Testing Determinants of State Spending on Social Control

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The American criminal justice system has become more punitive over the last half-century. In 1970, roughly 200,000 people were held in U.S, jails and prisons. By 2010, that number climbed to almost 1.5 million. Currently the United States government incarcerates more of its citizens than any other democracy in the world, and spends approximately 60 billion dollars per year to do so. This increase in punitive sanctions and spending on punishment was predicated on the rise of law and order social policies in the United States that emphasized criminal incapacitation over rehabilitation (Garland 2001). The punitive turn in penal policy mirrors a similar trend in United States welfare policies (Soss, Fording, and Schram 2011). Since the 1970s, the per capita rate of welfare spending for the non-elderly in the United States has declined from a peak of approximately 400 dollars in 1976 to a historical per capita low of 200 dollars per person in 2010 (Moffitt 2015). This decline in welfare spending coalesced with an increasingly disciplinary and paternalistic policies that require welfare recipients to demonstrate their need and efforts to seek out work while public opinion changed to shame people on the dole (Brown 1999; Hancock 2004; Wacquant 2009).

Both the criminal justice and welfare systems function as tools of state social control. Yet these tools are not utilized evenly across the population. Modern democracies like the United States first turned to welfare policies (i.e. direct assistance and public education) to produce social control during times when employment was precarious and workers could threaten disruptions. During this time, the United States criminal justice system sought to rehabilitate criminals and generally improve society (an era Garland terms "penal welfarism"), until a crisis of confidence in the state's ability to produce social control occurred. As politicians framed

problems like drug use and civil protest as criminal acts, the state hardened both welfare and criminal justice policies.

Scholars have yet to consider the social and institutional factors that explaining these shifts in state social control and whether these determinants are uniform in their relationship with changes in the criminal justice and the welfare state. We argue that race played a crucial role in how the state came to define "problem populations" during this crisis using Blalock's power threat thesis. We merge data US state, county, and local spending on welfare and criminal justice from the Annual Survey of State and Local Government Finances with data from multiple administrative and secondary sources to examine changes in both welfare and criminal justice policies.

State Social Control

Let us first define our use of the term *state social control* by identifying what is meant by state and social control. Our understanding of the state follows Weber's definition as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory" (Weber 1946:78). In the United States this monopoly is operated through a federalist system of governance allowing federal (national), state (regional), and local (municipal and/or county) governments that engage in state making behaviors such as the collection of taxes, creation of policies, and the use of tax revenues to enforce policy (Tilly 1985). We refer to these collaborative levels of government in the United States here as *the state*. In order for the state to retain its legitimacy it must provide social order, a societal stability that provides for rational social life (Weber 1954). A primary mechanism for the state to provide such social order is through the creation of law, policy, and the administration of social control using state intuitions such as the criminal justice system and the social welfare policies (Garland 2001;

Liska 1992). Law and its administration constitute a form of social control, which Sutton conceptualizes as something that "projects an assumption that individuals act on the basis of deeply internalized norms" representing "some broader and typically impalpable set of interests" (Sutton 1994:239). Thus, our operationalization of the term *state social control* is simply put as state efforts to reinforce social order via social control.

A primary way for the state to provide social control is through the creation, administration, and enforcement of policy. Social scientists and legal scholars have devoted a great deal of attention to exploring how law, policy, administration, and law enforcement influence social order (as well as its counterpart: deviance) (Black 1976; Chambliss and Seidman 1982; Garland 1990; Liska 1992; Turk 1969). Generally speaking, states facing an increased demand for social order are expected to increase their social control efforts; states with higher levels of crime are expected to increase their efforts to enforce the law and punish lawbreakers (Becker 1968). Relatedly, the state can also pursue social control through non-coercive means by promoting a welfare state policy. Piven and Cloward's (1971) study of welfare expansion and the Great Society argued that the welfare state was not a benevolent institution, but rather a mechanism of the state to produce social control. Piven and Cloward's (1971) work on the expansion of welfare policies supports these arguments by demonstrating that the state react to threats from underclasses perceived as dangerous by expanding direct relieve through the welfare state during poor economic conditions. These two approaches to state social control, the punitive and coercive use of force to enforce laws and the use of the welfare state to produce stability, are what Wacquant (2009) calls the "right hand" and the "left hand" of the state.

The state's use of its "right hand" and "left hand" to exercise social control is consistent with conflict oriented theories of social control arguing the state uses policy and law to control

populations power holders view as challenges to social order (Chambliss and Seidman 1982; Liska 1992; Spitzer 1975b; Turk 1969). Providing a dramatic illustration of state social control, Spitzer (1975) argues that the state often uses law to pacify populations seen as deviant or dangerous to power holders which he termed "social dynamite" as well as populations viewed as less dangerous but still bothersome by not adhering to roles supportive of a capitalist economy, which we termed "social junk". In exploring how the state uses "right hand" criminal justice policies, Chambliss and Siedman (1982) argue social control efforts are often aimed at minority underclasses who power holders sense have a potential for lawlessness that threatens the power holding majority with criminal victimization. The majority group may respond to such threats with harsher law enforcement practices towards minorities (Liska 1992). Relatedly, the expansion of the welfare state has served as a way for the "left hand" to prevent poor underclasses from threating social order by their lack contributions to the capitalist economy (Beckett and Western 2001; Chamlin 1987; Fording 1997, 2001; Garland 1985). In short, this conflict orientation towards state social control argues that the state uses policy to ensure that social order is maintained; using its right hand to coercively control populations that threaten social order and its left-hand to maintain economic order.

Race and Social Order in The United States

The United States has a historical legacy of perceiving racial minority groups as threatening to social order, influencing policy makers to increase state social control efforts toward these minorities in the United States (Alexander 2012; Du Bois [1903] 1994; Hinton 2016). Social order during the founding of the United States included chattel slavery of blacks, a practice supported by the state until the end of the Civil War (Baptist 2014). Post-emancipation, state social control continued serve a social order that continued the subjugation of blacks under

whites (Du Bois 1910). The the state's right hand was put into action to maintain social order by

prosecuting crimes against freedmen through black codes and felon disenfranchisement to hinder

political agency (Behrens, Uggen, and Manza 2003; Du Bois 1935). The criminalization of black

vagrants also allowed the state to incarcerate and lease out convicts for labor (Du Bois 1935).

Similarly, the state's left hand also worked to ensure that the economic value of white

labor was not threatened by black labor, as poor laws mandated that freedmen first seek whatever

work they could find in order to qualify for assistance (often for former slave owners)

(Alexander 2012; O'Connell 2009). Though republican policies during the start of

Reconstruction first sought to use the state's left hand to improve social welfare for blacks via

institutions like the Freedmen's Bureau, the left hand was quickly withdrawn once southern

elites could mount political resistance. Indeed, having the left hand of the state aid freedmen in

achieving economic equity was so threatening to social order that in a veto of legislation

expanding the Freedmen Bureau President Andrew Johnson wrote:

> *The Congress of the United States has never ... deemed itself authorized to expend the public money for the rent or purchase of homes for the thousands, not to say millions of the white race, who are honestly toiling from day to day for their subsistence. A system for the support of indigent persons in the United States was never contemplated by the authors of the Constitution; nor can any good reason be advanced why, as a permanent establishment, it should be founded for one class or color of our people more than another ... The idea on which the slaves were assisted to freedom was that, on becoming free, they would be a self-sustaining population. Any legislation that shall imply that they are not expected to attain a self-sustaining condition must have a tendency injurious alike to their character and their prospects. (U.S. Senate 1866:170)*

The notion that any form of economic assistance for blacks in the post-bellum United States

would foster a state of dependency among, encourage shirking work, and offer assistance to

another race over white workers foreshadows contemporary arguments against modern liberal

welfare policies (Hancock 2004; Katz 2008; Quadagno 1995). This foray into history illustrates that both the left hand and the right hand of the state have long been guided by the legacy of race in producing state social control. A legacy Du Bois surmised would influence society well into the future when he wrote *"the problem of the Twentieth Century is the problem of the color line* (Du Bois [1903] 1994: v)." Indeed, Du Bois (1935) is arguably the first social scientist to notice that the state used both left hand welfare policies and the right hand punitive policies to maintain racialized social order (Miller 2013)

Despite Du Bois's early insights, it would be nearly half a century before sociologists began to discuss theories of racial conflict. Notably, Blumer (1958) argued for a conflict model of race relations. Theorizing that the social positioning of race influenced members of the dominant racial group to seek political and social advantages defining and viewing subordinate races as inferior, Blumer (1958) argued that prejudice could permeate across all members of race as opposed being an atomized process of prejudice. Similarly, Blalock (1967) theorized that the size of a minority racial group could indicate levels of majority group prejudice as competition for economic resources and political power increases between racial groups. To better secure their own access to these resources, majority group members may seek to discriminate against threatening minorities.

Later work testing these minority threat theories found that prejudiced attitudes in dominant racial groups are associated with the presence of racial minorities. Using survey data from the U.S. and Europe, Quillian (1995, 1996) found that prejudiced attitudes among majority racial group members were most influenced by the size of a minority group in within the same region. Using data from the General Social Survey and the Census, Taylor (1998) found that prejudiced attitudes and support for discriminatory policies among Whites was positively

associated with size of the Black population in a respondent's metropolitan area. Giles and Buckner (1993) found that minority presence was positively associated with the number of Whites in a parish (county) voting for a White-supremacist candidate. These studies support earlier insights (Blalock 1967; Blumer 1958) that prejudiced attitudes in a majority group can vary with minority group presence and perceptions of minority groups threatening the social order of the dominate race's position in society.

By accounting for prejudiced attitudes and policies minority threat theories have informed research on state social control. Research focused on right hand approaches to state social control often finds that crime control as a means for racial majorities to protect their status by pacifying or eliminating threatening minority groups (Behrens et al. 2003; Olzak 1992; Spitzer 1975a). Using the percentage of Blacks, Hispanics, and non-White minorities in cities as an indicator of minority threat, multiple studies have found increases in minority presence are associated with larger police forces and police spending (Jackson 1989; Jackson and Carroll 1981; Kent and Jacobs 2005; Liska, Lawrence, and Benson 1981; Sharp 2006; Stucky 2005). Other studies find that such minority threat explanations can also account for disparate minority incarceration rates (Bridges and Crutchfield 1988; Garofalo 1980), sentencing outcomes (Crawford, Chiricos, and Kleck 1998; Johnson 2005; Sampson and Laub 1993; Ulmer and Johnson 2004), and even extra-legal violence by Whites against minorities (Chamlin 1989; Holmes 2000; Jacobs, Carmichael, and Kent 2005; Jacobs and Wood 1999; Sorensen, Marquart, and Brock 1993). In short, the link between minority threat, the allocation of criminal justice resources, and the use of harsher law enforcement practices has emerged as a consistent finding in criminology research.

Beyond quantitative research assessing racial threat explanations for criminal justice resource allocation, historical research on criminal justice policy evolution has also argued for the importance of race in American crime policies. Alexander's (2012) analysis of drug policies argues that drug prohibition and the disproportional enforcement of drug laws continues a state social control agenda meant to maintain a social order that favors whites since the end of slavery and Jim Crow. Similarly, Weaver (2007) argues that white political elite fears of the civil rights movement advancing black equality was perceived as threatening, inspiring criminal justice policies that were aimed at black communities particularly after the 1968 riots. Advancing these arguments further in her wide ranging assessment of federal criminal justice policies, Hilton (2016) argues that many "tough on crime" efforts proposed by politicians relied on racialized tropes of blacks as lacking work ethic and free riding on social programs to continue criminal behaviors.

While the right hand side of state social control is demonstrated in the above literature, Hinton's (2016) analysis also notes that the expansion of welfare policies aimed at black communities also provided an opportunity for state social control to enter black communities. For example, the creation of public housing units in the 1960s and 1970s (a left hand state use of social control to create social order) facilitated the state's right hand to use force via electronic surveillance and mini-police stations in public housing units that predominately targeted tenants (Hinton 2016:299–305). These arguments speak to a related field of research on left hand state social control that importance of race for state social control in welfare and social policy. Piven and Cloward's (1971) study on the expansion of welfare policies is perhaps the earliest articulation of these arguments by demonstrating that the state react to violent threats from racial minorities by expanding direct relief through the welfare state when poor minorities threaten

civil unrest. Testing Piven and Cloward's arguments for black insurgency and welfare rolls,

Fording (1997) found that that the number of welfare recipients did increase as a response to

black insurgency. However, the expanision of welfare policies were not uniformly implemented

and had varying degrees of support from local, state, and federal political elites who viewed

minority welfare recipients as well deserving than whites (Soss et al. 2011). As such, the

expansion of welfare benefits varied across localities, often seeing benefits limited or expanded

so as to protect politically powerful groups while maintaining racial, class, and gender

hierarchies (Manza 2000; Piven and Cloward 1971; Quadagno 1995, 1988; Weir, Orloff, and

Skocpol 1988).

The Punitive Turn in State Social Control

While the above mentioned research demonstrates the importance of race in

understanding how criminal justice and welfare policies emerged in the United States, a parallel

line of research has also emphasized the unique punitiveness of both the welfare state and the the

criminal justice system in the United States (Garland 2001; Soss et al. 2011; Wacquant 2009). In

a wide sweeping analysis of state policies in the US and the UK, Garland (2001) argues that

during the 1970's and 1980's a crisis for the state emerged in the form of rising crime rates and

declines in public confidence about the state's ability to control crime and promote economic

stability. As a result, American politics shifted with political campaigns using "law and order"

platforms advocating minimum sentencing guidelines, three-strikes laws, and eliminated direct

welfare assistance that many Americans came to view as coddling undisciplined racial minorities

who did not have sufficient work ethic (Beckett 1999; Beckett and Western 2001; Feeley and

Simon 1992; Hancock 2004; Simon 2007). At the same time, public opinion about the efficacy

of social welfare policies soured as politicians began to frame such policies as hand outs to racial

minorities, who were also the demographic statistically associated with crime (Hancock 2004; Hinton 2016; Katz 2008). During this time period from 1970 into the 21st Century, state policies for both right hand and left hand social control would become increasingly punitive.

Broadly speaking, research linking the punitive turn in both welfare and criminal justice policy realms emphasizes that these trends reflect state efforts to produce social control. Wacquant (2009) links the punitive turn in both penal and welfare policies as function of the neo-liberal state to use "law and order" policies to coerce lower class minorities to fill undesirable jobs or be warehoused in the criminal justice system. Garland (2001, 1985) argues that the punitive turn also reflects changes in neoliberal societies to demand more social control from the state despite crises of confidence in the state to regulate crime and efficiently promote economic wellbeing. As a result, American politicians campaigned on "law and order" platforms that imposed minimum sentencing guidelines, three-strikes laws, and eliminated direct welfare assistance that many Americans came to view as coddling undisciplined racial minorities who did not have sufficient work ethic (Beckett 1999; Beckett and Western 2001; Feeley and Simon 1992; Hancock 2004; Simon 2007)..

Focusing on the welfare state, Soss et al. (2011) argue that the punitive turn in criminal justice policies also influenced the state to pursue more paternalistic welfare policies. In their analysis of welfare reforms since 1990's, Soss et al. (2011) note the punitiveness welfare policies vary with local contexts and the racialized assumptions that policy makers use in an effort to create policies that do not reduce poverty but remove people from the dole. This punitiveness in US welfare policies is also influenced by the valuation of free market principles and means-tested relief for the poor and the state's efforts to determine "deserving" populations of aid (Esping-Andersen 1990). The emphasis of liberal welfare states to stigmatize welfare

beneficiaries while also demanding that those beneficiaries demonstrate their worthiness to receive welfare results in policies that discipline the poor back into the workforce (Katz 1996; Piven and Cloward 1971), often with racial presumptions about beneficiaries work ethics and intentions (Hancock 2004; Katznelson 2005; Soss et al. 2011).

All in all, studies demonstrate that the punitive turn have hardened the state to use its right hand more coercively to provide social control (Beckett and Western 2001; Garland 2001; Simon 2007) and to be more hesitant in providing left hand policies to support racial minorities that are stereotyped as criminogenic (Beckett 1999; Hancock 2004; Soss et al. 2011). The increased punitiveness of the state in these policy realms has disproportionally affected poor racial minorities (Hinton 2016; Soss et al. 2011; Wacquant 2009) and created a model of governance that Beckett and Western (2001) claim "constitute(s) a single policy regime aimed at the problems associated with deviance and marginality " (pg. 44). State social control has thus been sought through both the left hand and the right hand in a way that disproportionally targeted racial minorities.

How to Demonstrate Right and Left Hands are in Sync?

Despite the fact that social scientists repeatedly highlight the importance of race in understanding how state social control is deployed, it remains difficult to comprehensively demonstrate the punitive turn has occurred both simultaneously in the right hand and the left hand due to racial threat. State-level analyses of welfare policy find that increased welfare spending is associated with lower crime rates, but that locations with more minorities spend less (Shannon 2013, 2017). Similarly, state-level analyses of penal policies find that employment trends and welfare policies influence incarceration rates (Beckett and Western 2001; Western 2007; Western and Beckett 1999). Analyses of county-level welfare policies similarly find that

punitive law and order norms and view of minorities as criminogenic can influence the issuing of welfare payments and sanctions (Manza 2000; Soss et al. 2011). The role of race has informed research on federal welfare policies with racial discrimination informing the carrying of New Deal social policies (Katznelson 2005; Weir et al. 1988). The results from this broad body of work are illustrative of the penal-welfare link and the punitive turn in social control. However, it remains difficult to separate the roles of local, state, and federal governments in the United States when demonstrating how the state's right hand in the criminal justice system might be seen working in tandem with its left hand in the welfare state to regulate marginal populations.

Our study attempts to shed light on this elusive puzzle. Building on the insights of racial threat argument (Blalock 1967; Blumer 1958), we anticipate that the punitive turn in welfare policies is likely to be driven by racial dynamics at federal, state, and local levels (Hinton 2016; Soss et al. 2011). Likewise we also anticipate the punitive turn in penal policies is also driven by racial dynamics (Western 2007), such that given the arguments of conflict theorists, the punitive turn in penal policies has had disparate effects on for poor minorities. Thus, understanding penal and welfare policy as a singular effort of state control, we argue that the punitiveness of penal policies over the past fifty years can be understood as a strengthening of the "right hand" of the state, while the disciplinary turn and decline of benefits from state welfare institutions constitutes a more punitive and less supportive "left hand" of the state (Wacquant 2009).

While previous research often relies on outcomes of incarceration (Beckett and Western 2001), welfare benefits or denials (Soss et al. 2011), or similar measures of state policy action to measure state regulation of marginal populations, these measures are not directly comparable. To be blunt, if right handed state social control is exemplified by incarceration and left handed social control is best exemplified by the selective issuing of welfare benefits, it is not

immediately apparent to the empiricist how one might quantify equal production of social control. Governments can increase incarceration rates while also attempting to reduce welfare doles, but it has been difficult for scholars to compare and contrast these qualitatively different approaches to social control using a consistent and relative measure of state involvement in social control.

To illustrate how these left hand and right hand polices have operated in tandem, we rely on a measure of state activity that is comparable across both penal and welfare policies: state and local budgetary data on corrections and welfare spending. Following the argument that states use financial resources obtained via taxes to conduct state making affairs (such as social control) (Tilly 1985), we create a measure of state control investment in both the left hand and the right hand and find that a common set of determinants predict changes in both. Most importantly, our approach of using spending measures on penal and welfare polices is comparable across all three levels of government, federal, state and county. Thus, we find that using a single welfare-penal policy approach to understanding state efforts to govern marginal populations is empirically demonstrable.

Research Questions

- How has state and county spending on social welfare programs (e.g. cash assistance) and criminal justice institutions (e.g. police and corrections) changed before and after passage of federal the crime bill and welfare reform?

- What are the determinants of "social control" efforts by the state and are they uniform for criminal justice and the welfare state?

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