome of a motherhood ethic. Some infractions were committed to ensure the welfare of the children. Nonetheless, the official view is that they are by definition bad mothers and that contact with their children should be minimized. How those bridges might be reconstructed when the mother is released does not concern correctional departments.

The following is a synopsis of the story of one mother who was caught delivering a small package of cocaine to a distributor on the promise of a modest pay that would ease the circumstances of single mother taking care of four children. The account is quite similar to the experiences of other incarcerated mothers interviewed by Bortner (2002).

Elaine Bartlett was sent to prison for a first drug offense and received a sentence of 20 years to life. Her children at the time were ten, six, three, and one. The most heartbreaking scenes depict Elaine huddled with her children in prison visiting rooms. The family gathered every weekend and posed for pictures taken by the visiting room photographer showing the children as they grow up. The common problems of each age were compounded by the trauma of separation from their mother. Prisoners’ children spend holidays and birthdays behind bars. Elaine’s mother recounts these problems, and the letters sent to Elaine by her

children reveal the pain of her absence. In time, Elaine is pardoned. Her mother, who had taken care of her children, has died and her extended family had come apart. Elaine had to create a life for herself and her younger children after 14 years behind bars: find a job, a place to live and reconnect to her damaged family. Because she was convicted of a drug felony, she is barred from applying for public assistance. She realized that she had exchanged the prison behind bars for a prison that awaits ex-offenders who try to make it in the real world (Gonnerman, 2003).

Epilogue

The goal of the neo-conservative movement, so widely popularized by President Reagan, was to revive the fantasy of an earlier era when capitalism ran free and puritanical mores were enforced. The welfare policies implemented during the Reagan era and the years following (1980-2005) are reminiscent of the Poor House laws of the mid-nineteenth century. The purposes are identical: force the poor to work with minimal compensation, and keep them invisible (Wagner, 2000).

Poor and imprisoned women are highly sexualized in public discourse. At the same time, public policies render them asexual; they are denied sexual identities and relationships. They are branded as defective women and unworthy mothers. Their reproductive capacities and cultural roles are primary. Their function as (often sole) caregivers makes them extremely vulnerable when policies threaten their responsibilities towards their children. The system amounts to a gender tax inflicted on poor and imprisoned women as their exclusion from mainstream society continues unabated (Bortner, 2002).

Notas

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