

THE METAMORPHOSIS OF THE STATE: THE TRANSITION FROM SOCIAL TO PENAL LOGIC IN LOÏC WACQUANT

A METAMORFOSE DO ESTADO: A TRANSIÇÃO DA LÓGICA SOCIAL PARA A PENAL EM LOÏC WACQUANT

LA METAMORFOSIS DEL ESTADO: LA TRANSICIÓN DE LA LÓGICA SOCIAL A LA PENAL EM LOÏC WACQUANT

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ABSTRACT: This article aims to discuss the decline of the welfare State and the emergence of the penal state based on the bibliographic review of the thesis developed by Loïc Wacquant (2001; 2003; 2008; 2015). To do so, we first present the theoretical inspirations in the elaboration of this central thesis, which has Pierre Bourdieu's relational sociology as its origin; then we contextualize the process of metamorphosis that would have occurred from the mid-1970s onwards, marked as a 'great transformation' in the structures of the Welfare State, which sees its social logic being replaced by the consolidation of penal logic, characterized by the criminalization of poverty and mass incarceration.

KEYWORDS: Welfare state. Penal state. Bureaucratic field. Loïc Wacquant. Pierre Bourdieu.

RESUMO: O presente artigo tem por objetivo discorrer sobre o declínio do Estado-Providência e a emergência do Estado Penal a partir da revisão bibliográfica da tese desenvolvida por Loïc Wacquant (2001; 2003; 2008; 2015). Para tanto, primeiramente, apresentamos as inspirações teóricas na elaboração dessa tese central, que tem na sociologia relacional de Pierre Bourdieu sua origem; em seguida, contextualizamos o processo de metamorfose que teria ocorrido a partir de meados dos anos 1970 do século XX, marcado como uma 'grande transformação' nas estruturas do Estado-Providência (Welfare State), que vê sua lógica social ser substituída pela consolidação da lógica penal, caracterizada pela criminalização da pobreza e do encarceramento em massa.

PALAVRAS-CHAVE: Estado social. Estado penal. Campo burocrático. Loïc Wacquant. Pierre Bourdieu.

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RESUMEN: *El propósito de este artículo es discutir el declive del Estado de bienestar y el surgimiento del Estado penal a partir de la revisión bibliográfica de la tesis desarrollada por Loïc Wacquant (2001; 2003; 2008; 2015). Con este fin, en primer lugar, presentamos las inspiraciones teóricas en la elaboración de esta tesis central, que tiene su origen en la sociología relacional de Pierre Bourdieu; Luego, contextualizamos el proceso de metamorfosis que se habría ocurrido a partir de mediados de los años 70 del siglo XX, marcado como una 'gran transformación' en las estructuras del Estado de Bienestar (Welfare state), que ve sustituida su lógica social por la consolidación de la lógica penal, caracterizada por la criminalización de la pobreza y el encarcelamiento masivo.*

PALABRAS CLAVE: *Estado de bienestar. Estado penal. Campo burocrático. Loïc Wacquant. Pierre Bourdieu.*

Introduction

This article aims to discuss the decline of the Welfare State and the emergence of the Penal State based on the bibliographic review of the thesis developed by Loïc Wacquant (2001; 2003; 2008; 2015). For that, first, we present the theoretical inspirations in the elaboration of this central thesis, which has its origin in Pierre Bourdieu's relational sociology; then, we contextualize the process of metamorphosis that would have occurred from the mid-70s of the twentieth century, marked as a 'great transformation' in the structures of the Welfare State, which sees its social logic replaced by the consolidation of penal logic, characterized by the criminalization of poverty and mass incarceration.

The French sociologist weaves his thesis based on the central argument of the emergence of a new regime that leads to the punishment of poverty after a transformation of corporate values due to the advance of the liberal spirit. In this historical process, the welfare state, represented as the maternal, charitable, welfare side, tends to be replaced by a prison state, represented with the paternal side, the punitive side of that institution.

The analysis carried out has the United States of America (USA) as the empirical locus of the investigations. The author emphasizes the particularities of the American State in relation to Europeans and Latin Americans: if, on the one hand, each of these places presented a relatively distinct and varied face of the so-called 'Welfare State', with social policies that are more timid in some than in others; on the other hand, the penal face of the State would have shown itself in all of them. In this regard, we can affirm that the intellectual efforts undertaken shed light on a social phenomenon of increasing complexity and relevance while assuming traces of a 'chronic problem' on a global scale.

As we can see, in the case of Brazil, the rate of imprisonment³ in 1999 was 118, while in 2019 the rate rose to 359.4, so that we occupy the third place among the countries with the largest number of prisoners, with a contingent of 773 thousand people incarcerated (BRASIL, 2020).

The speed of the unfolding of this double social movement in daily life - namely, the process of disciplining the State's finances and the expansion of the political forces of incarceration - becomes the locus of the author's intellectual project. In epistemological terms, Wacquant seeks to overcome the dichotomy between materialist and symbolic approaches, in order to capture the objective elements in each context, and which had a particular symbolic dimension in each case in which this process occurred.

However, before deepening the discussion about the thesis developed by Wacquant, in relation to the transition from the Social State to the penal State, it is necessary to understand the notion of State that the author resorts to and that has its theoretical inspiration in the thought of Pierre Bourdieu.

Positioning the notion of State in the countryside: Pierre Bourdieu's thinking

Pierre Bourdieu outlines his concept of the State, in a more systematic way, starting in the 1990s in the courses he taught at the *Collège de France*, where the author advances in Max Weber's propositions when postulating the State as an instance of monopolization not only of the legitimate use of physical violence, but also symbolic violence (BOURDIEU, 2014) and amalgamating it under the aegis of the concept of bureaucratic field.

In this conception, the State engenders forms of thought in the social agents, including the thought about the State itself (BOURDIEU, 2014), thus constituting itself as a form of symbolic power, as it is the space where principles of legitimate representation of the world are produced. Bourdieu (2001; 2014) conceives the State as a fragmented space (therefore, not as a monolithic and coordinated set, according to the conventional view), the target of disputes by various social forces that seek to stop the monopoly of the legitimate symbolic power of this bureaucratic field (WACQUANT, 2015).

The constitution of this space is the result of a long-term process of concentration of the different types of capital that operate in a given social formation, especially “legal capital as the objectified and codified form of symbolic capital, which enables the State to

³ Number calculated by the ratio between the total number of persons deprived of their liberty and the population quantity of the country, where the ratio obtained is multiplied by 100 thousand.

monopolize the official definition of identities, the promulgation of standards of conduct and the administration of justice” (BOURDIEU 1994, 1994, p. 4-9 *apud* WACQUANT, 2015, p. 7, our translation).

Thus, the State is thought of as a ‘metacampus’ that is crossed by internal struggles between two forces called by the author ‘left hand’ and ‘right hand’ of the State. In very general lines, on the right side, we would have the concentration of physical and symbolic strength; while on the left, the redistribution mechanisms (BOURDIEU, 1998). Such opposing forces would be in constant symbolic and material struggle for the ability to legitimately impose categories of acting and thinking on the social world.

As defined, the left hand represents the feminine, maternal side, being materialized by the so-called 'Ministries of waste', responsible for the "social functions - public education, health, housing, social welfare and labor legislation - which offer protection and support to social categories without economic and cultural capital" (WACQUANT, 2015, p. 7, our translation). On the other hand, the right hand represents the masculine, paternal side, being charged with the task of “reinforcing the new economic discipline via budget cuts, tax incentives and economic 'deregulation' (or regulation in favor of companies)” (WACQUANT, 2015, p. 7, our translation).

His investigations, especially those pointed out in “*Punishing the poor*” (2003), expand the concept of 'right hand' established by Bourdieu and make a significant contribution by filling an important gap by inserting new actors and institutions, namely, the police, courts and prison as central elements of the 'right hand' of the State, together with the Ministries of the economic and budgetary areas (WACQUANT, 2003; 2011; 2015).

Understanding this theoretical affiliation and the origins of the concept of State, which the author uses, is essential to think about the process of great transformation in the late 1970s in the United States, which caused a profound cognitive, cultural, political and social change in the relations established by the presence of the State in the economy and in daily life. Understanding this game between the right hand and the left hand makes it possible to understand the role of the State in guaranteeing well-being and full employment and how this function was contracted to the maximum in favor of the uncontrolled expansion of the prison regime (*prisonfare*), inescapable underemployment (*workfare*) and conditional aids and mandatory formation and low prospects (*learnfare*), elements that result in the prevalence of what is called the penal state.

The ‘big transformation’: the decline of the welfare state and the emergence of the penal state

The post-war United States, in the late 1940s, experienced a period called for many 'golden years', marked by the regulation of financial markets, financial and career stability, high rates of economic growth coupled with the maintenance of the full employment, and reduction of inequalities (BRESSER-PEREIRA, 2010). Wacquant warns that the United States has particularities in relation to this moment that became known in Europe as a 'Welfare State'⁴, since American social policies were rather timid in relation to European States, which leads him to call the State American 'charitable state' where, in other words, the principle of public action “is not solidarity, but compassion; its objective is not to strengthen social ties (and even less to reduce inequalities), but at the most to alleviate the most glaring misery” (WACQUANT, 2003, p. 20, our translation).

It is worth mentioning that this context is perceived as a historical period in which democratic values based on the premises of equality, social justice, redistribution of assets and rights redraw the configuration of modern politics (WACQUANT, 2015) where the existence of a protection network is placed as a duty of the State and the right of individuals as citizens (MARSHALL, 1950). In that order, work is the source of security and guarantor of social protection (the idea of guaranteeing full employment is rooted in the role of the State, as well as the ultimate goal of economic action).

This movement derives from a series of conquests and advances that began in the 18th century, when the conquest of the right to political equality before the State caused a great transformation in the moral values of Western society. Thus, from the 20th century onwards, there would be a legitimation of the belief that it was not enough for the State to ensure the rights to life, freedom, property and equality before the law, but it should also guarantee means of protection (characterized by government intervention in the economic, social and cultural sectors aiming at guaranteeing full employment, leisure, education and public services) for a new and thriving segment: the working class.

Some historians also point out the role of the opposition between liberal democracies and socialist states, based on the opposition between the Union of Soviet Socialist Republics (USSR) and the USA.

One of the ironies of this strange century is that the most enduring result of the October Revolution, whose aim was the global overthrow of capitalism, was to save its antagonist, both in war and in peace, by providing it with the

⁴ Also known as the Social Welfare State, Security-State etc.

incentive - fear - to reform after World War II and, when establishing the popularity of economic planning, offering some procedures for its reform (HOBSBAWN, 1995, p. 292, our translation).

From the mid-1970s to the beginning of the 1980s, with the advancement of the process of financialization of the productive forces, the displacement of capital and the workforce, which stimulated social mobility and the intensification of migratory flows, there was a transformation that directly impacted the modern socioeconomic order. This process occurred through the radical change of moral values, specifically, through the supremacy of the idea that the free market would generate unlimited conditions of competition for the development and expansion of social well-being, putting in check the values and the whole social order of the so-called 'golden years'.

A double movement occurred in this rupture with the social logic, hitherto dominant in the bureaucratic field, and it is at this point that Wacquant stresses the need to overcome the “usual opposition between materialist and symbolic approaches, derived from the emblematic figures of Karl Marx and Émile Durkheim” (WACQUANT, 2015, p. 6, our translation), since this process took place due to a change in objective elements, markedly the decrease of the budget destined to social assistance while the expenses with the penal apparatus rose substantially, as well as a change in the speeches, tending to reallocate responsibility for poverty, from social breakdowns, to moral deviations of those affected by it.

In this context, several political actors took on important positions of governance as defenders (and products) of this historical movement, as heralds of this disciplinary vision. As examples of greater relevance, we can mention the election of Prime Minister Margaret Thatcher, of the Conservative Party, in the United Kingdom in 1979, and of the Republican Ronald Reagan as president in the USA in 1980.

Thatcher gave impetus to the liberal creed that aimed to reduce the role of the state in British society. The prime minister reduced benefits and tightened spending on public services. In a symbolic gesture, the first line of her first official report on public spending stated: “Public spending is at the heart of Britain's current economic difficulties” (THE GUARDIAN, 2013, our translation)⁵. Since then, the question posed about the size of the State would be expressed by the maxim used by authorities worldwide under the alleged ‘need to cut into the flesh’ of the Nation State, claiming that it is ‘obese, unproductive, inefficient and corrupt’.

⁵ More information: THE GUARDIAN. Margaret Thatcher's policies hit the poor hardest – and it's happening again, 2013. Available: <https://www.theguardian.com/society/2013/apr/09/margaret-thatcher-policies-poor-society>. Access: 23 June 2017.

The moral dimension of this 'new' worldview (which would become dominant and transform the entire order of social relations) also appears in famous phrases such as that spoken by Reagan in 1968, during the nomination of Richard Nixon as candidate for the presidency by the Party Republican: “We must reject the idea that every time the law is broken, society is the culprit, not the lawbreaker. It is time to restore the precept that each individual is responsible for their actions” (REAGAN, 1968, online, our translation)⁶, or Margaret Thatcher's phrase, almost 20 years later, given as an answer in an interview given to the women's magazine *Woman's Own* in Downing Street (British government headquarters), in 1987, in which the prime minister asserts: “But what is society? There is no such thing. What exists are men and women, individuals and families” (THATCHER, 2013, online)⁷.

The consolidation of such beliefs at the level of macroeconomic policies took place through the so-called ‘Washington Consensus’⁸, changing the scope previously focused on investing in social welfare policies in favor of policies to penalize poverty. According to Lebaron (2012), the Washington Consensus was the “indisputable rise of 'market solutions', ranging from 'orthodox' budgetary and monetary policies to the massive privatization of public services and integration into the world capital market” (LEBARON, 2012, p. 54, our translation).

This time, there followed a wave of reforms and institutional changes that started to condition access to social assistance to the adoption of certain rules of conduct: “whether it is the obligation to accept any job (workfare), or the one that modulates assistance to families according to their children's school attendance (learnfare) or enrollment in pseudo-stages of formation without perspectives” (WACQUANT, 2015, p. 10). The naturalization of liberal postulates such as corporate governance, the need to contain social demands, stimulating competitiveness, competition, efficiency and, above all, the idea of fiscal austerity

⁶ More information: REAGAN, R. *Ronald Reagan and Personal Responsibility*. Reagan Group. 08, May, 2017. Available: <https://bit.ly/2V3NDGf>. Access: 23 June 2020. The phrase was uttered by Reagan during the Republican Convention on 31 July 1968 in Miami, when Richard M. Nixon was nominated as the official candidate for the Party against Democrat Hubert Humphrey. Available: http://voices.washingtonpost.com/fact-checker/2011/01/palins_use_of_blood_libel_and.html. Access: 23. jun. 2020.

⁷ More information: THATCHER, M. 'Essa coisa de sociedade não existe'. ESTADÃO, 2013. Available: <http://opinioao.estadao.com.br/noticias/geral,essa-coisa-de-sociedade-nao-existe-imp-,1019492>. Access: 23 June 2020.

⁸ A set of policy proposals for market liberalization and institutional reforms formulated by economists from financial institutions located in Washington - such as the International Monetary Fund (IMF) and the World Bank - in 1989.

(represented by the belief that the State cannot spend more than it collects), have become an economic *doxa*⁹.

It is important to emphasize that the shift towards the penal, police and prison state, brings with it a fundamental incongruity: if, on the one hand, the discourse of fiscal asceticism is used with ferocity in relation to assistance policies, on the other, expenditures with the penal system skyrocket. In this regard, Batista (2003) points out that Wacquant evidences the absence of an objective rationality in the discourse of reducing public costs by carefully observing the “budget voracity of the penal State” (BATISTA, 2003, p. 11).

Thus, the replacement of a social and welfare state (maternalistic) by a penal and punitive state (paternalistic), in which the displacement of state activity from the left (social) to the right (penal) arm is part of the 'remasculinization of the State', as the author points out:

Far from contradicting the neoliberal project of deregulation and bankruptcy in the public sector, the irresistible rise of the American penal state is as if it were the negative in the sense of being inverted but also revealing - insofar as it translates the implementation of a policy of criminalization of the misery that is an indispensable complement to the impossibility of precarious and underpaid wage labor such as civic denial, as well as the unfolding of social programs in a restrictive and punitive sense that is concomitant to it (WACQUANT, 2011, p. 62-63, our translation).

Thus, what can be gauged is the convergence of two mutually explainable and dependent phenomena, in this case, the dissolution of the Social State excluding true multitudes of the guarantees then observed by a matriarchal State and, as a consequence of this exclusion, the overpopulation of the legal- criminal and prison terms of the new Penal State.

The strengthening of the ‘right hand’ of the State: a new social order based on *Workfare* and *Prisonfare*

The dismantling of the structures of the Welfare State, with the consequent reduction of its performance in the economy on issues such as guaranteeing access to full employment (that is, full-time work, for an indefinite period and with an adequate salary), social assistance, housing and leisure, is accompanied by a cognitive and moral alteration. If access to the state's social apparatus was previously seen as an “unquestionable right” (WACQUANT, 2015, p. 5), after the transition to the new order, access to such rights is

⁹⁹ The doxa is “a particular point of view, the point of view of the dominant, which presents and imposes itself as a universal point of view; the point of view of those who dominate dominating the State and constituted their point of view in a universal point of view when creating the State” (BOURDIEU, 1996, p. 120, our translation).

conditional in its objective aspects, and immoral in its symbolic aspect, being perceived as a kind of “pathological dependence” of the poor in relation to the State (WACQUANT, 2003, p. 9).

This material and symbolic transition elects as the main culprits of social problems, juvenile delinquency, sensitive neighborhoods, minor crimes and, as its obvious and necessary solution, postulates the penalization of anyone caught in the wide web of deviants (WACQUANT, 2011), as already said, the State does not necessarily become smaller when globally considered, but remodels its priority area of action, so there is redefinition in the “missions of the State, which, everywhere, withdraws from the economic arena and affirms the need to reduce its social role and to expand, by hardening it, its criminal intervention” (WACQUANT, 2011, p. 10, our translation).

In this logic, the hardworking and diligent citizen, who seeks through the sweat of his hands the social placement and the economic conquest finds himself plundered in his possibilities, either by the danger of urban violence carried out by criminals, or by the payment of heavy taxes that delay the rise of the taxpayer in favor of lasso and the deviant.

In the United States, a term was coined to designate the group of these people: ‘underclass’. It is not exactly a social class in Marxist terms, nor is it a generic designation for the poor and disadvantaged, but rather it designates the ‘bad poor’ of segregated neighborhoods, responsible for their own destitute destiny and catalysts of the social crisis (WACQUANT, 2001), as describe:

We can summarize the various uses of ‘underclass’ in three large families, according to them that highlight the structure of the labor market, the conduct and the personal traits of the incriminated individuals or the social characteristics of the neighborhood and their habitat (WACQUANT, 2001, p. 95, our translation).

This ‘underclass’, responsible for poverty itself, a day-to-day customer of social policies, should be encouraged to work (precarious and underpaid), as the provision of social assistance makes hard work ‘optional’. In the event of insubordination, the state's right-hand will take them in their growing and permanently overcrowded prisons.

[...] the penal system contributes directly to regulating the lower segments of the labor market - and this is infinitely more coercive than all social restrictions and administrative regulations. Its effect here is twofold. On the one hand, it artificially compresses the level of unemployment by forcibly subtracting millions of men from the "population in search of a job" and, secondly, by producing an increase in employment in the sector of prison goods and services, a sector strongly characterized by precarious working

conditions (and which continues to rise even more with the privatization of punishment) [...] (WACQUANT, 2011, p. 63, our translation).

It is noticed that the sociological profile of individuals who access social policies is the same as that reached by penal tentacles, which allows to objectify a peculiar phenomenon, in this case, prison as a substitute for the ghetto (WACQUANT, 2003). This replacement will take place institutionally through the application of the so-called 'Zero Tolerance' policy, which has as its motto the hard and frontal fight against small crime, supposedly responsible and stimulating more serious crimes. Thus, in this new configuration, we would have the ghetto as a social prison and the prison as a judicial ghetto, creating a homology between two organizations that have a strategic historical function (BATISTA, 2003).

The prison becomes the special institution capable of confining the most problematic members of the so-called 'dangerous crowds'. That is why, for Wacquant, the ghetto "found itself linked to the prison system by a triple relation and functional equivalence, structural homology and cultural syncretism, turning ghetto and prison into a kind of continuum as a destination for the black and young population" (BATISTA, 2003, p. 13, our translation).

What is verified, therefore, is the consolidation of a 'permanent surveillance of public spaces' that becomes essential for the new urban order, where there is a "systematic control of the displacement of the poor youth" (BATISTA, 2003, p. 13, our translation). The investigations carried out show that the police, the courts and the prison are not simply "technical appendages, intended to comply with the legal order (as criminology would say), but vehicles for the political production of reality and for the surveillance of disadvantaged and defamed social categories and the territories that are reserved for them" (WACQUANT, 2015, p. 17, our translation).

Inspired by Bourdieu, Wacquant (2003) states that in the United States there is an unfolding of a 'Centaur State', understood to be, "on the one hand, a State that maintains social guarantees, but for the privileged, sufficiently rich so that they can provide security, guarantees; on the other, a repressive, police state for the people" (BOURDIEU, 1998, p. 29, our translation). Blacks, a population particularly affected by this phenomenon, find themselves confined regarding the restricted social space and always preferential targets of the State's criminal apparatus, in a situation described by Bourdieu as "a kind of realization of the dreams of the dominant" (BOURDIEU, 1998, p. 30, our translation), as noted in another passage:

Blacks in the Chicago ghetto only know the police, the judge, the jailer and the parole officer from the state, that is, the officer who applies the

sentences, to whom they must report regularly, at risk of returning to prison [...] A State that, as Loïc Wacquant has shown, is increasingly reduced to its police function (BOURDIEU, 1998, p. 29, our translation).

At the end of this transition, the manifestations made by marginalized social groups came to be understood by the Penal State as “intolerable and destructive of governance” (WACQUANT, 2015). Finally, the intrinsic change made in the dynamics of the bureaucratic field establishes in the acts of State a “continuous contraction of well-being and the uncontrolled expansion of the prison regime” (WACQUANT, 2015, p. 9, our translation).

Final considerations

The originality of Loïc Wacquant's work, regarding the scope of this article, consists of mobilizing central concepts of Bourdieu's work, in particular the notion of bureaucratic field and operationalizing the idea of 'left hand' and 'right hand' to demonstrate the transition from the so-called Welfare State in Europe and, above all, from the Charitable State in the United States, to the penal State (noting that European States have not completed this transition, so that, on the one hand, the social face was once stronger it is clear that the penal side is more lenient).

It is noted that, as a result of the intensification of the cut of resources for social areas in the name of fiscal austerity and the expansion of policies for the surveillance and criminalization of poverty, we have as a result of an arm wrestling operation within the bureaucratic field and the overthrow of the 'left hand of the State' (representation of the logic of gift and distribution) in favor of the 'right hand' (representation of force and disciplinarization) in the dispute for the legitimate monopoly of material and symbolic violence and, ultimately, of production capacity of social reality.

By following Bourdieu in an engaged way in the construction of his object and in the realization of a rupture of the contradictory dichotomy between the materialist and symbolic approaches, Wacquant contributes to think of the great transformation, treated in this article, as a double movement rooted in the social fabric and its historical context.

The transition between these two formations of state did not happen without a discourse that would give them a foundation, more than that, without a perception of the world, in short, without a symbolic turn in the way of understanding poverty, the ghetto, the need, the rebellion, the manifestations and revolts. In tracing the origin of the neoliberal ideas that founded the hyperindividualism that justifies a morality that provides for the

stunting of the social state and the strengthening of the penal state, the author shows us that discourse is action, it is a condition of possibility, without which any transition would be just incomprehensible, but unthinkable.

Finally, what is consolidated, then, is the creation of a new punitive doxa that is placed as another side of the denunciation of the Fordist-Keynesian social contract, applying in society the liberal principles of the market economy through strong social and economic deregulation (supposedly indispensable for the economy to survive). In this logic, speeches of the inevitability of economic decisions, of contingency of public spending, most often unaccompanied by an elucidation about other expenditures (as is the case with the penal system itself), are reinforced by the belief in the unnecessary maintenance of a welfare state, since it induces moral degeneration by privileging inactivity, laziness.

In spite of the empirical context of Wacquant's studies considering especially the United States, much of this passage can be used for readings of the Latin American reality, in particular Brazil. If, on the one hand, we do not know, as in Europe, the welfare state, given that the country oscillates between moments of greater and lesser engagement with the charitable state, on the other, under the penal aspect, population cuts as preferential targets of penal policy, characterized by geographic, social and ethnic segmentations are a reality that can be verified by long-lived statistics and the rise of criminally toxic speeches finds in its late 10s and early 20s of the 21st century one of its most fruitful moments.

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